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Wise Up Guys!  
The Feminists are  
waging a war  
against you and  
you're losing.

In the media, government, courts, education, and business, the Feminists violate your rights with impunity while taking what they don't deserve and can't handle. The cult of Feminism is turning you into a second class citizen and America into a Feminarchy that pampers and preferentially treats females in accordance with the evolutionarily incorrect tenets of Feminazism.

Want your rights back? Want to be treated fairly and with respect rather than like a disposable dog? Want an end to the incessant defaming, demeaning, denigrating, demonizing, and dissing of men? Then take a first step, join with other guys who participate in this internet forum of Truth, Justice and the American Ideal. Add your voice to the voices of, by and for men so as to shine the

Information



Don't be intimidated!

True Story

Truth, Justice and the American Ideal was set up by New York City attorney Roy Den Hollander with the help of a few of his buddies as a result of the rampant discrimination he experienced at the hands of Feminists and their sycophants in Federal, New York State and New York City agencies and courts when he tried to right the wrongs done to him and the harm caused his property by a Russian mafia prostitute, procurer, former mistress to a Chechen warlord, money launderer, drug smuggler who was aided by her mob associates. (And no, he didn't know she was a prostitute, Russian mafia member or secretly feeding him drugs at the time he married that Ho.)

Here's the gist of the story, titled **Stupid Frigging Fool** (fool for believing a man could find justice in a system infected with feminism):

A middle-aged American lawyer while managing a Moscow detective agency, Kroll Associates, falls for a young, beautiful, six-foot-one, vat-dyed blonde hair, wolf-eyed Russian girl who uses black magic, narcotics and feminine duplicity to play him for a ticket to America's sex market in the Big Apple. Married to this bane and living in New York City, he finally becomes suspicious of her, a little slow for an attorney sporting an MBA with honors from Columbia University's Business School. He starts investigating whether she's engaging in prostitution with her Flash Dancers' customers, which, with the aid of Russian federal and military intelligence agents and other sleuthing techniques, ultimately takes him through a Minotaur labyrinth of the international Russian Mafia's sex industry in Moscow, Krasnodar, Cyprus, Mexico City and New York. Along the way, members of the Chechen Special Islamic Regiment, or Baraev clan, and various Russian mobsters step out of the shadows to threaten him, his informants and witnesses. The Baraev clan subsequently led the taking of 700 hostages at a Moscow theater in 2002.

Digging through the Russian netherworld revealed not only the truth about the attorney's wife and her confederates but also the lunacy of modern-day Russian culture. Seeking justice through the feminist-infested American judicial system and emasculated U.S. Federal agencies exposed the widespread discrimination against men in modern-day feminarchy America.

Here are the two main characters of **Stupid Frigging Fool**—guess which one is the fool.



spotlight of truth on the rampant discrimination against men today.

This forum means to communicate, enlighten, educate, and elucidate about the growing Feminazi tyranny over the minds of men and social institutions. We aim to become the Feminazis' worst nightmare by speaking up, providing knowledge, distributing information, and exercising the courage to expose the truth about this latest feminine curse upon men--for truth is the best disinfectant.

[WHAT IS FEMINAZISM ?](#)



Click on [Stupid Frigging Fool](#) to read the story and on [Appendices](#) for photos, videos, audio tapes and documents referred to in the story.

Click below if you have:  
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Feminazism

What's Feminazism? The most virulent form of female irrationality, greed and lust for power over men that ever stalked this planet. It's the belief system of allied special interest groups and individual females trying to steal society's benefits for girls and their hermaphrodite sycophants while saddling men with the most loathsome of society's burdens. Feminazis believe females—solely because of their sex—are superior to men at the tasks for which Mother Nature made men. Feminazis, as with the princesses of old, want a tyranny over men. They are out to break and collar men into doing what they want—and they are succeeding. Think of it as an extension of your girlfriend or wife getting her way around the home, but now her capricious behavior and bossiness has spread to society by the Feminists.

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Feminazi Scams

Have you been scammed, tricked, cheated, ridiculed or intimidated by Feminazis? Have any of these situations happened to you?

- Were you unfairly judged at work, in school, before a government agency or in court because your dispute was with a girl?
- Did Feminist authorities let the girl get away with something while demeaning and ridiculing you?
- How often has some feminazi princess told you what words to say or scolded you for exercising your freedom of speech: "You mean woman, not girl!"?
- Have you run into government agencies that are so infected with feminazi bigotry against men or so intimidated by America's feminine tyrants that the agency refuses to execute its duties because it means assisting you—a man?
- Does the TV news tick you off with its estrogen deficient ditzes slanting stories to make guys look like demons while portraying girls as angels, or excusing females for the multiple murders of their young children—usually boys—by blaming some guy somewhere or some imaginary chemical imbalance?
- Does Hollywood insult you with those she-male movies that graft the male qualities of honor, courage and toughness on to some pretty, shapely dame who couldn't fight her way out of a paper bag but lies with an uncanny natural ability?
- Has a feminazi infested court system issued against you a temporary order of protection to a low down, lying ho without you even being present to defend yourself?
- Were you denied admission to an educational institution while dames who were dumber got in?
- Has a female ripped you off, intentionally caused you emotional distress or other harm and gotten away with it by shedding crocodile tears or accusing you of sexual harassment or a battery that never happened?
- Have you been suckered by feminazi propaganda or intimidated by feminine opprobrium into going out with fat, flabby and over the hill females who continually denigrate you?

Are you fed up with wives murdering their husbands and not getting the electric chair, which is what you'd get for killing a spouse. Take the broad who drove her Mercedes over her husband three times, left the car parked on his body, claimed it was an accident, and will be eligible for parole in 10 years to do it to some other guy. It's time for a little justice. Raise your voice with us by Registering to participate in this forum for Truth, Justice and the American



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Truth, Justice and the American Ideal

Truth, Justice and the American Ideal is an internet forum dedicated to fighting for justice by freeing men from the Feminist lash in a country created by men. Since the 1970s, men have fallen prey one by one to organizations of political correctionalist females bent on creating a tyranny in which men's rights are trampled by selfish, irrational feminist whims. No longer do the courts and media consider men innocent until proven otherwise, now men are guilty—always and everywhere, regardless of the evil visited on them by females. Feminazis and their sycophantic androgynies claim their despotism over thought, speech and action justified by passed oppression. What oppression? Nearly fifty-eight thousand men died in Vietnam—forty percent were draftees. Only eight, not eight thousand, not eight hundred, but eight American girls died there. Around 1.8 million more females voted for Lyndon Johnson than men in 1964. Today, men occupy ninety percent of the worst, most dangerous jobs in America. If it weren't for men, these conniving, power hungry, evolutionary incorrect feminists would be serving as Nazi broodmares, Japanese comfort-girls or Commie secretutes.

Men are beginning to realize that only by working together can we defeat the feminist scourge of intolerance and terror abroad in the land. Truth, Justice and the American Ideal is an initial effort to stand up to the feminist-enemy whenever they try to foist their evolutionary-wrong beliefs or attempt to act as the moral police in a country founded by men and predicated on freedom of thought and speech. We intend to confront this menace and fight for the freedom of men by using truth and knowledge, for now, as our sword. The greedy grasp of feminist-tyranny is upon us, and their ramparts of evil challenge the freemen of America to battle Feminazi cruelty if they dare!

Click for the the true story [Stupid Frigging Fool](#).

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## **Preface**

### **I Married a Witch**

Lips to whisper lies, lips to kiss a man and make him suffer.  
I will treat him like a slave. Make him suffer body and soul.  
Now we will see about hands resisting me.

### **The Author**

We have the power to act against injustice.  
We may not always succeed,  
But we can make it pay a price.  
So that next time,  
It may think twice.

If you can make them laugh at you,  
They will not expect something serious.

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# **Stupid Frigging Fool**

By Roy Den Hollander

## **Part 1**

### **Dream Lover**

On a warm July night in Moscow 1999, I was rushing back to my apartment on Kutuzovsky Prospect, slightly drunk, and hoping that the party I had walked by earlier in the evening was still going. I couldn't get out of mind the two tall, beautiful Russian girls I had spotted. They were wearing full-length black gowns, standing and talking outside the party that had overflowed from the basement office of the building. Russian babes are real women—not like the man-haters in America who try to act like men, or at least how they perceive men to act. No, young Russian women—I should say “girls” because to them the term “women” is an insult that means “old ladies”—are pure femininity—dazzling, sweet smelling lures waiting to give delights, understanding and loyalty.

It was just before midnight as I walked around the corner into the driveway to my front door. I smiled on seeing a handful of people still partying outside. I began to reconnoiter for an opportunity, but stopped when I heard a couple of guys speaking English—two middle-aged American men wrapped in a haze of desire were flirting with two teenage Russian girls. Being middle-age myself, this looked like the place for me. I started talking with the two guys. One of the Americans was a dentist and the other ran a restaurant-disco-casino called Fellini's in Moscow. Both were obvious low-life amateurs when it came to girls, with one trying to give fashion tips to the seventeen year old by playing with her hair and repeatedly tying and untying her open blouse underneath of which she wore nothing. I guess the summer nights get very warm in Moscow for girls. My aging eyes strained to see through the darkness, only partially lit

by the corner street lamp and the neon light over the basement office door. After my eyes soaked in as much as they could of the seventeen year old, I turned my attention to the sixteen year old, who had the type of face I liked but could only speak Russian, while I couldn't say anything in Russian beyond the level of a three year old. So, I headed toward the heart of the party to find my own piece of heaven on earth. But, before reaching the basement door, a Russian man speaking good English said in an authoritative tone, "This party is for members only."

Being a slightly obnoxious American lawyer, I responded, "So what do I have to do to become a member?"

"Are you an American?" he asked.

"Of course I am," I replied, a little full of myself.

His demeanor instantly changed to friendliness, the type only a fool would trust. He introduced himself as Leo, and motioned me to go inside. I descended half a dozen stairs on the outside of the building, ducked my head to avoid hitting the top of the doorframe and walked into the party. I saw ten or more Russian girls—all in their late teens or early twenties. Even better, there were hardly any guys, and those guys were all Russians. I had stumbled into a gold mine of females. Although I was twenty years or more older than these babes, I was an American, and that made me prime meat in the eyes of virtually all Russian girls, especially when compared to Russian men. Russian guys generally dress better and show better manners towards girls, such as, opening doors for them, putting on their coats and the like. But Russian girls consider them weak, physically dirty, prone to alcoholism, undependable and notoriously unfaithful.

At the bar, which looked like the type a working class family in Queens would have in its basement, I saw a cute girl of around twenty. My opening line in English prompted her to get up and walk away. “Oh well, I guess I’ll have a drink instead,” I said to the empty bar stool and turned to order a drink.

The bartender spoke some English and we struggled through a rudimentary conversation. He told me the basement was the office of a modeling firm run by Leo, and that there were models’ parties every Friday night. I had hit pay dirt.

I heard someone behind me say my name, turned and there she stood—blond, a few inches taller than me, blue-gray eyes—stunningly beautiful and with an innocent, fresh smile beaming from her face that told me I was the one and only. A glow seemed to surround her, and I felt like a sack of bricks. I knew I could not let her get away, as she was “the one.”

“Hi I’m Angelina.”

“I’m Roy,” I gushed in anticipation. “Do you want a drink?”

“No, but you like to go outside?”

“Sure,” I said, thinking *I will go with you anywhere*.

Outside, I suggested we sit down on an outcrop of the building. She was concerned that the paint was wet. I tested it and said, “Seems to be dry.” We sat and talked. Angelina spoke fair enough English so we could communicate. During our conversation, a bizarre notion struck me that this girl would be a worthy opponent, but I pushed it out of my mind. She worked as a model and dancer, lived in Krasnodar near the Black Sea, was twenty-three and didn’t have a boyfriend at the moment. As a teenager she won the long jump championship of Russia three years in a row but then injured her foot, which sunk her athletic career. She earned an undergraduate degree in Physical Education and started graduate school, but the lack of money

caused her to pursue dancing and modeling. One of her modeling pictures hung in an exclusive clothing store just a few blocks down Kutuzovsky.

Unlike America, Russia offers few occupations in which people can make a decent living. Once I helped a friend deliver food to a couple in Moscow, both of whom had doctorate degrees and taught at a prestigious university but were starving because all their income went to feed their child. The lady who cleaned my Moscow apartment held a PhD in public health. Jobs with the government paid so little that she and other health workers ignored their official duties in order to earn money by providing menial services to foreigners and Russian gangsters. Outside of Moscow, there are even fewer opportunities to find jobs that pay well enough to afford decent shelter and prevent hunger.

Angelina said Leo invited her to Moscow for a week to do some modeling. She stayed in an apartment Leo kept for his out of town models on the other side of the courtyard that separated the buildings in the apartment complex. The two teenage girls were also staying in the same apartment. It was late, and Angelina needed to work the next day. She asked me to walk her to the apartment, since the courtyard had no lights and was a darken tangle of shrubbery and trees the size of a city block. The Soviets tended to build everything on a gargantuan scale, probably to over come a justified feeling of inferiority. Moscow's main city streets are six and eight lanes wide.

On our way, I naturally asked her out for the next day, Saturday.

She said, "I must make modeling tomorrow afternoon but after I have time. Call Leo to see if it okay with him."

Surprised, I asked, "What does Leo have to do with it?"

“I need his permission.” I thought that strange. Why should a modeling agent have to give his permission for one of his girls to go on a date?

“Okay, I’ll call him,” and she gave me his telephone number and the one for the apartment she stayed in.

At her door I hugged her and tried a kiss on the lips but no go. She was taller than me, and all she had to do to put her lips out of reach was to look upward. Even on tiptoes, I couldn’t get near those luscious red promises on this girl of at least six feet three inches in her shoes. All right, I could wait and said good night. I walked back through the darkness under the trees wondering why Leo needed to okay my dating one of his models. Probably Angelina wanted to make sure Leo didn’t have another modeling shoot scheduled for tomorrow evening or for the day after, but she could ask Leo that herself. Or perhaps Leo required prior approval for his models to go on a date to make sure they didn’t show up the day after with bags under their eyes—understandable. Back at the party, I asked the two Americans I had met earlier about this Friday night event I stumbled into worked. They were distinctly unenlightening. When I mentioned that I would be going out with Angelina the next night, the Fellini casino manager snapped, “No, she’s not going out with you. Angelina and the two teenage girls are going to a party at my casino.” I held my tongue and my martial arts training as the anger flashed into my brain. Who was this low life telling me whom I could date? But he quickly added in a reconciliatory fashion that I should also come to the party. Keeping my options open, I agreed, thinking maybe I will work something out where Angelina and I are alone.

I went home, but sensing something was wrong. I thought about forgetting Angelina but then reasoned: let’s see what happens. After all, I might enjoy a little Russian adventure.

## Manhunt

The next afternoon, Angelina called to ask whether I had talked to Leo about going out with her that night. I said, “No, I thought you had to go to the party at the Fellini Casino.” She laughed.

“Don’t worry about it,” she said. “Call Leo now; he in his office.”

“Okay,” and why not I thought.

I felt elated that this beautiful, young, Russian girl wanted to go out with me instead of going to a casino party, which is considered the height of the social circuit in Russia. Then again, Russians also considered McDonalds as the *chic* place to dine.

On the telephone, Leo invited my downstairs to his office. My third floor apartment overlooked the basement entrance to his modeling agency. Many successful Russian businesses operate out of the basements of residential buildings, especially in prestigious neighborhoods such as Kutuzovsky Prospect. Zoning regulations, as with other laws in Russia, are basically meaningless unless a government official wants a bribe to keep an un-enforced law un-enforced.

Once again, I descended the steps to the office entrance now blocked by a steel door with a peephole—rang the bell, waited while some one inside scrutinized me and listened to a number of locks unlocking and the sliding of a heavy metal bar. The door opened to show a smiling, pretty, young girl. She didn’t say a word, just walked me down the hall toward Leo’s office. The hallway sported artsy photographs of scantily clad young ladies—typical for a model agency. In his office, however, were a couple of not so artsy framed Penthouse covers.

Leo greeted me with a firm handshake and a friendly hello, introducing himself as Leonid Perlin. His greased back, black hair and overly dark clothes did little to alleviate the sense of sleaze that pervaded his office. He motioned me to a black leather chair in which I sunk well

below the level of the desk at which Leo took a seat. A not so subtle way of trying to make visitors feel weak unless they had more power than Leo. At the time I did, so the difference in height didn't matter.

“What brings you to Moscow?” he asked. His English was better than Angelina's.

“I'm a lawyer and business consultant from New York City who was hired by an American firm to manage and improve their Russian operations.” Actually, my employer originally hired me to assist the firm's manager, Joe Serio, by marketing its services to Western companies in Russia. But when I arrived in Moscow, Serio had decided to leave and the manager's job fell to me.

“What firm?”

“Kroll Associates,” I told him despite Serio's warning to keep a low profile because the firm did investigations and security work. Serio tended to over dramatize the job, imaging himself a secret agent behind enemy lines.

Leo never heard of the company. “What's its business?” he asked.

“It's essentially a modern day private detective firm. Western companies that want to do business with Russians, or even Russian companies operating in their own country, hire us to investigate their potential partners, suppliers and buyers. Sometimes we also track down funds that disappeared from a joint venture or business transaction. We even provide physical protection for businessmen in Russia.”

“Is it dangerous?”

“Not for an American,” I responded. “But the Russians who assist us could have problems.”

“Are you here permanently?”



“No, my consultancy contract is for six months, then back to America unless it’s extended.”

Now it was my turn to ask questions—still feeling in the back of my mind something odd about this place. “And what about you? What do you run here?”

“A modeling agency and introduction business.”

“What’s an introduction agency?” I honestly asked.

“We bring together foreign men and Russian girls. If an American man wants a pretty, young wife, we can introduce him to as many girls as he wants over a period of a week. If the girl he chooses is interested in him, then she can visit him in America so that they can get to know each other better.”

“Do many of the introductions end in marriage?”

“I won’t take on men clients over forty. The difference in age is too great between a twenty-year-old girl and a man over forty.” Leo didn’t answer my question, but that’s a common tactic among Russians who want to avoid the truth, which means most Russians. I let it go, not really caring about his dating business’ success.

He pushed some papers about his introduction services and fee schedule across his desk. The English version was awkwardly written, and I assumed this guy probably didn’t find much business for his introduction services by using such an advertising brochure. For a fee of about \$5,000, Leo will meet the American client at the airport, set him up in an apartment for a week, arrange for meals and interpreters and show him pictures of lots of girls from which the client chooses the ones he wants to meet. Leo kept using the word “client,” which struck me as strange in describing men who buy a bride. But what did I know, never having used an introduction agency myself.

“Very interesting,” I insincerely said. “If I come across any American guys looking for a Russian wife I’ll send them to you.”

“Please do. I am always ready to help out an American,” he replied.

I changed the topic to my reason for being there. “What about last night’s party? Angelina said I needed to ask you about taking her out tonight. Is that right?”

“Alina is a very beautiful and independent girl. She does some work for me.”

“Who’s Alina?” I asked.

“That’s what we call her around here, but she uses the name Angelina.”

I immediately assumed the two names were Russian derivations of each other. A Russian name can take on many different forms depending on the relationship between the person and the one using the name. Some forms are considered formal, some friendly and others endearing.

One name can have three or more different forms.

“What kind of work does she do?” I asked, looking for consistency.

“Modeling and dancing,” he responded.

“So what about this Friday night party of yours? How does it work?” I asked matter-of-factly. I didn’t want to press too hard because once a Russian thinks someone is digging into his affairs—the iron curtain falls. But I wanted information to put to rest my instinct’s subtle sense of suspicion about Leo’s business while at the same time giving the girl I had fallen head-over-heels for a fair chance. After all, my suspicions might simply result from my ignorance of an alien culture. Similar behaviors in dissimilar societies often have different meanings.

Leo said, “Every Friday night I have a party where I bring together some girls and men. The men pay fifty dollars to get in and they meet the girls.”

“Where do you get the girls?” I asked as though searching for the source of the Nile.

“I have books of very pretty girls, mostly from Moscow but also other Russian cities. They send me their pictures hoping to become models. I invite them to my studio where I take a few photos. Unfortunately, most of the girls cannot afford a professional portfolio, but I do what I can with snap shots. We could make big business with an investment that allowed me to shoot professional portfolios.”

I knew Leo was referring to me when he said, “We.” My eight years of traveling to the remnants of the “Evil Empire” made me wary of investing money with Russians. They have a proclivity of using investments for personal needs or sending them to their overseas bank accounts. Then they concoct some lame story about how the money disappeared. Many Russians in their blind arrogance actually believe Americans should feel honored to be cheated by them. Leo’s books, however, did contain pictures of some real beauties, so I filed away his business proposal in my memory on the chance that some western modeling agency might want to exploit this Russian gold mine of feminine girls.

“So what happens at your Friday night parties?” I continued, still not sure what went on.

“When a man sees a girl he likes, I introduce the two of them. If she likes him, then they decide what to do.”

“What do you mean, they decide what to do?”

I expected a knowing smile, but none came. “They make their own arrangement. Maybe the man will take her to a club, begin dating her, even possibly marrying her or something else.” That “or something else” exhibited the Russian knack for euphemisms, and my heart started sinking.

“So they decide on a price for going to the ballet or opera or some place else and begin a romance.”

“Right,” he said. “It’s the same as an Internet dating service. The man pays so much to meet some girls. They talk and decide which way the relationship will go, if any.” Stated that way, it all made sense and began alleviating my nebulous suspicion about Angelina.

“So what’s the going rate?” I asked.

“A hundred dollars or more. It all depends on the couple.”

I could afford that, I mused.

Leo continued that his modeling business wasn’t doing too well because he didn’t have the capital to compete with “Red Star,” Russia’s top modeling firm. According to him, Red Star made lots of money because it hired out many of its models as prostitutes, which Leo refused to do. Red Star, he said, could also squash any serious competition because it belonged to a powerful organized crime group or Krisha as the Russians call them. A more descriptive American term is Racketeer Influenced Corrupt Organization or RICO, which is a group of people or businesses whose moneymaking involves one illegal activity or another. In Russia, most businesses, including foreign companies, cannot survive without engaging in some illegal activities, and virtually every successful Russian business—whether legitimate, criminal or a mixture of both—is part of a Krisha or RICO. The mixture of criminal and legal activities is actually the preferable way of doing business throughout all levels of the Russian economy, especially for large conglomerates. Not only businessmen commit crimes and belong to or rely on Krishas, so do universities, many media outfits and trade unions. It’s a way of life created out of centuries of corruption that has turned Russia into a land of RICOs.

Krishas are not just a group of former KGB and military thugs meeting at “social clubs” the way the American mob does, but include government officials reaching as high as the President and his inner circle. Krishas cut deals, merge and war with each other. Taken together

they comprise the Russian mafia and, some say, the Russian State. Krishas may extort money from foreign companies in the form of “charitable contributions.” These help avoid certain “acts of the gods” that could destroy a company’s assets, disappear an executive or cause over zealous scrutiny by a government agency. The big money for Krishas, however, comes from sweetheart deals with the government and Presidential decrees that favor a Krisha’s legitimate business activities. The government—national, regional, and local—still runs the show in Russia, and the real boss of a Krisha is usually a big shot in one of the levels of government with the boss of bosses for Russia being its President. Federal Security Service or F.S.B. agents, who are in the agency’s reserves, still keep an eye on major corporations and banks by working in them. Any enterprise or individual who wants to make money needs government backing and approval.

The former Mayor of Moscow, Yuri Luzhkov, and his Krisha controlled all major real estate developments in the city because the city still owned all the land. His group also ran the counterfeiting of western goods in Moscow. Many officials from the police to Luzhkov’s inner circle received a cut. President Yeltsin’s inner circle, which masterminded the election of Vladimir Putin in 2000, consisted of various Krishas cooperating in a loose form of a confederacy. The Krishas amassed huge empires of oil, natural gas, media, automobile production and aluminum manufacturing and were publicly headed by the so-called oligarchs. But even the oligarchs were merely front men for powerful officials, and the fortunes of their empires rose and fell depending on the governmental clout of their political godfathers. Over a handful of years, one Krisha allied with Yeltsin gained control of the aluminum industry through the assassination of dozens of executives and government officials. Everyone knew the Chernoy brothers were behind the slaughter, but no prosecutions ever resulted. The Chernoy

subsequently became clients of Kroll Associates and Putin carried on in the Yeltsin tradition—only the names of the criminals changed.

Leo complained he couldn't compete too vigorously with "Red Star" because of its Krisha, so he expanded his business into "exotic" films. Not what I wanted to hear. He added, perhaps reading my face, "No sex, just scantily clad girls and guys—a coed Sports Illustrated swimsuit issue in moving pictures. Actually, I'm waiting for three girls right now to show up to go shoot a film."

After some more discussion, the three girls for the exotic video showed up. Naturally, Angelina was one of them. I guess I suspected it all along but still couldn't imagine that the girl I was crazy about wore next to no clothes in moving pictures. She was surprised to see me, as if I had just learned something about her she did not want me to know. I promised Leo I would keep in touch; we exchanged business cards. I told Angelina I would call her after the shoot, kissed her on the cheek and left.

Now I hoped that kiss on the cheek would tell her that I was sincerely interested in her as a person, which for me made no sense. If I were ten years younger, I would have run the other way as fast as I could. All my life I avoided girls who sold vicarious thrills because I assumed them promiscuous. True I did not know for sure what Angelina did, maybe as she said, "Just a model and dancer," but the situation didn't feel right. The importance of my health and physical condition always made me fearful of catching something from overly promiscuous girls. Also, when I get a girl's clothes off, I cannot keep myself from putting my face between her legs. The idea of ingesting the remnants of the prior inhabitant of a girl's intimate parts simply makes me gag. But I reasoned that Angelina must value her health as highly as I do mine; after all, she was an athlete. She won the Russian female long jump championship for her age group three years in

a row when in high school, so I doubted she'd engage in any risky activities. Still I wondered what I was doing but kept stumbling along.

### Angel Baby

Later that afternoon, Angelina once again called me before I had the chance to telephone her to arrange for our date. That kiss on the cheek must have worked. She realizes I really care about her.

She asked whether I had a camera and told me to bring it. She sounded enthusiastic. When we met on the other side of the courtyard, I remembered my discussion with Leo and gave her a hundred dollar bill.

“What is this for?” She asked as if insulted.

I figured I was paying for a date that night, so her question threw me. Guess she's just a typical girl after all, and Leo was trying to pump me for money. So as not to insult her further, I said, “It is a gift. Leo suggested it. I understand how difficult it is to live in Russia, so I am sure you can use it.” She considered it was too much, but I insisted.

Putting her arm on my shoulders and insisting that I walk on her right, even though the Russian tradition is for guys to walk on the girl's left, we headed to the Park of Victory. Angelina's six feet three inches in her shoes made her at least three inches taller than me so that her arm rested naturally across the top of my shoulders. I felt the strange comfort of a woman who cared enough to take me under her wing.

Most Muscovites consider the Park of Victory the ugliest park in their city, but I like it. The place is huge. A large open plaza lined with fountains leads up to a thousand foot tall obelisk. Behind it, located at the top of a wide expanse of stairs, is a semi circular museum that

opens out toward the obelisk. The top of the museum looks like a flattened German Kaiser helmet.

Walking with Angelina, I felt young again. I felt hopeful. Angelina was tall and beautiful. She wore her blond hair down to her shoulders and everyone was looking at her.

“Why does everybody look at me?” she naively asked.

“Because you are beautiful,” I said. Although I felt a little jealous, since looking like an obvious American and not a bad looking guy, Russians usually stared at me, especially the girls, but now even the girls were staring at Angelina.

I said to myself, ““So what, this doll is with me, it is warm, it is sunny and I am somebody, at least in Russia.” Moscow has beautiful weather for two months during the summer, and it stays light until 11 pm. My life was looking up.

The moment we entered the park, Angelina wanted her picture taken with both her camera and mine. This girl knew how to strike a pose, no awkward moments in front of the camera for her. She clearly had modeling talent. As we walked along, we stopped for a few more photographs, and she got a man to take our picture together. Angelina impressed me as smart and educated although her English required me to speak slowly and use more common words than a lawyer normally would. But what really struck me was the good heartedness that beamed from her smile as if coming from the soul of a happy little girl. She led me to a bench on the landing behind the museum that overlooked acres of trees interrupted by long promenades radiating in different directions. The sun neared the western horizon in front of us.

“Do you read numbers?” she asked.

“What do you mean?”

“Give me your birthday and I will read your numbers.”



“Oh, numerology,” which I considered along with palm reading, astrology, magic and religion a pathetic attempt by people to find meaning in their insignificant lives. But if going along will bring me closer to this pretty girl, I won’t rain on her parade.

“Okay,” I said and proceeded to lie about my birth date. Naturally, I wanted her to think I was younger; otherwise, she might not see me as a boyfriend. Still, it made me feel guilty because what she thought she was about to discover, since she clearly believed in numerology, would not apply to me. To her, I would be someone else.

She pulled out a small notebook and pen from her purse. That impressed me. How many girls carry pen and paper? I noticed she wore a lot of rings on both hands. Scribbling calculations and drawing graphs with a believer’s intensity, she concluded that besides having money, I had all the attributes necessary to get what I wanted out of life. I partially agreed since I had some investments, but didn’t know what I wanted from life.

She responded, “Don’t worry you will, and then nothing will be able to keep you from your dream.”

“Okay,” I said, sadly wishing I had a dream, and asked, “What is your dream?”

“To be a model and have my picture on a magazine cover.”

“You’re lucky, you know what you want.” I said with genuine admiration.

We talked more about her hopes, and I realized that despite James Joyce’s criticism of modeling as a pornographic art, I admired her conviction to pursue her dream no matter what. I offered her encouragement with my usual career counseling speech, which I have never been able to follow myself. Everyone is born with a set of aptitudes that makes him particularly suited for a certain occupation. Each of us knows what that is when we are young but often allow others to convince us to pursue a different career in order to assure that we can make a living.

What most people do not understand is that if you do what you love the money will come, at least in America. Angelina, however, was a young lady from Krasnodar that had an even worse economy than Moscow. In Krasnodar, as with most of Russia outside of Moscow, over a majority of the people were unemployed, underemployed or were owed months in back pay. Many were literally starving. Angelina's mother worked as a college instructor and gymnastic coach but earned only \$35 a month, just enough to get by. Some retired folks on worthless pensions committed suicide rather than face the shame of begging in order to survive. Yet Angelina had the guts to pursue her heart's desire trapped in a dangerous land with few opportunities. I felt like a pampered western dandy.

"Can I read your palm?" she asked.

"Alright," I agreed continuing to indulge her obvious belief in the supernatural; after all, it made for conversation and drawing closer to this delicious girl.

As she scrutinized both my palms, she said, "You are intelligent, a hard worker and have many talents." Then, as if surprised, she paused and finally said with noticeable concern, "You also have a guardian angel watching over you."

Always feeling the victim of life, I responded, "I doubt it!"

"No," she strongly insisted, "There is an angel who protects you from evil. She is with you now."

I was a little surprised by her conviction, but then my heart jumped hoping what I was about to say was true. "Maybe it is you Angel?" Her concern turned to a giggle and from then on I called her Angel.

She continued with her palm reading and massaging my ego by adding to my attributes, all of which I had heard before in readings by other girls. But then she murmured, “Hmmm,” and looked closely at both my palms.

“Well that’s all,” she abruptly said.

“What do you mean?” I said. “What did you see?”

“Oh, nothing important.”

“Oh no you don’t. Come on, what did you see?” I continued to press even though she, like other fortunetellers, would probably hide any bad divinations. But she surprised me.

“You have a short life line,” which she showed me in both hands.

“Well that fits,” I concurred. “I can’t say I have much of a desire for longevity. My life has not gone the way I would have wished it. So how long do I have?” Not that I really cared.

“You shouldn’t think like that. The God has put you here for a reason. But you must fight for your realization. All my life my mother and I have had to fight. When my father left us, he wanted to take our apartment and all the furniture and leave us with nothing. But my mother fought him and won. He got nothing. When I competed for the long jump championship, I was losing but I had one jump left. My anger drove me to fight, and I won on the last jump. You must not give up.”

I felt ashamed of my wallowing but also felt joy, since I had found a unique woman—yes woman—in Angel: not only beautiful, feminine and smart, but wise and tough.

I wanted to stay there forever talking with her on that bench and watching the sun sink into the west, but she said, “Let’s go to the disco!”

Out on Kutuzovsky Prospect, which ran by the park, I let her flag us a ride, since more cars were likely to stop for her than me. When a car would stop, she’d open the front door and

bend over in her black tights to negotiate a price with the driver while I stared at her from behind. A pleasing arrangement, although not as pleasing as it could have been since she wore a sweater tied around her waist that draped over one of the more appealing parts of a girl's body.

Her tenacity in finding an inexpensive ride impressed me. She tried car after car pushing for the lowest fare possible. No wastrel this girl—saving money delighted her. What struck me as sad, however, was that she negotiated to save me fifty cents to a dollar—a lot of money for her but small change to an American. I sensed in her a desperation about poverty and an unnatural joy in money. Often she'd spot on the sidewalk a kopeck, worth about 1/25<sup>th</sup> of a U.S. cent, pick it up and immediately break into her beaming childlike smile. My mother did the same for American coins when I was a kid. Poverty to Angel apparently meant starvation; to me it meant eating at home instead of in a good restaurant. I wondered whether I would ever be able to understand her. Angel finally found a ride for a price she liked. I agreed, and we headed to find the Propaganda Disco.

Hailing a private car for a ride rather than a taxi is the rule, not the exception, in Russia. Car owners generally pick up strangers going in their direction in order to make some extra rubles. Sounds dangerous, but Russians don't mug each other on a regular basis as in America. Perhaps it is the old Soviet regime conditioning of comradeship or fear of the police. Russians dread the police the way Americans do criminals. When a Russian finds himself in a dangerous situation, he calls his family, friends or a private security firm—never the police. The government pays the police so little that cops regularly resort to crime and bribes just to make a subsistent living. A favored moneymaker is to pull over a car and demand payment for some minor violation or the officer will lock the driver up, which will cost even more money for the

driver to bribe his way out of jail. Russians also want to keep the police in the dark because cops often tip off gangsters as to likely targets.

Russia's amateur taxi drivers do present one problem other than their occasional drunk driving. They don't always know how to get to where the passenger wants to go, although they say they do in order to win a fare. On the other hand, they will take the time to consult their maps and ask other drivers. But sometimes the rider has to end the exploration of unknown parts and find another ride. Angel and I had such a driver and ended up walking around for about an hour looking for the disco. During our trek, I feared she'd think me a jerk and, like the typical American girl, start blaming me for the discomfort of walking around lost, but she did not. After a stop at McDonalds, her favorite place to eat I learned, we finally found the disco.

As with all Moscow discos, it was small compared to New York City's dance factories but just as loud. Angel danced, danced and danced some more. I had never seen anyone dance like her. She moved like a snake undulating to the music. She smiled sweetly like a child with a lollipop and then instantly turned into a temptress. However, I had too much experience with girls to fall for this Hollywood vamp approach, so I would laugh and then she would laugh but she kept returning to that femme fatale act as though by habit. It didn't matter, I was a happy duck. This was the best I felt in years. None of the Russian guys tried to cut in on us as American clowns do in New York City—clearly the Russian guys were more civilized in that sense. After more than an hour of nonstop dancing, I began thinking this beautiful, young woman actually likes me—she likes me—and enjoys being with me. Then the realization knifed through my brain: “Naturally she likes you, you idiot, you paid her \$100. That's the average family income for a month in Moscow.” I went into a tailspin and immediately decided not to

touch this girl because I would never know whether her response was for money or because she liked me.

We danced a little more and I said, “Let’s go.”

“Just a few more dances?” she asked and I agreed.

On the way back, I asked, “What did you think of the place?”

“The crowd was too young and there was not enough room to dance. I like a lot of space so I can do my dance routine.” Dance routine sounded a little strange, but all girls have their own dance styles they use to show off. She suggested, “Let’s go to another place tomorrow night but also do something in the afternoon”

“Okay, I’ll call you around noon.” Tomorrow was Sunday and I had no work to do.

Back at her apartment, I remembered my vow not to make a move on her and didn’t. We talked a little, and then I kissed her on the cheek good night and left. Walking back to my apartment through the still-darkness of the courtyard filled with trees and shrubs didn’t alarm me. I enjoyed the minor sense of danger that the night offered in this precarious place, as I did in New York City when I’d turn now a dark alleyway late at night just for the challenge. Sometimes in a life, it is possible to reach a point where a person wants to know what is dangerous so that he can consciously pursue it.

Despite my misgivings about Leo’s agency, something drew me to Angel. In the foreboding blackness of the courtyard, I discovered a theme that always controlled my life but I never articulated: I couldn’t fall romantically for a girl unless I liked her as a person and, more importantly, she liked me as a person.

## Then She Kissed Me

The next day Angel again called me before I had the chance to call her. This girl is anxious; maybe she really likes me instead of the hundred-dollar bill I gave her.

I hurried over to meet her on the patio outside her apartment. She laughed at the lifeline on my palm that I had drawn longer with a pen. We walked to the Park of Victory again and took more photographs, mostly of her and at her direction. Actually, the day revolved around my taking pictures of Angel—fine with me, she was beautiful and I was falling in love.

After a short while in the park, Angel asked, “Do you know of any other parks in Moscow we could go to?”

Don’t blow this Roy, I said to myself. She didn’t think much of the disco last night, so here was my chance to impress her by coming up with a park that she likes. I racked my brain and tried hard but drew a blank. I began to sweat.

Then Angel said, “I saw a place not far from here across a bridge in that direction.” She pointed east.

“Gorky Park,” I jumped with relief. Angel was great. She saved me the embarrassment of failing again to come up with a place she liked. American men more often than not try hard to please their girlfriends of which American girls take full advantage. But in Russia the men don’t give a damn about a girl’s desires because they are out to please only themselves. I often wondered why those guys were so selfish.

On Kutuzovsky Prospect, Angel hailed a few cars looking for the lowest price again. I noticed she wore the same black slacks with the same sweater tied around her waist but a different blouse. Girls never wear the same of anything two days in a row, so once again I imagined poverty stalking her like a plague. She negotiated with one driver after another. I

thought every price was okay, but she said, “I don’t want to waste your money. We shouldn’t pay people who are greedy.”

“Okay,” I was not going to argue with this unique girl who wanted to save me money. What a find when compared with the gold diggers in America, a characteristic of most U.S. girls. Angel was not only stunningly beautiful and pleasant but also thrifty. When she thought she found a ride for the right price, she looked to me for final approval. This caused me to add respectful to her growing list of desirable qualities. American girls couldn’t hold a candle to her.

Gorky Park is mostly an old fashion Soviet amusement park with a roller coaster, Ferris wheel, bumper cars and other rides. The park’s chief concession to modern times is the disco music, which blares so loudly a person can only escape it at a good distance from the park.

Inside the park, we bought a couple of ice cream cones. Angel complained she did not want to get fat but couldn’t resist at least one ice cream. She had a weakness for sweets, just like me. As usual, she directed me to take pictures of her. She possessed a knack for setting up a shot, which I assumed came from her modeling work. Angel asked a couple of middle-aged ladies to take our picture together, after which I took one of the ladies with their camera. While focusing in on these females in my age bracket, I thanked the fates I was not back in America. All those political correctionalists trying to con me into dating ladies my age—meaning over the hill—with the lie that only middle-aged maturity can fulfill my needs for a companion. Give me a break! Why would I want to wake up in the morning next to some overweight, flabby female when I can have something like Angel?

I turned to look for her and saw some Russian sailor hitting on her about twenty yards away. How did that happen so quickly? She was standing right next to me only a few seconds ago. As I rushed over to put an end to this little scene, I wondered why her face looked as



cheerful and inviting as when she talked to me. Could she be interested in this sailor? I put my arm around her and kissed her on the cheek, demonstrating to both of them that I considered her mine. But the sailor was drunk and made an objection in Russian to which I said, “Get lost!” On hearing my English, he must have realized I was American and just stood there dumbfounded holding his beer. Sometimes Americans have that effect on Russians for they know, but often refuse to admit, that we won the cold war and they lost—badly.

As we walked away, Angel said, “You do not have to worry Roy, I can handle myself.”

“Okay, next time I will let you handle it,” I said, still a little upset. I then tried to kiss her on the lips in the hope of allaying my insecurity, but she yielded me only her cheek, saying, “You mess my lipstick.” All right, I rationalized; models place more importance on their appearances than the rest of us. I did try, however, to kiss her lips a few more times during the day but without success. Even for a model her reluctance seemed strange.

But before those failed attempts, off to the amusement rides we went. The roller coaster, bumper cars and a ride that hung everyone upside down turned Angel into a little girl. She laughed, giggled and screamed like she was ten. I avoided the roller coaster and the upside-down ride knowing they would turn my stomach inside out, but Angel loved them. Just before the upside-down ride began, Angel sat looking like a carefree, innocent child filled with anticipation. All of me wanted to hold her tight, to shield her from the horrors of Russia.

The economic situation in Russia at the close of the 20<sup>th</sup> century was so desperate that many families only survived by allowing their young daughters to sell themselves. The girls call it “turning our bodies into supermarkets.” They used the term supermarket because under communism such stores did not exist. Only with the coming of the so-called market economy did supermarkets and rampant prostitution appear. Many high school girls and college coeds

team up with a couple of their friends for *banyas*, or bathhouse orgies. They share themselves among a few Russian or Western men with each girl earning \$50 or more for a night. Other girls chose to frequent clubs where foreigners, meaning men with money, hang out. If a Russian girl at such a club agrees to go home with a guy, she will sleep with him but afterward demand money. One night stands in Russia for foreigners are exclusively business deals from the girl's point of view.

There are also parties organized by Russians where foreigners and Russian men with money attend. Russia's rich are commonly called "New Russians," and virtually all of them acquired their wealth through some form of criminal activity. The girls at such parties are considered amateur prostitutes because they sell themselves only periodically and don't take all comers. These parties in the early part of an evening look amusingly like innocent grammar school dances where the boys cluster in groups and the girls separate into cliques waiting for the overly shy boys to approach them. But the similarity ends with a few drinks and the lap dancers doing their strip tease that leads them into taking off the clothes of some of the guys. Meanwhile, the organizer scurries from table to table introducing guy to girl and pushing them into nocturnal deals. As the evening wears on, the bleak, hopeless reality of Russia, ever present behind the smiles and laughter, pushes its way through with the bone chilling realization that many girls attend these parties because they are chronically hungry and desperate. Most of them dream about a family and career after graduation but for now they must survive. Russia also has lots of professional prostitutes who are in it to make as much money as they can in order to afford the glamorous life. No regrets for them, just greed.

Angel got off the upside-down her ride all smiles. We walked around to some more attractions, holding hands or her arm lying across my shoulders with me always on her right. At

the magic house where curved mirrors change a person's appearance, Angel would only let me take a picture of her image in the mirror that made her look thinner. She clearly worried about her weight, as I guessed all models and dancers do. It was early evening, so I suggested we go eat at the Stardust Diner.

“What's a diner?” she asked.

I tried to explain but decided it would be better to just go there and show her. The Stardust looks like a diner out of the nineteen fifties, which it emphasizes with lots of American fifties memorabilia hanging on the walls. The food is mainly American as is the music. When I ordered a root beer, she thought it was an American beer with alcohol. I smiled, gave her a taste and she liked it. It was as pleasing to me as showing a daughter new and wondrous experiences.

“So Angel, what other dreams do you have?”

“My dream to buy an apartment in the City of Krasnodar for me and mother,” she said with determination.

“I thought you already lived in Krasnodar.”

“No, my house in little village outside of the city. It not a good place to live—very dangerous. I want mother to have a decent apartment. She an honest woman who lived a hard life. She deserve better.”

“A worthy goal,” I said. “What kind of an apartment are you looking for?”

“At least two rooms.”

Russians describe apartments by the total number of rooms excluding the kitchen and bathroom. A two-room apartment consists of one bedroom and a living room—pretty good for just a mother and daughter in Russia.

“How much does such an apartment cost?” I asked.

She hesitated in answering, apparently debating whether to tell the truth or not. I could not understand why the reluctance, so I said, “What’s the big deal. How much does it cost?”

“Around \$15,000,” she finally said.

“Not too bad,” I replied like an ignorant American who did not realize at the time that from her economic perspective \$15,000 was as hard to come by as \$450,000 would be for me. The average monthly income for a family in America was 30 times greater than a family in Russia. Just multiplying a price by thirty yields an amount that allows an American to understand what the cost of something means to the average Russian.

Not understanding how high a hurdle this Russian girl had set for herself, I matter-of-factly asked, “How are going to make it?”

“Earlier this year I danced in Cyprus where I saved up a fair amount.”

“That must have been nice: warm climate, sun and sea. Where did you dance?”

“In a night club,” she answered.

Sounded as though she worked as a go-go girl. “What type of dancing?”

“Modern,” she quickly answered, clearly a euphemism for go-go dancing.

“How did you like it?”

“Very much. I am an artist. I use my movements to paint a picture and communicate what I feel inside. It gives me great joy to express myself to music”

“Not unlike Isadora Duncan,” I said.

“Exactly,” she replied. Once again, I was impressed. I always enjoyed hanging out with artists because they seemed different then the rest of us: more exciting life-styles, or was it that they used art as an excuse for reprehensible conduct?

“So how much did you save up dancing.” I intrusively asked while a strange idea took form in my head.

“Oh, some,” she evaded. Russians are even more reluctant than Americans to talk about their finances because most Russians fear robbery or extortion by criminals, which for them includes the tax authorities. Every Russian who earns income has to file with an individual tax inspector who will demand a bribe if there is any indication that the person made more money than reported. But nearly all Russians underreport their incomes because of the ridiculously high tax rates, so the inspectors concentrate on those who appear well off betting they can pay the largest bribes. In response, Russians try to keep a low financial profile in order to pay as small a bribe as possible to the tax inspectors along with evading taxes. In a society where most people once squealed on each other under the Communists, a low profile meant telling nothing to anyone.

Still, I pressed, “How much is some? Don’t worry, I am not going to tell anyone.”

She got that look again about whether to tell the truth or not.

“Well, I saved around \$6,000.” She reluctantly answered.

“So how are you going to make the rest?”

“I will have to go dance in some other country. I cannot earn that kind of money in Russia.”

The look of lost on her face when she said that tugged at my heart. I wondered whether she used the word dance as a euphemism for other activity and called it art so she could live with herself. I hurriedly finalized the idea bouncing around in my head.

“I may go to Mexico,” she added.

Oh, brother, a tall, blue-eyed blonde in Mexico. Now there's an invitation to trouble. Besides, for some strange reason, ever since I was a little kid, I hated Mexico even though I never visited there.

"Look, I will lend you \$10,000," I offered in an effort to protect her from the world.

"You kid me."

"No I am serious, or I would not say it."

"You're crazy. Why do you want to help me? Who am I to you? Do you want to control me by my owing you money? I do not want to owe anyone a lot of money," she said as if holding a knife ready to strike.

Her hostility instead of gratitude threw me. All I could mutter was, "I love you."

"Why? You don't even know me and I don't know you. How can you love someone without knowing them?"

Regaining some of my composure, "It's possible to meet someone whom you know at first sight is the one—the one you do not want to lose. That's how I felt the moment I turned around and saw you at Leo's party. Your image entered through my eyes and touched something in my unconscious. Look," I added defensively, "if you are worried about owing me the money, we can make it a long term agreement and essentially forget about it if you can't pay me back."

She tensed her face, narrowed her eyes and stared unflinching into my eyes in that peculiar Russian fashion of trying to third degree someone into telling the truth. But I was telling the truth, although it made no sense to hand over ten grand to a Russian model and dancer whom I met two days earlier.

I added, "I don't want you doing something stupid just to make \$10,000. You know things are a lot more dangerous today than they use to be." But I could tell she was not buying

it. Maybe something inside her stubbornly resisted owing anybody anything. An admirable quality—independence, but in the extreme, it can lead to unnecessarily desperate acts.

“I won’t do anything stupid,” she firmly said.

“I hope so for your sake, but think about my offer, okay.”

“I will,” she replied, but I knew she wouldn’t.

“So when are you going to Mexico?”

“I’m not sure. Leo is trying to make arrangements now, but it difficult to get visas.”

That was an understatement. Most governments considered young Russian women the least desirable visitors or immigrants. Just the opposite of what many men believed, including me. I suspected the worldwide feminist conspiracy responsible for such stupid government policies, especially in America. The feminists knew they couldn’t compete with the beauty and strength of Russian girls.

I sincerely but sadly said, “I hope everything works out well for you, and you get your apartment. If I can help, let me know.” We finished dinner around 10:00 PM as the sun began to set and strolled over to a small park with a couple of oversized statutes of former Communist leaders. Many of the ubiquitous symbols of communism and its cult of personality still stood throughout Russia in tribute to the bankrupt economy that couldn’t afford to tear them down and as an unintended concession to the old Soviet ways of hypocrisy and dishonesty that continued throughout the country.

Angel said, “There is a church near here that I want to go to. Today is Sunday and I haven’t gone to church yet.”

“Okay let’s go. Which way?” Religion meant nothing to me, but I enjoyed the architecture of churches.

“Down that street,” she pointed. On our way, Angel choreographed a few more pictures of herself with me as the adoring photographer.

At the Russian Orthodox Church, Angel put a kerchief on her head, crossed her self and we entered.

With the fall of the Soviet Union, the Russian Orthodox Church began picking up the pieces of the influence it previously held under the czars. It seemed as though the entire population got religion at once. The government, whether federal, regional or local, provides a lot of financial and other assistance to the Church, just as it did under the czars. The Moscow City Government used tax revenues to finance part of the rebuilding of the Cathedral of Christ the Savior that Stalin blew up because he didn’t like it intruding on the view from his office window. The remainder of the money to resurrect the Cathedral came from criminals enriched by their corrupt allies in government who together continue to loot public assets. And that’s a lot, since the government still owns or controls much of the property in Russia. The head of the Church often consults with powerful officials who generally give him what he wants, such as when President Yeltsin issued decrees, which have the effect of law, making it difficult for other religions to recruit followers.

Angel quietly bought a few candles and gave me one.

“What do I do with this?” I asked.

She whispered, “Go around to a painting of one of the Saints and light the candle from another candle burning in front of the picture. When you light the candle, ask the Saint to protect a loved one or make a wish and put the lighted candle in one of the holders.”

I am generally open-minded to different philosophies, but this type of religious mumbo jumbo could not logically help me or anyone I cared about. Yet in the back of my mind, I knew



forces I couldn't explain had wasted my life, so I decided why not light a candle—maybe it would work. Besides, I knew enough diplomacy to respect the beliefs of others—especially those of a young and pretty “other” of the opposite sex.

“How do I know which Saint to choose?” I asked. “These paintings all looked the same to me.”

“There,” she pointed to one, “he will help you.”

I could not think of any loved ones alive or dead whom I wanted to protect. Actually, I couldn't think of any loved ones at all, so I asked this ancient painting to keep Angle safe and make her mine for at least a few years.

Russian churches that survived the Commies, as did this church, are hundreds of years old and often small and intimate inside by American standards. There are no seats, so during a service the faithful stand facing a wall of paintings and icons inlaid with gold and silver that reaches to the ceiling. Believers think that heaven exists behind the wall of religious symbols. Once the archbishop in Kursk allowed me to walk behind an icon wall at his diocese but would not let my interpreter join me since females aren't allowed. It didn't look like heaven to me—dusty, dirty with metal struts propping up the wall as if scenery for the theater. Maybe I was missing something.

Angel moved from saint to saint, crossing herself, lighting candles and praying. She obviously believed, since no one would go through that ritual as many times as she did with such an earnest expression and not believe. I felt somewhat envious. Maybe religion offered more than a last delusory hope for the desperate.

We walked out of the church into the Moscow night. Angel wanted to go back to the Park of Victory because at night the water fountains lit up red and she wanted to take more

pictures. So back we went. The bright red lights thrilled her, she struck her poses—which never stopped amazing me, I took the pictures and finally our last role of film in her camera ran out. Both of us were too tired to bother with a disco, so we decided to go the next night, Monday.

We crossed under Kutuzovsky Prospect heading back to her apartment. Because the streets are so wide in Moscow, the city built underpasses for pedestrians; otherwise, people would have to run a gauntlet of the less than considerate Moscow drivers speeding along these multilane highways.

I innocently suggested, “Let’s stop at my apartment, and I will get you another role of film for your camera.”

When we got to my apartment building, she stopped without me realizing it. I kept walking toward the entrance until I noticed she wasn’t at my side. I turned with a questioning look and thought I saw a scared little girl. “I’ll wait here,” she said.

“Come on. I’m only going to get you a role of film. You might like to see the apartment.” I meant what I said. She followed me into the building. In the elevator, I tried to ease her obvious fears that I would put the make on her, “It’s a nice apartment. Joseph Stalin’s daughter used to live there.” We entered the apartment. “Look around,” I said, “I will go get the film.” I walked through the living room to the bedroom, grabbed the film, turned to go back out and there was Angel sitting on my bed.

“Oh, why did you do that?” I said disappointedly, believing she felt obligated to pay me back for the \$100 and the rides at Gorky Park.

“Let me give you a massage,” she said without emotion.

“All right,” sadly admitting to myself she’s not the girl of my dreams that Bobby Darin sang about in “Beyond the Sea.” So, I might as well enjoy a night of fun for all my time. I sat

next to her, tried to kiss her, but instead she made me take off my shirt and to my surprise gave me a real, non-sexual, massage. I returned the favor. Lying face down she lifted her halter top up to her neck, which gave me a look at the side of her naked left breast. A vision I would ponder often over the next month. She undid the sweater around her waist revealing a red paint stain on the seat of her tights. I realized that when I had told her to sit down outside of Leo's party, the paint where she sat was not dry. I felt guilty for ruining this girl's tights for she probably could not afford another pair. I decided to buy her another pair. I gave Angel a polite massage, enjoying every minute of it and keeping my hands respectfully away from her intimate areas, although I kept debating whether to make a serious move on her. After all, here was this beautiful girl lying on my bed with her topped pulled up. But I decided no. I was going to show her I was different than those other guys—that I wanted a long-term relationship, not a one-night stand.

“Thanks,” she said. “That was a good massage.” I gave her the film and we left.

“You are a good man,” she said as I walked her across the courtyard to her apartment. “You the only one who did not sexually push yourself on me. All other men always want something.”

This time when we said good night standing outside her apartment, she kissed my lips but in away they had never been kissed before. She held my face with both her hands as I looked upward into her face and kissed me with light, very short caresses that became stronger and stronger until she pressed a long hard kiss on my lips. When she pulled back with a slightly artificially sounding sign, I was hers. What a great sensation. Looking up into her face I felt safe, cared for and loved. Here was a reason for living. We agreed to go to a disco the next

evening. Then I returned back through the dark twisted forest to my apartment, happy I had come to Russia.

### Let's Dance

At work on Monday, I recounted my weekend to the outgoing American manager Serio whom I was replacing. He knew Russia better than I, and all he said was don't fall in love too quickly with a Russian. I laughingly responded that I had already fallen.

In the evening, Angel called me just as I returned from work. These Russian girls were great; they have the courage and finesse to pursue men without appearing desperate like American girls. Once again we arranged to meet on the patio outside the apartment where she was staying. On my way out, I grabbed the Moscow Times, which publishes a description of the crowd, atmosphere and happenings at the most popular discos, clubs and other entertainment spots. Like most Russians, Angel preferred American and European music. I also took the flowers I had bought for Angel on my way home from work. Russian tradition calls for giving a girl 3, 5 or another odd number of flowers because even numbers are considered unlucky. Also seven is usually the maximum number you give a girl because, as Russian men say, you don't want her to think you can't live without her. Funny, I always thought that was one of the definitions of love. Anyway, at the time I did not know about these Russian conventions but lucked out by giving Angel three flowers.

"Oh, they are beautiful," she exclaimed with her bright, happy, childlike smile. "They smell great and their color show how you see me. I am doing my Masters Thesis on the psychological meaning of color."

"I thought you studied Physical Education," I said surprised.

“That was my undergraduate degree, but I am going for a graduate degree in Practical Psychology. I am very good at it.”

This put Angel in a new light. She not only possessed the physical strength and temper of the will of an athlete but also studied how to influence the emotional and behavioral characteristics of people. Much more impressive, and maybe I should be a little more careful for Angel’s sunny smile hid a keen intelligence. But why should I worry, I graduated with honors from George Washington University Law School and Columbia University Business School, so how much of a threat could she pose to me. Besides, a thesis on colors seemed a bit superficial, so I blindly followed my heart.

“What do your graduate studies tell you about these pink and white carnations?” I asked as we walked over to the Park of Victory, since it was too early to hit the discos. “When you were looking for flowers to give me, your soul was trying to match its feelings for me with the colors.”

“I’m not sure about my soul, since I do not believe I have one...”

“Everybody has a soul,” she quickly interjected.

“Well, let’s just say my unconscious mind prodded me to choose these flowers.”

“Okay, if that is how you can understand it,” she politely replied. “Your unconscious mind felt a harmony between the way you thought of me and the color of the flowers.”

“I can believe that. When I was trying to decide what flowers to buy, I concentrated on the shapes and colors, hoping to sense which ones seemed right for you. I looked over a bunch of flowers until I felt these were the right ones. But why did I choose pink and white?”

“Every color expresses a feeling,” she explained with a teacher’s patience. “When your eyes took in the red it spoke passion to you and the white touched your feelings of innocence when with me.”

“I understand, passion and the innocence of childhood—a strange combination.”

We sat on the same bench as we did our first evening in the park looking west at the falling sun while I held my arm around her waist. She told me more about her Masters Thesis by going through the primary and secondary colors and the types of emotions they evoke in the human soul or for me the unconscious mind. She wrote the colors down in her little notebook as she explained the results of her research with the pride of a dedicated scientist.

“So when will you receive your Masters?” I asked.

“Probably never,” she wispily said. “I stopped my studies because my mother and I needed money. I sometimes wish I had not wasted two years of studying and teaching after college but started modeling right away.”

“What would you rather do? Pursue your Masters or model.” I said.

“Model,” she responded.

“So now you are doing what you want. You are lucky. Most people, like me, never pursue their first best destiny. Most just look for a secure occupation that will enable them to survive but not flourish. You are going after what you really want. I envy you.”

“You envy me,” she laughed. “Let’s go to the disco.” Maybe she missed the point, but it would come up again as these types of conversations always continue throughout a relationship.

We headed off searching for a disco using the Moscow Times as our guide, but it was Monday night and even Moscow discos were dead. Still, the ones we did visit based on the Times’ descriptions made me wonder whether a reporter had recently visited any of them. Many

discos change or disappear quickly in Moscow as owners move on to new money laundering schemes, loot the business or meet a violent end. The high incidence of unnatural death among all types of Russian businessmen contributed to the drop in average life expectancy for males from 65 to 59 years since the fall of the Soviet Union. Many Russians consider liquidating rivals as just another way to compete successfully.

After rejecting a few discos, we saw the Metallica Casino-Disco while riding down New Arbat; Angel suggested we check it out. Moscow casinos can't compare with Atlantic City or Las Vegas. They are small with tiny neon signs and offer no special attractions other than young pretty girls for sale inside. Angel thought the place too expensive, and one of the numerous tuxedo hoods guarding the door kindly referred us down the block to the Mirage Disco.

Hoods or euphemistically security guards are common for any Russian business where a fair amount of cash exchanges hands. These guards usually comprise the more brutal members of Russia's intelligence agencies, military or national police force. Most security personnel continue to work at their official jobs because that enables them to carry firearms and use government power to assist their employers or clients. Russia has one of the toughest gun control systems in the world, so only persons connected with certain government agencies have access to firearms. That means government employees and their associates do most of the shooting and killing.

When the Soviet Union collapsed, law and order collapsed with it. Many high-ranking government officials, seeing a capitalistic opportunity, recruited intelligence, law enforcement and military personnel to moonlight for the private security firms those officials set up. The firms sell services once furnished by the police. Each firm belongs to a Krisha controlled by influential members of the local, regional or national government.

Security at the Mirage frisked me but made Angel walk through a metal detector in deference to her sex. Another indication of the schizoid way that Russian men treated Russian girls—at times respectful, protective but also fearful. I have seen Russian coeds put to flight hostile, drunken Russian men or shame them into obsequiousness. But at other times, Russian men will punch-out a girlfriend with no qualms at all.

The disco was nearly empty but spacious with the feel of class. The maitre d' courteously seated us. Angel put her flowers by her chair, and we ordered drinks and salads—she wanted to lose weight.

“Let’s dance,” she said grabbing my hand and leading me to the center of the dance floor, which we had to ourselves. I then saw why she had complained about the crowded dance floor at Propaganda. This girl needed room to dance. Her arms moved in rhythm with her legs and body as she glided across large parts of the floor. She did not gyrate but flowed, undulating sensuously, releasing the magic of a young girl’s heart, which put a smile on my face that I couldn’t wipe off no matter how hard I tried. As we danced more people entered the disco, but for a long time we were the only ones out on the floor—the center of attraction, as our small audience looked on. I loved it. Angel’s dancing beat mine, but I had a few good moves. I moved in close to Angel rubbing my abdomen against hers and sliding around to her rear where, without touching, I would reach around in front of her and run my hands over her breast and towards her groin. She would spin away with a little girl giggle and go into her temptress routine, parting her mouth and lowering her eyelids. Every so often she would clasp her two hands together with both index fingers pointing at me to simulate a pistol. She would jerk her hands back as if shooting and then blow the smoke from the barrel with her parted lips. I didn’t understand the symbolism but so what. At times I suggestively knelt in front of her looking



straight at the V between her legs and moved forward toward her as she moved away with a knowing smile. What fun, and I felt we were drawing closer to each other out on that dance floor.

We took a few breaks whenever Angel thought a particular song was not good for dancing. I ran out of steam around one in the morning. I could tell she wanted to dance all night long, but I had to work the next day. As we left the club, a couple of girls entered. She stared at them with an expression on her face that made me think she was jealous because they were as tall and blond as her.

“What’s the matter?” I asked.

“Prostitutes,” she disparagingly said.

“How can you tell?”

“I know,” she said.

Gee, I thought, she must really hate prostitutes. I just stay away from them.

When we got back to our building on Kutozovsky, she realized she had left her flowers at the disco.

“Let’s grab a ride back,” I said.

“But it will cost you money. It doesn’t make sense to spend the money for a car just to get some flowers.”

“It’s only a few dollars.”

“Yes, but you can use that money to buy food,” she replied. “There were times when my mother and I didn’t have enough to buy bread—we went hungry, so you must think ahead before spending any money.”

I really admired Angel's concern for me and felt terribly sad that life had not treated her better. I hoped I would be able to change that.

"You're right Angel—for Russia. But in America people with the level of education and skills of you and your mother can easily make enough for a comfortable living without worrying about going hungry. Believe me, the cost of the ride to pick up the flowers will not result in me missing a meal."

"America must be so different than here," she said. "You decide."

"Well, these were the first flowers I gave you, so they symbolize the future of our relationship. I do not want to abandon them in a disco. Let's hail a car."

"You are crazy," she said good-naturedly, "to go back for flowers."

When we arrived at the disco, Angel said, "You must go in to get them, I will not. And make sure you look in mirror when inside." The tone of her voice rushed me inside before I realized how strange that she wouldn't come in and what she said about a mirror.

On my way up the stairs, I imagined I would have to go through the garbage to find the flowers. But when I entered the disco, the maitre d' just looked as if he was waiting for me and showed me over to the bar without saying anything. He pointed to the flowers in a vase waiting for their owner's return. These Russians really have some endearing characteristics. They were so considerate as to take the trouble to put the flowers in water. What a pleasant surprise. It seemed to me that they sincerely wanted the romance of a Russian and American to blossom. I thanked everyone but didn't give a tip because they would have felt insulted. Once when I gave a Russian waitress a big tip, she got insulted and gave half of it back. On the way out, I looked in a mirror and finally remembered that Russians, always superstitious, believe if you go back to

get something you forgot, you have to look in a mirror to avoid any negative repercussions. So if looking in the mirror made everything fine, why didn't Angel come inside with me?

I soon forgot my question when I handed her the flowers. Angel beamed her smile and said with wonder, "I can't believe you did this. You are crazy." Those words made me feel like a Knight in a fairy tale, willing to do the impractical just to please the princess. What was happening to me?

Outside her apartment, Angel delighted me with her special brand of quick light kisses leading up to one strong long one—kissing her just kept getting better and better.

I told her I couldn't make plans for the following night because Kroll's Director of European Operations, Anne H. Tiedemann, was in town from London and wanted to give a farewell party to the departing manager Serio.

"I just as soon skip the party and go out with you," I said.

"But work is important," she wisely replied. "It enables you to live and enjoy what life has to offer. You must do what is required."

"True, true, but some bosses are just a pain because they're too insecure and narrow minded for the position they hold. That's generally true of American Feminazis. And Tiedemann is not just a Feminazi but a lesbian—two strikes."

"What's a Feminazi?" Angel asked.

"The same as a feminist, usually an unattractive American girl who blames men for everything that ever went wrong in her life. A feminazi thinks if she were a man she would be rewarded for the superior talents she has deluded herself into believing she possesses. They generally don't even realize that the reason they keep their jobs, despite their incompetence, is the accident of nature that made them a girl."

“I don’t understand,” Angel said.

“When a woman becomes pregnant, there is a point where the child could become male or female. It can go either way. So the fact that I am a man and you are a girl was the result of accidents of nature.”

“I understand,” she added mimicking me in a teasing way because I often adopt a professorial approach in explaining something.

“There is an interesting theory that comes out of this biological ability to end up as a boy or a girl. Whether man or woman, we always feel that part of us is missing. You had the potential to be a boy, and I the potential to be a girl. We both miss the other half that neither of us became. And it is that other half whom we are looking for as a lover—someone to make us whole. Understand?”

“Uh-huh,” was all she said.

“Well, anyway, just to wrap up my exposition, these American Feminazis threw away the powers that millions years of evolution gave them in order to hold their own with men. They now try to act the way they perceive men as acting. The result is they make themselves caricatures, neither men nor women, just uncivil she-males, or I should say she-devils. They don’t realize that evolution designed men with certain abilities and women with certain abilities so that they would work together as a team by uniting the missing half with each complementing the other.”

“You must be able to deal with anybody,” Angel said, not really understanding the tragedy that had befallen American women over the past twenty-five years.

“You’re right, but American men are tired of dealing with American Feminazis, so we go to Russia, South America or Asia to find real women like you who know their power lies in their

femininity. Mother Nature evolved men to be attracted to femininity not masculinity. American girls do not realize the power they have given up in their foolish quest for dominance. Some even believe they can exercise the power of both sexes, but combining opposites usually cancels each other out, leaving a zero, which is how many American men see American women. I'm sorry, I'm preaching."

"It's alright. It helps me understand you better," she said as she hugged and kissed me. "Call me if the party ends early. Good night."

### Someday We Will Be Together

At work the next day, I mentioned to Serio the story about retrieving the flowers from the disco. He responded, "This is Russia! She might want you to save your money, so you can spend it on her."

"A possibility," I said as my suspicions temporarily reared their hydra heads again.

Kroll's farewell party for Serio took place at a fancy restaurant, by Russian standards, in the western part of Moscow where the New Russians build their million-dollar "dachas," a term that literally means summerhouse, alongside the plebeian dachas of the average Muscovite.

Most Russians live year-round in city apartments. There is no suburban sprawl as in America, only large forests, steppes or intermittent tracks of dachas. City residents visit their dachas over the weekends or for longer periods of time. The spread of dachas grew out of a need for food rather than a desire for leisure. Under Leonid Brezhnev, the Soviets realized their collective farms could no longer feed the population, so they started providing small plots of government land to large numbers of apartment dwellers to grow food for personal consumption in order to stave off mass starvation. The Government craved out sections of some forests and plains and divided the cleared land into parcels ranging from a tenth of an acre to a third.

Russians planted anything they could grow and eat on these little plots of real estate. They built small cottages and shacks for shelter during the growing and harvesting seasons from early spring to the end of September or October. Apartment dwellers turned into master gardeners eternally searching for seeds, which like everything else were in short supply. On Fridays during the summer, a mass exodus began from every Soviet city. People left work early, jostling each other for seats on trains and buses to get to their mini-farms for tending over the weekend. These little plots of homegrown food avoided starvation for many under the Communists by producing around 80% of Russia's potatoes and vegetables and one-third of the meat and milk. By 1991, 30% of Russia's families supplemented their meals with dacha grown food.

Today, the average Russian still scurries off every weekend in the spring and summer to fend off hunger. Dacha gardens in the late 1990s accounted for 50% of Russia's agricultural production. Also in the late 1990s, the New Russians invaded certain dacha areas, such as western Moscow, outside of the urban centers. The New Russians, or perhaps more accurately old Russians no longer restrained by the Communist Party from engaging in rampant thievery and other crimes, acquired loot and influence to acquire large plots of land on which they build palatial homes. No hunger there. These few have plenty because the many of Russia have next to nothing. The New Russians require lots of security, however, as is always the case with thieves fearing that someone else will do to them what they do to others.

The western Moscow restaurant was decorated as a Czar's hunting lodge to cater to the delusions of grandeur of the racketeers living in the area. The food was ordinary as in most Moscow restaurants. For a good meal, a foreigner needed to eat in the home of a Russian acquaintance. But unless the acquaintance belonged to the class of New Russians, his family

would have to scrimp on other meals the rest of the month in order to live up to the tradition of Russian hospitality.

The Kroll party ended late, but Angel and I still met for a short while on the patio outside her apartment. In the darkness, her kisses changed to longer ones with more feeling. I lightly caressed with the back of my fingers one of her breasts.

“Please don’t,” she said. “I too get excited from touching and need release.”

“Okay,” I complied. I never heard that kind of honesty from American girls. They always try to make a man feel as if they are doing him a favor by allowing him to touch them. American girls are very adept at making a man feel guilty, as if he foisted his natural desires on a reluctant female. In truth, girls reap most of the sexual satisfaction because they enjoy sex more than men; otherwise, they wouldn’t risk the burdens of pregnancy as often as they do. If a man faced the same risk, the enjoyment he receives from sex could never drive him to the same level of promiscuity as the average girl. Angel admitted the power that passionate caressing had over her, and I found that refreshing.

For the next two nights we danced until morning. She wanted to dance and dance all night long. The euphoria I felt when with her and anxiousness when not made me want to be by her side always. We only kissed and hugged, but I was in heaven—I was in love and also exhausted, since I had to work each day. At times I felt like the dancing dead, but as one of the Russian investigators in the office said, “You can sleep later, enjoy yourself now while you’ve got the chance.” So, I enjoyed myself but felt a little hurt when she asked me not to dance so close to her because it interfered with her dance routine. I always saw dancing as a way for two people to join together emotionally by following the impulses for intimacy that the music frees from their unconsciousness. But Angel wanted room to perform, so I remained at a distance.

Besides her dancing, Angel could also sing. On our last night out, she sang to me Whitney Houston's classic "I Will Always Love You," and actually hit all the notes. I was impressed and on top of the world.

My perception of her world grew but it didn't mean I fully grasped it. Her words painted a relentless fight to survive the forces of Russia that incessantly denigrate and threaten not only a person's pursuit of happiness but also one's very existence. I felt deeply sorry for Angel. As happens so often in the Russia that grinds people's dreams under foot, her father turned into an alcoholic when she was eight, and from then on her happy childhood turned into a nightmare. Once when her mother went on tour as a dancer, her father and his drunken friends ate the food her mother left for Angel, so she went hungry for days. Another time when she was thirteen, she said he attacked her sexually, but what exactly happened she wouldn't say. Other times she said he physically beat her and half suffocated her with a pillow. Outside the family she ran into the medieval nightmare of a quasi-Moslem culture. Angel's parents moved from Samara, Russia to Grozny, Chechnya when she was little. Once she reached puberty, she said the men on the public buses sometimes grabbed intimate parts of her body, including between her legs. As a girl in that culture, she told me she couldn't do anything about it. At night she could not venture out after eight o'clock for fear that some man would rape her or decide to carry her off to live with him. In 1991 at sixteen, Angel's mother divorced her father, and mother and daughter moved to Krasnodar. The Soviet Union had just collapsed, and the nightmare of an alcoholic, abusive father and Muslim Chechnya were replaced by the merciless brutality of Russia's market economy relentlessly stalking the two of them she said for destruction, as it did so many other honest and hard working Russians. Angel tried teaching to help her and her mother survive, but the money couldn't even pay for a telephone, so she turned to modeling and dancing.



She told me the modeling jobs Leo had lined up for her during her stay had fallen through because the employers thought her overweight, including the producers of the “exotic” film. In Russia the only type of modeling that pays livable wages is fashion, which requires very thin girls. America, on the other hand, has many different types of modeling that pay well, such as sports. Despite the lack of work, she always appeared cheerful, but must have felt crushed and frightened after coming all the way to Moscow in the hope of earning a couple of hundred dollars only to go home empty handed. I could not imagine the fear that looming hunger created in the breast of this sweet girl. I decided to give her some more money when she left.

Angel asked me to help her get to the airport late Friday afternoon for her flight back home to Krasnodar. I hired Kroll’s driver and his car, picked up a large bouquet of flowers and arrived outside her apartment at the time she wanted, but the driver and I ended up waiting about a half hour—very uncharacteristic of Angel, who always kept close track of the time. During the wait, I realized that she never invited me inside the apartment where she stayed. The one in which Leo housed his models from out of town. Why not I wondered, but then forgot about it when Angel suddenly appeared out of nowhere all a glow, giggly and pleased.

“Where did you come from?” I asked.

“I just shopping.” But she didn’t carry any bags, not even her purse. Before I could ask another question, she beamed, “Oh, the flowers are beautiful. They are so big. How will I carry them with everything else? No matter I will manage, I always do. I carried eight bags when I came back from Cyprus and didn’t lose any of them.” Eight bags—I liked her can do attitude.

“Why so many bags when you flew back from Cyprus?” I asked.

“Oh, I was bringing lots of presents.”

“How many bags did you go to Cyprus with?”

“Two,” she said.

Lots of presents was right, I thought!

I took her aside out of hearing range of the driver knowing how private Russians are about some things. “I hope this will help,” and pressed another \$100 bill into her hand.

“I can’t take this,” she objected. “It’s too much.”

“Take it,” I insisted. “You said that Leo couldn’t find you any work while you were here. This will make up for that.”

“But it is too much. You have to think about yourself,” she pushed. I am always a little surprised when someone, especially a girl, expresses concern for me. Angel had a good heart.

“Look, I can afford it and besides you need it more than I do.”

“Thank you.” She put her arm around my shoulder, smiled innocently and kissed me, “My trip would have been a waste if I had not met you.” That made me feel great.

“If you need more, call me,” I said, not realizing she probably couldn’t even afford the long distance telephone call.

“I couldn’t do that,” she resisted.

“I want to help Angel, so call or write.”

“How can you help me if you are in Moscow and I am in Krasnodar? This is Russia and you are an American. If you need help, you call me.” She said with a knowing smile that puzzled me until I dismissed it as bravado.

“Angel, you, like so many other Russians I have met, underestimate us Americans. Remember we won the cold war, not Russia.”

Looking down into my eyes she smiled a wolfish grin, “But you are in my country now. Russians can be very dangerous—I know.”

“Angel, you don’t get it. I am an American lawyer with resources. I can go anywhere I want and probably solve any problem that comes up.”

“Just keep yourself safe in Moscow and write me.” Her caring made me feel wanted.

She wrote down her address and pager number. “I do not have a telephone, but you can call me at this number at a friend’s house this Saturday around nine in the evening. When you call I will try to answer, but if someone else does just ask for Angelina. Don’t say anything else to them and don’t call that number unless I tell you to.”

“Okay, but why the cloak and dagger?” I asked surprised.

“Russians are very envious. If they think you have more than them, they will make trouble for you—try to tear you down or take what you got. It best to keep your life to yourself unless you sure you can trust someone and that takes time. You are too open, you must be more careful with what you say to Russians.”

“What can a Russian do to me?”

“Oooo, you will be surprised. We have many ways,” she again wolfishly grinned.

Naturally, I ignored her warning, believing it was time for Russians to put away their secretive Soviet mentality and join the civilized world.

“Here, this is to protect you.” She gave me a wallet size card with religious figures on it. “These are icons of three saints who will keep you safe. Keep them with you at all times, Moscow is a dangerous place for Westerners, and I do not want anything to happen to you.” I was skeptical that the reproduction of ancient portraits could protect me, yet a long-time-ago college course in Quantum Mechanics and my recent readings of Joseph Campbell made me realize that as Hamlet said there are more things in heaven and earth than are dreamt of in our

philosophies. Anyway, the card was small and fitted in my wallet, so I ended up keeping it next to my favorite picture of Angel and me at Gorky Park.

“When are you coming back to Moscow?” I asked.

“I don’t know yet but I will let you know. It depends on what jobs there are.”

“Well, I can always come to Krasnodar for the weekend,” I suggested.

“You must be patient. Do not let yourself become crazy—wait for me.”

“Okay, I will wait.”

I held her all the way to the airport with my head on her shoulders. Weren’t these roles supposed to be reversed, I wondered? After all she wasn’t my mother. We kissed goodbye, promised to write and I would call her Saturday evening. Things were going my way. Angel told me on one of our dates that she didn’t have a boyfriend—part of me wanted to believe it but part of me did not. Whether she told the truth didn’t seem to matter at this point. I knew Angel wasn’t mine yet, but I was sure I would eventually win her, as I had every other girl I managed to kiss on the lips. Besides, how could any Russian man compete with an American—an American lawyer at that? Russian guys might act smoother with the ladies, but only an American man will give them respect and compassion.

Riding with my driver back to the office, I asked him did he see where Angel came from when she appeared out of the blue. He didn’t know but was sure she didn’t come from the direction of the shops as she said because he would have seen her in the rear view mirror—bizarre.

On Saturday, promptly at 9 PM, I telephoned the number in Krasnodar that Angel had given me. A middle-aged woman answered, but Angel immediately got on the line. I told her I missed her dearly and asked when she’d return to Moscow. She didn’t know but told me to

“keep my patience.” We only talked a few minutes. I wanted to go on longer, but she had to meet her mother. She gave me a date and time to call her again at that number. On the next call, I talked to apparently the same middle-aged woman in broken English for less than a minute before Angel took the receiver. After another all too short conversation, Angel insisted that I throw the number away saying it no longer worked. As a good lawyer would, I naturally kept it.

Angel changed the way we communicated. I no longer called a number on a specific day and time. She’d telephone to give me a number to immediately ring her back on so that she could, as she said, avoid the costly long distance bills for which she didn’t have the money. I kept those numbers as well. At the end of our telephone conversations, she always said do not call that particular number again unless she told me to. After a while, all of these 007 precautions seemed more ridiculous than suspicious, but every so often I wondered why. I told one of the Russian investigators at work about the convoluted ways of reaching her. He suggested we investigate her. It wouldn’t cost much, but I declined. This was the girl I loved—I should trust her.

### Black Slacks

After a month of coming up to speed on Kroll’s operations for the former Soviet Union, August marked my first month as manager. The six-month contract I signed with Kroll required me to not only direct the detective agency’s investigations and security details in Russia but also improve its administration and market its services to Western companies. Neither the previous manager nor his and now my boss Tiedemann, who worked in London, had a clue about running a business or dealing with employees. Tiedemann also tended to violate both Russian and American laws despite or because of her cop mentality. I had a lot to do, which was good, since Angel was in Krasnodar. One of my tasks involved resurrecting Kroll’s newsletter on the

political and economic situation in Russia that we began sending to the firm's clients doing business in Russia.

The presidential election, unless canceled—such things did happen in the former Soviet Union, would take place in the spring or summer of the following year, 2000. Many contenders were jockeying for position. It was a little unclear, but the Russian Constitution seemed to prevent Boris Yeltsin from running for a third term. As though a law ever stopped a Russian intent on enriching himself, which Yeltsin and his associates did repeatedly. Yeltsin's health, however, made another run for him unlikely unless the Russians were dumb enough, and they weren't, to accept a nearly brain dead President. Yeltsin and his allies had looted the country for seven years, so to continue their plundering his inner circle, whom the press duped the "Family," needed a compliant candidate to succeed the President. But rampant corruption, a criminal economy and the falling standard of living for most Russians made such a candidate's chances of winning the Presidency nil.

Yeltsin chose as his successor Vladimir Putin, the then Prime Minister and former head of the Federal Security Force, known in Russia as the F.S.B. After the collapse of the Soviet Union in November 1991, the K.G.B. was renamed F.S.B. for public relations reasons. The F.S.B. continued to conduct intelligence operations inside and outside of Russia, and is basically a combination of America's Federal Bureau of Investigation and the Central Intelligence Agency. Kroll's investigators used their extensive intelligence experience, contacts and knowledge of Russian politics to conclude that Putin would never win the Presidential election. He was politically savvy in the back rooms but unknown to most Russians, never held elected office and an incompetent manager. Most observers of the Russian scene reached the same conclusion. We sent out our newsletter predicting the party formed by an alliance between the

Mayor of Moscow, Yuri Luzhkov, and the former Prime Minister of Russia, Yevgeny Primakov, was the odds on favorite to win next year with Primakov taking the Presidency. But a year in Russia is an eternity and not just for politics.

On the weekends, I usually worked and took long walks in the Park of Victory where Angel and I used to stroll. I felt lonely and missed her. Once in a while, I'd go out night clubbing with my American friends, but to my mind none of the girls could hold a candle to Angel. They did not interest me, partly because I thought Angel more beautiful, courageous, good-hearted and in need of my help but also I can only go out with one girl at a time. A serial monogamous my friends call me. I never understood how some of them managed to date more than one girl at a time. Where do they find the time and the emotional equipoise? Sex is enjoyable, but I always felt it only made sense with someone I really liked and trusted. Otherwise, why engage in such intimacy that opens the heart and makes one vulnerable to another person. A heart closed with deceit or mistrust prevents not only an emotional but metaphysical intermingling where lovers experience their beings living and breathing inside of each other during sex. Assuming both are capable of multiple orgasms, sex is then a physical act that transposes into a transcendental union with another part of the universe, a living part, that dispels the illusion of being condemned to existing separately and apart. How I dreamed of such a union with Angel despite a sense of uneasiness that she brought into my life. In one letter to her, I wrote:

“I am concerned for you, I worry about you, I want you to be happy and successful. Why? Because I believe the fates have decided to make it so. There is a current running through the universe affecting everything. When a person's intuition accesses that current, it tells him what he must do or what road to take. If he does not, then he will forever regret it as Eugene O'Negin did in Pushkin's play. After the happy week we spent dancing, walking, talking and hugging, it is clear to me that if I have any purpose left, it is to help you.

“As I said, I do not know about the world you work in and, perhaps because of that, I think it is dangerous. However, danger and risk may be necessary in order to pursue your career.

This is usually part of any career; there are always risks that a person must take to succeed. But if you are taking risks or increasing your danger to obtain the apartment, I can lend you fifteen thousand instead of ten, and you can pay me back when you want. Then you can court the world for your career and know that the risks are worth your success.

“I know what you are saying, “Who is this crazy American? Why does he want to help me? What does he want from me? Well think of it this way. You gave me the card with the icons to protect me. I could not have given it to myself because I did not know about it and am not a believer. You know about it and you are a believer, so your concern for me caused you to do what you could in this world to protect me. Well my concern for you causes me to do what I can to protect you.”

I started looking into modeling in Europe and America for I knew Angel didn't have a clue about how to pursue her occupation in the countries that paid good money for models. Russia never had a free flow of information available to the public. Under the Soviets, information meant power, but now under the Nomenklatura freebooters, information means money. Access to government documents is not a matter of right but of cash. Enough hard currency can buy any information the government possesses, and for former dictatorships like Russia, that's a lot. The Soviets and present government officials kept multiple records of everything. A transaction in America that takes one document takes three or more in Russia with everyone in required to sign somewhere. In order to avoid forgeries, Russians perfect complex scrawls that Swiss bankers would envy. Angel must have spent days perfecting her intricate signature. Growing up in such an environment that tightly controls information, Angel could never imagine the wealth of data available to her on modeling in the West.

I checked out a few modeling web sites and ordered a couple of books over the Internet with my credit card. Angel, like most Russians, did not have a credit card. They preferred to pay cash, since it did not leave a record from which the tax authorities could estimate incomes. Neither did most Russians own a computer, and among those that did, few could afford the twenty dollars a month for Internet service. I also contacted a close friend in New York City who used to model for tips on how Angel should go about breaking into the business and even



posted on Kroll's London computer bulletin board, which employees used for personally related messages, that I was looking for contacts in the modeling industry for a Russian model friend of mine. Surprisingly, my London boss Tiedemann responded immediately to my message, but chastised me for posting it because she said "Russian model" meant whore. I almost quit right there and then. A man would not have wasted his time or good relations with one of his direct reports by butting into someone's personal affairs. Where did this lesbo man-hater get off accusing my girlfriend—who was superior to my boss in every way—of being a whore? Decades ago, I vowed never to take a job in which my immediate boss was a Feminazi, but Serio's surprise abandonment of Kroll, a firm he vowed never to work for again, left me the Moscow manager having to deal with a female that couldn't get her sexes straight. Well, at least Tiedemann was in London, had she worked in Moscow, I would have left for New York.

Remembering that Angel had ruined a pair of her black tights by sitting on wet paint at my suggestion during Leo's party, I asked the female, office accountant to suggest a store where I could pick up a pair. She told me to try Gumm, the department store on Red Square. Not knowing Angel's size, I took along the picture of the two of us standing together at Gorky Park. I figured the sales girl could guess Angel's size by comparison. I found the same type of tights, but they carried a price tag of \$120. Who could afford these prices in Russia—only the New Russians. But they were for Angel, so I charged them.

Later, I asked one of the Russian investigators why the accountant would suggest such an expensive store? He said, "Russians use to value intelligence and art but, today, only money. The more you pay the better, even if what you get is not worth the price. Paying a lot enhances your status and shows you are better than others. She naturally assumed you did not want to lose prestige by paying a low price for the tights."

I explained to the accountant the American preoccupation with getting what you pay for or better, not less, and asked her to recommend a place where a person could find bargains for my future reference. She referred me to one of the many open-air markets in Moscow where small merchants group together to sell different wares and where most Russians shop. Every Russian city has these types of markets that first became popular in the middle ages.

I tried sending flowers to Angel in Krasnodar, but Russia did not have an FTD florist system. Just another example of the difficulty of organizing a nationwide payment system for goods because of the fear that someone would devise a scheme for defrauding customers by not delivering the promised products. Russian businessmen do not play fair. The only thing moral to them is what furthers their interests, and they will commit any crime, they will lie and they will cheat and to them that is moral. In Russia, if a businessman tricks someone, it is the victim's fault for not protecting himself. Naturally, a social system of con artists coupled with a legal system incapable of enforcing the rule of law makes economic progress nearly impossible. Russia, however, is not a lawless country. It has the laws on the books necessary for a modern economy to function, but most laws are not enforced because of corruption and the pervasive Russian mindset of not caring what happens to their fellow citizens.

The postal system among cities barely functioned because employees opened mail they thought might contain something of value or just dumped letters in the garbage to avoid the work of delivering them. Angel meant too much for me to allow a heartless culture to crush our burgeoning romance or her hopes, so I sent her letters by DHL and left little messages on her pager such as, "Just a reminder that someone is on your side, thinking about you and waiting to help" or just "Love Roy." Toward the end of August, Angel sent me two very sexy pictures on which she splashed some of her perfume. She, like most Russian girls, had a love affair with

perfumes, probably to help mask the odor when with Russian men who didn't bath very often and rarely used deodorant. One of the photographs showed her evocatively posed, stretched out on a large bed dressed only in a black lace top and black panties. On the back she wrote in red ink "For you Roy! from passionate Angelina," which she covered with a few red lipstick kisses. In the other, a shot from her waist up, she stood in her bra while sexily pulling one shoulder strap down. "Your mysterious Angelina" in red with red kisses adorned the back. The pictures lifted my spirits, but I wondered who took them, most likely an old boy friend. I replied with a message on her pager:

"I received your photographs and put them on the pillow next to mine so that I could smell your perfume the night through and dream of you. Can you squeeze yourself into the next letter you send? Then when I open it, you will pop out. Good idea—right. But if your magic only works on me and not letters, then please send more pictures with your perfume. I miss you terribly. There is no sunshine when you are gone, so let me pay for your trips to Moscow and then there will be lots of sunshine here."

Angel called a few days later to make my wish come true. She would fly into Moscow late Friday evening.

"Will you pick me up at the airport?" she asked.

"Sure," I would do anything for her. "How long are you going to be here?" I naturally hoped a long time.

"I don't know. It depends on my business with Leo. I may go to Mexico with him and another girl to do some modeling." My heart sank. If there was one country I never liked, it was Mexico. Well, I would wait and see rather than worry about something that might not happen.

On the way to the airport with my driver, I stopped at one of the many roadside stands selling flowers. Russians are enamored with flowers. The subways, the roadways are populated with little stands selling all types of flowers even in the middle of Moscow's arctic winters. Driving up to the airport, I sensed that Angel was not going to be in town long and that she

would try to sleep some place other than my apartment. All right, I knew it would take a while to win her. At the airport, carrying a large bouquet of assorted flowers, I scanned the crowd coming off the airplane on the dimly lit tarmac. Many of Russia's airports do not have gantries for deplaning; instead, like American airports in the 1950s, the passengers descend a stairway that is rolled out to the plane. I was anxious not to miss her, which was rather foolish, because in her street shoes at six feet three inches—six-one in bare feet—she stood taller than most and her beauty out shined our girls. I broke out in a smile when I spotted her and waited until she passed through the opening in the fence between the runway and parking lot. We hugged and kissed each other.

“The flowers are great, they are so beautiful,” she happily said.

“How was the flight?”

“I was so tired that I kept falling asleep, but the seats were so small that I kept falling against the man next to me.”

“He must have enjoyed that.”

She laughed, “Can you take me to Leo's? I need to see him tonight.”

Not a problem, since Leo's office was in the basement of the building where I lived. In the car heading to Leo's, I couldn't help but hug her all the way.

“Listen, Roy, I am going to stay in the flat Leo has for his out of town models. Okay?” Angel said. Naturally, I felt let down, but there was nothing I could do.

“You know you can stay in my apartment if you want. Nothing will happen unless you want it to.” I always found that when a girl was ready for sex, she'd make a clear move. All I needed to do was make myself available and wait, so I continued to wait for Angel.

At Leo's office, Angel talked with him privately behind closed doors. When she came out she said, "I guess it is fate. I will stay in your flat because Leo has other girls staying in his place."

"Don't worry. You can have my bedroom; it has a lock on it and I will sleep on the coach."

She smiled assuredly, looked down into my face and ran her hand through my hair as though I was a little boy, "I not afraid. Let's go. I have much to do tomorrow. I will leave early Sunday morning to fly with Leo to Mexico City." Rats! She was going to Mexico; now I began to worry.

"How long are you going to be there?"

"My visa is only for two weeks, so I will probably be back by the middle of September."

For some reason I felt otherwise and said, "No. I think you will be there for a long time."

"That's not possible; my visa is only for two weeks. I will do some modeling and come back with Leo soon. Don't be pessimistic."

"We will see."

In my apartment, I showed her the bed where we innocently gave each other massages a month earlier. She just stood there as if demanding something.

"Don't worry, here are some clean sheets. It's a comfortable bed." I added, but she still just stood there like a princess demanding something. I finally guessed and made the bed for her.

Before going to sleep, we had a bite in the kitchen and talked about her upcoming trip and what she wanted to do the next day, Saturday. Russians tend to spend lots of time sitting around the kitchen table, drinking tea, nibbling on small cakes and talking late into the night.

We didn't stay up very late because Angel was tired from her two-hour flight. She retired to my bedroom, and I prepared the couch in the living room for me. Before turning out the lights, she called me into the bedroom to kiss her good night. When I walked in, she was completely under the covers except for her face and long flowing blond hair. She looked like a defenseless but overwhelmingly beautiful little girl beaming innocently up at me. I kissed her lips and forehead and said good night.

### You've Got The Magic Touch

The next morning, Angel woke me early because she needed to find some medicine before she flew off to Mexico the following day. Finding medicine in Moscow is often an exasperating chore, outside of Moscow—often impossible. We trudged from one pharmacy to another for about three hours until she found a medicine that was an approximation for what she wanted. Under the Communists, Russia did not have an economy dedicated to satisfying consumers' needs and wants because most of the wealth went for guns, bombs and missiles. After the fall of communism, the consumer still goes without because much of the wealth flows into the overseas bank accounts of the crooked government officials.

I asked Angel what kind of medicine she was looking for but only got a vague response of "a preparation to cleanse my body." I couldn't figure out what cleansing the body meant, some Russian health habit probably. I didn't pry and soon forgot about it once she found what she wanted and we headed, at her suggestion, to the Exhibition Center in North Moscow.

The Exhibition Center used to house exhibits touting the latest technological achievements that claimed to make life in the Soviet Union a utopia compared with the West. Because of press censorship, most of the empire's citizens didn't know that the Soviet Union lagged behind the West by years and decades in nearly all areas of modern life except for rockets

and nukes. After the fall of the Soviet Union, Russians finally saw an accurate picture of life elsewhere and realized that their piece of the planet resembled not just a third world nation but more like a fourth. South American countries made better cars and appliances, and I could easily find restaurants in Amazon jungle towns serving food far superior to Moscow eateries. The managers of the Exhibition Center, however, quickly adapted to the new hunger of Russia's citizens for Western ways by setting up an amusement park.

Inside the Center, Angel's eyes went big at the sight of a loop-de-loop and the largest Ferris wheel I ever saw. Something about rides turned Angel from a hardheaded model into an excited, happy little girl. It was as if an eight year old took over the six feet one inch body of this physically matured woman. We chose an open seat on the Ferris wheel that hung its inhabitants out in mid-air 75 meters above the ground rather than an enclosed compartment. At the top, as we looked over the Moscow skyline on an overcast day, the mature woman pushed out the joyous child to wonder how she and her mother would fair in the land of criminals. It made me want to help but also began my understanding of what her agent Leo had meant when he said that Angelina was a very strong-willed girl. She wanted to make it on her own without any charity. Angel next hopped on the loop-de-loop, which I avoided not wanting to lose the contents of my stomach. I took some pictures catching her screams of pleasure streaking along upside down and then grinning as she wobbled off the ride.

After the Exhibition Center, we window-shopped along Tverskaya Street, Moscow's Fifth Avenue but even more expensive. In one shop, I bought her a lipstick for twenty dollars. Outside she cooed it was the most expensive present anyone had ever given her. That shocked me. How could the world not have adorned this twenty-three year-old beauty with suitcases of gifts? I could not fathom such, but here before me stood the evidence. And then it hit me as to

why she avoided kissing on the lips until late at night—she could not afford to put on lipstick more than a couple of times a day. Such desperate straits wrenched at my heart. We crossed the street to Patio Pizza, a restaurant chain that ran Pizza Hut in Russia, probably through some form of unfair competition or threats. During our meal we ended up talking about prostitution.

As the broad-minded condescending liberal, I remarked, “I can understand why someone who does not have enough to eat or decent shelter would sell their body. I could never hold that against any girl.”

I didn’t mean Angel by any stretch of the conversation, but she apparently thought I did and blurted out, “I am not a prostitute. My body not a supermarket.”

“I didn’t say you were. I only said I can understand how a girl in desperate straits could end up working as one,” I quickly replied trying to straighten out the misunderstanding.

Rather than allow the miscommunication to spiral into an argument, she surprisingly said, “You are a man who has a good heart. I don’t meet many like that. You are very special!” That made me feel great and hopeful I would eventually win her love. She added, “I will tell you all about my past the next time we meet.”

That surprised me since I never had asked about her past, which was her business. But if she wanted to talk about it to further our understanding of each other, fine, so I said, “Okay, it’s a deal.”

Next, we went to one of the open-air markets to buy food for dinner, which Angel volunteered to cook. She warned me to watch my wallet because such markets were filled with thieves and con artists—not unlike Russia as a whole I mused to myself. The food was amazingly cheap by my standards, but she haggled over every purchase saving rubles and kopecks and smiling like a cheshire cat after besting some merchant. It turned out that she was



right about the thieves. My wallet did not disappear, but my mobile did. Angel almost broke down in tears, saying, “I should not have brought you here. It is my fault. Your mobile was so expensive, what will you do.”

“Kroll paid for the mobile, so don’t worry about it. You were not to blame. Let’s go back to my apartment and have dinner.”

When she walked into my kitchen, she put on her glasses and changed from the hard bargainer of the market place to a homemaker. She looked ten years older, not just to my eyes but in the photographs. Angel moved effortlessly from one role to another, not just in mannerism, but in her physical appearance as though she could turn from vamp to little girl to businesswoman to housewife at will. I’d never seen anything like that except in the movies.

She made a typical Russian dinner of salad, generic meat and a couple of vegetables. The portions were around half the size of what Americans normally have for dinner, but that is common throughout Russia. I guess people can grow use to not having enough to eat, but then again, Americans over eat.

Angel needed to go to bed early since she had to be in Leo’s studio downstairs at 4 AM to catch her ride to the airport for the flight to Mexico. Before sleep, I gave her a massage like last time that she wanted. I pressed between the vertebrae along her back, squeezed the muscles down each arm to the palm and out to the fingertips and did the same with her legs to the feet and toes. She reminded me to squeeze particularly hard on her feet, which were plenty big, eleven inches. I assumed she suffered from previous athletic injuries, as did various parts of my body from my lacrosse and rugby days. I then tucked her in, set the alarm for the night of early morning and kissed her on the lips and forehead good night. My night turned out to be not good at all. Something I ate kept me tossing most of the time. At first I concluded it was the weird

apples she had bought, but my American anti-acid had no effect. Not only my stomach felt strange but also my brain as it swam through conscious and semi-conscious states all night long. Finally the alarm rang.

We went downstairs to Leo's studio at four in the morning. A few other people were there. I told Angel I'd wait until they left but she said there was no need. I sensed that my importance in her life had instantly diminished the moment we entered Leo's studio. She kissed me goodbye rather quickly, turned and focused her attention elsewhere. No long goodbyes for this girl. I felt sick anyway, so I went home to slip between the sheets that still smelled of Angel and dreamed of salvation. But the next night while lying in bed I knew that whether Angel brought salvation or destruction, I would win in the end.

#### You've Really Got a Hold on Me

The workload at Kroll picked up dramatically in September as business always does at that time of year in Russia. The old totalitarian regime created behavioral patterns among Russians that continue to persist following the collapse of communism. The entire country virtually closes down in August as much of the population flocks off on their vacations to tend their dacha vegetable gardens. Another mass vacation takes place in December from just before the 25<sup>th</sup> until the middle of January. During this time, it seems the entire country goes on a three-week drunk that makes it impossible to get anything done.

Some widespread behavioral patterns reach deep into the personalities of Russians. Pretty young Russian girls always appear happy and pleasant toward men with influence and money, especially foreigners, but bitterly critical and deprecating of young Russian men just starting out, and nearly all Russian guys tend to exhibit a strain of moroseness as though some plague pursued them their entire lives.

Part of my job at Kroll required me to educate some of its Western clients to the reality of doing business with Russians. I usually told our clients that all Russian businesses and organizations operated to one degree or another outside the laws of accepted commercial activities in the United States and Europe because if they didn't, they couldn't survive. For example, any venture needed the protection of local, regional or national public officials or it was doomed. Protection meant paying bribes directly, or laundering the money through charitable organizations, or providing a hidden ownership interest in the commercial venture. The trick for any business venture was to remain friendly with the politicians who were in power at the moment. One Western bank had invested large sums with a Moscow conglomerate that had excellent connections with Moscow's Mayor Luzhkov but poor relations with the people around Yelstin—the Family. In early September 1999, it looked like Luzhkov and Primakov's political party would win the Presidency the following year, but a victory by the Family would endanger the bank's investments.

Most of the work at Kroll consisted of investigating the backgrounds of various Russian businessmen and their companies with which Western corporations were considering dealing. Kroll focused on determining whether the Russians were sufficiently crooked to assure favorable treatment by the government but not so crooked as to abscond with all the Western investors' funds or goods, which tended to happen quite often, or create a public relations nightmare for the Westerners. Some of our clients nearly stumbled into business relations with the worst elements of Russia's criminal business world—the Chechens. Mayor Luzhkov and his administrators were making lots of money by allowing a Chechen Krisha to operate in certain areas of Moscow. Chechen gangsters are ruthless even by Russian standards and by no means stupid. They maintained control of various business facilities, such as the Armand Hammer Center, by using

assassinations and political clout. An effective combination in Russia, especially when assassins tended to use bazookas the way American mobsters once used Tommy guns.

One of Kroll's clients was considering a deal involving the Armand Hammer Center until we verbally warned its officers to stay away. A deal with Chechen gangsters could not only result in horrendous publicity for the company but also threaten the lives of its Moscow executives if a dispute arose. You don't take Chechen gangsters guys to court. Our giving of a verbal rather than written report was required by Kroll's policy in Russia of keeping references to specific organized crime activities out of its documents in order to prevent retaliation or their use by the government against Kroll.

Generally, Kroll was on the side of the good guys who just wanted to make a reasonable profit in Russia even though it required practices frowned on by the American Government. But part of one case came our way through Tiedemann, the European head in London, who allied Kroll with two of the worst in Russia. Tiedemann accepted as clients the monopolists of Russia's aluminum industry, which nearly caused a revolt in the Moscow office by the Russian investigators. The two Chernoy brothers had recently gained near complete control of the aluminum industry after years of competition, bloody even by Russian standards, in which at least forty persons, including business executives and even government officials, were murdered.

The aluminum war began when the Chernoy brothers used their influence with the Family to get Yeltsin to sign a decree that exempted aluminum shipped aboard from export tariffs. The tariff exemption allowed Russian aluminum manufacturers to sell ingots below the world price but still make large profits that they siphoned into overseas bank accounts for themselves and friendly officials rather than reinvesting to modernize Russia's aluminum industry. In effect, the decree gave aluminum manufacturers the green light to loot the industry.

The promise of profits was huge, and, as it turned out, so was the death rate as manufacturers battled for control. In the end, the Chernoy brothers won; their competition peacefully at rest six feet under. But the allegations of their criminal acts, evidence and many witnesses still lived. So the brothers hired Kroll to find out which agencies and individuals had information on their aluminum war activities that might cause them problems in the future. Tiedemann accepted the contract with the Chernoy brothers because the price was right. And she accepted the contract even though it was a conflict of interest, since Kroll had previously investigated the Chernoy brothers for another client. Kroll provided the brothers with the information requested, and they most likely purchased the files of incriminating evidence from various Russian agencies—not an uncommon occurrence. The F.S.B. in 1999 would sell its files for around \$50,000. As for the witnesses, I can only imagine what happened to them.

On any case, the way Kroll determined who knew what went to the heart of acquiring information in Russia. Every person with information, from close associates of the President, to the F.S.B., to the police, to the neighborhood librarian, will sell it for the right price. In the Bank of New York money laundering case, one source close to the Family and knowledgeable about the transfer of money overseas wanted \$200,000 for his information because he would have to disappear once he provided it. The Bank, however, was not interested in paying that amount. Generally the price for information depended on how much danger its release to the public would put the informant in.

A week after Angel left, I called Leo's agency to check on their return date. The secretary told me Leo and Angel were coming back late Friday night on September 10<sup>th</sup>. I couldn't wait. Angel hadn't sent me any word from Mexico probably because she was busy. But it didn't matter; she would be back soon, and I would be at the airport to meet the love of my

life. I'd give her the short letter I had planned to send her in Mexico but couldn't because I didn't have an address. It told how I felt, which made me confident that my sincerity and empathy would move me closer to her heart:

“When you left this last time, I felt lonelier than the first time. Will my loneliness increase every time you leave?

“Being a dancer in a club and model must be very difficult. To enjoy doing something but to face criticism for doing it requires much more strength than most people have.” (Angel told me that most Russians look down on go go girls and models.)

“I wish I could protect you from all the idiots of the world, but then you would not grow to your full potential.

“I am you and you are me. Is that possible?

“I hope you are all right. I, however, am not since you are far away and I worry much about you. Yes, you are a mature woman, but trouble, like men, is attracted to beautiful ladies.”

The night of Angel's scheduled return, I left work early to change into all black clothes and splash on the cologne that she liked. Angel was very fashion conscious and thought Russian men in basic black dressed better than any men in the world. However, their failure to bath regularly or use prodigious amounts of cologne turned her off. I made sure not to make that mistake. I met my driver, picked up a bouquet of pink roses because they reminded me of my guardian Angel, and we headed for the airport and a new chapter in my life.

Moscow's international airport Sheremetvo 2 is located in the middle of a forest only about fifteen minutes from the high-rise buildings of the city. Unlike New York City where office and apartment buildings gradually transform into suburbia, many parts of Moscow abruptly change from high-rises to dense forest. There are sections where one side of a road is lined with apartment buildings and the other side with woods. Russia lacks a middle-class, suburban population. Cities do have enclaves of upscale houses, but these are owned by the New Russians, the new thieves, and hardly middle class. The vast majority of Russians live in cities while the poorest occupy small villages scattered throughout the country consisting of houses built before the 1917 Revolution that lack hot water and modern toilets.

Driving down the lonely road to the airport surrounded by fields and forest, I looked at the night sky and felt that something was not right, but quickly pushed it out of my conscious for I would soon rest my head on the shoulder of my very tall soul mate. My driver and I arrived early and luckily found a couple of seats in which to wait. Moscow's premier airport lacks a lot, such as enough terminal seats, toilet paper and orderly lines—true everywhere in Russia. The concept that each person has a right to a spot in a line based on when he shows up does not register with Russians. They believe in the mob approach with everyone trying to cut in front of others or jostling their way to the front. Perhaps living in a society of limited resources where the last in line might starve keeps Russians behaviorally stuck in the middle ages. Angel would often just walk up to the front of a group amassed at a window as though no one else was waiting. Usually the most aggressive line cutters are New Russians who think of themselves as the new nobility. Perhaps they are for the average Russian never speaks up to object.

When McDonalds first opened in Moscow, the line stretched down the block between two rows of metal barricades. The space between the barricades was wide enough for three people, but only two stood abreast, with one lane open. I could not figure the reason for the open lane until I saw New Russians and their black clad bodyguards using it as a passing lane to cut in front of everyone else. That ticked me off, so I stepped into the passing lane in order to block the cheaters but still kept my place with respect to the others in line. Some New Russian thugs came along, clearly realized I was an American by my Brooks Brothers' suit, so they made a detour around me by pushing out of the way the Russians who were standing next to me. None of the assaulted Russians said a word. Once while at a nightclub in western Moscow where friends of mine in the band "No Problem" were playing, a New Russian simply pushed me out of the path

he was traversing across the floor. When I responded with a few choice words in English, he said, “Oh, you are an American. I apologize.” Guess if I was Russian, I’d have ended up dead.

Sheremetov 2 consists of one passenger terminal, dimly lit, and decorated in bleak colors with many employees scurrying about apparently accomplishing nothing in a very rude manner. Dealing with Russian bureaucrats, such as custom officials, requires an ability to act convincingly as either a supplicant or comedian. Bureaucrats wheel power in Russia virtually unrestrained as to which rules they will enforce or ignore. They are controlled only by their superiors, assuming their superiors know and care about an underling’s arbitrary actions. There are no effective appeal procedures within the administrative or legal systems for challenging a government official’s decision other than a “gift” of hard currency or some other valuable item. To avoid the cost of bribes requires winning over bureaucrats before they dig in their heels.

When dealing with female officials, it’s best to figuratively prostrate oneself, for as with any girl with the upper hand, they are intransigent driven by a personal desire for the mass settling of old scores. With male bureaucrats, situational humor works, the more absurd the better. The men generally waive me through laughing because they realize the absurdity of the system in which they live. The females do not. Their souls, like many American feminists, emanate a hatred for men. The feminists blame men for everything that ever went wrong in their lives, including the decisions they consciously and willingly made. The reason for such hostility in Russian females comes from the simple fact that as between the sexes, Russia is a buyers market with females the sellers. In the 15 to 64 age group, there are 3.5 million more girls than guys out of a total of 102 million. The large disparity in numbers drive females to spend heavily and devote much time to advertising their wares, that is, their bodies. Their skirts are shorter and slit higher; their blouses more transparent and cut lower; their walks, mannerisms and smells



more feminine; their duplicity more insidious; and their goods sold more cheaply, which requires more customers to make a living.

When I saw that Angel's plane had landed, my heart pounded and I headed for the gate with my flowers. I saw her agent, Leo, exit from the gate first, and I knew her beauty would soon enter my eyes to touch my heart. I waited and waited but no Angel. Hopefully, she was tied up waiting for her luggage or perhaps was coming on another plane. Leo saw me and came over.

"Where's Angel?" I immediately asked.

"She has decided to stay in Mexico for three months more."

My dream shattered.

Leo saw the destitution in my face and quickly said, "She wrote you a letter and asked me to give it to you."

I took it with renewed hope, ripped it open and read. My heart broke. Leo had delivered a goodbye letter.

Leo tried to cheer me by saying, "She likes you Roy, but she needs to make money to buy an apartment."

I turned, tried to throw the flowers into the trash bin but my driver stopped me, so I told him to give them to his wife. We left, but as we were leaving in the car I reread Angel's letter. Because of her rudimentary English, I could not determine whether any hope for my dream remained. I saw Leo walking to his car as we waited to exit the airport parking area. I needed more of an explanation about what Angel was trying to tell me in a language not her own and why she stayed in Mexico. So I jumped out of the car and ran over to Leo.

“Leo, I don’t understand from her English whether she is telling me she likes me but we will not see each other again, or whether we may meet again. Did she talk to you about her letter?”

“I told Alina to write the letter in Russian so she would be sure that she was telling you what she wanted. You could then get an accurate translation, so there would be no miss communication. But she is very head strong and said her English was good enough.”

“I wish she had listen to you,” I anxiously said. “Now I have a letter that I am not sure what it says or what she is doing in Mexico.”

“She is safe and dancing in a club whose owners I know well,” Leo said.

Somehow that did not relieve my anxiety for her well-being. I disliked Mexico and didn’t trust most Russians to tell Americans the truth about anything. It seemed they always tell Westerners what they think Westerners want to hear. My Russian friends said it was because Russians do not want to hurt another person’s feelings. I found this ridiculous, considering the history of brutality in Russia and the present day disregard among Russians for their fellow countrymen.

Every spring, the melting snows reveal the bodies of senior citizens in the outskirts of Moscow. They didn’t commit suicide; they were murdered. These seniors, usually without families or close friends, were tricked into signing over their apartments for promises of cash, which they needed because their pensions didn’t provide them with enough to survive. If they refused to sign, their signatures were forged. They were then killed and dumped in the snowdrifts on the edges of Moscow. The value of even the smallest apartment rose dramatically in Russia’s criminal economy so as to make the murder of pensioners lucrative. If the victims had relatives or friends living with them, the murderers’ scheme would fail because Russian law

requires everyone living in an apartment to consent to its transfer. The organized gangsters that commit these crimes would have to kill everyone in the apartment or forge all the tenants' signatures—unlikely even for Russian mobsters.

The police could easily track the gang of criminals responsible because all levels of government still keep records on just about everything and everyone. Both the Czars and the Soviets collected vast amounts of information on citizens in order to identify potential opponents. Any totalitarian regime needs extensive information on the population or risk losing control of its subjects. Since old bureaucratic habits die-hard, government agencies continued to collect lots of data on people and activities. Every person whether resident or visitor within any city or town in Russia, must be registered at a local address. The police periodically canvas apartments to determine who lives there. Once an officer knocked on my door and took my name and business telephone number. With all that available information, identifying a body, connecting it to an apartment and tracking down the persons who took over and then sold that apartment should be easy, but no one cares because most of these pensioners were alone.

Russia is a land without mercy. Government officials are too busy looting the country and the average Russian too busy trying to survive. No one has the time or instinct for compassion or civility. The brain's neuron center for empathy is distinctly lacking in Russia: ethics is what someone can get away with. For protection and survival, Russians band together into extended families of relatives and friends in which members control each other through a Kafka-type psychology rooted in fear. Anyone outside the family does not count. Anyone within the extended family must be protected because the survival or prosperity of all members depends on everyone. Each extended family engages in whatever activity, illegal or immoral, it deems necessary to further the economic interests of their collective whole. This social structure

of extended families, which often evolve into RICOs, include the poorest households in the provinces right up to Yeltsin's inner circle and now Putin's.

Leo saw the doubts run across my face as to Angel's safety and her feelings for me. He told me to stop by his office the next day, and we would talk. I agreed and went looking for my driver whom I could not find, so I hailed a ride home. All the way, I thought about the scene from the movie Casablanca where Humphrey Bogart waits for Ingrid Bergman at the Paris train station until his piano friend shows up with a good-bye note from her. As the train pulls out with the rain pouring down, the look on Bogart's face expressed the dejection I felt and the way he threw away the note, my disgust for Angel's actions.

Lying in bed that night, my instinct told me to forget this girl, which is what I usually did when a girlfriend or potential girlfriend acted with such inconsideration. But in the discontent of middle age and having lived too long among overly psychoanalyzed New Yorkers, I decided to try the therapy cult's approach and "work" at this budding relationship rather than terminate it.

### Do You Love Me

Before meeting Leo the next day, Saturday, I read and reread Angel's letter looking for some evidence that she cared for me and was safe. She opened the letter with, "Written to you your Angelina." And closed with, "I kiss to you a lot and embrace too much." But in between she left open whether we would see each other again because she decided to stay in Mexico for apparently an indefinite length of time to make money to buy an apartment. She did, however, include a different address than the one she first gave me for sending letters. The new address was her home in a village outside Krasnodar where she lived with her mother: Yablonevsky in the Adygea Republic. So whose address was the original one she gave me, I wondered? Angel thanked me for the presents I gave her, said I had a good heart and soul and wished that my

dreams come true. That didn't seem possible since I dreamt of her. From the letter, Angel apparently enjoyed Mexico, meeting many people through her dancing and modeling and going to Acapulco for a photo shoot. But the letter only made me feel more alone, dejected and concerned about her. Did this girl care about me or not? Was she safe, or did Leo force her into indenture servitude to Mexicans? Maybe I would catch a flight to Mexico City for a long weekend to find out.

I left my apartment to see Leo, intent on finding out how to reach Angel. I walked down the speakeasy type steps to the door with multiple locks, a metal bar and a peephole and stepped into the world of Leo's Russian modeling business. As always, an attractive young lady showed me into his office where I sat in the chair that put me at least a foot below Leo seated behind his desk.

"So how can I help you with Alina?" Leo began.

"I really care about this girl and don't want anything bad to happen to her," I warned. "I'm worried about her alone in Mexico."

"There is nothing to worry about," Leo said. But I couldn't tell whether his statement genuine or feigned. "She is safe. She dances in a high-class club where nobody can touch her and is escorted to and from work by guards. I know the people who run the club and they are legitimate, strictly business." That only increased my concern. "Strictly business" in Mexico meant to me that anything goes in the pursuit of money, and Angel might be trapped in a situation not of her own choosing.

"How can I contact her? What is her telephone number? She didn't give me a number in the letter." My imagination played scenes of Leo selling Angel to a band of Mexican white slavers who made her write the letter. It all made sense for a detective thriller. The one person

with the resources to save Angel was I, an American lawyer working for a worldwide detective agency. So in order to get the American out of the picture, the Mexicans force his girlfriend to write a goodbye letter, breaking his heart and demoralizing him from looking any deeper into the situation. Well, it wasn't going to work.

I continued, "I want to talk to her Leo, I want to make sure she is okay. You understand my concern."

"Of course, I don't know how to reach her, but she will contact me in a week or so, and I will tell her you want to call her."

Leo must have thought me an idiot. Who was he kidding that he didn't know how to contact someone working for him in a foreign country? My suspicions multiplied. Why was he trying to keep me from talking with Angel? I didn't let on that I thought he was hiding something so as to keep him from suspecting the plan forming in my head to find Angel. I changed the conversation to try to find out more about Angel and her involvement with Leo's modeling agency. Leo said Alina was a good girl from a poor family, and that he had found her some modeling work in Moscow over the years. Her first job paid \$50, and for her the money was magical because she never thought she would ever earn so much in such a short period of time. Angel told me the same story about how excited she was on earning her first \$50. To her it was a miracle. I did not understand the importance until I used some of my business school skills to estimate the economic value of \$50 to a Russian from the provinces. The equivalent for an American was \$1,000.

The residents of Moscow and St. Petersburg refer to the rest of Russia as the "provinces" and consider the people living there, whether in city or village, as country bumpkins: unsophisticated, poorly educated, crude and greedy. Russian men from either of these two cities

say a girl from the provinces makes a good housewife because she will be forever grateful to her husband for bringing her to Moscow or St. Petersburg. The reason for any gratitude lies in the economies of the two cities that far outstrip any other areas of Russia. A young Russian on his or her own can find work of some type in Moscow or St. Petersburg to make enough to survive and help his or her family mired in the poverty of the provinces. But Russians cannot just pack their bags and head to Moscow or St. Petersburg looking for a job. All Russians must carry an internal passport that lists where they live. When they travel outside their hometown, they must register with the police department in the city they visit. If they stay in a hotel, the hotel handles the registration, but if they stay with friends, the police may deny them registration without a bribe that many cannot afford. Throughout Moscow and St. Petersburg, the police randomly check registrations. A person caught without the proper registration will end up on a train back home or pay a bribe either in money, sex or some other valuable commodity.

Since Moscow and St. Petersburg are virtually the only places that provide a decent chance to make a living, registration in these cities means escape from a dead-end life of poverty in the provinces. Both guys and girls from the provinces look for spouses in Moscow—their ticket to a better life. Many beautiful girls from the provinces flock to Moscow and St. Petersburg to sell their assets in the lap-dancing clubs, casinos and brothels in order to earn enough money to support their families at home and live the glamorous life. When a cop catches one without a proper registration, she'll pay the bribe with sex or some of the money she earned selling sex.

After I left Leo's agency, I decided to put my plan for finding Angel into action. I did not trust Leo and had heard too many stories from the American media of innocent young Russian girls lured overseas with the promise of good money from legitimate jobs only to have

their passports taken away and forced into prostitution. This was not going to happen to my other half. And besides, how difficult could it be to find a six-foot-one Russian blond go-go dancer in a club in Mexico City. All I needed was a private detective.

In the evening, an American friend working at Credit Suisse called to invite me to a party at one of Moscow's nightclubs.

"I'm not much in the mood for going out Vadim." I said after telling him my tale of woe.

"You are going to have to get over her Roy and this is the way to do it."

"I don't want to get over her. I want to find her and talk with her."

"You're not going to find her tonight so come with us."

Not wanting to spend the night in my apartment, I met him and his Russian lady friends at Vermel's. The girls were all very pretty and nice and listened to my tale of woe about Angel. My friend, who had immigrated to America from Azerbaijan when a child, asked me, "Do you still think that Russian women are more desirable than American?"

I answered, "Definitely, they are more feminine, tougher and understanding than all these American girls who try to act like men by forgetting what sex they were born as."

"True, Russian girls are more feminine, but perhaps that makes them more deadly," he laughed. "Here are three beautiful Russian girls and many more all around you to help you forget Angel."

Vadim's friends all smiled deliciously, but I couldn't forget about Angel. I worried that her obsessive drive to make money to buy an apartment may have led her into doing something stupid or dangerous. I went home and wrote Angel a letter; assuming she would receive it some day, in which I quoted from a Rock 'n' Roll song:



“Wherever you go, what ever you do, I will be right here (or in New York) waiting for you. Whatever it takes or how my heart brakes. I’ll be right here waiting for you.”

My personal concerns soon seemed small compared to events in Moscow. Terrorists began randomly blowing up apartment buildings in September 1999. Hundreds of innocent human beings died in these explosions that turned high-rise apartment buildings into piles of rubble. The authorities were helpless at catching the culprits. Psychics tried to predict which apartment houses were next. Residents set up night patrols to spot any suspicious persons or cars near their buildings. Many husbands and wives sent their children and grandparents to their dachas in the countryside to get them out of harm’s way. When I went to bed at night I wondered whether I would wake up under tons of bricks.

Yeltsin’s Government and the media, still subservient to the Federal Government, blamed the Chechens. Some of my Russian friends who were highly educated cursed the Chechens and wished death to all of them including the children. Most Russians see Chechens as primitive life forms worthy of extinction. I knew the Chechens were brutal but did not think them so stupid as to incur the wraith of a militarily stronger country whose rank and file population despised them.

My knowledge of Chechen criminal activities came from the first case I worked on For Kroll. The Moscow City Government wanted an American firm to manage a hotel-conference center. We discovered that Chechen organized crime ran the hotel, conference center and shops and provided the entire complex with services from laundry to protection to prostitution. The murder of two influential executives at the complex had also occurred, which was par for the course of lucrative Russian businesses. The American company at our suggestion declined to take the job. From our investigation, I learned that Chechen mobsters ran valuable businesses throughout Moscow and most of their profits flowed to Chechnya. Chechen and the Slavic

Russian mobsters had divided up Moscow by regions and industry while Mayor Luzhkov made sure that the two operated more or less peacefully and paid tribute to his city government.

Luzhkov and his inner circle not only exacted a share of the wealth from Moscow's criminal activities but ran their own illegal enterprises. At times it was difficult to distinguish between the activities of the city government and organized crime groups.

Russia's national police force, the Ministry of the Internal Affairs, or M.V.D., and the F.S.B., were both controlled by Luzhkov's opponents Yeltsin and Prime Minister Putin who used the bombings to crackdown on Chechen gangs in Moscow by deporting and jailing members, which cut deeply into Chechen criminal profits along with the tribute paid to Luzhkov. At the same time, the bombings undermined Luzhkov's image as an effective, strong leader because he could not protect city residents from the bombers. The Yeltsin dominated media raised questions about Luzhkov's competence and whether he was fit for the vice presidency for which he was running with his ally Primakov going for the presidency.

The damage that the aftermath of the bombings did to Mayor Luzhkov's political standing and Chechen criminal activities made it unlikely that the Chechens were responsible for this latest round of butchery. The people behind the bombings knew how to manipulate Russian fear and hatred of the Chechens. Some Russian professionals in the intelligence field blamed Prime Minister Putin, then Yeltsin's candidate for President, and his supporters as the culprits. Putin was running a near dead last in the polls to replace President Yeltsin, but after the bombings and resulting wave of hysteria sweeping Russia, the population clamored for a strong leader to put an end to Chechen terror.

At the time, Russia was technically in a state of war with Chechnya over its invasion of Dagestan in August, but the public was generally opposed to supporting a second Chechen war

just three years after the end of a previously costly and largely failed conflict with Chechnya. That all changed with the bombings. The Russian populace now wanted to destroy Chechnya, and Putin jumped into the lead for the Presidency, surpassing the alliance of Primakov and Luzhkov.

Chechnya has been a pawn in Russian power politics since the late 1700s when Catherine the Great's imperialistic ambitions expanded Russia southward. Catherine gained military control over Chechnya by treaty with Georgia but suffered defeat when she tried to exercise it. The Chechens and Russians have fought each other off and on ever since. The two populations differ in ethnic background, language and religion. Most Chechens are Sunni Muslims while Russians are usually Christian Orthodox, or at least profess to be such. Under the Soviets, many Russians at the Government's urging emigrated to Chechnya where they formed the ruling elite with the best jobs, the most perquisites and all the power that they arbitrarily exercised to further their own self-interests.

Chechnya made the perfect scapegoat for Putin's ruthless drive to power even when it looked like the Chechens didn't do the bombings. On the evening of September 22<sup>nd</sup>, with all of Moscow on alert, the bombers targeted an apartment building in the city of Ryazan, southeast of the capital. A resident of the building noticed strangers moving heavy sacks into the basement from a car. He called the police, but the strangers escaped before the cops arrived. A test by the police showed the sacks contained explosives. As the police blocked all roads from the city searching for the suspects, a telephone company employee overheard a long-distance conversation between the F.S.B. office in Moscow and individuals in Ryazan. The person in the F.S.B. office warned those in Ryazan to take care and avoid the police patrols that were looking for the bombers. Apparently, the F.S.B. was warning the bombers. When the story broke, the

F.S.B. lamely claimed it had placed the sacks in the basement, but they contained only sugar and it was merely conducting a training exercise. The resulting investigation by Russia's attorney general went nowhere because of stonewalling by the F.S.B., and the lawyer appointed to a public commission to conduct an inquiry was arrested before making his findings public. Witnesses did identify an F.S.B. agent as renting the basement in one of the bombed buildings in Moscow, but the agent then died in a car crash in Cyprus. In the end, the Russian courts adopted the F.S.B.'s conclusion that a couple of Chechen warlords were responsible. As an American executive told me, "What a frigging amazing place! The Government butchers innocent civilians so the powerful can remain in power, and on top of it all, the population knows the Government lied but still supports its war in Chechnya."

At least Angel did not face the danger of living in Moscow. But what other dangers confronted her in Mexico City. I finally tracked down a private detective in Mexico City through one of our Moscow subcontractors and was just about to hire him when Leo called to say he received a fax from Angel telling him to give me her address and telephone and fax numbers. So, just as I suspected, he knew all along how to reach her but refused to tell me. Why the secrecy? Oh well, maybe he didn't understand the nature of my relationship with her.

I called Angel right away. It was three in the morning her time, but she picked up.

"Hello Angel, it's Roy."

She giggled like a little girl, "I am glad you called. So Leo gave you my number."

"Yes. Are you okay?"

"Yes, I am fine. Leo told me you were worried about me, how sweet."

"When I read your letter, I couldn't understand why you said we would never see each other again. I thought you were being kept in Mexico against your will."

“Oh Roy, don’t worry,” she said seriously. “I am safe doing the work I want. I wrote the letter to thank you for your help. You told me your contract with the firm in Moscow was over in December, and I don’t know when I will leave here. I don’t think we will see each other again because you will go back to America before I return.”

My heart sank, but I wasn’t dead yet. “Angel, the contract might be extended and if not, I have enough money saved so that I can stay in Moscow for a while past December.”

“You can do that?” she sounded surprised.

“Yes, for a while. I don’t want to lose you. Besides, you did ask me to wait, so I will wait. Do you have any idea when you might be coming back to Moscow?”

“I am not sure; it may be three or four months. We will see what happens.” Not exactly what I wanted to hear.

“What type of work are you doing?” I asked.

Somewhat vaguely she answered, “I do modeling and dance in a club here. I just got home from work when you called. The club is very nice and the food is excellent. I have to watch my diet or I will get fat like I did in Cyprus.”

“I met you when you came back from Cyprus and you didn’t look fat to me.”

“Phew, I was almost as fat as when I first wanted to be a model at sixteen.”

“Well, I didn’t think so. What is a good time to call you?”

“I start work at 2:30 in the afternoon and leave at 2:30 in the morning, so I am usually home by three.”

“That’s a long work day!”

“I know, but I need the money to buy an apartment for me and my mother.” Once again her single minded drive for an apartment troubled me, but I admired her tenacity and courage to

go after what she wanted. For it was a worthy goal—a comfortable and safe home. Everybody wanted that, even me.

“Is it safe leaving work so late at night?” I asked, my concern still showing.

“Yes, the club bodyguards escort us girls to our apartment. You have nothing to worry about Roy. We are well taken care of. The apartment is lovely with a color television. I share it with two other girls who dance at the club.”

“Is this a good time to call you from now on?” I again asked to make sure and a leave my fear of annoying her with late night calls.

“Yes, and fax me your address and telephone numbers in Moscow, so I can write you or call you.”

“Will do.”

“I kiss you and hold you,” she seductively whispered into the telephone.

“I love you and miss you,” I said as she giggled her goodbye.

The following Saturday, somewhat to my surprise, my waking mind came face-to-face with a decision I needed to make between two alternatives: whether to forget about Angel or continue to pursue her? Apparently, my unconscious had processed the past two months of my involvement with this beautiful and talented Russian girl to put me in a position where emotionally I could go either way. Each of the two times Angel left, I felt miserable right afterward, but within a week or so the symptoms evaporated. I couldn’t figure out why if I loved her. Ten years earlier, I would have forgotten about her because her actions and my intuition signaled too many warnings. Besides, all my life I knew I should avoid marriage. I used to refer to it as the one stupid mistake I never made, but behind the flippancy laid a serious warning. Yet

now in middle age, I was thinking in a very conformist and for me peculiar fashion that I was missing part of life by never marrying.

Changes in a person's philosophy generally do not happen at once but germinate in the unconscious mind until an external event brings to light a different belief. In the couple of years before meeting Angel, my reading of Joseph Campbell's writings and Wolfram von Eschenbach's *Perceval* probably worked on my unconscious waiting for an event to convince me I was missing a key aspect of living—uniting with my “soul mate” or “other half”. Campbell's books on mythology often referred to the popularization of romantic or “courtly” love in 12<sup>th</sup> century Europe as epitomized in the book *Perceval*. The troubadours in the 12<sup>th</sup> century started singing of a higher reality accessed through romantic love that united men and women in a bliss filled metaphysical union that partially satisfied man's eternal yearning for feeling connected with what lies behind our perceptions of reality. Until the troubadours' popularization of romantic love, the primary relationship between a man and a woman consisted of marriage as a political and economic partnership. The advent of romantic love augured our modern day Western concept of people marrying primarily for love and not economic advantage.

Now that I met Angel, I thought, maybe the troubadours had discovered something, and all those moon, June, swoon, love tunes expressed more than the pleasures of sex or the security of companionship. When reading Campbell's *Creative Mythology*, I even created a visualization that represented the ideal life for me, assuming romantic love was not just another female illusion for manipulating men. Standing facing me was a tall, beautiful blond women representing my other half and me her other half. Into our metaphysical union flowed art from her talents and vocation and physics from mine. Together we helped each other achieve not just material security but the joy of pursuing the work for which we were born and the peace of

feeling united with each other as part of the universe. Angel seemed to fit the bill. Besides dancing and modeling, she drew, acted and sang. Here was my chance to achieve my dream life, so I decided to pursue her until I won her. I vowed to call and write her once a week.

The bombings in Moscow and other cities subsided a couple of weeks later, but the out cry for revenge grew as Putin and the oligarchs backing him used their control of the media to fuel Russian war fever with stories of atrocities committed by Chechens against Russians living in Chechnya. Unlike in America, the Russia's Federal Government still controlled key industries, including the media, through direct ownership, state oversight committees and private owners who owed their newly gained business empires to connections with Yeltsin's inner circle. Putin and his allied oligarchs easily manipulated the news in order to mobilize most of the population behind Russia's troop invasion of Chechnya in October.

In order to assure victory in the presidential election for 2000, Putin needed news reports of Russian victories with relatively few Russian troop casualties but many Chechen deaths, whether civilian or military did not matter given the hatred of the Chechens. Stories of Russian military successes in which reporters depicted the Chechens as barbarians filled most of the airways and newspapers. Media outlets controlled by oligarchs beholden to Yeltsin and allied with Putin fired any newsman who dared to report both sides of the war. The few independent newspapers and television stations reporting on the brutality of both Russian and Chechen fighters ran into harsh criticism from Putin's media cronies, fell victim to hostile business takeovers by Putin's oligarchs, and faced sanctions from the Media Ministry for interviewing Chechen leaders. Independent news outlets were even raided by government officials searching for evidence of tax evasion or other law breaking—not hard to find about any Russian business, or individual for that matter.



Most Russians, but not all, violate laws, agreements or other social or moral obligations when it is to their advantage. Russia is largely a country of liars and cheaters because survival under the Communists and Czars required chicanery and mendacity to survive or get ahead. The insatiable demands for bribes by the ubiquitous bureaucracy over 500 hundred years did not instill a sense of honesty but rather the belief that dishonesty was the best policy. When Lenin took power, he only changed the heads of the government agencies by replacing nobleman with Communist Party members. The rank and file bureaucrats remained to continue the tradition of bribery and the arbitrary exercise of power that bled away the value created by industry and stifled individual initiative. After Czarist rule and communism, the law of dishonesty is probably genetically encoded into most Russians. No one could have been a supporter of the Czar or Communist who did not suffer a horrible conversion that overturned all decent values. In 1999, a conservative estimate put government graft at over \$20 billion in an economy with a GDP of only \$184 billion.

A person might think that Russia needs more legislation to put an end to such massive corruption, but it wouldn't matter. Thanks to the Communists, the country already has an over abundance of laws that affect more areas of human activity than even most European nations. In Russia, statutes no longer exist to govern conduct, redress grievances or provide a degree of certainty on which people can rely in the conduct of their affairs. Rather the laws provide government officials with the power to exact favors and money from individuals and businesses by threatening them with enforcement of the regulations—essentially institutionalized extortion. I always advised Kroll's clients to obey the multitude of rules applying to their operations or risk government officials showing up to demand bribes or even a stake in their businesses.

## Lonely Weekends

Through the fall of 1999, Angel worked in Mexico and the war in Chechnya raged with Putin looking the odds on favorite to win the presidency the following year. I called Angel weekly and wrote frequently, but she never wrote back. I asked her why, and she said that her days were filled with work and on the weekends she visited many beautiful areas in Mexico but always alone.

“She doesn’t write you because she does not care,” my female tutor of Russian brutally said.

I refused to accept this. Girls were always attracted to me, ever since I was eight. And once I kissed a girl, she was mine—not always immediately but eventually. I was sure this six-foot-one Russian beauty would be no different. Besides, few Russian man would do for her what I would. We discussed my taking her to America for a visit around Christmas time, which thrilled her. She might not love me now but she would. I kept calling, writing and on her birthday, November 10<sup>th</sup>, I sent her a bouquet of roses, which I imagined no one else did. I sincerely loved and cared about this girl. I dearly missed her and empathized with how lonely she must feel in a country so far from her home where she did not speak the language.

Despite the promptings of my heart, my intuition and logic still wondered about Angel’s reticence. But I always dismissed any misgivings with the rational that Angel, as most Russians, was secretive in order to protect herself from a corrupt government and various criminals. The Russian investigators in the office knew about Angel’s trip to Mexico and my concerns, since I possessed that common American failing of notoriously expressing my thoughts and feelings. Once again, they suggested investigating Angel and, this time, her agent Leo just to make sure I didn’t end up in a “difficult situation” as they euphemistically put it. Quite logical, but I chose

what I thought was the honorable route and declined. If I could not trust the girl I loved, I deserved whatever consequences came. Then again, perhaps part of me did not want to know the truth. Russians have a saying, “It is better not to know too much because then you can believe what you want.” Americans, however, have a saying too, “The truth shall make you free.” But at the time, I was in Russia, immersed in a culture closer to the medieval ages than the 20<sup>th</sup> century with all the eddies and whirl pools of an intangible sea driving my thoughts and actions in bizarre directions.

A few months in another culture can dramatically affect a person’s conduct without him realizing it. One of Kroll’s Fortune 500 clients sent its American manager back home after exhibiting “peculiar” behavior reminiscent of a feudal aristocrat and attributable to living in Russia. When I first met Kroll’s overall boss of Europe and the Middle East, a former CIA officer, he warned me against “going native,” which he defined as losing touch with who you are—an average middle-class American. Working in Russia, created the unseen danger of assimilation into the behavioral patterns of influential Russians because the entire society saw foreigners and New Russians as the economic and power elite of the country. For example, the manager of another Western client liked to tell the story of how he threw a temper tantrum at a policeman for stopping his chauffeur driven car while rushing to an appointment. The police officer demurely apologized and let the manager proceed as though he were a member of the nobility. In America, he would have ended up with a ticket or in jail. Many foreigners not only arrogantly puff themselves up in importance but also begin to follow the Russian maxim, “Tell the truth and you are doomed, tell a convincing lie that you believe yourself and you prosper.” Tiedemann, my immediate supervisor in London, who visited Russia frequently, had this down pat.

The infectiousness of the Russian prevalence for dishonesty once again entered the political spotlight in the fall of 1999 when a money laundering scandal hit the Bank of New York that involved Yeltsin, the Family and the Russian mafia. It didn't touch Putin because at the time he was new to the Prime Minister post and had no fortune to wash overseas.

Some Russian intelligence officials considered Yeltsin and his inner circle as the most influential of gangs within the Russian mafia. As president, Yeltsin ruled Russia almost as an Emperor. When he could not buy off or politically bludgeon the legislature into doing his bidding, he issued decrees that had the force of law. His inner circle of allies controlled the executive branch and the armed forces and ruled over key industries that allowed them to loot billions from the country. Much of the expropriated wealth ended up in safe markets for investment, such as the United States. Even the Family could not adequately reduce the risk of investing in Russia because of the unstable economy, embezzlement by other mafia gangs and the always precarious nature of power in Russia. Today's insider could just as easily become tomorrow's orphan, so Yeltsin's favorites and other gangsters transported much of their stolen wealth overseas. In the late 1990s over one billion dollars a month left Russia. Much of it gained by illegal means on which no taxes were paid.

The Bank of New York alone moved seven billion dollars of Russian mafia money out of the country during the late 1990s. The money funneled through three accounts into unlicensed banking operations set up in Queens, New York and Jersey City, New Jersey. Many transactions came from a Moscow bank run by Yeltsin's financial advisor. The Bank of New York hired Kroll to conduct an investigation into the money laundering accusations in order to shift the blame to the Family and Russian mafia for tricking an allegedly honest Bank of New York. Another reason was to show U.S. investigators that the Bank was doing all it could to prevent

such illegal activities in the future. Simply put, the bank got caught making lots of money washing Russian mafia cash, so it hired Kroll to help with the damage control.

The Kroll office in New York and Tiedemann in London ran the investigation—often sending their own agents to Moscow without confiding in the Moscow office what they were doing and severely restraining the Moscow office’s activity in the case. Tiedemann assigned the Moscow office the task of finding the Russians involved in providing the money for washing, but we were forbidden to track down any leads pointing to the Bank of New York’s culpability and what leads we came across were deep-sixed. Meanwhile, she and the New York agents were busy covering-up those trails. Tiedemann often limited or circumvented the Moscow office when she wanted to conduct an unethical investigation or manipulate the results to favor a high-paying client.

The Moscow office’s investigation into the Russian side of the money laundering reached right up to the Family, but we could not get inside because our sources of information feared for their lives. They wouldn’t talk no matter how much they were paid because they knew the power of the Family could reach anyone anywhere in the world. In a different case, we did breach the Mayor of Moscow’s inner circle to the extent of receiving reports on arguments between the Mayor and one of his close business allies, but obtaining information directly from inside Yeltsin’s Family was just not possible. Although nearly everyone and everything was for sale in Russia and people were willing to sell the lives of others for the right price, they were not about to sell their own lives.

The money laundering information we gathered showed politically well-connected persons funneling large amounts of money from illegal and legal activities to America without paying Russian taxes—no surprise there. Kroll’s efforts helped the Bank of New York avoid

criminal prosecution by paying a \$38 million fine and promising to abide by U.S. money laundering laws in the future. Not bad, a small fine given its assets and swearing not to do it again. The only persons criminally prosecuted, or more accurately scapegoated, by U.S. prosecutors, were a Senior Vice President for the Bank and her husband whom the Russian mob paid \$1.8 million to help transfer money and prepare documents for Russians to enter the U.S. illegally so that they could enjoy their laundered riches in America. The two also got off easy with five years probation.

During the unfolding of the scandal in the U.S. press, the Russian government and its controlled media mocked the American government for chasing windmills and insulting the character of Russians in general. The use of ridicule and attempts to make others feel ashamed are typical feints used throughout Russia's mendacious culture. The country's legal system never existed for discovering the truth and redressing grievances, only to preserve the power of first the Czars, then the Communists and now the New Russians. Consequently, Russians resort to psychology when accused of wrongdoing by someone whom they cannot bribe, maim, murder or otherwise influence. First they laugh good-naturedly and teasingly imply that such fanciful accusations will make the accuser look foolish to others. If that does not work, they assume the role of the innocent, misunderstood victim persecuted by unjust forces and unfairly treated. Russian girls are masters with both techniques; especially, when they add tears to the mix—many of them can cry a will. No one with half-a-brain believes the Russian government and its media lap dogs, but that doesn't matter. The influential in Russia never pay for their crimes. The Family and those close to it who laundered money continued as members of the power elite under Putin or enjoyed their stolen wealth overseas.

## Stay

Two and a half months after Angel left, I found myself working in the office at night as usual and writing:

My Precious Angel,

It is Saturday night, dark and cold outside with snow on the ground and me here in a lonely office working because there is no one to go DANCING with. Where are you Angel? Why am I always alone? I thought you said I had a guardian angel to protect me. Doesn't that mean protection from loneliness? Are you that protection? Will our differences doom the short future you saw in my hand? —enough of my moaning and groaning.

Don't you become weary of this space-time continuum? Life has not been easy for you as it has been for others who have so much they cannot decide what to choose from and then complain with tears of hypocrisy that they have to make a choice.

Oh well, I miss you, I look at your photos, I sleep with the toy dog you gave me, but the perfume scent is gone, and I still feel lonely. I wonder whether we have a future and, if so, how long? I guess I should just let the universe and its metaphysical underpinnings unfold—after all you have a longer period of uncertainty facing you than I have.

I guess you are the only one I have now.

Love Roy

On November 15, Angel sent me a fax that she was flying back to Moscow on the 30<sup>th</sup>.

“It your love—Angelina. Little time and we can see each other. I'm think about you. It will be nice to be together. I hold you a lot, kiss a lot and miss.” Her message made me feel like her teddy bear, although I didn't know whether she had one. I was sure; however, she didn't have a three-foot high teddy bear, so I bought her one as a homecoming present. Angel sent her fax on stationary from the Westin Hotel in Acapulco, which seemed strange since she worked in Mexico City.

November 19 brought another fax with her flight information in which she asked me to call, saying it was very, very important and closing “I kiss you! I hold you! Your Angelina.”

I called her, “What's up Angel?”

“I am so happy you called. Did you get my faxes?”

“Yes. Is everything okay?”

“Yes. But I will be bringing back a lot of cash with me and I wanted to know whether you will meet me at the airport?”

“I’ll be there.”

“Can you also help me get through customs without declaring how much money I am bringing with me?” This was not unusual; most Russians want to avoid anyone, especially customs, from knowing how much money they have for fear of criminals and tax inspectors.

“I will arrange for you to go through the VIP lounge.” I said.

One way of smuggling in or out of Russia involved paying a well connected travel agent \$200 or having an influential person arrange for custom officials to escort the traveler and his luggage through the VIP lounge in order to avoid any inspection of the person’s bags. Naturally, the custom officials require a gratuity.

“That will be good,” she said. “Call me again Friday night after work to make sure everything is okay.”

“Fine, pleasant dreams lover,” I said. She said farewell with her usual I kiss you, hold you and miss you.

I made the arrangements through the firm’s travel agent and called Angel that Friday—but no answer. Strange, unlike most Russians and girls everywhere, Angel was always punctual in keeping to her schedule, just like an American businessman. I tried a few more times but still no answer. Now I began to worry. I did not have the number for the club she worked at, but even if I did, the place was already closed, so there was not much I could do except hope she was all right.

Around midnight Angel’s agent, Leo, called me at home.

“Roy, it is Leo. Angel is in jail,” he blurted out.



Oh, great, “What happened?”

“The police raided the club and arrested all the girls who did not have working visas.”

Hell, I asked myself, what kind of a club did she work in as visions ran through my head of Federalalies busting a nightclub with scantily clad “showgirls” screaming as they are thrown into the paddy wagon?

Leo added, “I thought you might be able to help get her out of jail so that she does not miss her flight on Monday.”

I was surprised at his apparent concern for her. “Give me the name and number of the club,” which he did, which also surprised me because up until then both he and Angel always ducked giving me either. I had simply chalked their reticence up to engrained Soviet secrecy.

“I will see what I can do to get her out Leo.”

“One more thing,” Leo said. “When she comes back she’ll be carrying a lot of money, including my commission. I think Angel and the money would be safer at your apartment than my office. I don’t have a safe here.”

“Okay, that makes sense. Thanks for calling me.”

When I hung up the telephone, I wondered why Leo called me. He clearly had contacts in Mexico City where he did some of his modeling business. And although we met a couple of times while Angel was in Mexico, we were not buddies. Leo, like most Russians, only dealt with Westerners on a business level, usually trying to obtain financing for some scheme or another in which the Russians always promised the sun, the moon and the stars in return for handing over dollars to them.

Enough speculating, first things first—Angel was in trouble and I had to help her somehow. I could just imagine what a Mexican jail was like. I traveled to Ecuador some years

earlier where one of the presidential candidates at the time showed me the prison in his nation's capital—no air conditioning, no color TV, no three-square meals a day and no clean sheets—just filth, stench and brutality.

I called our firm's office in Mexico City and told the manager the story. He said he would track down which jail she was in and use his pull to free her.

"Great," I said. Then I asked, "What kind of a place is The Men's Club?"

"It is a high class titty bar, no prostitution, just beautiful girls giving lap dances. I've been there a few times. Tell your girlfriend to introduce me to some of her fellow dancers there. I'm not rich enough to attract any of them on my own."

"Will do. Thanks a lot," and I hung up.

So Angel wasn't a model or go-go girl as she led me to believe but a lap dancer for rich men—that hurt. Yet over the course of the weekend, I rationalized that how else could a pretty young Russian girl make a living coming from a dead end society like Russia. At least she didn't resort to prostitution as all those girls at the clubs Rasputin, Sirius and many other places in Moscow. Then again, undulating intimate parts of the body in close proximity to strangers' faces while wearing only thong panties in return for money might amount to a form of prostitution. But I understood that desperate circumstances could drive decent people to desperate acts in order to survive. And the situation in the provinces where Angel lived was desperate. Anyway, I believed she was smart enough not to do anything stupid and had a good heart. All she needed was an opportunity to pursue a legitimate career in modeling, singing or acting, and she would put away the lap dancing. However, that meant bringing her to America and her changing from the typical Russian view of the future as the immediate to the American long-term view necessary to build a career. But I was sure she could do it with my help.

On Monday, the manager of Kroll's Mexico City office called to tell me that the authorities released Angel before he had a chance to intervene.

"Apparently someone else with influence got her out of the immigration prison."

"So she was arrested for a visa violation?" I asked.

"Right, and the immigration police put her on a plane for Germany."

He gave me the plane information, which was the same flight she planned to take originally, but I didn't know whether she intended to still catch the connecting flight to Moscow that she had faxed me about. I called the Frankfurt airport to page her. A little later, Angel called the office.

"Roy, it is your Angelina," she temptingly said.

"Are you all right? What happened?"

"It long story and I tell you in Moscow. Can you get me through customs?"

I told her it was all arranged and what she needed to do when she got off the airplane.

She said, "I will be bringing a lot of cash so it important that I do not have to declare it."

"I understand. It is all taken care of."

"I have to go catch my plane. I kiss you, I hold you, I miss you," she giggled as she hung up.

Something troubled me about the whole situation, so I sat down with the Russian investigators in the office for their take on what happened and Leo's involvement. They suggested that I keep Angel's money locked in the office because Leo might hire some policemen to knock on my door and search my apartment. If they found Angel's money for which she had no custom declarations, the cops would take it and she'd never see it again. The police might not even wait until Angel and I returned to my apartment but grab us at the airport

on Leo's signal. Leo told me he planned to be at the airport to meet Angel and the other girl who went to Mexico with him and Angel back in August. The investigators also warned that Angel might conspire with Leo believing that I would make good her loss. That way she would double her money and Leo his commission. I didn't think Angel would ever do anything like that, but Leo would. My instinct agreed with the investigators' advice not to show at the airport, and, for once, I followed my instinct. I telephoned Leo that I couldn't make it to the airport and told him about the arrangements for Angel to go through the VIP lounge in order to avoid Customs. Angel would stay in one of his apartments for the night and I'd picked her up the next day.

Always the vain girl, Angel didn't wear her glasses when she exited the plane, so she missed the sign with her name held by the guy who would have escorted her to the VIP lounge. When she hit Customs, she simply lied about the over eight thousand dollars in cash and travelers checks she was carrying. Customs cleared her, and Leo took her and the other girl back to his office. The next morning, I went by to meet my smiling, tan Angel. We kissed, and she put her arm over my shoulder in that same protective fashion.

"Roy, I can only stay in Moscow a couple of days. I have to take my money back to my mother in Krasnodar so it will be safe. You understand, don't you?"

I understood her desire to get home with her money after three months overseas but was not happy about it.

"So when do I see you again?"

"I will be back in the middle of December to pick up the rest of my money that Alfredo is bringing me from Mexico."

"Who is Alfredo? Does he work at the club?"

“Yes he does and is a good friend who will bring the rest of my money to Moscow. The police took me directly from the jail to the airplane. I could only pick up my clothes and the money I had hidden in them. Alfredo has the rest of my money, about \$18,000.”

“That’s a lot of money,” I said. In total, she made \$26,000 for three months work tax-free, which was better than my earnings in the same period. “Is Alfredo also coming to Moscow on the club’s business?”

“No, he’s just doing me a favor.”

“He’s going to fly all the way from Mexico City to Moscow, risk smuggling in thousands of dollars, just to do you a favor?” This didn’t sound logical to me for some guy who worked in a titty bar.

“You’re jealous, how sweet,” she beamed her childish smile. “Don’t worry Roy, Alfredo is just a good friend with a kind heart.” Something didn’t fit, but I soon forgot about it with Angel beside me.

We took her bags to my apartment and her money to the office for safe keeping until she left, which I told Leo we were doing to prevent any uninvited cops on the take from showing up at my apartment. I gave Angel lots of flowers and the three-foot high teddy bear. Before going to the Bolshoi ballet, we visited Leo for her to pay him his commission, 20% of her gross in Mexico. After the ballet, Angel made a series of calls from my apartment to Mexico City to check on her money and confirm when it would be brought to Moscow. As I sat down next to her while she presumably talked to Alfredo, she crumbled up a slip of paper with telephone numbers on it so that I could not see them. Why the secrecy, I once again wondered, but as always, I let it go.

We spent our first night together during with Angel drinking too much wine and asking me a peculiar question, “Now that we are boy and girlfriend, how many girls have you had sex with in the past three months?”

I replied, “How many guys have you had sex with in the past three months?” She was clearly surprised by my response and eventually said none. My intuition told me she lied, but I was in no position to protest because I had played around with my secretary for a couple of months.

Angel and I worked out the details of my taking her to America for ten days in January. She couldn't go over Christmas because she wanted to spend the holidays with her mother. The year before she had worked in Cyprus during Christmas, so it was important for her to spend the holidays with her mother this year. I told her what documents to bring back to Moscow so that we could go to the U.S. Embassy and get her a tourist visa. On the day she left, I hired an armed bodyguard to escort us to the airport for Angel's two-hour flight to Krasnodar. I didn't put it past Leo to try to pull a fast one, since he knew which flight she would take and how much money she carried. Eight thousand U.S. dollars equaled \$160,000 of buying power in Russia. I also worried about Angel arriving in Krasnodar with so much cash, but I had no means to protect her there. She assured me she would be safe in her hometown because her mother would meet her at the airport. That did not assuage my fear much. What could her mother do against gangsters, call the police?

No one relies on the police for protection in Russia. Instead, those with money hire private security agencies that ironically employ policemen to do what their government jobs require of them. It is hard to blame the cops when their government salaries are so small and usually paid months late. The cops see their bosses all the way up to Yeltsin taking payoffs in

one form or another or using government positions to make money on the side. Why should the cops be the only suckers to act honestly?

Angel knew Russia better than I, so I put my apprehension aside, and all the way to the airport, she held me like a child, which seemed natural.

Angel promised, “I will call you when I know the exact day of my arrival back to Moscow.”

“And call me as soon as you arrive to let me know you made it back safely.” I asked as we kissed goodbye.

My concern went beyond the danger over her carrying so much cash to flying on a local airline. Under the Soviets, air travel inside the empire was a dangerous proposition. Each major city owned an airline that the local bureaucrats managed—not exactly a prescription for safety. In order to fly to a particular city required passage on either that city or the departing city’s airline—there were no others. Politicians do not appreciate negative publicity, so airplane crashes were often not reported. People waiting for their friends and loved ones at airports were told nothing. After a few days, they realized the truth.

With the collapse of communism, the officials running the local airlines could no longer keep accidents secret, but their incompetence in operating heavier than air flight remained unchanged. And to make the situation worse, a new danger arose. Previously, the Communist Party prevented government officials from egregiously looting state assets, but now rampant embezzlement thrived in the bureaucracies. Large portions of budgeted funds for maintenance disappeared and planes took off with a minimum of fuel because officials had sold the rest. Throughout Russia, bureaucrats cut airline safety to a minimum and below in order to enrich themselves.

When I didn't hear from Angel the following day I began to worry. I sent her a page, "Did you arrive safely? Love Roy." But still no response. During the wait to hear from her, my maid told me that someone had recently gone through everything in my apartment, and that two sets of my gloves were missing. Did Angel steal them? Nah, it made no sense.

Two days after her scheduled arrival, I sent another page, still no response. I didn't hear from her until three days after she arrived. I couldn't understand why she delayed in calling. She knew how much I worried about her traveling with so much money and flying.

"Angel, where have you been? Did you receive my pages?"

"Yes, I got them but was not able to call you until now. Everything went fine. My mother met me at the airport."

"Why didn't you call sooner?"

"I was not near a telephone where I could call," she said. "You know I don't have a phone in my house." I knew that but also knew that all Russian Post Offices have telephones for calling long distance. True, most Russians could not afford to make long distance calls, but Angel had just gone home with \$8,000 to an economy where the average yearly income for households amounted to \$1200.

I quickly forgot my concerns when she said, "I miss you Roy and want to be with you when I am back in Moscow."

"When will that be?"

"I am not sure yet, but around the 15<sup>th</sup>. I will call you just before my arrival. Roy I need you to do me a favor."

"Okay, what?"



“I need to know banks in Moscow with ATM machines that give cash in dollars. My friend from Mexico brings a BankMex Card with some my money on it, and I need an ATM machine to get the cash from it.”

“I will find out. Is there a place I can call you with the information?”

“No,” she answered, “page me and I will call you back. When do we go to Embassy to get my tourist visa?”

“We can go any day of the week, but we have to get there around six in the morning to stand in line. The Embassy opens up at eight.”

“Okay, I bring all documents with me. Can your driver pick me up at train station?”

“Not a problem, we will both meet you. Just let me know which station and when.”

“That is good. I kiss you, hug you and miss you.”

“And I love you,” I replied.

Angel called back a few days later for the list of banks with cash machines. Using ATM debit cards to transport money overseas was rather sophisticated, but it required a bank account, which meant she had one in Mexico City or used the account of a friend there, probably Alfredo.

### Young Blood

About a week later on Tuesday, December 14<sup>th</sup>, my secretary says, “Angel is on the line.” I assumed she was calling in response to the pages I sent her in Krasnodar the previous week. Once again, I was surprised she hadn’t called earlier.

“Did you get my pages?” I asked.

“No,” she said in a low, contrite voice.

“I sent one on Friday and Saturday. I was worried when you didn’t answer.”

“Oh, you know Russia,” she uneasily said. “Nothing works here.” Then in a sultry voice, “I’m in Moscow Roy and want to see you very badly.”

“What! When did you arrive?”

“I took train and got in early morning at seven.”

“Why didn’t you call? I would have picked you up.”

“I didn’t want to bother you. Anyway, I had to meet Alfredo to get my money.”

“Did you get it all?”

“Yes. Now me and mother can buy apartment. I am so happy. Can I come to your office?”

“Where are you, I can send my driver to pick you up.”

“No. I need to do some things first. I will meet you in your office.”

“Okay. I have some meetings but will tell the staff to expect you. I should be back by late afternoon.

“I want to be with you Roy. I missed you,” she said again in her vamp voice.

“And I you, Angel.”

“Are you sure, you don’t want my driver to pick you up?”

“Yes, I will be okay”

“See you later then.”

As I hung up, I felt something was not right. First, during our previous call, Angel made sure that I could pick her up at the train station, but then she arrives without any notice. Second, she failed to answer my pages sent to her in Krasnodar, the only place her pager worked—it didn’t work in Moscow. Perhaps she wasn’t there but on her way to Moscow by train or already in Moscow if she flew. Assuming she took a train on Friday from Krasnodar, she would arrive

on Saturday, meaning she had been in Moscow for at least three days before she called me. Finally, she came to town to get her money from a so-called good friend who was willing to fly all the way from Mexico City to Moscow just to do the good deed of delivering her money. This strained my understanding of human nature. I asked the firm's Russian investigators whether we could find out which train or plane Angel took from Krasnodar to Moscow, the date and time of its arrival and the date that any Mexicans with the first name of Alfredo arrived in Moscow within the past week. After a few telephone calls, they said yes, but it would cost me a few hundred dollars. I told them to let me think about it. The cost didn't matter, but I worried about the impact my spying on the girl I loved would have on our future relationship, since no matter the result, the act of my distrust would always remain a secret between us. I always considered a relationship based on dishonesty as doomed.

I believed that a true union with ones other half proceeded through four levels, each requiring honesty by both persons. Beginning at the physical when two people find each other's appearance appealing. Then moving into the mental where they realize the other is as smart as they are. Philosophies and behavior patterns may differ, but each respects and enjoys the others intellectual abilities and insights. At the third, emotional level, compassion and passion combine in a desire to be with the other person. Lies, secrets and dishonesty can creep in at any of these three levels to prevent one party from opening up completely to the other. Open hearts can't hide lies and dishonesty or keep secrets. Without open hearts, two people will never achieve the metaphysical fourth level where the physical, mental and emotional levels combine during the act of sex to produce an experience of each person merging into the other. For a brief time, both exist in a metaphysical union not just with the other person but also with the universe for each is a part of that universe.

Riding to my afternoon meetings, I concluded that Angel probably arrived in town a few days earlier to payoff Alfredo with sexual favors for bringing her money from Mexico. I understood how important the money was for her and her mother, and had it not been for the police raid on the club where she danced, she would have brought it all back with her. I further excused her conduct by rationalizing that our affair had only just started and payment to Alfredo was an obligation incurred before Angel and I became intimate. I decided to let this incident go, but if another one happened, the relationship ends.

As a lawyer, I've noticed that a key problem with the profession is that lawyers could convincingly argue any proposition to the point where the truth or proper course of action depended solely on the outcome they wanted. Perhaps, I had fallen victim to this skill by giving Angel a second chance.

When I arrived back at Kroll, the door to my office was closed. My secretary said Angel had been in there for a while and was probably sleeping. I quietly opened the door to check but found her intently looking at a document on my computer screen. My computer contained the files from present and past cases, Kroll's web of information sources in Russia, informants in Europe and America as well as a direct link into Kroll's database, which stored the most secret information for the entire firm around the world.

"What are you doing?" I asked.

"Oh, nothing, just playing," she said clicking the exit symbol so the document disappeared.

"I thought you didn't know anything about computers."

"I don't, that's why I try to learn. Aren't you glad to see me?" She smiled innocently and I forgot about the computer.

When I saw her jumbo-size suitcase I said, “You should have let me send my driver. How did you manage to carry this here?”

“It was no problem. I am a strong Russian girl,” she said as she struggled to move the suitcase out of the way.

“How did you get here? By metro?”

“Yes.”

“You must have had a difficult time lugging that bag around.” It didn’t make sense to me why she chose to drag this large, heavy bag, which she could barely move around my office, through the metro system when my driver would have made things easy for her. Oh well, we were together again and the office staff thought highly of Angel except my Russian secretary. She pulled me aside to say, “She’s using you Roy!” But I dismissed the warning as jealousy.

Angel had charmed the three investigators, which included two wily middle-aged Russian men and a British girl in her twenties, who believed herself a man. The British girl, Tiedemann’s girlfriend, was impressed with and sexually attracted to Angel. “She’s a big girl,” the Brit said in a tone of desire and submission. The Russian guys were particularly impressed with Angel washing everyone’s luncheon dishes. Companies in Moscow generally provide kitchens for employees to prepare their meals because most Russian workers can’t afford to buy their meals, and, even if they could, Moscow doesn’t have many places to grab a quick meal. The Kroll office included a kitchen and everyone brought his or her own lunch except me. I hired my secretary’s mother to prepare both my lunch and dinner at the office.

The male investigators said Angel was the type of Russian girl that would make an excellent wife. This allayed my suspicions and greatly pleased me, since previously, after seeing her pictures and hearing she worked as a model, they told me to watch out and suggested

investigating her. One of the investigator's had spoken from inside knowledge about Russian models. His niece worked for Russia's top agency Red Star and for years she brought her female model friends to his dacha.

"All they talked about was how they used this man or that man. They bragged about how many men they could keep on the hook at one time. None of these girls expressed any concern for morality. All they wanted was money and the glamorous life and would do anything to get both. No self-respect, no dignity at all. I got so fed up listening to these whores that I kicked them out of my dacha and vowed never to see my niece again, and I haven't. But I can see Angel is not like those lazy whores. She knows about woman's work and is willing to do it."

I felt proud and happy that the investigators, even the lesbian Brit, now approved of Angel.

I asked her, "How long are you going to stay this time?"

"I have a fight back in two days."

"Only two days," I protested.

She drew closer and put her arm over my shoulders, "Roy I have to go back to Krasnodar as soon as possible, so me and my mother can buy an apartment before end of year. A new law begins the first of next year. It will make us tell where we got our money to buy an apartment. It will cause me problems if I have to say I make the money in Mexico."

"I'm sure it would. The government would make you pay taxes."

"Yes," she said.

Later the Russian investigators in the office told me the purpose of the law was not to crack down on tax cheats but to stop the purchase of real estate with money from illegal

activities, such as prostitution. Well, lap dancing wasn't prostitution, so Angel didn't have to worry unless the authorities refused to believe her, which they would in order to extract a bribe.

Real estate in Russia, for practical purposes, did not mean land, just buildings, houses and apartments. When communism collapsed, the business occupying a building or people living in an apartment or house became owners of the structure rather than just tenants, but the land on which a structure stood remained the state's. So these new owners could sell buildings, houses and apartments but not land. No one, including businesses, could buy land, but anyone could lease it from the local government for, in some cases, 99 years. The inability to buy and sell land made foreign investment in real estate risky because any lease of land required the continuing good graces of government officials. Once a project turned into a moneymaker, however, officials reasoned they should reap the benefits rather than the foreign investor whose funds made it all possible. Local governments could and did renege on lease contracts to force foreign investors to sell at a loss to the brash young Russians who acted as the fronts for and were usually related to the corrupt officials—the real power in Russia.

Similar scams frequently occurred to foreign investors under Russia's bizarre corporation law. Prior to 1998, foreign capital flowed into Russia seeking high returns as compared to the risk. With the help of the International Monetary Fund, the national government and some regional and local governments began borrowing in the international market of public debt. This signaled to private investors that the risk of investing in Russia had diminished significantly. The rush was on for high returns, which caused a flood of foreign money into Russia.

When foreigners invest in another country, they exchange their own currency for that of the country in which the investment is made, in Russia's case the ruble. An American must convert dollars to rubles before making a legal investment in Russia. At some point the investor

will sell the stock he bought, receive dividends or collect loan payments all in the form of rubles. Rubles don't do a foreign investor any good in his own country, so he needs to exchange the rubles into his own currency. A person can't buy chewing gum in America with rubles. A serious problem can arise when the foreigner finally goes to switch the rubles from his investment into his currency—the rubles may buy fewer dollars than the investor originally put into Russia. To avoid this problem, the investor pays a bank to agree to give him so many dollars for a certain number of rubles over a period of time that assures the investor will not lose on converting rubles. Banks run by competent managers can make a good return providing this service. Russia, however, had very few competent bank managers.

In 1998, the Russian government defaulted on its loans to the West. Private investors took this as a signal to cash out. They went to various Russian banks with the rubles from their investments requesting the banks pay them the amount previously agreed in dollars or other foreign currency in exchange for the investors' rubles. Unfortunately for the foreign investors, agreements meant nothing in Russia. Most of the Russian banks refused to pay because when the government defaulted, the value of the Russian ruble plummeted. If the bankers lived up to their agreements, they would lose most or all of their wealth as a result of their own greed and incompetence. They thought it better for foreign investors to lose, so they began secretly transferring the money owed foreign investors to overseas havens or corporate entities different from the banks.

One case at Kroll involved a number of Western banks that bought stock in and made loans to a large Moscow bank. With the fall of the ruble, the Moscow bank saw an opportunity to avoid paying its foreign currency contracts and cheat our Western clients out of their investment while saddling them with the bank's currency losses. The Moscow bank did this by



simply transferring most of its valuable assets to another bank that the Russian executives controlled. They left the original bank with all its liabilities but no assets to pay them. The Western investors had no recourse because their claim was only against the original bank that now had a negative value. They could not go after the assets transferred to the second bank because it was a different legal entity although run by the same Russians. Sounds nuts, but Russian corporation law permitted this type of embezzlement. In civilized countries, such conduct usually puts the bankers in jail.

The following day, Angel and I got up early to wait in the dark arctic cold outside the U.S. Embassy to obtain her a tourist visa. There are always long lines of Russians waiting to try their luck at a visa to America. Some want to visit their relatives, but most want to leave Russia for good. One typical method for leaving the motherland behind involves a tourist or student visa. Once in America and after the visa expires, the Russian simply stays put working in the underground economy. Russians know that most of the workers in the U.S. Immigration and Naturalization Service are like their own bureaucrats—inept and lazy, so the chance of getting caught and deported once in America are slim to none. But getting the visa in the first place can prove difficult, especially for young Russians.

The most favorable method of entry for Russian females is to marry an American because then they can travel back and forth, work in America legally and eventually bring their relatives over. One Russian girl expressed the attitude of many, “I don’t care if he is fat, old or ugly, I will do anything to get out of here.” Once they have lived in the U.S. for two years, they become permanent residents and can divorce their husband, which they usually do, taking some or a lot of his money with the help of a divorce court manned by Feminazis just waiting to vent their hostility against a guy.

The Embassy personnel understand that many Russians, especially females in their twenties, will say or do anything to escape their homeland, so the personnel make the procedure as difficult and arbitrary as possible. After waiting two hours in the cold and another hour inside, Angel and I finally made it to a clerk. We presented the papers and the clerk, a Russian female, decided on her own initiative, contrary to the Embassy's guidelines, to require an additional document that I did not have. It's an old Russian trick of arbitrarily making last minute demands inconsistent with the rules in order to dissuade someone from doing what they had a right to do. It played on the average Russian's ingrained acceptance that bureaucrats could make up the rules as they went along. The clerk obviously hoped to throw a monkey wrench into our plans or at least dishearten us into giving up. Angel began to argue, but I knew it was useless, so I pulled my ace. I told the clerk to contact the American officer at the Embassy whom I had talked with a number of times about obtaining a visa for Angel. I originally contacted him just in case some lower level bureaucrat gave us a hard time. Russians always jump for their superiors, especially if they are Americans. She contacted the officer and granted Angel her visa immediately.

"I can't believe it. We got my visa and so quickly. Great," Angel said as she hugged and kissed me. "Now I go to America."

"You will see it is a different place—the land of opportunity."

"What do you mean by opportunity?" she asked.

"In America, if you work hard, have a little bit of luck and treat people decently, you can achieve your dreams. You can work at whatever it is you wish and make enough money for a house, a car and to raise a family in a safe environment. You do not have to sacrifice your dreams and self respect just to survive like in Russia where only the criminals succeed."

“I will see for myself,” Angel said somewhat disbelievingly, which made sense. She grew up in a culture where its citizens had no rights, no opportunities unless the band of thugs who hijacked the government, whether Communists or racketeers, disdainfully granted such. How could she possibly understand the axiomatic belief of virtually all Americans that because they are human beings, they have rights that no government can take away; that the government and its bureaucrats work for the citizens rather than lording over them as feudal barons once did. How could she realize the power of such a belief in tens of millions of people. America never had a dictator. Richard Nixon tried, but the political system got rid of him because he had broken the American moral against widespread violation of the citizens’ Constitutional rights. A more practical guarantee of individual rights that many communist minded Americans don’t realize is that before any government decided to assume dictatorial powers, it would have to contend with the 200 million guns owned by Americans. In Russia, only the government and criminals—who are usually the same—have weapons; therefore, they do pretty much what they want.

Since Angel wanted to spend the holidays with her mother, at the suggestion of one of the Russian investigators in the office, I asked her whether she wanted me to visit her in Krasnodar. The investigator reasoned that if Angel really cared for me, she would agree, but he added as a caveat that the village she lived in just outside of Krasnodar was a dangerous place for a Westerner. Angel seemed surprised by the idea and asked, “Where would you stay? My house is too small for guests.”

“I’ll stay in a hotel,” I said, which caused her to pause and think.

“But it is too expensive,” she protested. “You know how I try to save your money. I’m not like other girls who take a man’s money.”

“I can afford it.”

“Let me think about it. I’ll have to talk to mom,” she concluded.

At night, Angel and I went to a party thrown by a young American, Tony Wong, who headed up the Russian operation for the American pharmaceutical company Schering-Plough, which I referred to as Scherring-Hoe. Tony and I met through one of my professors at Columbia University’s Business School. As with most American man working in Moscow, Tony’s major recreational activity consisted of bedding as many young, although not necessarily pretty, girls as possible, which included a 14 year-old Cuban girl that he often bragged about. Tony, a firm believer in quantity over quality, actually kept count. I attributed the high number to part braggadocio and part a character flaw of chasing any girl who dated one of his friends or associates. He apparently assumed that since a girl was going out with someone he knew; she should also go out with him. Naturally, he made a play for Angel even though she was almost twice his height. She thought it very strange that an American would chase another American’s girl.

“Even in a disco, the worst Russian gangster did not try to cut in on another Russian’s girl,” she said.

“Tony’s not typical of American men,” I replied. “But there do exist some who just don’t have the guts to find their own girl in America, so they feed off of others. But in Moscow with so many Russian girls wanting to date American guys, I just don’t understand Tony’s tactics.”

For Russian girls, an American boyfriend meant the glamorous life that only dollars could buy. Americans generally lived in luxurious apartments, drove nice cars or were chauffeured around at the expense of their companies. They could afford the best discos, restaurants and culture while your average Russian girl entertained herself by sitting around the

kitchen table, drinking tea, eating chocolate and talking with friends—not a girl’s idea of fun as her looks tick away. The beauty of most Russian girls burn brightly from puberty to their late twenties when they start to turn sour on life as age robs them of their looks and, therefore, their power. The girl who bets on her beauty in Russia has about ten years to satiate her desire for fun and adventure and to score big. Angel always admonished me, “Don’t waste your time!” as though she believed it paramount to pack an entire lifetime into relatively few years.

Russian girls also find American companies attractive because they provide the best paying jobs. Most begin as secretaries, whom Russians refer to as “secretutes” since a secretary generally provides her boss with sexual services. But unlike working for a Russian boss, a secretute can advance within an American company and by socializing with her boss, she’ll meet lots of other Americans willing to show her a good time in return for sexual favors. A win-win situation for a Russian girl as long as she stays attractive. The boss, of course, enjoys a young, pretty girl the likes of which would never consider going out with him in America unless he had a lot more money. Even when the American boss keeps hands off, there is the advantage of not having to worry about some employee dragging him into court for sexual harassment in an effort to sex-mail the company and destroy a man over an innocent remark complimenting a girl’s appearance. The American guys I knew in Russia went there in large part to escape persecution by a social order twisted to favor females by turning a blind eye to the weaknesses and strengths that Mother Nature gave both sexes over millions of years of evolution. Russia also allowed these guys to believe themselves special despite prior social and career failures in America. Russian girls knew all this and used it to their own advantage.

The next day, Angel agreed to my visiting her over the New Year’s weekend, which for Russians amounts to our Christmas, New Year’s and the Fourth of July all rolled into one

holiday. On New Year's Eve, Russians exchange presents, get drunk, party and set off fireworks. The approaching New Year held added significance since it also marked the beginning of a new millennium, which for the countless Russians who believed in superstitions carried a heightened sense of caution. For me, nothing changes on New Year's or New Millennium Day, so any omens of ill fortune were buried by my rational mind.

While preparing to leave for the airport, Angel asked some strange questions, which she repeated a number of times over the next month or so.

Folding her clothes, she matter-of-factly asked, "Does your firm work with the F.B.I.?"

"Sure, some of Kroll's employees are former F.B.I. agents. Why do you ask?"

"Maybe I could find work with them."

That surprised me. "I thought you wanted to be a model."

"Yes, but if it not workout, I will need other job. Doesn't the F.B.I. have an office in Russia?"

"Sure, it's in Moscow."

"You must have lots of contacts in F.B.I.?"

"Not I, that's all handled through London or New York."

"But you know the people in London and New York, right?"

"Sure, I go through them now and then."

"The F.B.I. works with the F.S.B here in Russia, doesn't it?"

"More or less, also the Ministry of Internal Affairs."

"Kroll must have lots of contacts in the F.S.B. and the Ministry?" she asked rolling up her panties.

“That’s how we get information to help our clients. The bodyguard I hired for you last time works for the F.S.B.”

“Your clients are big American corporations?”

“Mostly.”

“They hire you for information?”

“And sometimes protection.”

“Why all the questions Angel?”

“I just research the job market.”

My driver and I took Angel to the plane. I positioned myself across her lap and fell asleep with my face nestling between her neck and shoulder. I couldn’t get over the security I felt in her size. This time she carried \$18,000 in cash, but I was not as worried. Angel clearly knew how to function in Russia; besides, Leo knew nothing about it.

Before boarding the plane, she said, “I look to us being together for the new millennium in my home. Remember, I am poor so my house is small and lack many things.”

“That is not important to me. It is you I want, not your house.”

“Oh, I hope so,” she laughed. “I could not see you living in my house. It would be too difficult for you.”

“I have lived in some difficult places,” I said. “Russians seem to think Americans are weak.”

“Living is so difficult in my country. It makes us strong. Americans do not have the problems we have and so we grow up tougher,” she proudly said.

“If Americans are so weak, why did we win the cold war?”

“Oh, you are a war hero now,” she said sarcastically with her arm over my shoulder and playing with my hair. “We will give you a medal in Krasnodar,” she laughed good-naturedly.

We kissed. “Be careful and call me when you arrive.”

“I will think of you and miss you until New Year’s. Be careful in Moscow. I have special love for you. So long for now,” she said with her model smile.

### Pretty Little Angel Eyes

This time Angel called as soon as she arrived in Krasnodar. All was well; she and her money were safe. I wondered where she kept her \$26,000—definitely not in a bank. Russians knew better than to trust any bank in that country with their money. Under the Soviets, a large bank account triggered an investigation into where the funds came from. Such investigations often ended with the account holder in the gulag or graveyard with bureaucrats expropriating the money. Russia’s present system of kleptocracy proves no less risk for money entrusted to a bank. Tax officials will use bank records to target well-off depositors for a bribe to avoid prosecution for tax evasion. Or a bank will simply declare insolvency in which the depositors’ funds disappear into the executives’ pockets, which occurred all across Russia in 1998. Federal deposit insurance didn’t exist in Russia, and, if it had, the government couldn’t have afforded to pay. Over the decades, Russians have created ingenious ways of hiding their money in their apartments using false ceilings, hidden doors and double bottoms in drawers or storing its value in jewelry.

Angel earnestly asked, “Roy, this will be a big New Year celebration because of the new millennium. Can you bring some fireworks?”

“What kind of fireworks?”



“The ones that shoot into the air and explode, the big ones,” she giggled. “I can’t find them in Krasnodar but I think they sell them in Moscow.”

“Wait a minute,” I said. “You want me to bring firework rockets on an airplane.”

“Yes, big ones that explode with lots of lights,” she innocently said. Bright lights and neon colors thrilled angel. Every time we passed a brightly lit casino in Moscow, she said with a strange awe, “Oh, the lights are so beautiful. It is great. My hometown is so dark.”

I had visions of walking on an airplane, my arms full of rockets that would promptly blow up in mid-flight. Ironically, given the Russian disregard for safety, the stewardesses might actually let me on the plane with the fireworks. On flights within the country, passengers bring on huge suitcases and maybe an animal or two that are stowed in the aisle or if small enough held in their laps. They are afraid the luggage handlers will steal there bags for which the airline will not pay because it assumes the victim of the theft will lie about the value of his stolen belongings, which they will. I loved Angel, but I wasn’t going to risk a Russian stewardess permitting me on an airplane with rockets.

“I don’t think they will let me on the plane with them, Angel,” I somewhat dissembled not wanting to show what a Russian would consider cowardice for not trying to hide the rockets in my luggage.

“Oh,” she said as if surprised. “You really think they will not let you on the plane with them?”

“Yes, I do,” I said.

“Why don’t you hide them in your luggage?” she responded.

“The ones I saw in Moscow are too big for my luggage,” I lied.

“Oh,” she said somewhat disappointed but then just as quickly brightened, “I will try to find some here.”

“Good idea. I will give you the money when I arrive,” I said, relieved to escape that situation.

For the next two week I ran around Moscow buying presents for her and her mother. Angel told me her mother had been a dancer in her earlier years, so I got her a pictorial book of Bolshoi performances along with various other gifts. For Angel I bought a CD player, jewelry and lot more.

Work consisted mainly of two cases: one involving a high-speed electronic data system. A consortium of foreign investors wanted to invest in the construction of an electronic data system that would carry email, television and other digital information throughout Moscow. A large Russian communication conglomerate with good ties to Moscow’s Mayor Luzhkov had run out of money before completing the system. The foreign investors concluded the system would generate huge profits providing the executives of the conglomerate also maintained good connections with the Prime Minister Putin, the odds on favorite to win the Presidency thanks to the war in Chechnya. Because Luzhkov opposed Putin, a Putin Presidency would threaten Luzhkov’s political influence and the conglomerate’s success if it was tied too closely to Luzhkov.

In Russia, winners go to extreme measures to bury their opponents—both figuratively and literally. The success of any business depends on political connections. The foreign consortium worried that with the possible political demise of Luzhkov, Putin would transfer control of the electronic data system to another company more closely connected with him. Our investigation found that the Russian conglomerate had excellent connections with Putin, so the

foreign consortium's investment was safe by Russian standards. We also discovered that the new digital transmission system would enabled the Russian Government to eavesdrop on any transmission, including all the emails going into, around and out of Moscow. Kroll immediately began measures to encrypt its emails.

The other case concerned finding the culprits behind the counterfeiting of a Western brand of instant coffee. Russian counterfeiters always get something wrong with the packaging of their fake products because it costs too much to accurately duplicate foreign labeling. The bogus labels made finding the retailers easy by simply going to various markets looking for the telltale signs of the counterfeiter's label. Moscow, as with other Russian cities, has a small number of large open-air markets consisting of many small shops where Russians purchase most of their consumer items. It turned out that every large market in Moscow sold the counterfeit coffee. No surprise there since eighty per cent of the foreign coffee sold in Russia is counterfeit.

Kroll's contract agents, members of the F.S.B., backtracked the counterfeit coffee to the wholesaler and then the manufacturer by examining the records kept by a few retailers and the wholesaler. When a law enforcement official shows up at a Russian's business requesting to look at its records, the business better comply even though the official may be moonlighting for a private company such as Kroll because payment to a high ranking official could land the owner in jail or heavily fined. That's the way private investigations usually work in Russia: using law enforcement officials, no matter how high their rank, who rent out their police powers because it pays better than the government. The wholesaler's records listed the apparent manufacturer and times of delivery. To make sure they found the real culprits, our agents followed the delivery trucks back to their source. The counterfeiters operated under the aegis of the city government

with profits channeled to the Mayor's office and other officials right on down to police officers. There wasn't any cost-effective way for our client to put a halt to that.

After the fall of the Soviet Union, the influx of Western and Asian products caused many Russians to stop buying the low quality and often-dangerous goods produced within their country. Under the old Communist regime, manufacturers didn't care about quality because there was no competition nor enforceable safety requirements, since consumer lawsuits went nowhere in the Soviet courts and the government didn't care. With the fall of communism, manufacturers still didn't care about safety because of the continuing incompetence and corruption of the courts and the government. They do care, however, about competition, which they deal with by simply marketing their low quality products under imported brand names. Counterfeit televisions, radios, clothing, food products, medicines, liquor, beer, wine, toiletries and many other items flood the Russian market. Usually the prevalence of a counterfeit product far exceeds the number of the genuine import, so most Russians never realize they've purchased fake goods because they never bought the originals that allow for comparisons. Even foreigners, who sometimes can tell the difference between counterfeit and genuine goods, continue to buy fake products because no one knows where to find authentic items.

Counterfeiting grew into a big business for local governments in the 1990s because they continued to control most of the manufacturing facilities in Russia, just as they did under communism. Privatization didn't touch many production plants, and in those it did, the local government kept a large ownership stake. Public officials earned huge profits passing off cheap Russian goods as the better quality and more expensive imported brands. Foreign producers tried lobbying the Federal Government to crack down on local counterfeiting but failed, since many federal officials also shared in the counterfeiting profits, and they were not about to

destroy a key source of funds that assured power for their political allies in local governments. The most successful RICOs stretch from the President's inner circle down to the traffic cop extorting money from motorists.

With Christmas approaching, business and government operations nearly ceased in Russia. From around the 25<sup>th</sup> of December to the middle of January, many Russians got drunk then sobered up so they could start drinking again. The population binged on food, drink and doing nothing at all, which, except for necessary services run by drunks, virtually shut down the entire country. This extended hiatus from work evolved after the fall of communism when Russians decided to celebrate both the Western holidays and the pre-Soviet observance of the orthodox Christmas on January 7 and orthodox New Year's a week later. The Russians created an opportunity for an extended vacation in Cyprus, Turkey or at their dachas and took it without regard for the long-term economic consequences.

### Goin South

On the night before New Year's Eve, loaded down with presents, I boarded my plane for the warmer climate of Krasnodar and Angel. In Moscow, the snow was falling with the temperature well below zero. The plane taxied out to the runway but then stopped just before we were about to take off. The captain said there would be a slight delay to clean the runway. Two hours later, still sitting on the tarmac, the stewardesses started serving dinner while we waited. No sooner did I cut into my generic Russian meat then the pilot decided to take off. As the plane rumbled down the runway picking up speed, the passengers tried, with varying degrees of success, to keep their dinners out of their laps. Then the plane shot up steeply like a combat fighter. The acceleration slammed passengers into their seats while they juggled trays of less and less food in an effort to nullify the forces splattering meals over them, the seats and the cabin

floor. Some succeeded, most didn't. I was lucky. Once the plane leveled off, the stewardesses and passengers laughed about the incident expressing a resigned acceptance of "What do you expect from Russia."

Two hours late, I arrived around 10 PM instead of eight a little worried that Angel might not have waited, knowing her frustration with tardiness. The taxi drivers, as they do at any Russian airport, mob the disembarking passengers at the gate exit to hawk their services, making it difficult to spot friends. But there she stood, tall and beautiful with an older woman, nearly a foot shorter than her. She put her arm on my shoulders, looked down into my eyes and kissed me; I was happy.

"You're late. We have been waiting for hours. We did not know what happened."

"The snow in Moscow delayed our take off," I said.

"As usual they tell us nothing," Angel complained about the airline officials. The Soviet fear that a late plane often meant a crashed plane still haunted Russians.

Angel introduced me to her mother, Inessa, who didn't speak English, but I learned later that she, like so many other Russians, understood the language but pretended not to.

Taking charge, Angel said, "First we go to the hotel where you and I will stay. Mom will then drive back to the village with this very nice gentleman who agreed to take us for much less than other drivers. Can you pay for the car?"

"Of course," I said.

I started to kiss her, but she was hesitant and said, "Not in the car, in front of my mom and the driver."

The drive to the hotel took me through various sections of Krasnodar while Angel told me a little about her home. Krasnodar's population totaled around one million, a fairly large city

by Russian standards and like all cities except Moscow and St. Petersburg crushingly poor. As we drove, the night darkness seemed in the process of strangling any light coming from homes, buildings or streetlamps. I never saw such a place where the night fought so relentlessly against the light except for the Bogside in Londonderry, Northern Ireland. Immediately, I understood why Angel liked the bright city lights, only hopelessness patrolled these streets.

Criminals ran the city, lived in big houses and rode around in Mercedes Benzes while the rest struggled through a dead end existence of poverty and humiliation. Like the aristocracy and Communists before them, the criminal bosses of Krasnodar, many former Soviet big shots, occupied powerful government posts from which they arrogantly and arbitrarily enforced their will. Even their younger underlings, Krasnodar's New Russians, flaunted an untouchable status by ignoring traffic rules, forcing average folk to move to a less favorable table in a public restaurant, never waiting in line, renting the town's most beautiful models as semen depositories and living the indulgent life above the law. The bosses didn't battle other ruthless gangsters and politicians to the top of the power structure; they simply worked their way up under the Communists the way many executives do in American corporations. The organization that had restrained the conduct of Russian political bosses—the Communist Party, lost its power with the empire's collapse, which allowed cowardly Kafkian bureaucrats to turn into embolden bullies.

During the drive, I saw that most of the city's buildings consisted of small, one-story single-family houses made of brick with outhouses for toilets and, according to Angel, no hot running water. Except for some large, newly constructed houses built by New Russians, the homes were old and dilapidated with windows covered by the grim of the ever-present industrial air pollution. The tallest buildings consisted of hotels and apartment complexes of about 10 stories with hot running water supplied by the city but turned off every night from 9 PM to early

the next morning to allegedly save energy. More likely, the Mayor sold the city's fuel at a token price to his associates and relatives who then sold it in the marketplace for a killing with a large share of the profits going into the Mayor's overseas account, probably in Cyprus. The dimly lit city center on Krasnaya Ulitsa or Red Street contained mainly retail shops in low-rise buildings mostly constructed before the 1917 Revolution. Krasnaya Ulitsa stretched straight as an arrow for two maybe three miles, and for much of that distance, a park with a pedestrian walk ran down the middle between the car lanes.

Around 11 PM, we arrived at the Moscow Hotel on Krasnaya Ulitsa where I had booked a room on the recommendation of one of Kroll's sources. Angel and I said goodbye to her mother, and I paid the driver to take Inessa back to her house in the village. The lighting inside the hotel only added a few more watts to the dimness of the city center, probably intentional in order to cover a dilapidated and architecturally ugly hotel built under the Communists.

Krasnodar had a number of hotels, but the city government allowed foreigners to stay at only two in order to more easily keep an eye on them. Old Soviet behavior died hard, but also assured that foreigners were charged higher rates, since the income went back to the city and its bureaucrats. Russian hotels generally charge Westerners five, ten and even twenty times as much as they do Russians—not unlike banana republics where prices rise dramatically when a Westerner walks through the door. The most cost effective way to visit Russia was to use friends living there to find a private room for a fraction of the hotel rates and someone to guide the visitor away from money fleecing restaurants, stores and women. Despite the Russians 70 years of isolation from the rest of the world, they knew all the little schemes used to separate a foreigner from his money—it's in their genes.



The quality of accommodations didn't differ between the two hotels allowing foreigners, but the Moscow Hotel cost one-fifth the rate of the Intourist Hotel, which was why I stayed at the Moscow. The doors in the hotel's rooms hung crooked and opened the wrong way, some frames lacked trimming and the sinks were not attached to the wall, so when I leaned on one it almost land on my toes. The beds, only a little wider than a camping cot, used plywood boards for a box spring on which laid a decade or decades old mattress that had never been turned. The Moscow Hotel also rented suites with double cots, one of which I had mistakenly reserved. Hotel suites catered to prostitutes and their clients, were filthy and, in the one I rented, still sported a used condom lying on the floor.

As soon as we entered our less than paradisiacal abode, Angel said, "You must always lock the door twice and leave the key in the lock so no one can insert a duplicate key from the outside."

"You're kidding," I said. "Who would want to break in here?"

"You are American. To Russians that means money. Chechnya is not far from here and there are plenty of Chechen gangsters in Krasnodar."

"What can they do to me? My firm has contacts with the F.S.B., F.B.I. and C.I.A.," I said full of myself.

"That means nothing to the Chechens. I know; I used to live with them. They will kidnap you, hold you for ransom and for each delay in payment cut off a part of your body until there is nothing left."

"Not a pleasant prospect." I jokingly answered.

"Please! Just do what I say. I know how to live in Russia."

"Okay, if it makes you happy."

She smiled, held me and put her hand on my head, “Yes Roy. It will make me happy.”

Changing the subject she said, “Tomorrow in the morning, I must go some places by myself.”

I assumed she wanted to let me sleep late or didn’t want to bore me with tagging along as she did her chores. “I don’t mind going with you. It will give me a chance to see some of Krasnodar.”

“No. I must go myself. It will be better if you wait here,” she firmly said.

“Whatever you want. I’ll go out for a walk.”

“No, you mustn’t,” she quickly said. “Russia is a dangerous place.”

“Angel, I have traveled around different parts of Russia by myself many times. Besides I live in New York City. I know how to take care of myself. You do not have to worry about me getting hurt or lost on the streets of Krasnodar.”

“I don’t want to worry about some crazy Russian hurting you,” she sweetly said.

Gee this girl really cares about me. “Okay, whatever you want.”

“Good,” she smiled. “Then in the afternoon we will go to my house in the village and celebrate New Year’s Eve with mom.”

Angel pulled out of her bag bread, meats, utensils and the type of water heater I hadn’t seen since my college dorm days for making tea. This girl came prepared.

“The food is for you Roy. You must be hungry after your flight,” she caringly said.

“That’s for sure. But don’t you want some?”

“No, I already ate and I still on my diet. Tea is fine for me.”

We talked while I stuffed my face, then played around and went to sleep. I fell right off into a strange dreamland even though it usually takes me an hour or more to fall asleep no matter how tired I am.

Next morning, Angel ran her errands and I watched television in the hotel room.

While switching through the four channels in Krasnodar, one of the Russian investigators from the office called to say that Yeltsin had just resigned the Presidency and appointed Pupin acting president.

“That means Putin will almost certainly be elected to a full four-year term in the spring,” I said.

“Unless the war in Chechnya goes dramatically bad, there is no stopping him,” the investigator replied. “The F.S.B. and the oligarchs did a good job of out maneuvering Luzhkov and Primakov with the Chechen War.”

“What happens to them now?”

“They will try to placate Putin in order to preserve some of their power by not running an aggressive campaign against him or perhaps even support him.”

“The courageous way out,” I sarcastically remarked.

“Exactly,” he laughed. “Russia is about survival, not dignity. Enjoy your New Year’s Eve.”

“You too.”

### Party Lights

When Angel returned, we grabbed the presents, food and champagne I brought from Moscow for New Year’s Eve. As always Angel dickered with a couple of taxis looking for the lowest rate and complained, “Everybody in Russia wants to cheat you. They are so greedy.”

Angel's village, Yablonovsky, laid just outside the city limits of Krasnodar. At the roadblock on the city border, armed guards checked people entering Krasnodar but not leaving. Russians considered Krasnodar well managed despite the wholesale corruption because the Mayor ran the city with a strong hand. Like a boss of bosses, he enforced a code of cooperation among the different Krishas that minimized violent confrontations by ensuring all the gangs participated in the fleecing of Krasnodar's population. In return, the average citizen didn't have to worry about street crime or terrorists. Yablonovsky was a different story. There anything could happen. Krishas battled violently, store owners didn't know which gang to pay protection and when the sun went down, average citizens generally stayed at home behind locked doors.

When Angel attended college in Krasnodar at the Academy of Physical Culture, where she graduated in 1996, public buses didn't go beyond the Krasnodar city limits because of the danger. Angel couldn't afford a taxi, so she traversed the miles from the city border to her home on foot. In the dark of winter, she ran in fear that some hoodlums might grab her and have their way with her. I felt so sorry for her going through such an ordeal. I wished I could have been there to help her.

Angel's neighborhood consisted mainly of small one-floor houses with no basements or attics. Here and there a New Russian two story house sprung up but even those sat on tiny plots of land. There wasn't as much to steal in southern Russia as in Moscow, so the New Russians weren't as rich. A high fence of solid metal surrounded Angel's house with a locked gate in the front. When we arrived, her mother was outside in their tiny front yard washing clothes in cold water with her bare hands in the winter weather. They couldn't afford a washing machine. The house had no hot water, no shower, no bath and an outhouse in the back from which the user could watch snowflakes fall through the cracks in the wooden door of the unheated commode.

Inside the front and only door to the house, stood a small kitchen with a gas stove, sink, couple of cabinets and a tiny table for two pushed against the front window. On the wall to the left of the front door hung coats and on the floor were piled up shoes and slippers. Russians always change from shoes to slippers when entering their homes, not just out of cleanliness, but because many believe the devil lives outside their doors and street shoes that traipse through the devil's environment carry bad luck into their homes unless placed off in a corner. After the kitchen was a tiny foyer the size of a large closet in which the two kept their vanity table and Angel's many stuffed animals. How could she afford all of those, I wondered. The last and largest room in the house served as the living, dining and bedroom—that was it. These two women were poor, terribly poor and had always been poor; yet they appeared cheerful, hopeful and hospitable in their poverty.

Angel and her mother created a cozy and warm atmosphere with holiday decorations that included a plastic Christmas tree. The television or a radio stayed on all the time, except, I assumed, when they slept. The barrio of Guayaquil, Ecuador used a similar technique to ward off the depressing environment. Angel's mother seemed genuinely nice and modest, looking after my needs as she would a son. Angel brought out her photograph albums—one for the family and six dedicated to her. I browsed through them while she provided commentary and her mother prepared dinner in the kitchen.

“My parents moved to Grozny when I was very little.” She showed me a photograph of a man in his thirties holding a baby. “And this is our apartment in Grozny. It was very big with four rooms.”

“My father was an officer in the M.V.D. in Grozny, and until I turned 10, we were very happy.” In Russia, as in the former Soviet Union, the police, or M.V.D., are a nationwide

agency controlled by the national government. Individual towns do not have their own police departments beholding to the Mayor but rather a division of the M.V.D. handles local law enforcement right down to the traffic cop.

“I thought you said everything was fine until you were eight?”

“No,” Angel continued, “We were happy until I was 10. Then he started drinking and when mom went traveling as a dancer, my father would beat me and not give me enough food. He would invite his friends over to play cards and drink. Then they would eat the food my mom left for me. I was always hungry.”

She told me the story before, but my heart still ached for her. I couldn’t change the past, so all I said was, “I’m sorry Angel.”

“When I was 13, he sexually attacked me.” She told me that before also. Angel didn’t go into details, and I didn’t ask but assumed he raped her.

“Mom decided to divorce him and move to Krasnodar when I was sixteen. It was very difficult. My father wanted half our apartment but Mom fought him in court and won. Mom sent me to Krasnodar in 1991 where I lived in a dormitory and went to the Academy of Physical Culture. I was always hungry.” Angel often said she was always hungry. “Mom sold our apartment, bought this house and moved all our belongings here with the help of a wonderful Chechen man.”

“I am so sorry you and your mother went through such a hell,” I sincerely said. “If I had known you then, I could have helped.”

Angel laughed and in a nice way said, “What could you an American do here in Russia?”

I responded a little defensively, “In 1991, after the fall of communism—a lot. We Americans are not as weak as you think.”

“Oh, my superman. Next time I will call you and you will fly to me.” She laughed, but really believed I could not have helped her.

I noticed that all the pictures of her before she started college clearly showed a nasty and angry, although pretty, young girl. A few of these also showed a very fat girl, which surprised me. I pointed them out and Angel quickly grabbed them saying, “Those aren’t suppose to be there!” She then ran off to hide them in her vanity room. I tried to joke about her past stoutness, but she didn’t take kindly to it, so I dropped the subject, not asking the obvious question: “If she was always hungry, how did she get so fat?” But I did ask about the mystery as to why the photographs of her after she started college showed a cheery, bright and smiling girl as though overnight her entire psychological makeup had changed.

She said, “When sixteen, I started reading the Russian philosopher Sergey Nikolaevich Lazarev who wrote about karma. I realized that my anger would get me nowhere but only punish me. People would not want to help me if I always angry. I started to believe in the God of the new human race, the new world outlook. It combine science and religion in a society where people be both saints and creators, and the God helped me change inside.”

Sounded a little Hitlerian to me but understandable given the insecurities of the changes undergoing in Russia in 1991. Still, overnight conversions, especially those involving religion, made me skeptical. How can someone growing up in poverty in a dysfunctional society like Russia change herself into a good-spirited person? But, apparently, she did. Angel never lost her temper with me and always appeared cheerful and kind. Yet something prompted me to ask for one of the angry anti-Angel pictures, “Can I keep one these photos of you when you were sixteen?”

“If you want,” she seemed surprised but unconcerned.

We moved on through this pictorial celebration of Angel but not necessarily in chronological order.

“These pictures are of the Russian long jump championships in high school. I won them three years in a row.” I heard that before also but was still impressed. “Here are shots from our track meets at the institute. I did not do well then because I injured a bone in my foot. I would have tried for the Olympics, if I had not injured myself, but I do not think I would have made it because all those athletes take steroids. I didn’t want to do that to my body and lose my femininity.”

“Drugs can exact a heavy price but mainly they are just a waste of time,” I knowingly said with a double meaning that she missed. “But successful athletes in Russia live well, with the state providing all kinds of benefits: cars, apartments and money. Don’t they?”

“Not anymore,” she sourly answered. “Now the bureaucrats only help themselves. After the fall in 1991, the only way to get ahead was to work in the government or as a criminal working for government bureaucrats.”

“Not so in America.”

“I will see.”

Then with pride she directed my attention to three other packed albums, “These have my modeling pictures.” I saw lots of nude and semi nude photographs that clearly pleased Angel but made me feel jealous.

“Who took these photos?” I asked, wondering whether that was all he did. I didn’t know anything about the modeling industry except that the mass media seemed to always report stories of unscrupulous photographers taking advantage of innocent girls.



“Various photographers, they are all professionals,” she added, as if knowing I suspected something more went on at these shoots. I decided I would just have to get use to strange men looking at my girl’s body since that is what a model sells.

None of the photos in these albums showed between her legs, but that didn’t mean none were taken, so I tried to catch her off guard by asking, “Where are the photos that show the rest of you?”

Angel matter-of-factly said, “I don’t permit those kind of pictures. I am an artist.” That was a relief. Some parts of the modeling industry could provide a decent way to make a living, and Angel apparently understood this as she avoided the more sordid temptations for making big money.

Proud of her recent travels, Angel pulled out some photos of her in Mexico, including the “good friend” Alfredo, middle-aged and fat, two other guys and two girls, one a friend from Lithuania, Azul, who also danced at The Men’s Club. Angel said they were taken on a weekend trip to some Mexican ruins.

“You told me that when you went away for the weekends you were always alone.” I said.

“Not all the time.”

“Yes all the time. In one of your faxes, you said I am always alone on the weekends.”

She ignored the discrepancy, “This guy and girl are married. She is Russian and friends with me and Azul. Alfredo and this other guy are the couple’s friends. We all simply took a trip together.”

I let it go until the photos of a smiling Angel lying on a hotel balcony with the background clearly identifiable as Cancun. Not all of her showed, but she was completely naked. “Who took these pictures?” I asked, my suspicions immediately returned.

“Azul, of course. We traveled a lot together.”

“So who is the girl in the back ground by the railing?”

“Just some girl. I don’t know who.”

“Do you always have strange girls on your hotel balcony? Who paid for the hotel room anyway?”

“I have to help mom in the kitchen,” she abruptly said and just got up and walked out. Russians tend to ignore questions or statements for which they have no appropriate or face saving response.

I wasn’t happy about what these photos implied but wanted so much to believe in her that I even began thinking this Alfredo was just a good friend of hers and Azul’s. Possibly he took the two of them to resorts so that people would envy him traveling with two pretty young ladies or to convince himself that such girls enjoyed his company. But then I estimated the costs in my head to fly, house and feed two girls for a weekend in Cancun and knew only a fool would believe Angel’s fairy tale. Alfredo clearly received a return on his investment, which meant Angel misled me about her extracurricular activities in Mexico. However, once again, I rationalized that I really had no grounds to object because our romance didn’t begin until after Mexico. Still, her dissembling bothered me, as I saw a little deeper into her behavior. Her memory didn’t match mine: she couldn’t keep her stories straight but possessed an excellent ability to invent stories on the spot.

When I finished the last album, Angel came back from the kitchen, pulled out the videotapes of the beauty contests in which she competed over the past four years. Her presence on videotape came across even better than in the still photos; a transition most models can’t make. The video camera loved her and she loved it. My previous work as a writer and producer

in television news taught me when someone belonged in front of the camera, and Angel did. All the other contestants looked stiff and ill at ease in comparison to her. Videotape simply emphasized Angel's brightness and cheerfulness.

We watched the videos of the Miss Krasnodar and Miss Fa, which she won in 1998. These contests were big time in Russia, similar to state and regional contests in the U.S. In the Miss Fa contest, Angel did a dance and acting routine of professional quality. As good as I ever saw back in the states. Immediately, I realized that with the right management and a little luck she might make it big in America.

"You really have talent Angel, I am impressed."

"But in Russia, talent means nothing anymore," she accurately pointed out. "Under the Soviets, the state rewarded artists for their work, but now they starved, no one cares and the criminals steal everything."

"Yes, but in America artists can make a decent living and some even achieve great things. Sure they have to work hard...."

"I no afraid of work."

"With a little luck, artists can support themselves in relative comfort and raise a family doing what they love."

"Oh, America is a fairy tale," she laughed.

"No, it's a place that gives people the chance, not the guarantee, to achieve their dreams. When we go there next month, I will introduce you to a couple of my friends. One was a model and now sings and acts in plays, and another played lead guitar in a famous rock band and now produces records. They are not rich but make a living doing what they love."

"I wish for my dreams to come true but I will see."

I, on the other hand, confidently entertained visions of managing the career of an up and coming star of the stage, screen, fashion magazines and rock ‘n ‘ roll. As a lawyer with an MBA, I knew I could make her dreams come true. My friends would put me in touch with influential people in the entertainment industry, and I could protect her from its sharks. It all seemed to fit: brains, talent and a decent girl deserving a chance. It also promised a new adventure for me.

Angel grabbed the runner up spot in the Miss Krasnodar pageant in which the winner went on to vie for the title of Miss Russia.

“I didn’t win the Miss Krasnodar title because I was poor,” she said. “Here the winner has to buy her own clothes for public appearances as Miss Krasnodar. They don’t give her a wardrobe. The judges knew I couldn’t afford fashionable clothes, so they gave the title to a girl with rich parents.”

“I’m sorry,” I said, not sure whether to believe her or not since it sounded like sour grapes.

“Let me show you my first beauty contest,” as she pushed the tape into a video player, which I assumed she just bought with some of the \$28,000 she brought back from Mexico.

The tape showed a group of girls painted in different colors. “Which contest is this?” I asked.

“Body art,” she gleefully answered.

I looked closer. “Are these girls wearing any clothes?”

“No. We cover our bodies with paint. It is art,” she emphasized over and over.

“Besides, no one can see anything because of the paint.” Not exactly true, I could see plenty just watching the tape.

Angel continued, “I was so nervous before I went on stage. I was afraid someone would recognize me and tell my mother.”

“Where is this?”

“It was right here in Krasnodar. I was a student in the institute at the time.”

“How could you go on stage without any clothes in your hometown and not think someone would recognize you?” I asked, but she did not answer.

“I won this contest because of the design painted on my body and my fan dance,” she proudly recounted her triumph.

All the contestants did a dance of their own choosing, but Angel’s fan dance made the others look like amateurs. I understood why she won but not why she danced naked in front of an audience in her hometown. Her prize was a CD player, but she pleaded with the contest sponsors to award her a camera instead, which they did.

“I always dreamed of owning a camera and then I won one, and now I have gotten the CD player too as your present to me. It must have been fated,” she said, sincerely believing in an omnipotent intelligence that directs the events in people’s lives. She probably wanted the camera to take pictures of herself.

The tape of another local contest that Angel won showed her with the man she called her first love.

“That is Alexei my first boy friend,” she said with fondness.

“Good looking guy,” I said with jealousy.

She then proceeded to tell me about Alexey, the man to whom she lost her virginity. All girls do this. Why? I don’t know.

“Alexei and I met at this contest. When I won, he presented me with flowers and carried me off the stage. He was very strong.” That was an understatement; Angel weighed around 150 pounds. “We went together for over a year before making love, which for me was the first time. I was twenty-one.” No lovers before twenty-one for such a beautiful girl sounded unlikely to me, especially in Russia where, next to vodka, sex ranked the most popular form of escape from the malaise of Russian life. But then again, one of my former Russian girl friends, very pretty, kept her virginity until twenty-one. “We made love here in the house the first time. My mother found out and was furious with me. We went out for nearly four years, but he had no money and would not look for good paying work. Then he left me for another woman. Alexei was the only man I had sex with.”

All girls do this routine too, or something similar. They say without any prompting how many guys they went to bed with: one, two or three—never any more. It doesn’t matter their age, twenty or forty, the most guys they slept with before me never tops three. I never could figure how that was possible? All of my buddies, including me, have slept with more than three girls, so assuming we make up a representative statistical sample, who are all the guys out there sleeping with? Maybe there are a relatively small number of girls who take on thousands of men each, but I doubt it. The girls I dated simply lied.

“Here is dinner,” Angel said as her mother brought in the first course.

When Russians entertain guests, the dinners go on for hours with many courses and many different drinks. They spare no expense in showing their hospitality. The dinner that night easily cost a month’s salary for her mother, which amounted to around thirty-five dollars for teaching at a college, the same Academy of Physical Culture where Angel graduated. Nearly every lifting of the glass required a toast, which is an art form in itself in Russia. After my

second toast, I ran out of things to say, which was surprising for me, since the wine wasn't strong, the glasses small, and I usually don't drink passed my ability to think. For some reason, my concentration vanished into a stupor of well-being. Angel and her mother, however, rambled on and on, toast after toast. With Russians the more you say the better, that way no one will remember any of your words—I guess. Angel couldn't eat too much because she was about to burst the seams of her skintight mini dress.

About five minutes before midnight, Angel jumped up, somewhat drunk, ran into the foyer, came back carrying enough fire power for a troop of soldiers and said, "Let's hurry outside for the fireworks."

I grabbed a coat but not Angel; she hit the cold unfazed in her low cut, ultra mini silver dress. Russian genes, I assumed. No streetlamps on her block, only the dim light from stars and windows that barely made visible the indistinct forms of plenty of people moving around and talking in the street. Looked like the entire neighborhood was out there waiting for the town fireworks somewhere off in the distance. Angel squatted like a child full of glee with her mini ridding around the upper most parts of her un-childlike legs, setting up her own rockets, which I thought would be hard pressed to complete with the town's fireworks.

Then at midnight, all around me explosions went off, screaming rockets careened every which way and bright colored flashes lit up the block. The town didn't put on a fireworks show—each and every household did. It looked like a war as far as the eyes could see. Every small group of people in the street shot off its own fireworks disregarding what lay in the line of fire. Rockets and explosions went off in all directions near and far, quickly scaring me out of my euphoria into the alertness of a ball carrier in a rugby game. Angel jumped up and down, squealing like a little kid while her rockets exploded all over the place. Rocket after rocket,

bomb after bomb, this six-foot-three beauty in heels with glittered blond hair, painted face and gold chains cavorted in the noise and bursting lights. Her metamorphose into an ecstatic little child seemed complete and endeared her all the more to me. All around us, other Russians were laughing and cheering in total disregard of their rockets hitting houses, neighbors or themselves. After ducking a couple of projectiles, I concluded these people were nuts. Finally it stopped, and the bleak, deep silence of the country took over. We went back inside, where Angel and her mother donned dragon masks.

“Why the masks?” I asked.

“2000 is the year of the Angry Dragon,” Angel said grinning and slightly drunk.

“So what does that mean?”

“Successes can vanish or be illusionary. Things look better than they are. Great caution is needed before acting because fortunes as well as disasters will come in massive waves. There will be a lot of surprises and anger. But from some anger will arise the righting of wrongs and the success of justice over injustice. The dragon has the power of transformation. But we must learn which battles to lose in order to win our wars.”

“Sounds like any other year to me,” I cynically replied.

“You will see this year’s difference at the end. The dragon turns and shows the full moon. Look at it in the sky; it is a reminder of the gift that you have been given. The Moon shows choice and earth nature. You can make a choice but cannot escape your nature.”

“Oookay,” I said, trying to shake the haze out of my head in a vain attempt at comprehension.

Angel and Inessa continued the celebration by setting off poppers that shot confetti and sparks all over the place. They appeared oblivious to any fire hazard. Russians don’t look too



far ahead, but her and he mother's lack of a minute or two foresight to a possible blaze seemed extreme. Luckily, no fire occurred, and the two enjoyed themselves, as did I.

Around two in the morning, Angel and I walked out into the silent darkness to hail a car back to the hotel. She seemed alert, but I was groggy even though I had drunk little.

She warned, "It very dangerous to go out at night around here. Many people are robbed, so do not say anything in the car; otherwise, they will know you are an American."

"What ever you say, but I don't feel any danger here. The stars are out, it's peaceful and we are alone." I always enjoyed the quite-loneliness of night in secluded places—the opportunity to feel the currents of life and wonder how it all works. But I knew nothing of how life worked on that dark and chilly road with houses of people who never hoped to fulfill their dreams because the avarice of a few made the lives of so many nothing more than a struggle to survive.

"Sssh, be quiet. Someone may hear you. It is dangerous here."

### Step By Step

The next evening we took an overnight train to Sochi on the Black Sea. Angel bought the cheap sleeping accommodations where my feet hung out into the open corridor along with the rest of the passengers who looked like refugees. I told her to buy a cabin for privacy, but she wanted to save money.

Under the Communists when the iron curtain kept most Russians imprisoned in the Soviet Union, Sochi turned into a favored warm weather resort for the Nomenklatura, or influential communist bosses. After the fall of communism, middle-class Russians, the few who existed, started vacationing in Sochi while the Nomenklatura, now influential criminal bosses, travel to Florida and the Mediterranean, especially Cyprus.

Sochi had an attraction to it, even in winter. It sported a tropical, lighthearted feeling unlike the gloom and oppression of other Russian cities. The hotel looked like a classy American one out of the 1930s: well built, fine decorations and brightly lit. Angel brought along the water heater for tea plus bread and meats, but once again she only drank tea while I ate the food as late night snacks over our two nights stay.

The Sochi restaurants were nice, the food not too bad and during one lunch while talking about her acting talents, Angel said to me, “Do you want to see me cry?”

“You can cry at will!” I said amazed.

“Watch.” Within seconds tears began rolling down her cheeks. I’d never seen anyone do that before.

“How’d you do that?” I asked.

“Oh, it easy,” was her response.

We went to a few discos—Angel cannot live without dancing. We shopped, saw the sights and caught the circus, which Angel, like all little girls, loved. She especially liked the tigers.

“I was born in the year of the cat,” she said. “And the tiger is my favorite animal.”

“Do you consider yourself a tiger?” I half jokingly asked.

“You will see my power someday, be careful,” she responded looking down into my eyes. I dismissed her remark as bravado. Later, I learned she was born in the year of the rabbit.

On our last day while walking in a park, we ran into a Russian guy and girl whom Angel knew. They talked in Russian; I didn’t understand a word and then they left.

“Why didn’t you introduce me?” I asked.

“Oh, I’m sorry. I forget.”

“You always forget. Whenever we run into someone in Krasnodar that you know, you never introduce me. How come?”

“I just become so involved in talking with my friends that I never think about it. It not important. These two were models at the agency I worked for in Krasnodar.”

“Okay, but it would be nice if you introduced me in the future.”

“I promise Roy,” she said as she smiled.

That night when we returned to the hotel, Angel turned on the television. Angel and her mother always turned on a radio or television when inside but only occasionally paid attention to either as they went about their routines. Maybe the background noise made them less lonely or distracted unpleasant thoughts. Whatever, when Angel turned on the television, she immediately let out a whoop of pleasure.

“Come watch,” she excitedly said. “This is my all-time favorite movie.”

I walked over to the TV thinking some classic such as *Casablanca* was on.

“*Showgirls* my favorite,” she said bouncing up and down on the bed in joy. “It is about Los Angeles.”

“Never heard of it,” I said. “But with that title, I’m sure it’s about Las Vegas, not Los Angeles.” I sat next to her to watch. The story told of a good looking blonde who used her body and lack of ethics to work her way up from a lap dancer selling sexual favors to a showgirl at a Las Vegas Casino.

Angel loved the movie and what she described as the glamorous lifestyle it depicted. To me, what little I watched, duped in Russian, looked like a trashy film depicting part of America’s sex industry. I was surprised she liked it. Oh well, people have different tastes. My favorite movie was *Milk Money*.

Angel blurted out, “I always wanted to be a showgirl. It my dream.”

That also surprised me. I didn’t say anything but quickly assumed Angel meant she wanted to work as a Las Vegas showgirl—not as a ho like the character in the movie, which I assumed the film exaggerated for dramatic purposes. If Angel wanted to walk around as a Ziegfeld girl sprouting feathers—fine. I wasn’t going to rain on her dream. Too many self-righteous and failed people try to discourage the dreams of others by pushing cowardice under the guise of practicality. I wasn’t going to do that to Angel.

After the movie, Angel insisted I take some pictures of her playing the roll of a femme fatale in her thong panties and stockings. Not a problem, and I happily snapped away with her slithering around on the floor in one seductive pose after another, performing as well as any sexy actress. The movie apparently inspired her.

Afterward, she giggled like a little girl happy with her play-acting, but I knew posing for pictures was serious business to her. Everywhere we went, we took lots of pictures mostly of her striking one pose or another. When one roll of film was finished, she immediately found a developer and on receiving the prints, quickly look through them with a critical eye for the few good enough for her portfolio. Angel knew her business. The remainder she gave to me, which usually included the shots of the two of us together. She always said, “I want you to have these so you will always remember your Angel.”

On the over night train back to Krasnodar, we shared a semi-private cabin with a manager of the Transneft Pipeline Company, his wife and little daughter. He didn’t speak English, so Angel did her best to translate. The executive treated us courteously because I was American, but the true nature of an arrogant and mean person showed through his pretense of friendliness. His wife clearly feared him, but his daughter didn’t.

The Transneft Pipeline Company built and controlled nearly all the oil pipelines in Russia. It was one of the many Soviet era monopolies that continued in tact with the same officials using the same inept management style; only now they embezzled huge amounts of public resources in the name of Adam Smith rather than the little they stole in the name of Karl Marx. The Transneft manager fitted the mold of a New Russian businessman in that he was nothing more than a duplicate of the old Communist bureaucrat: a sycophant to his superiors, a brutal tyrant to his subordinates and competent only at lying, cheating, stealing and pretending. When communism fell, most Russian officials quickly picked up the terminology of democracy and capitalism such as “freedom of speech,” “profit motivated” and “mutual benefit” in an effort to convince foreigners that their old Soviet habits of fraud and corruption had died with communism—they hadn’t. Russians simply used the new terminology to appear committed to civilized behavior because that increased their chances of tricking Westerners out of something of value. *Caveat emptor* still ruled in Russia, which the Russians translated as “If I cheat you, it is your fault.”

Before we reached Krasnodar, the Transneft manager invited Angel and me to dinner at his house the next day before I flew back to Moscow. We accepted on Angel’s condition that she could bring her mother.

Our train arrived real early in the morning, so rather than going to a hotel, Angel and I went back to her mother’s house to sleep. The house had only one small bed with one of its sides pushed up against the wall of the large room. I made a comment in passing that it made more sense to pull the bed away from the wall so that each person could climb in and out without disturbing the other.

After doing my best at washing up in the kitchen out of pans of hot water, I headed for bed.

“Don’t lie on the side near the wall. That my spot,” Angel said.

“Alright.”

When she came to bed, she positioned the front of her body in the right angle made by the bed and the wall with her back facing outward. Strange position, but even stranger was she did not move from that position the entire time she slept. She just stayed huddled against the wall.

At mid-afternoon, Angel, her mother and I visited the Transneft manager for dinner. Naturally, he lived in one of the larger houses in Krasnodar, surrounded by a high solid steel fence and protected by two bodyguards. Business in Russia often turned deadly, especially for Russian executives. The manager welcomed us warmly, proudly showed us around his plush house, doted on his pretty ten-year-old daughter and sat us down for a long dinner. As dinner progressed our host drank glass after glass of vodka followed by a glass of water that he poured from a pitcher kept on the floor by his chair. As with most Russian businessmen who believed in the illusion of their own toughness, our host wanted to show us that he could consume large quantities of alcohol without getting too drunk, which was why he drank so much water. Alina’s mother also consumed a fair amount of liquor and turned into an embarrassing and clearly feeble-minded drunk.

Our host likely suffered from an inferiority complex toward Americans as a result of the Soviet Union losing the cold war. Following World War II, communist propaganda touted the Soviet Union as the most desirable place to live as well as the strongest and most technologically advanced nation on earth. Its collapse shocked most Russians by undercutting their beliefs in the

country and themselves. Their vaunted view of their status in the world crashed to that of inhabitants of a third-world nation distinguished only by its nuclear arsenal. Unable to dispute the demise of their empire at the hands of America, Russians rationalized that as individuals they were still tougher than Americans; that is, they could drink more, suffer longer and cheat better.

On the other hand, perhaps like girls, they had lived lies so long that they could not recognize the trash heap of history on which their nation had landed. The Transneft manager proclaimed that Russia would soon catch up and surpass America now that communism was dead. He sounded delusional to me. A nation without the rule of law, where crime paid all the time and honesty never proved best was doomed to muddle along as a banana republic dependent on loans from the International Monetary Fund. Once Russia no longer posed a nuclear threat as a result of warhead dismantling and the wholesale looting of maintenance funds and new parts needed to keep its missiles functioning, the loans would decrease dramatically leaving Russia's tenuous economy even worse off. Of course, I kept my thoughts to myself and wished his country a speedy recovery.

When the time arrived to catch my flight back to Moscow, our host sent Angel and me to the airport in his chauffeur driven black Mercedes, the car of choice for Russian executives and racketeers. Angel gave me a care package of cookies and sweets, we kissed and hugged good-bye, I boarded the airplane and Angel went back to the dinner party.

### Devil or Angel

In Moscow, I began making arrangements for taking Angel to America for ten days during the end of January. Since bright lights, glitz and showgirls thrilled her, I suggested a trip to Las Vegas that she happily agreed to, but I don't think she believed it would happen—Russian pessimism.

Work included arranging for the security of a couple of high level executives from a Fortune 100 company who were scheduled to visit St. Petersburg and Moscow. We made the appropriate contribution to the local police so they would escort the executives from one point to another without stopping for red lights and post guards outside their hotel rooms. A little extreme by my thinking, but American executives always believe themselves more important than they are.

Another case involved a Western investment bank that sunk large sums of its clients' money into a poorly run Moscow based conglomerate. Investment bankers often push through deals that make little economic sense because they receive their commission upfront long before a transaction goes south. In the case of the Moscow conglomerate, the investment bank wanted to justify losing its clients' funds with an after-the-fact report from Kroll that the investment bank had actually made a wise investment because the Moscow conglomerate had a reputation for effective management and was politically well connected. Such, of course, was a lie.

The Moscow business community knew the conglomerate operated with little regard for standard business practices and the conglomerate's appearance of growth resulted from it borrowing money to buy up unrelated businesses whose income was then added to the conglomerate's revenues. Solid growth occurs when a business increases its income by selling more goods or services, not by buying up other companies. The conglomerate also blatantly violated accounting principals by transferring the assets from one company to another at the chairman's directions in a duplicitous effort to bolster shareholder value of a particular company owned by the conglomerate when that company was seeking additional investments. The investment bank had stupidly failed to conduct such due diligence before investing its clients'



funds. The bank's managers blew up over our report of their failure and tried to pressure us into changing it, but we stuck by the facts and lost the bank as a future customer.

In a third case, Kroll electronically swept an American executive's apartment for listening devices. We did a lot of this on a regular basis but usually in a company's offices where sensitive business discussions occurred. In this case, we found listening devices implanted in the walls through out the apartment. The executive could not hold a secret conversation anywhere in his apartment. The Russia agency most likely responsible was the F.S.B. because in recent years its focus had shifted from politics to economic espionage. The executive decided to move.

A couple of weeks before Angel and I left for America, my Russian tutor from New York and her best friend arrived in Moscow. Both were born in the Soviet Union and both immigrated to New York when they were around ten. They continued to visit their relatives in Russia and had grown into twenty-year-old amalgams of both cultures. Naturally, I gushed to them about Angel and how I thought she might be the one. They listened politely. Both had always thought it strange that a middle-aged man like me never married, so I expected them to wish me good luck. They said nothing until I showed them her picture, then they went ballistic in unison. "You idiot! She's a whore playing you for a fool. Two years from now you will see that it was all planned. All she wants is a green card. She will say anything; do anything to get to America."

"How do you know that? You never met her," I weakly said, taken aback by their reaction, especially because I knew they always told me the truth as they saw it.

"Look at her you fool. Can't you see it? Look at the picture. Look at that hair, she must iron it daily." These two girls were young and pretty but often brutal; however, they always had my interests at heart.

“I don’t understand,” I said a little bewildered. “So her hair is a little burned.”

“Yea, like she stuck her head in a pail of beach. Look, we know what we are talking about. We know how Russians and Americans think. Romance between the two doesn’t work. The mindsets, the beliefs and understandings are too different. Neither of us will seriously date an American guy because one wouldn’t know how to deal with us.”

“There is something to that,” I sarcastically joked. “The moment you two moved into my apartment you immediately dropped your suitcases and started going through all the closets, draws and cupboards.”

“Very funny, Roy! But this is serious. Listen, there are pretty young girls in Russia, like your Angel, think of them as a distinct class, they care about nobody but themselves. They can act, cry, pretend and will do anything to get what they want, which is money and out of Russia. They have no dignity or self-respect and are willing to take it up-the-ass from whomever pays them enough. America has the same type of girls. You call them “white trash” or “trailer park trash” or plain “ho.” You don’t have to talk to them, you can tell just by looking at them. Well this Angel of yours is Russian trash, but you can’t see it because you grew up in America. We however can.”

This hurt. I had known these two for a couple of years and respected their insights, especially concerning Russia, and often lusted after their bodies. I knew they worried about my making a real stupid mistake, but I thought them wrong—Angel had a good heart. She deserved a chance at a better life, and I was going to give it to her.

A few days after my friends left for New York, my lesbian boss from London arrived with cash, as she always did, for paying off various officials, to negotiate another six-month contract with me and to provide some useless suggestions for running the business. As the

European coordinator for the firm, Tiedemann visited Moscow and the other European operations in Paris, Frankfurt and Johannesburg every two months—nice vacation spots. All the country managers dreaded her visits, not just because of her Nazi personality, but her dumb and dangerous decisions. For example, at the end of Kroll's fiscal year, she violated accounting regulations by attributing expenses incurred in 1999 to the year 2000 in order to falsely inflate the Moscow office's profit for 1999. At the time, Kroll was in negotiations to sell the company to the Blackstone Group, so a lie about profits in Russia increased the sales price for Kroll, which benefited all the officers holding Kroll stock, such as Tiedemann. She also violated Russian tax codes by filing perjured documents with the Russian Government in which Kroll falsely claimed that the Moscow office functioned only as a marketing representative of the London office. It did a lot more, such as provide intelligence and security services in Russia. Tiedemann also refused to eliminate Kroll's practice in Russia of violating the United States Foreign Corrupt Practices Act by paying public officials for information available only to the federal, regional or local governments and then selling that information to Kroll's clients.

The Foreign Corrupt Practices Act applied to Kroll because it was an American firm and to Tiedemann who was a U.S. Citizen. On her periodic trips to Moscow, she carried thousands of U.S. dollars and at other times sent cash by Western Union to maintain the office's slush fund for paying government officials for information and security services. On one of the many times I objected to the practice, she said that as long as she got the British girl or Russian investigators in the office to make the actual payments, she did not need to worry—that of course was wrong. The Act reaches any American making or facilitating such payments. I couldn't understand how a company that employed so many former police officers, intelligence agents and prosecutors could run its operations this way unless no one higher up knew about Tiedemann's actions.

## Imagination

Angel sounded excited over the telephone about our upcoming trip to New York City and Las Vegas and would book a flight to arrive in Moscow the day before we left.

“Why don’t you come a few days earlier so that we can spend some more time together?” I suggested.

“I can’t Roy. Me and Mom have found an apartment we want to buy, but I am afraid the sellers will cheat us. We have to make sure all the paper work is done correctly, and my mom needs me to help her.”

That made sense, so I didn’t complain. “Alright, I understand how important the apartment is to you.”

“I miss you Roy and can’t wait to be with you.”

“And I love you,” I sincerely replied.

On January 19, 2000, Angel and I flew to New York City. Abroad the plane, I gave her a few tips on American manners.

“If you bump into someone, just say excuse me or I’m sorry. Don’t just ignore the person as they do in Russia. And whatever you do, don’t push someone just because they are in your way. It could cause a fight in America.” Often times, Russians in a hurry just bulldoze other people out of their way without an apology and more miraculously without a fight. The people just put up with someone pushing them aside or banging a suitcase into their knees while they sit in a subway car. The Russians doing the assaulting don’t give a damn about others, and the assaulted persons don’t believe they have any rights to defend or just fear that the batterer, often girls, have connections.

“I understand,” she somewhat patronizingly said with her mischievous grin.

“This is important,” I said a little over protectively. “Many people carry guns in America and people have been shot over such slights. If you anger someone in New York City, you know I’ll be the one to get shot trying to protect you.”

“Oh,” she smiled sarcastically, mussing the hair on the top of my head, “you are a hero protecting your Angel.”

“Okay, okay, just try to remember to act civil and say ‘excuse me.’”

“Yes Roy.”

“Oh, and if you get lost or need any type of help, find a policeman.”

“Why would I want a policeman?” she asked with surprise.

“Because unlike Russia, in America they will help, especially you since you are a foreigner and a beautiful girl.”

“You think I am beautiful?” she smiled waiting for the answer she wanted.

“You know you are beautiful, just look in the mirror.”

“I hope I am. Remember that Russian philosopher I told you whose book change my life?”

“The one about karma?”

“Yes. Lazarev says when you get up in the morning and go to bed at night to say over and over something positive about your life. He also warns not to criticize or degrade yourself or others, avoid the negative down path.”

“What do you mean, ‘negative down path’?”

“Negative emotions don’t give to you what you want, they bring only what you don’t want. If every time you repeat to yourself why you can’t have a subject of your dreams, you never get this. Start to talk to yourself by saying why you may have what you want.

Concentrate what do you want to have but not on what you don't want. Many people knowing what they don't want, but very few knowing what they want."

"Sounds like good advice for some, the power of positive thinking, but I think I would rather know the truth then make up an illusion."

"Why you need the truth?"

"Without the truth you can't make an accurate decision. You will end up doing something that will cause more harm then the good that positive thinking provides."

"You need the God," she self-assuredly said.

"So what do you tell yourself every day?"

"That God is good, and I am beautiful."

A little narcissistic, I thought, but then again her looks were her ticket. "Anyway, if you need help, go to a policeman. They will not try to take advantage of you or make you pay a bribe. They may ask you out for a date, but will not extort money from you and will help you."

"This is strange to think of a policeman as someone who will help and not hurt you," she mulled, trying to grasp the concept.

"It's America, Angel. The police are paid a decent salary, and there is a special department that investigates police corruption, which is not corrupt itself. Besides, most cops work as cops because they want to help people."

"That is good."

"Oh, and above all else never, never try to bribe any policeman or government official or you will end up in jail."

"You are kidding? If you do not pay how do you get them to do anything?"

“Well, except for cops and firemen, it is sometimes difficult to get officials to do their job, but you can’t bribe them, unless the official is a President, such as Billy-Bob Clinton. I think he would like you. You are much better looking than Monica.” At which point Angel proceeded to hit me multiple times on the arm, only in part good-naturedly. We began wrestling, a habit we frequently pursued in public and private. She was very strong for a girl. I had the advantage in upper body strength, but her legs were more powerful than mine. But Angel’s physical prowess had deep weaknesses. Once during a pillow fight, I put the pillow over her face and she freaked out. She also went nuts if while playing around I put her in a chokehold—memories of her past. A few of the passengers on the plane looked askance at us, but we ignore them and went on wrestling since we were having fun.

During the flight, she drew my portrait, which wasn’t bad. She seemed ideal to me: a model, dancer, singer and artist all rolled up in one beautiful and smart package. She also spent time writing in Russian in a composition notebook that I assumed she kept as a diary.

Before going through customs at Kennedy Airport, I advised her, “If an officer gives you a hard time, tell him you are traveling with your boyfriend who is an American lawyer.”

“Why?”

“Bureaucrats in America generally want to avoid any problems and lawyers mean just that. Here, the individual has specific rights under the laws, which most lawyers know but average Americans don’t. Bureaucrats take advantage of the public’s ignorance to try to make their jobs easier by pressuring people into doing things that people have the right not to or by just acting arbitrarily. Bureaucrats aren’t supposed to do either but they do. However, if a lawyer is involved, bureaucrats know they will just create a lot of problems for themselves by not going by the book.”

Sure enough, one official started asking Angel lots of questions until she pointed to me standing in the waiting area watching the two and mentioned my occupation. The official remarked in surprise, “a lawyer!” and passed her through. Often times the lawyer routine works in America but never in Russia. Only money talks there.

The moment we walked into my apartment in New York, she want to go out, I wanted to sleep after fifteen hours of traveling. Angel insisted, and as usual got her way. She possessed energy in abundance and the stubbornness of an iron will. I wondered whether anyone ever successfully opposed her desires. We went to a trendy Westside restaurant populated with New York’s young, arrogant and greedy where the prices shocked her.

“Why is it so expensive here?” she asked. “These meals cost what university instructors in my town are paid in a month!”

“People are paid a lot more in America, so by comparison the prices aren’t so bad.”

“Not in Krasnodar, most people can’t afford to go to a restaurant, even once a year. My mother has never even been to a restaurant.”

“I thought when your mother was young she traveled around the Soviet Union and Europe as a dancer. Remember that picture you showed me of her and you as a little girl in Germany. She must have eaten in restaurants.”

“Under the old system back then she could but not now. Only the criminals and their friends can afford to regularly go to restaurants and discos.”

“You go to discos all the time with your friends.” I said.

“That’s different.”

“How so?”



“We will talk about that later,” which was one of Angel’s favorite tactics for not answering a question along with pretending not to hear it in the first place or saying “You wouldn’t understand,” or going into a monologue on some tangential point. Most Russians have an uncanny ability, which Angel had in abundance, to talk and talk without getting to the point in the hope their listener eventually forgot or gave up on the original question that started the soliloquy.

After dinner, we went to the Sony Imax to see “Fantasia 2000,” which made Angel giggle and smile like a Cheshire cat. The huge screen wowed her, and the Disney characters were as real for her as they were for child. “It’s like virtual reality. I feel I am inside the movie,” she gushed.

Over the next few days before leaving for Las Vegas, I tried to show Angel a few of the different occupations she could realistically pursue in America by introducing her to friends who worked in modeling, acting, rock ‘n’ roll and physical training. I wanted to help her get out of lap dancing and make her wish come true by finding in America the occupation meant for her. Everyone has a first best destiny, and I wanted to help Angle find hers.

Biology theorizes that at birth an infant’s brain is arranged in such a fashion that best suits the child for a particular career. Psychology can assist in determining that career by measuring at least sixteen different aptitudes that a person may possess at birth. The aptitudes aren’t learned; they are hard-wired into the brain. Most people have four or five aptitudes and most jobs require a similar number. The trick for a man, and I believed for girls, was to work at a career that used his aptitudes and, therefore, best fitted the structures of his brain. That career would be a man’s first-best destiny. If he ignored such a career, feelings of boredom, uselessness and that he should be doing something else would haunt him all the days of his life.

Nearly everybody realizes as a child or teenager what fascinates them so much that they dream of making it their life's work. Unfortunately, parents or environments may convince or scare young adults into forsaking their destiny. Many turn away from their dreams for what they perceive as a safer, more likely path to a materially comfortable or affluent life. They fail to realize that by pursuing their dreams, the money, security and status will come as though by magic. It's only common sense that when people work at activities they love, they will more likely achieve success than pursuing a compromise dictated by their fears. They will also find greater satisfaction than toiling at a disliked job just for the money. Besides, those who deny their dreams will find their dreams haunting them throughout their lives. A television program, book, individual or some other trigger will time and time again remind folks who missed their first-best destiny of what they threw away. By middle age, such persons will feel uneasy about their lives as though something is not right and perhaps they should have gone for their dreams instead. And the regret of failing to pursue what they wanted will plague them everyday. No amount of alcohol, drugs, therapy, sex, religion, eastern philosophy or mysticism will assuage the misery—only death relieves that pain. I didn't want that to happen to Angel as it did me, and I knew that with my contacts and knowledge I could help her reach her dreams.

Angel and I first met with my martial arts instructor and friend. Mark worked as the sports trainer in a college athletic department. Angel loved athletics, graduated with a teaching degree from a college devoted to sports and taught aerobics in Krasnodar. Her mother also taught aerobics and worked as a trainer at the college Angel attended. The field of physical fitness looked like a possible fit with Angel's aptitudes. In Russia, unfortunately, anyone who worked as a teacher or trainer lived in poverty. Only crime and sex paid in the former Soviet Union. But in America, Angel's love of sports and exercise could provide her the opportunity to

live a middle-class lifestyle or better, if she wished, by teaching or training. Mark briefed her on the industry, including the different jobs immediately available, their requirements, salary and the long term potential that included training movie stars and marketing her own fitness video. Mark even offered to use his connections to help Angel find a job, but she decided not to pursue that avenue.

“I think I want to do modeling more than teach exercise. I know I am a little old for a model but I want to try before it is too late.”

“Fine,” I said. “We will have dinner tomorrow night with my friend Cindi who was a model, rock ‘n’ roll singer and now works as an actress. She will have lots of suggestions and know exactly how to approach the business.”

Cindi brought to dinner the owner of an agency that employed models and actors for corporate events. The two briefed Angel about the different areas of the modeling and acting business, how to go about breaking into both and what pit falls to avoid. They advised that pursuing a modeling or entertainment career required perseverance and hard work that often entailed a second job as a waitress or bartender. The agency owner offered to use Angel as a model when she returned to America. I could see Angel’s brain going to work, trying to figure out how to take advantage of the knowledge and opportunity my friends offered.

After dinner, she firmly told me, “I want to come back here and try to become a model but I must hurry. I don’t want to waste the time. I wish I didn’t spend those two years after the institute doing my dissertation. I just wasted my time.”

“We’ll come back, don’t worry,” I said.

“But how can I get a work visa?”

“Let me work on it.”

“Okay, but if I can’t come to America then I will go work in somewhere else. Maybe Japan or Europe.” I knew what that meant—more lap dancing.

After meeting with my friends, Angel surprised me by insisting on going to lap dance clubs to check out the job prospects. The clubs in New York City that served alcohol only allow the girls to strip to their tong panties.

Angel adamantly said, “I don’t want to do striptease and I don’t want anyone to touch me. It is dirty work and I do not like it.” I learned in the vernacular of the lap-dancing industry, “striptease” meant taking everything off.

“I thought you never did striptease and no one ever touched you?” I probed a seeming inconsistency.

“I didn’t but I know girls who did. I don’t like it.”

So we visited Scores and Flash Dancers, the classiest, assuming such a description makes sense of New York City’s gentlemen clubs, as they are euphemistically called. The girls go to a customer’s table and ask whether he or she wants a dance. Angel said many of the dancers she worked with in Mexico preferred stripping for girls rather than guys. During a song a girl wiggles out of her long evening dress leaving her naked except for a tong panty. She then undulates various intimate parts of her body in close proximity to the customer’s face. Management allegedly forbids the lap dancers to touch anyone, but many rub their knees and asses against the customer’s crouch. The customer, however, can’t touch the girls and management apparently strictly enforces this through the many bouncers with sloping foreheads stationed about the room. For one song of about three minutes the girl receives \$20 cash. Or if the customer wants, the girl will sit and talk with him, make him feel she’s interested in him, for

a fee of course. There were also VIP rooms that cost hundreds of dollars, but what went on in them, I couldn't tell.

Angel asked more questions of the girls at these joints than she did of my friends who briefed her on fitness, acting and modeling jobs. She was especially interested in how much the strippers made a night: average \$600 to \$800, which shocked me. A normal workweek meant \$3000 to \$4000 pure profit since these babes didn't pay taxes. Perhaps I should have been born a girl.

Angel again surprised me with "It will be my second job instead of working as a waitress or bartender. I will make more money and not have to worry about being poor. I can only do this while I am young so I must do it now."

"But if you work as a waitress or bartender, it's only part time, which allows you more time for your dream of modeling or acting."

"Me and Mom are poor, and I need to save up at least \$50,000, so we can feel safe in Russia. I can only do that while I'm young."

"Things work differently here Angel. To succeed in modeling or acting requires a lot of work and being able to change your work schedule around. From what the girls said, these clubs don't allow that. Also, you'll have a better chance of securing a long-term occupation by concentrating on it now when you are young."

"No, I will do the dancing until I saved up enough."

"Okay," I relented. "But once your legitimate career begins to move or you saved your \$50,000, then you can devote fulltime to modeling or acting and forget this unpleasant lap dancing."

“It is art,” she quickly protested. “When I dance I go some place else where I think only of the movement of my body.”

“Well that is one way to look at it,” I diplomatically said, wondering how taking off her clothes for money so that strange men could get excited rose to the level of art.

“If I come back here to work, I don’t want to be dependent on anyone. I need my own money.”

I wasn’t happy. “Angel, sure these lap dancing jobs pay a lot of money, but working five nights a week from 8 PM to four in the morning is going to take a toll on your looks and health. Look at this place,” as I gestured with my arm to the main room at Flash Dancers. “It’s dark, dingy, full of smoke, naked girls and drooling losers who never went with a pretty girl in their lives. Think also of the impact on your psyche.”

“Oh, don’t worry Roy,” she once again mockingly said with her arm over my shoulders. “I am a strong girl.”

Well at least she wouldn’t turn into a financial burden like some of my prior girlfriends. I warned her, “Whatever you do, don’t tell anyone in America you are working as a lap dancer. It may be acceptable in Russia, but here they might think you are a prostitute.”

“I not a prostitute,” she retorted so quickly it startled me—boy, she hated hookers.

“I know you aren’t. Just that people might think that. Even though you will be making more money than most Americans, they will still look down on you. This is not Russia where only money counts. Here certain jobs are considered illegitimate: that is, low level, and people will look at you as low class and a bad person. They will not want to help you in your career.”

“I will remember that.”

## Viva Las Vegas

After four days in New York City, we headed for Las Vegas. Angel made entries in her composition notebook while we waited for our flight and on the plane.

Flying over the desert, she said with disappointment, “I don’t see anything. I don’t think there is much out here.” I assumed she thought the western part of the United States was like the northeast: one vast sprawl of buildings and houses. But then the plane turned to land and she saw Las Vegas out her window.

“Oh! There it is! Look at all the buildings out here in the middle of nowhere. It great,” she excitedly said.

We checked in at the Paris Hotel that has a huge casino with the ceiling painted like the noonday sky. It took Angel a few trips through the casino to realize the ceiling was not the real sky. Such childish confusion and wonder endeared her to me.

Our first night we had dinner with a married couple from New York City that were friends of mine for years. They recently semi-retired to Las Vegas. The wife ran an antique business but previously worked as a political operative in New York, and her husband once served as Chief of Police for Manhattan and Brooklyn and the manager of security for one of America’s richest men. They lent us their video camera, which Angel quickly took command of and gave us tickets to the more popular performances that featured Las Vegas showgirls—Angel’s dream.

Neither Angel nor I gambled, so we spent our time touring the casinos and Las Vegas attractions. I looked the ultimate tourist, lugging the video camera and two still cameras slung around my neck so that Angel could record her trip for prosperity. At her direction, I took pictures of her with various Las Vegas sites in the background. Angel preferred the video

camera in front of which she played hostess to her imagined audience of fans. With the tape rolling, she droned on interminably in a travel log type monologue without saying anything imaginative as she walked and pointed out various attractions. Her monologue did pick up when she came across a nude statue of a man on a pedestal before which she made some sexual gestures and tried to enlist my participation, without success. These rather crude antics bothered me because they looked like what low-class, uneducated girls from trailer parks did, but I let it go. In addition to play-acting the travel hostess, the little girl in Angel made sure to go on as many amusement rides as possible. But at night the career woman took over for the little girl as Angel focused intently on the topless shows we attended.

After the first showgirls extravaganza, she exclaimed, “That was great. Those girls were so beautiful and glamorous and the way they walked,” as she imitated them. “I want to do that. I have always dreamed of it. And I know now you don’t need big tits to do it.” Angel usually referred to her breasts as though they were assets that she did not have enough of but also rationalized, they stayed firm longer with the nipples erect.

“Well, like I said, ‘America is the place where dreams can come true.’ I’ll call some of the casinos to find out how someone becomes a show girl.”

“That would be great. Let’s go to one of the gentlemen clubs. I want to see what they are like and whether I would want to work in any,” she added.

That I didn’t like. I kept hoping she’d focus on the less tawdry end of show biz, but Angel always came back to the lap-dancing clubs, wanting to check out the employment opportunities. Frankly, I began to feel troubled in these places. How many naked girls can a man look at in a short period of time without getting bored? Also the clubs’ commercialization of vicarious sexual thrills began to somewhat repulse me. Everyone knew the girls in these



joints didn't give a damn about the men but only wanted their money, just as Tina Turner sang about in the song "Private Dancer." So then why would a man go to these strip clubs: to engage in a form of self-delusion that the girls really liked him or in the hope of finding a girl to go home with him for a few hundred dollars? Even the rent-a-sex reason made no sense to me. I always thought sexual relations matter only when two people honestly cared and were mutually attracted to each other, and that human complexity required emotional as well as metaphysical connections for sex to achieve true satisfaction beyond the purely sensual or ego gratification.

I replied to Angel's request, "Aren't you tired of these clubs? After all you worked in them in Cyprus, Mexico and now you want to work in them here?"

"It's my business. I want to see whether I can do it here."

We went to the "Paradise," which an American executive in Moscow said was the better of the lot. The club's manager was impressed with Angel's height and told her to come audition when she came back but she would need a license from the county to work. Like Flash Dancers in New York City, the girls stripped to their tongs and the customers could not touch.

Once again, Angel made it a point to tell me she didn't want to work in the all-nude clubs or where the men touched the girls. "They were dirty. I don't like dancing naked or men touching me."

"They were dirty," I repeated using her past tense. "I thought all the clubs you worked in you only stripped to your panties and that the men could not touch you."

She hesitated and only answered part of the question, "Sometimes a man would touch me, and I would call the bouncer over." I didn't press the part about naked dancing.

Also like Flash Dancers and most of the other lap-dancing clubs in America, this club was run by organized crime, which didn't bother Angel a bit. I couldn't figure out why.

The following day, I contacted the manager in charge of entertainment at the MGM Grand. He told me that many of the Las Vegas shows were put together in New York City and suggested how to find the producers there that were recruiting. For shows organized in Las Vegas, he referred me to a publication that ran recruiting notices. I told him a little about Angel, and he advised that before going to any auditions, she needed to learn basic dance steps and taking singing lessons would also help, but given her height, she should have no problem finding a job as a showgirl.

In response to the news, Angel said determinedly, “Now I must come back here.” Las Vegas was nice for a vacation but to live there didn’t thrill me. But if Angel wanted to work there, then I would live there with her. I was sure I could find a job, or maybe just end up managing Angel’s legitimate career and keep her from the spiraling decline into the dead end of easy money in the sex industry.

We met my married friends for dinner again. The wife wanted to give Angel a necklace but she would not take it. She explained to me later she feared it was a trick that my friends would want something from her in return. I chalked it up to different cultures and tried to explain to Angel that most Americans give gifts from the heart and my friends considered her a friend because she was with me. But Angel didn’t get it. Perhaps she was more scared of the world than she let on.

After dinner, the former police chief took me aside as he usually did when he thought I was heading for trouble. “Be careful of that girl. She is not everything she pretends to be.”

“There are probably parts of her past I would rather not know, but she has had a hard life, and I can help her.” I said.

“I told you this once before, you’re not responsible for anyone but yourself.”

“I remember. It was concerning another Russian girl. I will watch out.” But I didn’t really think Angel could do me any harm.

The Chief added, “You know that stuff you told me about her reluctance to kiss when you first met her, well, hookers don’t like to kiss on the lips either for fear of losing their business objectivity. I don’t think she’s one but go easy.”

“A friend of mine in Moscow said the same about Russian girls in general. They’ll let you fondle any part of their body but fear losing their hearts with a kiss. Does that mean all young Russian girls are hookers?” We laughed.

Everyday since we left Moscow, Angel called her mother to check on the status of their efforts to purchase an apartment. One day, Angel got off the phone all smiles and happy.

“A miracle has happen. I and mom own an apartment. It great, our own apartment at last with a bathroom, two bedrooms and hot water in a safe part of town.”

I congratulated her. As a middle-class American, I couldn’t imagine it a miracle, but from her reaction, she clearly did.

“How much did it cost?” I asked.

“Twenty-four thousand dollars, and we still have to renovate it. It needs new kitchen and bathroom, the walls and ceilings must be painted and the floor redone, and on top of that, we will have to buy new furniture. A lot of work and expenses yet.”

“Let me know if I can help.”

“You are an American man and not used to hard work. It would strain your muscles too much. Mom and I can do it.” Her remarks didn’t insult me because they were typical of third-world girls. Most Russian, Latin and Asian babes believe the Feminazis emasculated all American men. But that’s generally true only for guys in the government, media, education or

living on the Westside of Manhattan. Most girls don't realize that the capacity for brutality of third-world men exists only when they have more power than others. The real viciousness of American men comes out when they are the underdogs with their backs against the wall. In time, Angel will learn a few men still exist in America.

Before we left Las Vegas, I bought a Barbie Doll for the daughter of the Transneft official we had met on the train from Sochi. Russian dolls couldn't match Barbie although real live Russian girls did. I knew the daughter would like it and asked Angel to give it to her when she returned to Krasnodar.

### Could This Be Magic

On the plane back to New York City, Angel seemed deep in thought much of the time and wrote a lot in her composition notebook.

In New York before we caught the Phantom of the Opera, we ate at another trendy Westside restaurant.

Angel looked at me in an inquiring way, squinted her eyes and said, "There is something interfering here. I sense it."

My marital arts training spun me around in my chair looking for trouble, but there was none there. "What are you talking about?"

"I think someone put a curse on you."

"Only my mother, but thank goodness she's dead," I only half-jokingly said.

"I'm serious Roy. Your secretary at Kroll did something. I could tell the way she looked at you in the office. She liked you, didn't she?"

"We dated for a while, but she's planning to marry this Australian guy who is visiting her in Moscow."

“Did she ever prepare a meal for you?”

“No. We went to restaurants. But her mother prepares my meals in the office during the workweek. Why?”

“Now I know what is going on,” Angel declared.

“What are you talking about?”

“Your secretary wants to keep you. She does not want anyone else to have you, so she has used her mother to cast a spell on you.” Oh brother, not this black magic stuff again. I didn’t believe in it, but Angle did, so I indulged her.

“Why would she want me when she has someone else?”

“Life is uncertain in Russia, and some girls want to keep more than one man tied to them, so if they lose one, they will still have someone to help them. Russian girls will cast a spell so that the man will only want them and not go out with another girl. The man will feel depressed and not want to work.”

“I feel that all the time.”

“Stop Roy! This is dangerous. There are powerful forces at work here. Your secretary cast her spell by putting some of her menstrual flow into the food her mother prepared for you.”

That went well with my spaghetti. “Wouldn’t her mother know about that?”

“Her mother probably helped her. We Russian daughters are the product of our mothers, not our fathers. Our fathers live their own lives while the mothers and daughters stick together.”

“Nice society,” I sarcastically remarked. “So right now, I am under my secretary’s curse that will prevent us from getting closer and cause arguments like the one we had last night when you fainted because of the emotions welling up inside of you. Did her curse cause you to faint?”

“No. She’s using black magic against you, not me. That made you say things that hurt me and caused me to faint. She wants an emotional crack to occur between us.”

“All I said was if you’re not happy, we can end the relationship. You got to see New York and Las Vegas. That’s a plus.”

“I don’t want to go into that now.”

“Fine, but how do you know she used black magic?”

“Black magic is used to do something to another person. It’s very dangerous because it will come back to you many times stronger unless you protect yourself. White magic is to protect yourself from harm that others want to cause you. So when we get to Moscow, I will take you to a white magic man who will protect you from your secretary’s spell.”

Visions of a medicine man dancing and chanting went through my head. Naturally, I didn’t believe any of this hocus-pocus, but it might turn into an interesting story, so I agreed. “Okay, anything that may help, I will try.”

Angel loved the Phantom of the Opera, but I didn’t understand it. She tried to explain the middle-aged Phantom’s sacrifice for the beautiful, young artist, but it made no sense to me.

“Why would the Phantom sacrifice himself for her when she loved a man her own age?”

“Because he loved her and wanted to help her.”

“Well, whatever you say, but I still don’t understand.”

As she put her arm over my shoulders, she said, “My bewilder American lawyer. You will someday.”

After the show, we met my rock ‘n’ roll buddy at the recording studio previously known as the “Power Station.” Pat had moved from playing lead guitar for Meat Loaf to producing. When we arrived, he was mixing a record for a male singer, but both of them willingly took a

break to show Angel around the studio. Such is the power of pretty girls. The two also briefed Angel on the type of jobs available in the music business for backup singers and dancers. Pat offered to hook her into some auditions when she came back. Afterward Angel said that if she came back to America to work, she wanted to concentrate on modeling—not acting, singing or dancing. Fine, the choice was hers, but modeling seemed the less likely chance of success given her age, now 24.

Angel and I spent ten days and nights together in America with a few arguments caused by misunderstandings. She was prone to crying rather than getting angry during our disputes, but I never knew whether her tears were real. By the end of our stay, she clearly wanted to come back and work in America, and I clearly wanted to stay with her. Although her desire to work as a lap dancer still bothered me, I rationalized it wouldn't take long to earn the \$50,000 nest egg for her and her mother. Besides, once her legitimate career took off, she wouldn't have the time for stripping. Any suspicions about her occupation extending to other areas of the sex industry dissipated, in part, because she was so awful in bed. I've dated a few girls, and Angel rated the worst when it came to sex, so I concluded no one would ever pay for her services in bed.

She insisted on a purely mechanical routine to warm her up—no spontaneity, no creativity wanted. Much to my surprise, she didn't even like having oral sex performed on her—a rarity for girls. And anal sex was taboo because of a bad experience that she refused to elaborate on. She called warming her up “making me ready,” which allowed her to orgasm quickly during intercourse. Making her ready started with a little kissing of the lips, then the suitor moved his mouth to her ears, which she rarely cleaned, where he waited for a few moans as the signal to play with her hair and lightly kiss her closed eyes. After a few more moans, onto her breasts, which tasted awful no matter how long or hot a shower she took, and she took

scalding showers. Her breasts seemed impregnated with the foul odors of the clubs in which she had spent so much time dancing. When ready, she would curl up into a fetal position during intercourse with her knees between her and the guy as though pushing him away but yet wanting him to stay until she climaxed. She kept her eyes tightly shut all the while and obviously entered a world to herself. There was no feeling of connection with her, no communication of emotions or a shared experience. She concentrated solely on reaching orgasm, which usually took her about five minutes. Then she would lie like a log wanting to stop just when I was warming up. During the entire ritual there was an ever-present bad odor coming from her sex organs. I told her she probably needed to go see a doctor because something was wrong down there. She just ignored it. Sexually, Angel stunk both literally and figuratively, but I still loved her with an emphasis on the compassionate part of love rather than the passionate.

My Russian tutor in New York, whom I talked with over the phone, took exception with my reasoning, though not so brutally this time. She said, “You know it is all about sex. If you really love a person, you will enjoy sex with them much more than you would enjoy better sex with a person you don’t love.”

#### Back in the U.S.S.R. Boy

Back in Moscow, Angel found a person she referred to as a “white magic man” from an advertising weekly regularly delivered to my apartment. I always tossed this shoppers’ guide without looking at it believing it consisted of coupons and the latest sales on consumer products and services. Unlike American shopper guides, this one advertised the services of witches, warlocks, mediums, clairvoyants, diviners and other assorted weirdoes. Apparently Angel was not the only Russian to believe in such mumbo-jumbo. It was obviously a booming business with the vast majority of Russians using “magic people” to attain their heart’s desire. Now I



knew the Russians were nuts, who else would put up with a Czar and the Commies, but magic? Despite my mockery, Angel was serious and insistent on me seeing this guy to remove the curse, so I went along.

On January 31, 2000, after the sun went down in gloomy, snow-covered Moscow, we entered a shabby office in a dingy apartment building in the southeastern part of the city. The magic-man looked in his thirties, tall, sharp features with black hair. He escorted us into a small dimly lit room with a table covered by a black cloth on which sat a black candle in an ugly and ornate brass holder. I couldn't quite make out the figures on the candle holder. The magic-man closed the door behind us and motioned that we sit in the two chairs with our backs to the door, directing me to sit on Angel's right. The magic-man sat behind the table facing us and lit the candle. If this guy was a white magician, why all the black accouterments, so I turned to Angel, "I thought this guy practiced white magic?"

"Shush, I'll explain later," she said. Now I had heard that from her before and didn't expect any subsequent explanation, but, if this childish ritual made her happy, then fine with me.

The magic-man, whom I now assumed deluded himself a practitioner of the black arts, spoke only in Russian, so I did not understand what was said but as usual relied on Angel's translation. The magic-man listened to Angel and then melted some wax in a small can, waited for it to cool, and then gave his analysis. Angel translated that the magic-man found a mild spell placed on me by my secretary to make me want her and no other woman. Angel triumphantly added, "You see, I was right. I know about these things." Why wasn't I surprised with the sorcerer's conclusion?

The magic-man continued to explain that to exorcise the spell; he needed a photograph of me from the front that showed me in a receptive position. Angel explained a picture in which I looked straight at the camera without crossed arms so that I would be open to the exorcism.

I looked at her puzzled. What difference did my arms make or which way I looked in the photograph? She read my expression and said, “Don’t worry, I will pick it out.” Fine, I thought, at least my head doesn’t have to do a 360°.

Angel and the sorcerer made arrangements for her to drop off my photograph for him to cast a protective spell to cancel my secretary’s curse. The black magic-man then wrapped the melted wax in paper and said for me to bury it in the snow when I left. Angel told me to pay him twenty dollars, but when I went to hand him the money, he shrank back as though I was the black magic-man and motioned for me to put it on the table.

Angel explained, “It is dangerous to take money or anything directly from people because someone can use it as a way to put a curse on you.”

“What does he do when he goes shopping for something?”

“Shush!”

Boy, these Russians were superstitious, I thought. No wonder the economy didn’t function with everyone scared to accept money because it might carry a curse dooming them to a fate worse than death. I put the twenty on the table and didn’t even think about shaking hands goodbye. Angel and I went outside into the darkness where she told me to bury the melted wax in a snow bank.

“Why a snow bank? It’s only going to melt leaving the wax for the street sweeper, if they have one out here. Shouldn’t I bury it in some deep, dark forest?”

“You Americans! Just do what the magic-man says. We know about these things.” Into the snow bank it went.

Driving back to the office with Angel, I felt immersed in a narcotic fog of feeling good from which crystallized the thought that Angel was all that mattered in my life. Work, career or death didn't concern me—only Angel. I attributed this strange elation and conclusion to my contract with Kroll ending soon. Despite previous negotiations, Kroll decided not to renew my consultancy in order to save money. Fine with me, the work had been interesting although not very challenging, living in Russia was okay, but I could do without dealing with the pathologically insecure lesbo boss in London and her lover in the office. As with most feminazis, who can't act like a guy because they're not and can't act like a girl because they're neutered, these two didn't understand how the world really worked or how to deal with people.

Later in the evening, Angel went through some photographs of me.

“This one will do,” she said with her Cheshire grin as she showed me a photograph of me smiling with my arms at my side.

The following day, she delivered the photograph to the magic-man and warned me, “You must pick up the photograph before the end of seven days. I will be in Krasnodar preparing for my eye operation, so I can't do it for you. It's very important to take the picture before the end of seven days; otherwise, the spell will not work. Have your driver take you, and leave your wallet in the car, but you must go into his office alone.”

“Don't you trust this guy,” I asked little surprised at such precautions.

“I don't trust any Russians,” she emphatically replied.

“Then why don't I take my driver inside with me or a body guard for that matter?”

“No, you mustn't! The magic-man might turn angry, and you don't want that.”

“What’s he going to do, put a curse on me?” I laughed.

“Be careful Roy. You don’t know what you are dealing with here. These magic-men are very powerful in Russia.”

“Okay, I’ll go in alone to make you happy.”

She grinned, mused up my hair and said, “Remember to leave him another twenty dollars.”

“Fine,” thinking this magic business simply wasted my time. “What do I do then with the photograph?” Wondering whether I needed to bury it in the snow again.

Surprisingly she said, “I don’t know. Whatever you want.” Apparently, the magic-man hadn’t thought of it.

Seeing my puzzlement, she quickly added, “Keep it with you.”

The next evening while still in Moscow, Angel and I visited her agent Leo. She wanted to collect some money she thought Leo owed her concerning her work in Mexico. She asked me to wait in another room while she and Leo discussed business. My intuition didn’t like that, but I rationalized they would talk in Russian anyway. After their meeting, Angel seemed relieved, telling me that Leo was going to call her Mexican agent Maria, who had arranged for her to work at The Men’s Club, to find out what happened to some of her money.

“How many agents do you have?” I asked.

“Too many and they all take some of my money. Leo sends girls to Maria in Mexico City and she finds them dancing jobs in the clubs. Leo takes 20% and Maria 15%.”

“How do the clubs make money?”

“Some take a percentage of the girl’s earnings and others make the girl pay the club a set amount to dance each night. The Men’s Club took 15% so for every \$20 dance, Leo got four dollars, Maria three and the club three. But I don’t complain; \$11 a dance for me is good.”

“Time for you to find different work.”

“I dream of modeling. It what I like, but in Russia I am not what they want. Here they only want girls for runway modeling. I do not have thin enough body.”

“Well, as my friend told you in New York, there are many different modeling careers in America, such as fitness modeling that you could do.”

“Yes, it my dream.”

As we walked back to my apartment on February 2<sup>nd</sup>, Candlemas Eve, in the cold and dark along Kutuzovsky Prospect, I asked Angel to marry me. The words jumped out of my mouth without me realizing it—no rehearsal, no running over the exact phrasing and no nervousness. Just lost in a fog again; my will suspended while the rest of me executed some prearranged program.

“Are you serious?” she asked.

“Yes, I am serious,” I said although I didn’t feel serious. I didn’t feel anything.

Angel said nothing; she waited then, “I don’t know. Let me think about it.”

“Okay,” I said as a momentary light flashed through the fog bringing a sense of dread for the results of a terrible mistake heading my way.

As we walked, I remembered, as I so often did, the girl I should have married but didn’t because of a stupid decision of mine. In 1968 the workings of the universe introduced me to Jennifer whom I knew right away was the one, my soul mate. With an open, generous and kind personality, Jennifer made my thoughts loom less menacing on me. She played a great game of

touch football, catching the ball behind her head when necessary and enjoying the roughness. She was tough, more so than Angel, but a genuinely nice person. While smart, at times Jennifer displayed a mind boggling naiveté as when she said she thought the height of the Rocky Mountains in Colorado might block out the moon at night—her favorite object for pondering. Ironically, or I now realize, fatefully the decision not to marry Jennifer sent my life in a direction I wished I never went.

Back then, a college course in Quantum Mechanics and General Relativity had lit a passion in me to delve the mysteries of the universe. The course turned my understanding of the universe upside down. After each class, I felt like Alice in Wonderland—common sense meant nothing. The universe was not as I thought; it thrilled and astonished me. In class, philosophy, science and mysticism met. No theory was outrageous unless based on the mundane understanding of our everyday perceptions. What my five senses had told me all my life was nothing but an illusion. The true nature of the universe was stranger than any tale. I wanted to understand the metaphysics of that nature in scientific rather than intuitive terms, which meant majoring in physics.

I knew that marrying Jennifer would mean settling down into a career in order to meet my obligations to wife and family, and the only career that interested me was one in physics. My wandering days would end. Years later in the 1990s while reading Joseph Campbell, I concluded that fundamental forces had been at work on me in that late sixties' summer. Jennifer appeared in my life with her dark bottomless eyes and black hair to steer me in the direction of understanding the workings of the universe by attracting me into the underworld of intuitive knowledge. She would have set me on a life-long process of carrying understanding from the world of metaphysics to the light of consciousness in the form of the mathematical language of

physics. A worthy vocation, but I didn't marry her, and every day I regretted not following the path Jennifer represented because of my succumbing to fear and pride in deciding to wander eclectically from one endeavor to another that eventually brought me to Angel.

Two nights later over dinner at the Pushkin Restaurant, Angel answered my proposal by agreeing to marry me. Usually, when Angel had asked for time to think before answering a question, she forgot about it, and I would have to prod her for an answer. Either her memory wasn't very good, or she hoped I'd forget having asked the question. Buying time was apparently one of her tactics for bypassing a potential problem. This time, for some reason, I refrained from reminding her about my proposal. Perhaps my unconscious knew something I didn't.

"I will marry you Roy but I want to make some things clear," she said with her innocent smile.

"Fine," I said. "Discussing issues beforehand is always better than waiting for a problem later."

"We will live as husband and wife and you will help me find work in America in my favorite business?"

"Right, Cindi is willing to help you with the modeling. You know my contract with Kroll ends this month, and I plan to go back to America and take you with me. In order to do that, we need to go through certain procedures at the U.S. Embassy. Now they might, although I doubt it, decide not to let you into America. In that case, we can live in Moscow or go to some other country. I said before, I think you are very talented and besides loving you, I want to help you reach your dreams. As a lawyer with an MBA, I can do that. It's common in America for husbands and wives to help each other in not only emotional ways but in material terms and in

their careers. Often two people working together can achieve much more than two people working separately. So I see our marriage as two people who love each other and want to help each other.” Angel just looked blankly. When Russians don’t understand something they don’t say so because it makes them feel humiliated. “Do you understand,” I added.

“I understand,” she sarcastically said with a smile.

“Do you love me Angel?”

She leaned forward with her Cheshire smile, touched my hand and said, “I have special love for you Roy.” In the words of a famous fictional detective, I felt like a toad on a wet rock with a snake looking at the back of my neck. She added, “So you will try to get me papers to work in America?”

“That’s just what I said, and help you in your career like you want. It is all part of our being married.”

“How long will it take for my papers to America?”

“About three months after we marry, maybe shorter.”

“I go back to Krasnodar for my eye operation, so let’s get marry after that.”

“Fine, and since you will have your own career and money in America, I would like a prenuptial that says you will not take my money if we divorce.” She seemed a little surprised at this.

“Why do you want this paper?”

“Because otherwise you could marry me, and after a few years, take a lot of my money through a divorce.”

“You Americans always think about money. What about the feelings of the heart?”



“Just as you are concerned about working in America, I am concerned about not losing a lot of my money.”

“Okay, but you must do everything you can to get me work papers in America, and I want a paper that says you can’t send me out of the America,” she added.

“It’s not up to me to decide whether you could stay in America if we divorced. Immigration authorities make that decision.”

“But I will be able to work?”

“Yes,” I repeated.

“Okay,” she grinned innocently. “Here’s to us and America,” she toasted.

The following day I took Angel to the airport to fly home to Krasnodar. She needed to help her mother renovate their new apartment and undergo laser eye surgery to correct her inability to see people at a distant. She couldn’t stand contacts because after eight hours of working in a smoky club, they irritated her eyes. And glasses she really disliked. Probably because they insulted her vanity and club proprietors rarely hired four-eyed girls, although Angel looked stunning in them. Angel also said she needed to assist in transferring the old house to one of her aunts, which, as any transaction in Russia, still required long hours, numerous approvals and multiple stamps and papers all invented to maintain full employment in the Soviet Union that no longer existed. The aunt, a sister of Angel’s mother, lived with her husband and daughter in the far east of Russia on Sakhalin Island. They wanted to move to Krasnodar because on Sakhalin not only jobs were scarce but also food—people were starving while the criminals running the government stole millions. Angel said that compared to Sakhalin, Krasnodar looked like the land of prosperity. It surprised me to hear that Angel and her mother had relatives. She

never mentioned them before, so I assumed her and her mother were a family of two only.

Angel said her mother had two sisters but only stayed in contact with the one in Sakhalin.

Before boarding the plane, Angel reminded me “Don’t forget to pick up the photograph from the magic man before the end of the week or the spell will not work. And hurry with the paper work, so we can get married in Krasnodar soon.”

“I will get it done as fast as possible, but my job doesn’t end until the last week of February.” I didn’t understand her rush.

Once again she asked, “How long after we are married will I get my visa to America?”

“As I said before, the visa could take up to three months.”

“I hope it goes faster, but its okay, since it will take me three months to recover from my eye surgery.”

“Three months!” I said in surprise. “I thought it only took a week or so. That’s what they advertise, even in Russia.”

“No,” she said with her innocent smile. “My doctor says that for three months I can’t get excited, drink alcohol, eat sweets, dance or party. I must keep my blood pressure low and that includes sex.”

“Are you sure about this? I don’t think I would trust a Russian doctor who says it takes three months to recover.”

“He one of the best in the world. The eye institute in Krasnodar was set up by the inventor of the laser eye surgery.”

“If it’s so good, why does it take three months to recover when in Moscow and America it’s only a week?” Angel just ignored the question.

“Don’t worry Roy. I will be fine; he is a good doctor. Russia is one of the best in the world for this technology.” Angel, like so many Russians, still bought into some of the old Soviet propaganda extolling the country’s technological prowess, but the reality made me fear that something might go wrong.

Russia boasts free modern medical care for everyone, but Russians with money go overseas for serious treatment or import Western specialists. Even Yeltsin flew in a Western heart surgeon. And the term “free” in Russian lexicography really means paying money under the table to the state employed physicians and nurses; otherwise, a patient’s chances of recovery drops dramatically. Patients pay nurses for clean syringes rather than gamble with a nurse reusing a disposable, improperly sterilized syringe because it reduces hospital costs allowing the money saved to go into the administrators, doctors and nurses’ pockets. The Hippocratic oath holds no meaning in Russia. The members of the medical profession—like everyone else—hustle for themselves, close relatives or friends while hiding behind a veil of fine words about compassion and justice that they rarely practice.

In the West, we at least have medical malpractice lawyers, who despite all the criticism, act as a deterrent to egregious medical blunders. Doctors in America kill and maim a little less because of the fear that lawyers will rob them of so much. But in Russia, the lack of a functioning legal system permits doctors to kill and mutilate with impunity through negligence, recklessness or drunkenness. If Angel’s doctor made a mistake, the only recourse would be to hire a criminal group operating in Krasnodar to extort compensation from the doctor, and the enforcers would take around 50%.

“I hope nothing happens with the operation,” I said, deeply concerned.

“Just think positive thoughts, and I will be fine.”

“Okay, have a safe trip.”

Angel called me a couple of times from Krasnodar to make sure I picked up the photo from the magic-man within the time limit. At the end of the week I visited the magic-man’s office. He was not there, but his overly apprehensive female helper, which I chalked up to her drinking a few too many cups of coffee, handed me the photograph and more melted wax wrapped in paper as though they were radioactive materials. In broken English and sign language, she communicated that I should flush the wax down the toilet. I headed for the office toilet, but she quickly, almost in a panic, stopped me. No, no, she emotionally shook her head, indicating that I must use the toilet in my apartment. She demanded \$20, telling me to put it on the table with the black cloth, and after I paid, gave me the bum’s rush out the door. Good grief, these witches and warlocks were a bunch of sticklers and not very friendly. At home I flushed the wax down the toilet and put the photograph in a safe place.

To my Russian tutor in New York, who had visited me in Moscow with her friend, I sent news of the engagement by email in which I hoped the direction of my life had changed. I planned to manage Angel’s legitimate career and go back to college to study quantum cosmology, a branch of physics. True to form my tutor replied:

“Hey Roy, I think you are an idiot, but I’m not going to say anything because you already know what I want to say. I think the only “career” that Angel could get is in the porno business, but it is your business, and don’t cry to me when she leaves you and takes everything from you.”

During February, I called Angel about twice a week and at times questioned myself why I didn’t call her more often; after all she was my fiancée. We exchanged Valentine day cards. Her card said:

“A lot of loves, my dear Roy. From all my heart it for you...Love—it flower. And this flower you must give—calories, care, all your clean feeling. And after, ...after will come to you wonder! Care your flower, to be happy with this, what you have. Don’t make unimprovable mistake. With tenderness, loves—your enigmatic outspoken flower, Angelina... with love.”

Angel talked better English than she wrote, but the sentiment came through—very sweet. When February 14<sup>th</sup> arrived, I turned the page in my schedule book to find a note that Angel had secretly written in it before she left—very nice. “Roy, care your love! It very easy destroy, but how is difficult is back. I have feeling to you—don’t broken it. Keep yourself concentrated. And construct your love. Love—it respect, trust. Love—it life, so take it and have enjoy!!! With love Angel.”

My work responsibilities ended sooner than expected, which enabled me to complete the paper work, required by both the Russian and American governments for their citizens to marry, just before Angel underwent her eye operation. I told her I’d fly to Krasnodar to be with her during the operation. But, to my surprise, she said no because there would be nothing for me to do while she was in the hospital. I explained the point was for me to provide her with emotional support, not to find activities to consume my time. But she insisted I not come until the end of the month.

“Okay, but I’ll call you in the hospital.”

“You can’t,” she said. “There are no telephones.”

“I thought even Russian hospitals have a telephone on the floor.”

“Look Roy, it better that you not call me at the hospital. Russians are very nosy always looking for information to use against people.”

“We’re going to be married Angel. How can they use that against you?”

“If Russians know that someone goes to America, they will try to get money by kidnapping or threatening harm to family members in Russia. I will call you as soon as I come home from hospital. Do this for your Angel.

“Okay, but I doubt you have to worry about anything like that.” All of this troubled me, although she did have a point. One of the cases at Kroll required us to find the whereabouts of Miss Russia of 1991. She was scamming some French investment banker claiming he knocked her up. But she didn’t want to stay in Paris and allegedly went back to Moscow to have their

child. The banker wanted to know whether she was in Moscow and actually pregnant. We found someone with her passport living in the apartment of Miss Russia's parents in Moscow but at the same time found someone with her passport staying indefinitely at the very expensive Pierre Hotel on Fifth Avenue in Manhattan. The girl in Moscow wasn't pregnant, but the one in New York City was—from whom, who knew? We, therefore, concluded the girl at the Pierre the real Miss Russia and the girl in Moscow a cousin pretending to be her in order to prevent gangsters from discovering the former Miss Russian's expensive life style and threatening her family in Moscow unless Miss Russia paid them a stipend.

I booked my tickets for the end of February, leaving my return date open because we still needed to complete some paper work in Krasnodar for the Russian Marriage Registry Office, commonly called ZAGS, before scheduling our wedding. ZAGS traditionally performed weddings and kept the marriage records. Under the Soviets, only weddings performed by ZAGS were legally recognized. Some couples also had religious ceremonies, but to the Communists, they were meaningless. After the demise of communism, religious weddings tied couples into legal knots as effectively as ZAGS, but many Russians still preferred a marriage at ZAGS. Once ZAGS received all the required documents, it usually scheduled a wedding a month later. I didn't mind hanging around Krasnodar for a month, but once again Angel didn't want to wait. She decided to bribe the head of ZAGS in her district for a wedding as soon as possible.

“Why the rush,” I asked her over the telephone.

“I don't want to waste the time. I wasted three years after college working in Krasnodar that I wish I didn't. It will still take three months to get my visa. All of my money goes for our apartment, so I need to start making money again soon.”

“I can lend you some money if you need it.”

“No, I want my own money and to get on with my career.” Again I rationalized her wishes. This time by thinking if I were in her position, I’d also want to leave Russia as soon as possible.

In Moscow, I waited until the end of the month with next to nothing to do, contacted my friends in the U.S. and met with my friends in Moscow to tell them about my marriage plans. To my amazement, each and every one of them, whether Russian, American or European, said I was an idiot. One dear petite friend, Maria, who came from England, worked for a religious charity helping orphans, sang with a great voice in the band “No Problem” and whom I never heard utter a curse, responded to the news of my forthcoming marriage with “You stupid fucking fool! You stupid fucking fool! Are you some kind of an idiot? All she wants is a green card, and then it’s so long sucker. How can you do this? I told you love doesn’t exist in Russia, and I’ve been here longer than you. I thought you were smart. Well Roy, I will pray for you—you needed it! Damn it! I can’t believe this! I hope I’m wrong. Well, call me when you get back from Krasnodar.”

Maria’s reaction shocked me, but for some reason it didn’t fully register. She was a close friend with my interests at heart, but I consciously ignored what she said without even considering the possible truth of it. The same with my other friends, I valued their advice; all of them were smart, but I didn’t even pause to wonder whether I was making a stupid mistake. Not at all my usual mode of operation. But their warnings did work on my unconscious so that by the time I boarded my flight to Krasnodar on February 28, 2000, I wanted answers from Angel to a number of questions. If I didn’t get believable responses, then I was homeward bound without a wife.

## I Can't Help Myself

Angel met me at the airport with her usual smile, hugs and arm over my shoulders.

“How are your eyes?” I asked.

“They are improving slowly. I can't read anything and must remain calm. No strenuous work. Tomorrow, mom and me move into our new apartment. It great! I have dreamed of this for a long time.”

Angel's mother, Inessa, enlisted a number of her students from the Gymnastic Department at the Academy of Physical Culture to help with the move. One student showed with a flat bed truck more appropriate for carrying bulldozers than household goods. The move was a typical Russian operation—no planning and no organization, they just psyched themselves up, drank a lot of coffee and moved in all directions as fast and carelessly as possible, apparently trying to beat some imaginary clock. Glasses were smashed, boxes dropped and injuries incurred, but everyone, to my surprise, remained cheerful as they laughingly dismissed the damage to property and bodies. The students worked for free and gave Inessa and Angel house warming presents after the move. The new apartment was large by Russian standards with two bedrooms, but it needed a lot of work.

That evening, Angel and I took a walk down the park in the middle of the main street, Krasnaya Ulitsa, strolling along with other lovers and folks. The weather was much more mild in Krasnodar than Moscow, and by Russian standards, spring would arrive the next day on March 1 instead of the vernal equinox of March 21 as in the post-medieval countries.

“We need to get some things straight before our marriage,” I said.

“Always the lawyer,” she ginned putting her arm over my shoulders. “What is it now?”



“I just think we should be clear about what each expects from the other. I know that Russians tend to see marriage as a matter of economic convenience rather than a romantic union. But as you know, I, like most Americans, see marriage as an emotional bond in which each helps the other in their life and career.”

“You will be my husband and I your wife. You will help me get to America where I can work?”

“Yes, and we will live together in New York.”

“And I will be able to work.”

“Yes. I will do everything I can to help you pursue your dream of modeling, acting or singing. I always told every girlfriend of mine that she must be financially independent. Nobody wants to rely on someone else for economic well-being. Humans tend to take advantage of those who are dependent on them. And a lasting relationship can’t exist when one person can dictate to the other, which is what happens when one party enters a relationship for economic gain rather than love.”

“So, my Roy has had many girls,” she teasing said.

“Only one at a time, a serial monogamous.”

“Ohhh, you are faithful,” she mockingly replied.

“Which brings me to the main point. When we are married, I expect you not to go out with anyone else or try to trick me. I know Russian husbands and wives tend to have lovers on the side, but I don’t work that way. I expect you as I want a faithful and honest spouse.”

She didn’t say a word, just looked down into my eyes with her Cheshire smile. I pressed the point because I didn’t want to hear any of her excuses later that she didn’t understand or

didn't agree. "Look Angel, the way to deal with me is to be truthful. Tell me the truth, and we can work anything out. If you try to manipulate me, I will know and lots of trouble will result."

"I truthful with you Roy. Are you truthful with me?"

"You know I am."

"Do you agree not to go out with other men while we are married and not try to trick me?"

She lowered her eyes and contritely said, "Yes Roy."

The next day, Angel and I started running around preparing the necessary paper work encountering one bureaucratic obstacle or another. For example, I needed an address in Krasnodar. My Moscow residence wouldn't do because ZAGS didn't allow out-of-towners to marry locals, and I couldn't use Angel's address because ZAGS didn't like couples living together before their marriage. We ended up paying the Moscow Hotel Manager some money for a document stating I resided at the hotel. Money and gifts can buy anything in Russia, such as a way around stupid bureaucratic rules—probably the only reason for the rules in the first place—and procedures that assure fairness. Angle used flowers and candy, bought by me, to bribe the ZAGS female commandant into moving our wedding to near the front of the line—a ten-day wait instead of thirty.

At night, Angel wanted to hit the discos, which was fine by me. The places were more civilized than the deafening, in your face, behemoth caverns of New York City. They also started earlier, around 10 PM, and you could carry on a conversation without screaming in someone's ear. The men were also different; they demonstrated some class unlike the white guys in America who danced with themselves like pigeons trying to attract a mate. The clubs also put on mini-dance reviews called "ballets" around midnight. The discos hired dance troops

made up of local residents to perform various skits. The dancers were excellent, in my opinion much better than any professionals I saw in America.

One night, we ran into the finalists for the Miss Krasnodar beauty pageant dancing in a pack at a disco with free admission for girls. Why else would they be there, unless some guys were paying the way? All these babes were stunning, tall, beautiful, well dressed and sexy—pure femininity. A modern day American girl breed on feminazism didn't have a prayer of competing.

Krasnodar began looking like a little piece of heaven right here on earth because as gorgeous as these beauty contestants were, many of the young ladies I saw in that city were just as attractive. Actually, Angel didn't look so extraordinarily pretty in her hometown, and I understood why she always needed assurances about her looks. Even the average girl in the street appeared beautiful—no blue jeans, hiking boots or faces without makeup. Skirts, stockings and shoes with heels highlighted the female form in Krasnodar. These girls wanted to look like girls, not men. More sexy girls probably inhabited that town than any place I had ever visited. In the street, I looked until my eyes hurt, but the Russian men barely paid these beauties any attention. At first, I assumed the men were used to this extreme femininity, but then I remembered it was a buyers' market. With significantly more girls than guys in Russia, the man with a little money could take his pick. That meant the girls, the sellers, needed to advertise their wares the best they could, which resulted in super-feminine felines strutting the boulevards, quick to smile in an innocently alluring way and willing to engage in conversation with any half decently dressed guy that approached them. Still, my "glut of girls theory" didn't explain why Russian men weren't aggressively grabbing this girl or that one to spend many of their waking hours playing with these lovely things. The Russian men apparently preferred spending most of

their leisure time hanging out in groups of other men, virtually ignoring the sensual beauties swishing passed. My analysis was missing something.

The following evening as Angel and I walked to the disco “Joy,” I raised another of the concerns I wanted resolved before the wedding. This one went back to last August, before she left for Mexico when Angel volunteered to tell me all about her past. At the time, her statement surprised me because I didn’t ask about her past. She brought the subject up and promised to tell me her life story the next time we met. She didn’t, so ever since then, I periodically reminded her, but she always said, “Don’t worry Roy, I tell you later,” but later never came. By evading that promise, she made me wonder about her ability to keep her word and her honesty. I didn’t care about the bad things she may have done before we met; everybody regrets some of their past. But I needed to believe that when she told me something it was the truth, when she made a promise, it was not to deceive. Relationships don’t work unless based on honesty, so with our wedding looming, I decided to find out whether Angel would finally keep her promise. If not, then I would fly back to Moscow still a single man.

“Remember you said you were going to tell me about your past?”

“Yes,” she defensively answered.

“Well, what about it?”

“You already know about my past.”

“No, I don’t. What were you doing in Cyprus?”

“I was dancing in a club.”

“You mean you were stripping in a club.”

“That is dancing—it is art.”

“Did you take all your clothes off? Did you go out with your customers?”

“I always wore thong panties, never nude dancing. Sometimes I gave a customer a massage at his hotel.”

“You went to a customer’s hotel!”

“Only if he were a friend—nothing ever happened. I just gave him a massage. I very good at massage.”

“Wait a minute. You’d leave the club, go to his hotel and all he wants is a massage?”

“I don’t want to talk about this anymore. I just had a serious operation and my doctor says I should not get upset.”

I was waiting for the tears, but they didn’t come so I continued. “Look Angel, you’re the one who promised to tell me about your past. I didn’t ask about it.”

“Yes, I know, and now I wish I didn’t.”

“Don’t you realize that when you make a promise you’re supposed to keep it unless something prevents you?”

“You make promises and don’t keep them.”

“Name one,” she couldn’t. “Angel I don’t care what you did before we slept together in December. All you have to do is tell the truth. You made a promise to tell the truth about your past. I didn’t force you into that promise; you made it yourself, so tell the truth!”

“I told you the truth,” she stamped her foot.

“All of it?”

“Yes!”

“In America when a person keeps from telling something important, that’s a lie too.”

Now she started the tears, “You are offending me. You forget who I am to you.”

“So none of these good-friend customers ever tried to have sex with you in a hotel?”

“Some tried but I told them I was on my period.”

I knew that wouldn't deter everybody. “You went to a hotel with your customers and never had sex!”

“Yes.”

Then I remembered Bill Clinton and asked, “What does sex mean to you?”

“Only intercourse,” she said.

“Okay, did you ever play with a customer sexually like jerking him off or letting him play with your tits and crouch?”

“Stop it!” she stamped again like a horse. “I'm a good girl. I didn't go to Cyprus to have sex. I needed money and made it dancing in a club. It is art what I do!”

I let it go for then, but unless Angel stopped her dissembling and prevarication, I was going back to Moscow sooner than planned.

The next day we went to a notary for both of us to sign the prenuptial contract that my lawyer in Moscow prepared. Notaries in Russia, usually women, make a good living, not by charging a couple of rubles for their signatures but extracting exorbitant fees from the populace. They can do this because the government requires a notary's signature on all documents filed with a public agency while other documents need a notary's signature in order to have legal effect. The government also limits the number of notaries in any town, so their high fees are largely protected from market competition.

Our notary, a fat, mean-spirited, male-less female of which there are many in Russia, advised Angel to change certain portions of the prenuptial contract. Russian females in any profession believe they have a god-given right to meddle in the affairs of the people who pay them. The notary proceeded to change the prenuptial on the spot, in Russian of course. Angel

avored this rewrite because the notary sided with her—sisters united against men allegedly trying to take advantage of poor defenseless women and all that malarkey. I began to boil at the interference because when I previously sent Angel a copy, I included money to pay for her own lawyer to review it. When I walked into the notary's office, I believed she had done that since she told me the contract was fine. But she hadn't.

I couldn't figure out the reason for Angel not reviewing a document of such importance with an attorney before we went to the notary. Did she pocket the money for a lawyer thinking the notary would give her advice for which I would pay, or perhaps she arranged with the notary before hand to make changes favorable to her on the spot assuming I would rely on Angel's translation of the changes? How convenient for Angel I thought. With my lawyer in Moscow, any consultations with him were unlikely given the telephone system out of Krasnodar. I tried to clear my head of the ever-present conspiratorial mentality of Russians. After the notary made her changes, I made sure we went to an independent translator to tell me in English what they were. Some of the changes I okayed, and some I didn't. We signed three original copies: one for the notary, one for Angel and one for me. Angel put our two copies in her bag.

Angel wanted to take in an amusement ride, so we took a private taxi to the end of Krasnaya Ulitsa where the movie theatre housed a couple of rides and a few holes of miniature golf. Angel introduced me to the manager of the theater, one of the few times she introduced me to anyone. He didn't speak English but was friendly and let Angel ride for free—always a special treat for her. Angel later told me the manager was Chechen and she met him when she first came to Krasnodar to stay in the college dormitory while her mother was still in Grozny making arrangements to move their household goods. She said the Chechen was very kind hearted because he helped her and her mother find a house and to move.

On our way back to her apartment, Angel started talking about how much she liked her stay in Mexico and the beautiful places she visited. I took the opportunity to give her another chance to keep her promise to tell me about her past and see whether she could speak the truth without her tongue catching fire.

“In the one and only letter you sent me from Mexico, you said you wanted to stay in Mexico to model, but you weren’t modeling, you were giving lap dances in a club. Why did you lie?”

“I didn’t lie, I did a little modeling.”

“You mean when you only tell part of the truth and leave the rest out you’re not lying?”

She grinned that Cheshire smile, “Exactly! It’s being artful.”

“Didn’t we talk about this last night?”

“You talked about. I listened,” again that cat smile.

“You don’t get it do you. When you prevaricate, that means hide the truth, it’s the same as lying.”

“Not in Russia.”

“But in America and with me, when you fail to tell something important that is lying. If it’s not the truth, the whole truth and nothing but the truth, it’s lying.”

She looked at me in disbelief, “That’s not the way in Russia. Here a lie is only when you say something false. It our way.”

“I’m sure it is! I have run into it everywhere I go in Russia. All right, in one of your two faxes from Mexico, you said that you went to many beautiful places but were always alone. During New Year’s Eve, you showed me pictures of you naked in a lounge chair on a hotel in Cancun. Who paid for the hotel, who paid for the airplane, I know you didn’t.”



“I don’t remember.”

“You stayed in an expensive hotel in Cancun and don’t remember who paid for it?”

“I answered your question, now stop being aggressive to me!” Then she stamped one of those size eleven feet again.

“Well at least that means you didn’t pay for it. So what did you give in return for someone taking you to Cancun and those other places in Mexico?” She ignored this question, but it didn’t matter because the main purpose of this grilling was to see whether she could tell the truth. She couldn’t.

I continued, “You said during New Year’s that you traveled with friends to different places. Were these men friends and did you provide them with sexual favors? Sexual favors mean not only intercourse but other acts such as....”

“Enough! You’re upsetting me and my doctor forbids it!”

“Your doctor again. I thought recovery from these laser operations took only a week—not three months.”

“I am a sick girl and you should not be so aggressive with me. You forget who I am.”

“Just tell the truth Angel. You said you would or was that a lie too.”

“I have told you the truth! And I am not going to talk about it anymore.”

“No you haven’t told the truth. First it’s one story, then another, then I don’t remember or some other excuse. You’re the one who volunteered to tell me about your past. I didn’t ask.”

“Yes, I know and that was a mistake.”

“Well, I don’t want to make a mistake either, so I’m thinking of canceling the wedding. I’ll decide in a couple of days. All my instinct tells me this is stupid and I should go home.”

Her eyes narrowed and glared at me with cold-blooded resolve, “As you wish.”

Later that afternoon Angel said, “I have to go meet someone. I will be back in a couple of hours.”

“I’ll go with you,” I said, distrustfully.

“You can’t come along.”

Now I was really suspicious, “Why not?”

“My friend is very fragile and afraid of strangers. Just your being there would upset her, she is very sensitive. You can come to the apartment house, but I can’t take you inside.”

“Going to see another of your boyfriends?” I said, not believing this story about some strange shy woman.

“No, I am not!”

“Why don’t I believe you?” I sarcastically said, “That’s okay, I’ll stay here in your apartment.” I hadn’t reached a final decision but pretty much knew I would shelve the entire relationship, so any afternoon tryst didn’t really matter.

When she returned, I asked her for my copy of the prenuptial just in case. She handed me one from her bag, but as I went to put it in my suitcase, my instinct told me to check it, and sure enough it was a draft version without signatures and notarization, which in Russia and America meant useless. I was sure Angel gave me the unsigned copy on purpose, hoping I wouldn’t notice. Did she think me that stupid?

“Nice try, but I would like a signed copy.”

Without a word she nonchalantly handed me a signed version.

The next day we got up in the morning, did some errands and Angel prepared lunch for the first time. She said she wanted to save me money from eating in restaurants. I was on the verge of a final decision to leave and would start formulating an escape that afternoon. After

lunch, however, I fell asleep for the entire afternoon. Couldn't understand why, since I never slept in the afternoon, no matter how tired, and that morning's activities were by no means exhausting.

I awoke around four in a fog, feeling very mellow and unable to concentrate. Angel made dinner, I think, and we went to a disco, but I still can't remember which one.

The next day after lunch, I fell asleep again for the whole afternoon. When I awoke, I felt euphoric, couldn't think straight, but knew something was wrong. I tried to think, to grab hold of my reason to finally decide not to go through with the marriage and arrange my departure, but I couldn't reach a decision on either the marriage or the escape. Both kept slipping away from my will. All I could do was to say over and over about marrying Angel, "This is stupid, stupid, stupid." Angel even told me with a grin later, what I was saying. Obviously she eavesdropped on me when I was alone and talking to myself in an effort to think out loud since my brain no longer seemed to function. The next day I fell asleep again after lunch and also became constipated. Angel said it must be the change in diet, which made no sense because the food in Krasnodar was the same fare as in Moscow. In fact, I began to think the food Angel prepared was great, even though it consisted mainly of hot dogs and frozen vegetables or spaghetti.

I don't know for how many days this went on: up in the morning for errands necessary for the wedding, Angel preparing lunch and my falling asleep in the afternoon. Another strange routine started, I think around the same time as my afternoon naps, but I'm not sure since those days seemed vague and indistinct with one flowing into the other without break. Angel started going into her bedroom warning me not to disturb her because she was communing with some

“negative forces” and my entering could cause me harm. To the dysfunctional state of my consciousness at the time, her statement actually sounded rational.

My concerns about Angel’s ability to tell the truth vanished, and, I think, although I am not sure, that our sex life stopped. I can still remember my first couple of nights in Krasnodar and Angel’s foul body odor during sex. The city Government turned off the hot water to the entire town every night at around 9 PM, so when we returned from the discos usually at 2 or 3 AM, there was no hot water for a shower. No big deal, I thought at first, but when I went to bed with Angel, she smelled so bad without first taking a shower that I nearly gagged. Once again, I told her to see a doctor, but she refused to admit there was anything wrong. “Russian men never complained about any smells,” she retorted.

Her mother usually came home from work around five o’clock, after my daily nap, and scurried about the apartment doing one domestic task or another as though trying to keep the demons of her mind distracted with busy work. In the early evenings, Angel began excusing herself for a couple of hours to visit her friend Natasha who lived upstairs in the same building. I asked Angel to introduce me to Natasha, but she refused, and given my befuddled, apathetic mental state at the time, I put up with that and quickly forgot my thinking of Natasha as Angel’s lesbian lover. On more than one occasion, Angel remarked about how she enjoyed giving and receiving from women lap dances because their touch was more caressing and thrilling to her. I dismissed such talk as the usual transparent efforts by girls to needlessly cause their boyfriends emotional distress out of an innate sense of insecurity and as trendy pop rot rubbish.

One night Angel said she was going to audition for the manager of a popular disco for a ballet troop he planned to send to Italy.

“Why are you auditioning to go to Italy to dance when we are getting married in a few days,” I asked with surprise. By now, my thoughts of calling off the wedding had vanished in a haze of well-being.

“I need to work Roy. I don’t want to sit around doing nothing while we wait for my visa. What if I don’t get the visa? I don’t want to lose the time. Besides, if they hire me, it will last only a couple of weeks during the end of May. I have never traveled to Italy and want so much to see it.” My warning sensors should have activated, but I felt too spaced to worry.

I went with her and met Alexey Smolin the manager. He seemed like a bright, ambitious young New Russian and only spoke Russian. Actually, all the people I met while with Angel in Krasnodar only spoke Russian in front of me, so I never understood what they talked about and was completely dependent on Angel for any translations. At Smolin’s club, Angel auditioned, wiggling around as though stripping, which meant the job included lap dancing. Alexey said maybe and gave us free tickets to his club.

The remainder of that week or so in March, I still couldn’t see clearly in my mind. But I do know that on Saturday, March 11, 2000, early in the morning, Angel prepared breakfast and we headed to ZAGS to get married. The wedding room I recall from seeing a week earlier looked very nice, painted in pastels, a high ceiling and polished wood floors located in a well kept 19<sup>th</sup> century building. When we entered the wedding palace, as Russians called it, I felt elated as I had since Angel began preparing my meals. There were a number of couples waiting to get married, surrounded by relatives and friends.

“Where’s your mother?” I asked.

“She had to work.”

“On a Saturday?” I replied. “And what about your friends? There is no one here but us.”

“It’s a secret,” she said and at the time it seemed to make sense to me.

After a short wait for the other couples’ ceremonies, the wedding march began to play for us and we walked into the marriage room, I think. The ceremony was in Russian, which meant I didn’t understand a thing, so Angel told me what to do and say. At the end, I recall kissing her for an extended period of time, and she started slapping me on the chest to stop. Not what I expected from my wife. We signed the registry and someone took pictures. After the ceremony, Angel took me to the Aeroflot office and booked me on a flight back to Moscow. She said the earliest one was for Monday.

“Trying to get rid of me,” I said, as some of my old reasoning flashed through.

“Roy, you must get back to Moscow to file the papers for my visa.” Always the visa, I said to myself. “Okay, after I file the papers, let’s take our honeymoon to some place in Russia.” The honeymoon was my idea, and at first, Angel seemed to go along.

She responded, “I would like to go to Samara where I was born to see whether I can find my father.” A couple of months earlier, Angel said her father lived in Tver and asked me to use the firm to try to find him. We tried, but no luck. So what was he now doing in Samara, but the logical inconsistency faded away, and all I said was “That’s find with me. How will you find him?”

“He has a brother and other relatives there who may know where he is.”

“Are you sure you want to do this? You said he beat you as a kid and sexually attacked you when you were 13.”

“I just want to see him.” She sounded like a little girl lost who had never seen her father, which didn’t make sense because she lived with him and her mother in Grozny until her parents divorced when she was sixteen.

We also visited a travel agent about taking a tour of seven ancient and very famous towns that circled Moscow. Angel said she would handle the arrangements for the towns around Moscow and to visit Samara. I volunteered to schedule the trip, but she insisted she could get a better deal for our honeymoon through Krasnodar agents than I could in Moscow.

On our wedding night, Angel wanted to celebrate by taking her mother to a fancy restaurant because she never got to go out.

“Doesn’t Inessa have any boyfriends?” I asked.

“Mom doesn’t date. She had such a bad time with my father that she stays away from men. My father was the only man she ever knew.” I found that hard to believe, but still in a fog, let it go.

The restaurant was nice by Russian standards, and, as always when we went to a restaurant, Angel got the waitress to take pictures of the food and us. I never did understand her habit of taking pictures of restaurant meals. She often told me she knew hunger when young and especially liked to tell the story about when as a young hungry teenager she came out of church and gave her last kopeck to a beggar who proceeded to insult her for giving so little, which made her weep.

On Sunday after the wedding, Angel said she needed to change my flight from Monday to Tuesday because I had to stay an extra day to help her with the tax authorities.

She explained, “I told you before about the new law that took effect in the beginning of the year. When someone buys an apartment the tax people want to know where the money came

from to make sure it's not from crime. I need you to sign a paper in front of a notary saying that you gave me \$15,000 to buy my apartment."

My mind was still so muddled that I, a lawyer, agreed to this fraud. "Whatever you want," I automatically said.

A day later than she planned, Angel put me on a plane to Moscow secure that the tax authorities wouldn't trouble her. I still don't remember going to the airport, what we said to each other or the flight, but I felt pretty good as I had for the passed week or so.

### Everybody's Somebody's Fool

In Moscow, the glow of Krasnodar soon wore off. I began feeling really depressed, restless and irritable but assumed it was the boredom of not working and the isolation of living in a country where I didn't speak the language. I called Angel repeatedly and asked her to come to Moscow because of the loneliness, but my entreaties didn't move her. She always had an excuse for staying in Krasnodar. Her eye doctor required follow up visits, her mother needed help in fixing up their new apartment or she had to prepare documents to transfer her old house in the village to her mother's sister. I gave up trying to convince this Russian wife to come live with her American husband and began pushing her about arranging our honeymoon.

"When are we going on our honeymoon?" I asked during each telephone conversation.

"When do I get my visa?" she'd always reply.

"There's nothing more I can do in Moscow with the visa. We just have to wait."

"Mom doesn't think it is a good idea for me to see my dad in Samara," which was her reason for killing that part of the honeymoon plan, so I started prodding her about the trip around the ancient cities outside of Moscow. She kept saying, "I am waiting for the travel agent to return from Moscow." After hearing that a few times, I volunteered to make the arrangements



myself in Moscow, but she said, “You must be patient. I can make our trip cheaper from here, and I still have things to do in Krasnodar.”

After three weeks of Angel’s procrastination, I gave up on a honeymoon, joined a gym, started studying Russian at the Pushkin Institute, made half-hearted attempts at finding work in Moscow and tried to battle the intense loneliness by filling my social schedule with museums, clubs and friends.

When I saw Maria at a club where her band No Problem played, she didn’t berate me about marrying Angel but asked about the ceremony. “What did Angel wear at the wedding?”

I stopped to think, looked at her in bewilderment and said, “I don’t know.”

“You don’t know!” she yelled, as some of the club customers turned to look.

“I can’t remember. I’m trying to picture the ceremony, but draw a blank. I remember the building, the brightly colored rooms and people. But the details escape me.”

“I thought you lawyers had good memories.”

“I do, but I can’t grasp it clearly. It all seems vague. I know I went through the ceremony because I can remember some parts of it, but her dress, not a clue.”

“Were you drunk?”

“At nine in the morning? No way. It just doesn’t make sense.”

“Who else was there?”

“Just Angel and me.”

“What about her mother?”

“She had to work.”

“Work!” Maria yelled again with fewer customers turning to stare. “You’re telling me that your wife’s mother didn’t even bother to go to her daughter’s wedding?”

“She wasn’t there as I recall.”

“You are a stupid fucking fool!” she yelled one last time, but no one noticed by then and added, “I hope for you it works out, but I doubt it.”

A few days later, I received a letter from Angel with the wedding photographs that she said the ZAGS photographer took. I called Maria up to answer her question, “Except for a white dickey, she wore all black.”

“Black! She wore black and you couldn’t remember that!” Maria yelled into the phone. “Didn’t you ever go to a wedding; didn’t you ever see a wedding? The bride wears white or some light happy tone, not the color of death.”

“Well, she did wear a white scarf,” I lamely replied.

“You idiot! How could you not remember your bride wearing black to your wedding?”

“Beats me why I don’t remember. I must have noticed it but guess it just seemed natural at the time.”

“Natural! No one wears all black to a wedding, except witches or the mistress of the anti-Christ! She’s a witch Roy, and you’re doomed if you don’t get rid of her.”

“Look, I know our views of the universe differ. I believe in quantum mechanics, you believe in an omnipresent God, but witches? Even if they do exist, they are nothing more than psychopaths.”

“So who wants to be married to a psychopath?”

“You have a point there.”

“I know I’m not going to convert you, but there are things in this universe that no one understands. You just have to believe. Evil exists and often disguises itself behind a pretty face and fine words. Be careful Roy, the devil’s lies fool many smart men.”

As usual, I didn't buy Maria's religious views but did consider her warning to dump Angel. There were too many troubling occurrences concerning my wife: she always came up with an excuse not to live with me in Moscow, she delayed and delayed our honeymoon into no honeymoon, she didn't want me to visit her during her eye operation, and once we were married, she rushed me out of Krasnodar to start working on her visa. Something she always asked about whenever we talked. Maybe I was just another customer to her. On the other hand, I admired her determination to pursue her dreams of modeling and knew that in Russia her fate promised only a desperate struggle to survive. I still believed Angel deserved a chance at something better, which meant bringing her to America: one of the few places in the world where opportunity waited for the courageous to seize it and dreams had a fighting chance of coming true. I didn't want her to end up like me, haunted decade after decade with the gnawing regret of dreams untried. So once again compassion or some other forces in the universe ruled, and I overlooked Angel's disturbing conduct and put Maria's warning on hold but not out of mind. During many quiet, spring nights while walking in Moscow, I said to myself, "If her aim was to make as much money as possible in America, then I would end the entire episode immediately, but she wants to pursue her dreams, so I will go along for now. If she doesn't start acting like a wife, I'll annul the marriage and she'll end up back in Russia." But while my waking self settled on one course of action, nightmares plagued my sleep with Angel selling herself for more and more money.

Angel's mother, Inessa, actually came to Moscow before Angel did, although only to switch trains on her way to an aerobics' convention in St. Petersburg. Angel asked me to meet Inessa with my driver and take Inessa to her connecting train at a station across town, which was fine with me. Moscow has a number of train stations spread through out the city. Each station

handles trains going to or arriving from a certain part of the country. For example, trains to and from the north, which includes St. Petersburg, use a different station than those for Siberia. The train stations erected before the Communists, as with all other architecture in Russia, are beautiful, spacious and painted in bright pastels while the Communist era creations are gray, drab rectangular-boxes.

Inessa and my driver flirted all the way to her connecting station. Many of Inessa's mannerisms reminded me of Angel, but what surprised me was how adept her coquetry appeared for a woman who avoided men. Perhaps her genes made practice unnecessary. After dropping off Inessa, my driver, clearly impressed or emotionally massaged, said Inessa "very good Russian woman" who unfortunately married a nasty militiaman officer that drank too much and beat her. Exactly what Angel told me about her father, the former Chief of the M.V.D. in Grozny, or militia as the Russians refer to their national police force.

A week later and a month after our marriage, Angel traveled by train to Moscow to take the required medical examination for her visa with a U.S. Embassy approved doctor and ostensibly to spend time with her husband.

My driver and I picked her up at the station and drove back to my apartment.

"Nice of you to visit your husband. I'm surprised you decided to extend your stay from five to nine days." I sarcastically remarked.

"I told you, I have many things to do in Krasnodar. I very busy."

"I thought your eye doctor told you to take it easy."

"I am getting better, so I can do more now."

"Good, then you can answer some of the questions you didn't before we got married."

She put her arm over my shoulders and grinned down at me “In Russia, it better not to know too much because then you can believe what you want.”

“In America, it’s better to know the truth for it will set you free.”

“But I am Russian, and all Russian girls have a ‘private life’ about which their boyfriends are not allowed to ask. If the boy loves the girl then he respects her; love and respect are the same. If he respects her, he will not inquire into her ‘private life.’ The girl will not reveal her ‘private life’ because the boy will not understand, or the boy will think less of his girl. As time goes by, the girl will decide to reveal parts of her ‘private life’ when it safe and when the boy can understand her reasons for engaging in the activities that make up her ‘private life’. The two will grow closer together. This is love in Russia.”

“Sounds like the young wife in *Casablanca* rationalizing her intended infidelity with the police captain or something out of the *Cabinet of Dr. Caligari*.”

“What cabinet?”

“Never mind. Look, if I know that someone is living a secret life, but I do not know what they are actually doing, and I know they will lie and hide the truth about these secret activities, but I do not know which, how could I ever believe them about anything? I know they lie about some things but do not know which things, so I assume they lie about most things. If I cannot believe what someone says, how can I trust them? Without trust, how can one be close to or love someone?

“You will understand.”

“Does this ‘private life’ mean you don’t wear your wedding ring in Krasnodar?”

“I wear it, see!” she held up her right hand.

“Barely with all the other rings you have on the same figure. Why do you have three or four rings on the wedding finger? Are you trying to hide it?”

“I’m tired after 36 hours on the train and need some sleep. We will talk later.” Angel seemed more confident than when I grilled her in Krasnodar. No stamping of the feet this time.

A day after her arrival I began feeling happy again and my doubts vanished in the haze that swept over my consciousness. Angel did the shopping and prepared the meals, which were the same fare as in Krasnodar, but I thought surprisingly good. In Krasnodar, Angel said the warm climate made the region Russia’s agricultural center and the producers kept the best food for the area, which was why I found her meals there so good. But now in Moscow, even that city’s inferior quality of food started tasting as good as in Krasnodar. Angel, however, usually prepared herself something different than she did for me because she was on a diet.

At Angel’s insistence, we went to discos and of course strip clubs where as a veteran of Cyprus, Mexico and a visitor to U.S. clubs, Angel held court, spouting advice to the younger girls gathered around her as though she possessed the grail to glamour and fortune. During her nine-day stay; I noticed some peculiar traits for the first time. She always slept with her watch on that beeped every hour, and after engaging in sex, she didn’t sleep in the nude, a pair of panties always appeared out of nowhere to cover her bottom. I couldn’t figure out where she hid those panties until one day I lifted her pillow and there was a pair waiting, I assumed, to protect against any additional entries. Were they a little girl’s armor against surprises in the night or a tollgate?

I introduced her to my friends, many of whom warned me against marrying her, and, to my surprise, they all liked her and thought her a nice girl. Angel even won over Maria, who told me her opinion of Angel, as a ruthless gold-digging witch, was wrong. The two of them talked a

lot about religion, and Maria decided Angel a spiritual person whom she could trust. They quickly became friends. I assumed the initial misgivings by my friends about Angel came from the pictures they saw of her, which showed a blond tart on the make, and their stereotypical thinking that all pretty young girls from the Russian provinces were sharks out to get as much money as possible through any means available. After meeting her, however, they changed their minds, and my suspicions settled into my unconscious buried under the rationales that they had stemmed from middle-aged paranoia and cultural differences.

While in town, Angel checked out a couple of what she called casting agencies for jobs, which I assumed were lap-dancing recruiters, but they didn't want her. We visited Leo, where Angel talked a couple of girls into going to Mexico as dancers and agreed to look for girls from Krasnodar for Leo to send to various parts of the world in return for a percentage of their earnings. Leo showed Angel and me a few pictures from Mexico of him, her and another man.

"Who's the guy?" I asked as my suspicions welled up.

Angel got a disagreeable look on her face and said, "He works at the club."

"Nice rooms," I remarked still looking at the pictures. "Where are they?"

"That is my apartment, when we moved in," she replied. Leo didn't say anything, but I sensed the universe, once again, trying to tell me something that I wouldn't realize for a while.

After a mentally foggy but euphoric nine days of which I still remember little, Angel returned to Krasnodar once again saying she needed to see her eye doctor, help her mother with their apartment and prepare the documents to transfer her house to her aunt. She left behind some food with instructions on how to prepare my own meals rather than, as she said, wasting my money in restaurants. She would return by the end of May for her visa interview at the

Embassy. If all went well at the interview, which I was sure of since I would be there doing most of the talking, Angel would receive her visa that day.

Once again after we parted, the glow wore off, but this time it took a week. A couple of days after I finished all of her prepared food; I fell back into the underworld of depression, loneliness and suspicion. Russia always put me through experiences on a more elemental level than elsewhere. The forces flowing through nature careened deeper into my being in that country by circumventing the protection of empirical Western beliefs. The archetypal unconscious of Russia drove its residents' psyches without any balancing by rational conscious decisions as in America. Empirical reasoning just didn't work in Russia. A person needed to follow his instinct because no agreement, law nor behavior could be relied on to narrow down the possibilities, only unforeseen surprises were constant, and only intuition could determine a course of action. The conscious mind just didn't measure up to the task of living in Russia—too many variables to deal with and the mistakes too costly. One wrong move and life ended; whereas, in America, falls were often broken by safety nets, only the chronic screw up ended in a bottomless pit.

Out from my unconscious flowed the same old disbeliefs in her excuses for not living with me. I began keeping track of my calls to Angel in Krasnodar that went unanswered as an indication she was not in her apartment or not in Krasnodar. For some reason, she instructed her mother not to answer calls that failed to show the telephone number on the caller id of her home phone or mobile. Since calls from within Russia but outside the Krasnodar region didn't register on her caller id, whenever Angel's home phone didn't answer, it meant she was out of the apartment. And whenever her mobile didn't answer, it meant she was out of Krasnodar because on those occasions she left her mobile with her mother. I did reach Angel periodically but never



could convince her to come to Moscow before her visa interview, although she claimed her “private life” now in the past. I guess even from her point of view that was a lame excuse for not answering my questions.

To while away the days, I added to working out at the gym and learning Russian reading detective stories, starting with the Maltese Falcon, which featured a ruthless, mean-minded woman driven by greed for money. I also kept in touch with my Russian tutor in America who, always to the point, warned me again and again:

“Your wife is milking you for money; it is obvious, so be careful not to be left on the street. Do I understand correctly that you live in different cities? If that is the case are you actually thinking that she is faithful to you? I wouldn’t bet on it. Go and get yourself a girlfriend but don’t get emotionally attached; after all, any girl is going to be using you as well as you’ll be using her. Look at it like a business deal, but not like prostitution, just to spend time and have fun. I’m more sure that Angel is not faithful to you, so why be a sucker? You do know she wants to come to America, and that is all she needs you for; get it into your head finally!

I tried following my tutor’s advice and sometimes went to the “Hungry Duck” with an American executive working in Moscow. Between 7:30 and 9:30 PM, the bar admitted only girls who were allowed to drink free for those two hours. Around 9:00 PM, the guys started to line up outside thinking about the inebriated girls inside. At 9:30 PM, the club opened its doors to men. Inside, a guy could easily find “working girls,” that means prostitutes, high school and college babes out for a good time or to make some extra cash and uneducated girls from some of the poorer provinces bowled over by the nightlife of the big city. The Duck was small, dank and dark with two concentric rings of bars over four feet high and two feet wide on which most of the dancing occurred and from which drunks often fell. Around eleven, one or more girls, sometimes with the help of a friendly male stranger, would strip to her panties and display her assets dancing on the bar. I never saw any girl strip completely, but it must have happened. Other girls willing rubbed their bodies against guys while dancing, or parted their legs so that a

guy could look up their dresses when they danced on the bar. Some of the girls didn't bother wearing underwear and would deep-knee bend to give a guy a better view and get closer to his drooling mouth but then quickly stand up with a teasing smile. As for rubbing their bodies while dancing, the girls would go just so far and no more. If a guy tried to become too intimate, the girls backed off. Russian girls were exhibitionists to a point but would not cross some puritanical line in public. If one of these babes at the Hungry Duck agreed to leave with a guy, she was his for the night, usually at a cost of a few hundred rubles, fifteen dollars.

On my excursions to the Duck, I usually met a hot willing babe or two, but something kept me from taking anyone home for the night, which didn't make any sense. Why throw away these young nubile opportunities?

Control over my life kept slipping through the holes in my will pushed by lame rationalizations. I could have gone back to New York City or any place else in the world but sat alone in Moscow with nothing interesting to do waiting for a visa for a wife that refused to live with me or go on a honeymoon. This was not my style. More than once in my past, I had jumped a plane home to leave behind some self-indulgent girl who thought she had me on the ropes. Why not this time?

By the last day in April 2000, I actually considered that black magic might work in Russia just because so many people there believed it did and assumed Angel arranged for the black magic-man to cast a spell causing me to marry her. But whether magic worked or not, I didn't care, all I wanted to know was did those two conspire against me. I went looking for the magic-man. More than once, I stopped by unannounced at the sorcerer's lair, accompanied by my driver and interpreter, but either Mr. Black Magic wasn't there or hiding inside. Fine, I'd

find the truth about Angel some other way, since even black magic can't win out over persistence.

My tutor in America warned me against my new quest for knowledge, "She might get her way before you can prove anything, and then what is the point of showing her that you knew it all along, she already got what she wanted. I think that you should just divorce her and let her take over some other idiot. Angel has cheated on you, cheats on you and will cheat on you all the time if you don't break it off. It is, as we say in Russia, understandable even to a hedgehog."

### Suspicion

Saturday May 6, 2000, an inspiration flashed through my mind. I jumped out of bed and dialed Angel's "good friend" in Mexico, Alfredo. I kept his number since December when Angel gave it to me in case she couldn't reach him from Krasnodar. She thought I could help recover her money left in Mexico if a problem arose. I called Alfredo because sometimes a direct question surprises people into an honest answer. He might admit to having an affair with Angel when he was in Russia.

After introducing myself, I asked him about the day he came to Moscow back in December. He said he couldn't talk but would call me back. Six hours later, Angel called my mobile telephone, which was strange because she never called it before. She always telephoned my apartment phone and never in the afternoon but always in the evening. Angel had nothing new or significant to say, so I assumed Alfredo called her to tell her of my questioning him. That prompted her to contact me to try to figure out what I suspected or knew. Two days later, Alfredo called me back. His English was quite good.

"Sorry for not returning your call earlier. Business you know."

“On the weekend? I thought most operations shut down in Mexico over Saturday and Sunday,” I replied.

“Some do, some don’t. So what can I do for you?”

“As I asked before, how did you meet Angelina?” I assumed he’d tell me to drop dead, but instead he went into what sounded by the tenor of his voice and the text as a scripted story.

“We were only good friends,” he quickly and defensively said, not answering the question I asked.

“But how did you meet her?”

“Through my girlfriend Azul, who also danced at The Men’s Club here in Mexico City. Azul and Angelina were best friends, so Angelina accompanied Azul and me when we traveled around Mexico.”

“Not much privacy?”

“I didn’t mine.”

“But you paid all the bills for both of them to travel to resorts such as Acapulco and Cancun. Rather expensive I understand.”

Alfredo hesitated because such conduct look ridiculous paying for a girl from whom he received nothing in return. “Uh, Azul and Angelina were very close and didn’t want to be separated.” Oh, how lame a response was that?

“So what were you doing in Moscow in December?”

“I traveled there on business and only saw Angelina for a few hours in order to withdraw her money from my debit card.”

“She told me you came here only to bring her money because you worked for the club.” Again I fully expected Alfredo to object, but he didn’t.

“No, no, no, I had important business in Moscow. I run my own company. I can’t imagine how she thought I worked for the club.”

“Neither can I, since she traveled around Mexico with you. One would think she could at least remember what you do.”

“She traveled with Azul and me.”

“Fine, thanks for the call Alfredo.”

Like most third-worlders, Alfredo was a liar. I didn’t believe his story and hired a Kroll investigator to check the exact dates in December for Angel and Alfredo’s arrivals in Moscow. If the dates coincided and were earlier than the day Angel showed up at my office with the story she had just arrived in town, then the two probably hooked up.

Over Easter, I tried to reach Angel but no answers late Saturday and Sunday. She finally called late Sunday.

“Where have you been, I tried to reach you.”

“I just go out with my friends in town.”

“Didn’t you take your mobile?”

“I forgot. Listen Roy,” she switched into her wheedling voice. “Next Thursday, I go to visit an old friend in Kannevskaya village outside Krasnodar. We grew up together in Chechnya, and I haven’t seen her since I left Grozny. I really want to see her again.”

“Okay,” I said.

“I’ll be away until Monday.”

“Are you still going to arrive in Moscow on the seven o’clock train next Wednesday morning? We still need to do some preparation for the visa interview on the following Tuesday.”

“I’ll be on the train but while in the village you won’t be able to reach me because my friend doesn’t have a telephone, and my mobile won’t work that far outside of Krasnodar.”

Right away the depths of my unconscious sent a warning. Here we go again. What is this girl scheming this time?

“Give me the name of that village again.” I wanted to check whether it existed and its location. “And when are you leaving? Thursday afternoon and returning Monday afternoon.”

“That’s right.”

“Okay, I will telephone you Thursday morning before you leave,” I said.

“Are you checking up on me, my husband?”

“Do I have reason to, my wife?”

“You Americans don’t believe anybody!”

“Long before you were born, John Kennedy said in a speech directed at Premier Khrushchev, ‘Civility should not be mistaken for weakness and sincerity is always subject to proof.’”

“I not Khrushchev!” she objected.

“But you are Russian.” I replied

The village checked out, only a few hours outside Krasnodar, but my feeling of something not right kept bothering me.

On Thursday, I called Angel at her home in Krasnodar. She said she would call me when she returned the next Monday, and I would then call her right back to make sure she actually telephoned from her home.

I wished her a safe trip, which Russian tradition required when a loved one or friend traveled. Going from one place to another in Russia didn’t engender feelings of security thanks

to careless common carriers, police looking for bribes and Chechen terrorists. Both the Czars and Communists restricted travel in order to keep track of their citizens, so the infrastructure that supports safe and comfortable journeys never fully evolved. As a result, Russians appealed to irrational protections such as well wishes from friends and taking a few moments to sit and meditate before embarking. Most Russians believe the thoughts of others and their own along with unrelated actions can influence hidden energies of the universe to affect events in the observable world. Angel often talked about using her mind and rituals to assert her will on unknown forces to avert or cast an “evil eye”. Unlike Russia, America, in large part, replaced a reliance on the supernatural with a belief in science, technology and individual rights to create a society of relative security and predictability.

On Saturday, Angel called me again.

“I thought you were in the village where your mobile didn’t work,” I said surprised, assuming she used her mobile because the village allegedly had no telephones.

She stumbled and said, “I will leave today. My, my trip was delayed because a modeling job came up yesterday.”

“What type of modeling job?”

“It was, it was...promotional.” She seemed to be reaching for an explanation.

“What kind of promotion?” I pressed.

“Oh, just handing out samples. It was fun. I will tell you all about it when I see you next Tuesday.”

“You mean Wednesday.”

“Yes, yes, Wednesday. Do you miss me my husband,” she said in her seductive voice so as to change the subject.

I provided the obligatory yes.

“Oh, and since I am leaving late for the village, I wouldn’t be able to call you Monday from Krasnodar before I board the train.”

“Why not?”

“I want to stay with my friend as long as I can, so I will go directly from the village to the train.”

“What about your bags.”

“I have everything I need for Moscow with me.”

“Okay, I will meet you when you arrive Wednesday morning,” I said, all the time thinking this call made no sense. But once again, I knew that with time the real explanation would become evident as it always did when something happened that made no sense or stood out incongruously.

### You Can’t Judge A Book By Its Cover

The evening before Angel’s scheduled arrival in Moscow from Krasnodar, my doorbell rang. Probably the militia, checking on who was living here again. Ever since the apartment buildings’ bombings last September, the police periodically checked to make sure the person registered at an apartment actually lived there. The city government hoped to find terrorists or at least Chechens living illegally in Moscow. I ignored the ringing, but it persisted. Then a thought out of left field hit me, could it be Angel? No, she was not that dumb to pull the same suspicious stunt she did in December by showing up earlier than scheduled. The ringing continued. I finally opened the door, and there stood Angel, six feet three inches in her shoes, smiling innocently but looking extremely tired, more tired than usual for the trip from Krasnodar. The universe tried to tell me something from that, but I didn’t know what, so I would have to wait



and stay alert. I stared up at her, suspecting she had pulled another deceit—like meeting some boy friend in Moscow a few days earlier.

“Aren’t you going to invite your wife in?” she asked with guile.

“What are you doing here?” I said, starting to cross-examine her. “You were supposed to be on the train from Krasnodar tomorrow morning.”

“I came early because I got a ride. Let me in Hollander!” She never before referred to me by my last name. It sounded like she had decided to mentally distance herself from me.

“You shouldn’t keep your wife standing in the hallway after a long trip!”

I helped her in with her bags. “How did you get here?”

“Save your questions. First, I need to use our bathroom.”

“What do you mean ‘our’ bathroom? It’s my apartment.”

“It’s our apartment, my dear husband. Everything in here is ours Hollander. You must remember I am your wife,” as she put her arm over my shoulders and kissed me. Now I knew something was wrong. First she addresses me with the impersonal use of my last name, then she refers to us as a married unit, which she also never did before.

“I will explain everything after I wash up and make us dinner, my darling husband.” She headed for the bathroom.

Angel prepared a meal and we sat down at the kitchen table.

“So how did you get here?” I once again asked.

“I found a van that drove to Moscow and it was cheaper than the train so I took it.”

“You’re telling me that there are commercial vans taking passengers from Krasnodar to Moscow?”

“Yes.”

“You said back on New Year’s Eve that traveling the roads in southern Russia was dangerous because of bandits and Chechens.”

“Oh not so dangerous. Are you concerned about my safety, my dear husband?”

‘Husband’ again, what was her game, I wondered.

“How much did the van cost you?”

“Oh not much.”

“How much did it cost?” I persisted. The details always trip up a liar.

She dismissively said, “I don’t remember exactly,” that from the girl who quibbled over a few rubles for a taxi ride.

“Where’s your ticket?”

“I threw it away. Why all the questions Hollander, don’t you believe me?” I was not going to let her side track me.

“Where are their offices in Moscow?”

“Different parts of Moscow.”

“Where?”

“I don’t know exactly.”

“Where did the van stop in Moscow?”

She hesitated, “They let me off in front of your apartment building.”

“How nice of them, door to door service. So you went to the trouble after a long trip to throw away your ticket between the front of my apartment building and my apartment door?”

“They didn’t give me a ticket. They were friends who were driving to Moscow.” The story’s details changed to account for her inconsistent answers. Now I knew she was lying, but why?

“I thought you took a van run by a business.”

“No, I didn’t mean business. They were friends of mine coming to Moscow, so I paid them some rubles for a ride and they left me off by your apartment building.”

“How much did you pay them?”

“I told you I don’t remember, now stop it Hollander! I still have problems with my eyes and shouldn’t get upset.”

Look who was talking about becoming upset, I thought to myself? I was not only upset but hurt and angry. She still wasn’t telling the truth, and this time it concerned something she did while we were married. After dinner, I felt a little better and somewhat groggy. Still suspicious, I decided to put the incident away for later thinking. During sex, the suspicion resurfaced briefly because she felt different inside, I filed the information away with all the other pieces from that evening.

The next few days we scrambled around getting additional documents and preparing for her visa interview. We almost failed to obtain one crucial document. Angel worked in Cyprus for over six months in the first half of 1999, so she needed a police report that showed no record of arrests on the island. A month earlier, Angel contacted the Athanasious whom she referred to as her “impresarios,” the agents who arranged for her employment. Irina Athanasiou promised to obtain the document from the police and mail it to Angel’s address in Krasnodar. Angel said the document didn’t arrive before she left for Moscow with her friends in the van. I called the agents office and talked with Irina who said the police report went out in plenty of time to reach Angel in Krasnodar. It should have arrived by Saturday when Angel left to visit her friend in the village. Irina’s statement should have raised my suspicions again about Angel’s story of traveling directly from her friend’s village to Moscow without checking at home for such an

important document. But once again my brain wasn't functioning very well, so I blindly assumed the unreliability of the Russian mail service delayed delivery. Irina said she would send a copy express mail to us in Moscow.

Irina and I chatted a little. She was a Russian who married a Greek named Melios. He and his brother Marios owned a couple of clubs in Limassol, Cyprus: Zygos, where Angel worked and another club called Tramps—nice name, but it didn't register amid the stupor I was feeling. The three Athanasiuos used their agency Irinis to import girls, mostly from Russia, to dance in the clubs that Marios managed. Irina had the contacts with various Russian model agencies to obtain the girls while Melios dealt with Cypriot immigration to obtain work visas for the girls as artists.

The other concern over the upcoming visa interview was the incident in Mexico where Angel said the police took her into custody for working at The Men's Club without a work visa. Her visa for Mexico listed her as a translator and had expired by the time of the raid. Angel couldn't speak a word of Spanish, so clearly Leo and his contacts in Mexico bribed some Mexican official to get her a visa. I assumed that was how Russia's so-called model agencies were able to send Russian girls all around the world including America, which was where the girls could make the most money. On one occasion, Leo told me he had regularly bribed an official at the American Embassy \$3,000 to \$4,000 to obtain visas for his girls to work in lap-dancing clubs in Southern California.

Angel worked in Mexico for only three months, so she didn't need to provide the American Embassy with a police report, but her visa application required that she report any arrests. "Arrest," however, is a legal term that does not include detention. So whether the Mexican authorities arrested or detained Angel depended on exactly what happened. Angel said,

“It was Friday night, I was working, when all of a sudden the lights came on and the police were everywhere. They took us to an immigration center where I stayed until the following Monday when they put me on the airplane flight to Moscow for which I had a ticket.”

“Did they take your name, fingerprints or photograph you?” I asked her.

“No.”

“Did they say you were under arrest?”

“No.”

I then consulted with an American lawyer practicing law in Moscow. He drafted a legal memorandum that concluded the facts indicated a detention and not an arrest. I wanted the memorandum thinking that the INS probably ran each applicant’s name through an international database set up by cooperating immigration services around the world that kept track of arrests. Given the close economic ties between America and Mexico, I assumed Mexico participated in such a database. If Angel’s name came up, then I would have a legal argument that she was detained but not arrested.

While preparing for the interview, Angel wanted to register herself as a resident of Moscow so that, as she said, she could live and work in the city in case the Embassy denied her a visa. That didn’t make sense to me because I doubted the Embassy would deny her a visa, but even if it did, she often told me she refused to work in clubs in Russia. So why did she need a document allowing her to stay and work in Moscow as long as she liked?

Angel called working in a club in Russia, “low-level work.” To which I usually asked, “How do you know it is low level, if you never danced in Russian clubs?”

“Girls tell me.”

She especially complained about the way Russian men with money treated Russian girls. “They go into a club and take whatever girl they want, treat her rudely and the girl can’t do anything about it.” Her complaints made me feel morally superior since my upbringing in America taught me that a man treats a lady with deference. Still something always troubled me about Angel’s criticisms of Russian men. The Russian guys I knew didn’t act like that. Maybe my Western tendency to believe women until they clearly showed themselves undeserving of it gave me a skewed perspective of a culture in which the cynicism of men toward women might merely provide the men with protection.

Was Angel planning on the both of us living together and working in Moscow with her doing only modeling if the Embassy denied her visa? I didn’t think so because once she said that if she didn’t receive a visa, she’d go with Leo’s help back to Mexico or some other country. I let that ride at the time because if she did the marriage was over.

Logical or not, I okayed Angel registering in Moscow. My driver agreed to help in dealing with the bureaucracy and allowed her to use his address for her registration. Registering took a couple of afternoons in which Angel and my driver stood in long lines and wrangled with bureaucrats. During one of those afternoons, I took the opportunity to search through her bags looking for any evidence that she came to Moscow sooner than she said. I found none, but just as I was about to give up, I noticed the composition notebook in which she always wrote standing upright inside her bag. How did I miss that, I wondered? A quick scan and I knew it was her diary. Could she be that stupid to leave her diary where I could find it? Since I didn’t read Russian, she probably thought her secrets safe, but she failed to consider copy machines and translators.

My heart pounded hard in my chest as I tried to decide whether to invade her secret world. The truth will set you free, I remembered and rushed off to the nearest copier down the block. The operator made it part way through the diary when he hit Angel's writing in blue ink. The machine couldn't copy it, so I rushed a couple of more blocks down Kutuzovsky to another copier, sweating and fearing all the time that Angel would come home before I completed my mission. I stood impatiently, heart still beating fast, waiting for the second copier to finish. Not since I was a little boy trying to hide something from my mother did I feel like this. What are you afraid of, I kept asking myself. Even if she finds out, what can she do, we're in Russia not America. Finally, with a copy of her diary from the beginning of 1999 to the present, I rushed back home in a sweat, replaced the original as best I remembered in her bag and thought hard of a place to hide the copy. I decided to get the copy out of the apartment because I knew Angel regularly went through my things when I was not around. I didn't want her finding the copy because she would destroy it on the spot and then talk me into believing I was wrong for copying it because she always told the truth. I put the copy in a brown envelope, called my tutor and arranged to hand the package off to her in the metro without telling her what it contained. My tutor disliked Angel, but even so, I knew that young Russian women tended to defend other young Russian women no matter how despicable their acts. I feared my tutor might not agree to hold on to the diary if she knew what it was or might even deep six it because of this unwritten alliance among young Russian ladies in their war against Russian men.

In the evening, after Angel returned from registering, she sternly said, "You have gone through my bag."

I began to sweat. Did she suspect I copied her diary? I answered, "No, I merely moved it."

“You lie!” and she narrowed her eyes as though looking into my mind. “You disrespect me by going through my things.”

“And you disrespect me by telling lies,” I countered.

“Don’t go through me bag again,” she warned and went back to her things in the other room of my apartment.

On Saturday, I met with my tutor hoping she would translate Angel’s diary before the visa interview on Tuesday. But when I told her what it was, she refused. I knew any effort at persuasion was fruitless because of the Russian female camaraderie against men. I asked whether she could recommend another translator. She said she would, but I knew she wouldn’t. Russians are experts at saying yes when they mean no, and only a sixth sense or being Russian can tell. I left and called a CEO friend of mine at an investment fund. He was a traditional American man like myself on whom I could count for help. He didn’t buy into the current wimp ethic foisted on modern American men by shrew like female authority figures. He got his secretary to round up a trustworthy Russian man to do the translation. Unfortunately, he could not start until after the visa interview and, assuming the visa came through, after Angel returned to Krasnodar to pack for our planned trip to New York City. I decided to keep my options open: go through with the interview, since I still possessed no hard evidence but only suspicions about my wife’s duplicity, then get the diary translated and decide what to do afterward. If I kept possession of the visa documents the Embassy will likely grant her, she wouldn’t be able to sneak into America before I notify the Embassy that the marriage is over, which will prevent it from issuing her a duplicate visa. Depending on what the diary said, I go back to New York City alone or with a wife.



Sunday May 28, 2000, five days after Angel's arrival in Moscow and two days before the visa interview, the weather was warm and sunny. Maria, now Angel's friend, invited us on a picnic she organized for her band and a group of friends to a beautiful area of woods and lakes north of Moscow. In a caravan of four cars loaded with Russians, Europeans, one American, food and drink, we headed for the countryside.

Muscovites take every opportunity to leave their city not just because of the air pollution, abandoned stockpiles of pesticides or contaminated toxic waste sites but more deadly health threats. When I first traveled to Russia, just after the collapse of the Soviet Union, I noticed digital lights above the entrances to the post offices but wondered why the numbers shown by the lights were in the teens or twenties. Then I remembered that Russia went by military time. One day while walking passed the post office in the building where I was staying, I saw the numbers change from 14 to 13 and asked my interpreter, "What's wrong with the clock? Does time run backward in Russia?"

She laughed, "That's not a clock. It's a Geiger counter. It warns people whether there is a lot of radioactivity in the area on any particular day."

Later, I learned that Moscow even had a department devoted to finding radioactive hot spots in the city. The Soviet Union, even more so than America, pushed atomic power as a cheap, efficient source of energy in the sixties and seventies. The government widely distributed nuclear materials to public agencies and scientists. Trouble arose when the materials could no longer generate power but were still radioactively harmful. Rather than going through the cost and trouble of properly disposing of the waste, the Commie's dumped it anywhere as if throwing leaves over the fence into a neighbor's yard. So now there are hot spots all over Moscow, but no one knows where they all are. Many buildings, including additions to Moscow State University,

were built on radioactive sites or out of radioactive materials. Since my initial trip to Russia in 1991, the city Government turned off the Geiger counters to save electricity, and the radioactive hunting department does next to nothing for lack of funds. No one cares because all are on the make for themselves. Russia is an alien social order that still hasn't passed through the Renaissance, Reformation or touched the era of Constitutional Liberalism.

When our caravan arrived at the camp area, Angel rushed over to the horses. Like most girls, she loved riding and proceeded to gallop off into the woods. I took in the view feeling content although somewhat unclear in my thinking and waited for the serving of lunch by our barbecue chef, a British businessman who worked in Moscow while maintaining a wife and children in England. Angel galloped back, thrilled as a child from her ride. We took a walk in the woods where others also strolled. I started to seduce her but she clearly didn't want to engage in any romantic activity. Other than that episode, Angel acted very affectionate making me feel as she often did as the most important person in the world. I enjoyed a sense of well-being that we were married.

On the day of Angel's visa interview, we arrived at the Embassy early in the morning to stand on line. One of my translators, Sasha, joined us just in case Angel needed some translations. When Sasha showed up, she looked at Angel and then at me and screwed her face into a look of disgust as though Angel epitomized the worst of Russian womanhood. I naturally thought Sasha wrong; while smart and very pretty, she was only nineteen. The Embassy opened; we handed in the required papers and waited about 20 minutes until we were called to the window for the interview. The amount of time the interviewer spent reviewing Angel's documents was laughably short, maybe five minutes. The interview itself last another five minutes with me answering most of the questions. At the conclusion, the interviewer granted

Angel a visa. She smiled from ear to ear as one of her dreams came true. We congratulated each other on her visa of which I took possession saying, “safekeeping purposes.” I thank Sasha about whom Angel later remarked in a lustful manner that Sasha was very desirable. I just looked at her.

The entire visa process was pretty much a joke from a security point of view. The Embassy officials try to browbeat applicants into not pursuing a visa or create burdensome document requirements in an effort to keep the number of visas issued below a certain number. The bureaucrats, however, should know better. Any Russian will forge documents to get what he wants, and most are amazingly adept at it as though they learned it in grammar school along with the three “Rs.” In Krasnodar, I watched in amazement as Angel forged signatures or altered documents with precision concerning her apartment. “My courses in calligraphy help me with this,” she once said with that Cheshire grin of getting away with something.

As far as Embassy personnel scrutinizing documents or making background checks to ferret out characters dangerous to Americans and our freedoms, they take the sloth approach with only a cursory review. The American bureaucrats probably figure why waste time or energy that they need for partying with sociable Russian men or women.

I don’t remember much more of that week except Angel making dinner and arranging for our flight to New York, which Angel insisted on happening as soon as possible. The earliest tickets were for June 22<sup>nd</sup>, three weeks off. On Sunday evening, my driver and I took Angel to the train for Krasnodar. She had to go home to pack and put her affairs in order for her immigration to New York City. At the train station, she kept telling me not to wait to see her off, something new for her. Despite my befuddled thinking since her arrival, I still suspected that her failure to take a train to Moscow meant she came early to play with one of her boyfriend’s.

Maybe Alfredo came back to town, and she planned to rejoin him, so she wanted me to leave before the train left. With her Moscow registration, she no longer needed to worry about staying in town for more than three days. I decided to wait, escorted her on the train to her berth, said goodbye and watched from the platform as the train pull out of the station.

Right after Angel left on June 4<sup>th</sup>, I received a call from a friend of mine in London. Carol and her mother wanted to visit Moscow for a weekend, so I invited them to stay with me and volunteered to pick them up at the airport and show them around the city. Carol worked as an audit manager at one of the “Big Five” accounting firms and wherever she traveled, she took her mother along. They scheduled their arrival for that Friday and would return to London the following Monday.

During the week leading up to their arrival, the clearness in my thinking returned to normal but without the depression that accompanied my previous separations from Angel. The translator that my CEO friend found to translate Angel’s dairy contacted me. Igor agreed to do the translation without feigning any moral objections. It actually seemed very natural to him, as though he understood the harm certain Russian females could cause a man. Since my plane for the States left in a couple of weeks, I was in a rush. We agreed the quickest way to do the translation was for the two of us to sit down and have him read the diary to me in English while I took notes. We arranged to meet at the business center at the Radisson Slavinskaya Hotel.

The Radisson Business Center was the brainchild of an American businessman. After the collapse of the Soviet Union, Western businesses flocked to Moscow to open up a previously closed market to the moneymaking wonders of capitalism and consumerism. Moscow lacked most of the infrastructure businesses needed, such as reliable communications, faxes, computers, printers and a quiet comfortable setting to discuss business deals. So an American set up and

financed the Radisson Business Center to provide Western businessmen with the tools of their trade. He included Russian partners in his venture in order to provide the necessary connections for doing anything in Moscow and to satisfy Russian legislation requiring the inclusion of Russians in any foreign business that conducted certain activities in the country. After a few years of profitable operation, the American's Russian partners decided to maneuver him out of the business by simply incorporating a new firm, without him, to operate the Business Center. That often happens in Russia. After Western businesses invest the capital and know-how to make a venture successful, the Russian partners, motivated by their religious conviction to greed, use the corrupt legal system to remove the Westerners from the business. The Russians transfer the assets to a second corporation and hire the police or a security firm to take control of those assets and the business's location. Most Westerners complain to their respective governments because the Russian legal system offers no recourse, and most foreign governments do nothing, so the foreign investor usually cuts his losses and moves on. Not so with the founder of the Radisson Business Center, he refused to move on, so one day while waiting for a train in the Moscow Metro, a contract killer shot him dead. Needless to say, no one was ever tried for the murder although everyone knew the people behind it.

### My True Story

On Thursday, June 8, 2000, I met Igor at the Radisson Business Center to begin translating Angel's diary. Although I copied her diary from the beginning of 1999, when she went to Cyprus, to just before her visa interview in Moscow at the end of May 2000, Igor and I started with Angel's 23 July 1999 diary entry—the day I met her. Her life before we started dating didn't concern me, so we skipped over her doings in Cyprus. Igor looked through the material and estimated it would take us a few days. I stressed that I wanted the complete truth as

she wrote it, no matter how brutal. I had no use for the Russian tendency to euphemize the truth purportedly out of a concern for the feelings of others, when the real reason was a selfish desire to hide from the bleak reality of a society without a conscience. Igor began translating, and I started a slow spiraling descent into Angel's underworld.

Angel came to Moscow in July 1999 not to model but to make money dancing completely naked at a party sponsored by a Moscow magazine. She found the party "cheery," especially when another girl danced with a "dildo munching on it all the time." Angel also made money as the sole player in an "erotic" film produced by an American that was shot just before I took her to the airport the first time to fly back to Krasnodar. That's why she was late meeting my driver and me as we waited outside Leo's apartment used for his out-of-town models. She wasn't shopping as she claimed. The mystery behind her appearing out of nowhere was that she snuck out of the apartment where she shot the film. Her diary described it as "undressing," and each of the onlookers paid her \$20. While in Moscow, she also visited a doctor for the venereal disease called "Gardnerella," which causes a foul smell. Thank goodness I didn't sleep with her then.

Her arrival in Krasnodar was to the arms of her boyfriend of nearly four years, Alexei. When I called the number at which Angel told me not to talk to anyone but her, the woman with whom I conversed was Alexei's mother. No wonder Angel told me not to call that number again. Alexei saw one of the pager messages I sent to Angel in which I closed with "Love Roy." Alexei demanded to know what it meant and who was this guy. Angel replied, "It means nothing. He is just a good friend." Alexei bought Angel's lie along with a few other deceptions about her activities in Moscow and after a couple of weeks, asked her to marry him. She refused because he didn't have enough money—two thousand dollars to be exact. Two thousand dollars

doesn't sound like much, but in Krasnodar the buying power was equivalent to \$50,000 in America. Igor remarked that girls from the provinces found any way possible to get money.

Alexei didn't give up his courtship. He clearly loved Angel, but without money, his love didn't translate into a cash flow for her. Alexei didn't fully realize this nor that Angel hung out with another guy name Andrey who managed the club Imperio in Krasnodar. Alexei continued to give her what he could, not knowing that Angel, with accountant like diligence, listed in her diary the cost of every present followed with "Thank you dear, I love you." One gift was a videotape of what became her favorite movie: *Showgirls*. Angel's diary clearly showed an obsession with the material world, which stood in stark contrast to the monologues she frequently gave me on the importance of spiritual matters in her life. Igor commented, this girl reminds me of Janus, the Roman god of two faces.

At the end of August 1999, Angel received a message from Leo to fly to Moscow immediately so that she could leave for Mexico with him and another girl, Tanya. The flights out of Krasnodar were all booked, so she used her F.S.B. contact to acquire a ticket. Agents in the F.S.B. can accomplish what ordinary citizens cannot, provided the agents receive a currency of value to them—dollars or sex. Angel's diary didn't say what she paid. Before leaving for Moscow, Angel and Alexei took a vacation in which she suffered from a vaginal infection. The medicine she spent so much time looking for in Moscow was for this condition, whatever it was. Alexei and Angel partied a lot, and without Alexei knowing, she did some lap dancing. No wonder Angel looked tired when she arrived in Moscow.

In Mexico City, Leo's partner, Salvador, met them at the airport. I realized that in the photographs Leo showed me of him and Angel in her Mexican apartment, the other man pictured didn't work at The Men's Club as Angel had said but was Salvador. While visiting his house,

Salvador showed Angel full frontal and rear naked pictures of her he obtained from Leo's Internet site. He told her that he wanted the girl in the photographs, who was Angel, as his girl friend.

Angel toured Mexico City with Leo and Tanya, but Angel didn't get along with Tanya who criticized her for using cheap lipstick while Angel retorted in her diary that Tanya was cheap herself. In person, Angel assumed the mask of humility, honesty and criticized no one, but the pages of her diary painted an arrogant, duplicitous, caviling and egotistical young lady. When a shoeshine boy tried to polish Angel's shoes in return for a kiss, Angel wrote, "For my kiss he would lose all his proceeds." She remarked how when walking in the street with Tanya, she, not Tanya, attracted stares, whistles and men jumped out of cars when they saw her. At discos, it was always her that the crowds looked at in admiration—not the beautiful friends she danced with such as the finalists in the Miss Krasnodar beauty contest. She believed herself a great dancer in the vein of Isadora Duncan when in reality, as a dance friend of mine later observed, her moves were limited to that of a stripper and her lack of coordination kept her from even doing the Salsa properly. Before she went to bed and when she awoke, Angel told herself over and over, "I am beautiful, I am beautiful...."

Salvador took the Angel, Tanya and Leo to Acapulco and there made his move on Angel; she rebuffed his attempts. On learning this, Leo scolded her for knowing better. He brought her to Mexico for Salvador and to work as a lap dancer, which she knew and agreed to when Leo made the arrangements a month ago. Leo warned her against always trying to get something for nothing. Angel agreed that since Salvador spent so much of his money on her "it was fair to spend a night with him." From her diary emerged the personality of a true middle-eastern businesswoman—always trying to get the better of the other party. She believed in caveat



emptor—buyer beware, and didn't feel fully satisfied unless she cheated another somehow. But if a client undercounted the number of lap dances she gave, the hostility smoldering inside her burst into outraged on the pages of her dairy but into tears before the client or a club's bouncers.

Through Leo's connections, Angel and Tanya found work at the The Men's Club, where girls from around the world gave lap dances in their tong panties. The customers paid \$20 for about a three-minute dance from which \$4 went to Leo, \$2 to the managers of the club and \$3 to Maria, who helped obtained visas for the lap dancers under the pretense of them working as translators and placed the girls in various clubs in Mexico City. Angel made \$11 on each dance. Girls on the day shift from 2:30 PM to 8 PM pocketed around \$250 while on the 8 PM to 2:30 AM shift they averaged \$300. Angel worked both shifts.

Listening to Igor's translation, my heart cracked a little more with each man whom Angel, often euphemistically, described her involvement. The Angel I loved was merely an illusion concocted by a consummate con artist. Her diary showed an uncanny ability to get away with telling the most preposterous lies in the face of overwhelming evidence that she spoke falsely. She convinced young, middle-aged and older men to trust her, to help her because she needed them and cared about them. I remembered the effect of her soliloquies on me. I never could recall the words for their impact came more from the tone of her voice and the look in her eyes that swept aside all logic leaving the glow of believing the absurd because she made you want to believe. Her false feminine warm heartedness masked a calculating businesswoman who kept throughout her diary a balance sheet of material gain. Angel saw every interaction with another human as an opportunity to acquire something she didn't deserve. Lie, cheat or deceive but make sure you win something of value was her motto. When a guy didn't give enough, she

cursed him in her diary, “Let God be his judge!” but if he gave more than expected, she asked God to bless him.

Angel was no fool, she knew how to market herself and, perhaps more important, which market segment to ruthlessly pursue—men with a good heart, that is, suckers! Angel didn’t take all suitors in Mexico; she focused on her market segment. The men she used sounded decent and caring toward her, wanting her as their regular girl friend, or at least the image she so effectively created of a kindhearted, decent girl trying to survive in a cruel and unjust world that oppressed women. She not only used the arsenal of weapons of the traditional female grounded in deception but also effectively exploited modern day feminazi propaganda of female victimization.

Angel left nothing to chance in her pursuit of money. Besides her methodical materialistic practicality, she invoked religion by appealing to the Russian Orthodox Saint Nicolas the Thaumaturge to help “us” in all our business. Her regular usage in her dairy of the plural pronoun to refer to herself at first seemed strange until I learned that her mother had set Angel on her course to wealth and perhaps fame. For Angel, she and her mother were in a partnership to exploit men’s passion for a pretty young lady and sympathy for her hard luck stories. A letter from her mother encouraged Angel to have “many new conquests.”

My translator and I pushed on through the dark, self-deluding, cruel and ultimately lonely reaches and experiences of a mind maniacally driven by greed to whom the gods had given physical beauty and smarts as she exploited those gifts in Mexico City.

September 16, 1999

During my first day dancing at the Men’s Club, I made 16 dances, 27 dances yesterday and 31 dances today. I could make even more but I did not manage to receive order for dances until too late. Yesterday, when there was a pause, I thought that my music began and hurried to

the stage. Everybody laughed because there was no music, so I ran away in a pretense to change my dress.

Today I bought for 189 pesos white sandals and a silver chain for wearing on foot and a bright dress for 600 pesos.

Today one fucker promised me to give his credit card. I went with this idiot; I left my work before my working time actually ended. But he gave me (I could hardly manage to beg it) \$60, he promised to give me \$300 more; later, we made fun. But when I refused to kiss him, here he all of a sudden changed his tone; he said that he was a citizen of Mexico and that he would go to police... He took back all money... He was the most down man... Ali... Fucker...

Azul, Tanya, me and men went to Karnavaca to a restaurant. We dined for 4 hours. He annoyed me. It was on Saturday. But in the evening he ordered 13 dances. My customer promised me to gift a dress, a nice dress.

Yesterday I danced for one man – he gave me \$200. And today I danced to two men – they ordered 20 dances, and one more man ordered 6 dances.

We went to cinema with German guys. I liked it, and Tanya liked it so-so. I allowed myself to make pedicure – it took 1 hour and cost 80 pesos.

Today is my mom's birthday! She is 49 now! Let my mum be happy! I wish her good health, very good health, immense love, happiness, luck in everything, peace and well being!!! Let God bless us two!!!

September 19, 1999

After a long delay, I decided to call up my darling boyfriend Alexei. His voice was dry. I was saying that I miss him, and he never mentioned that he missed me, he did not say anything encouraging to me. After it I burst into tears. I even do not want to call him up any more. He even was not glad to hear my voice. I do not know. Maybe all this was due to the fact that he had broken his car and not my deciding to stay in Mexico.

I had my second meeting with Mavro, we went to a restaurant where there are fountains. It was nice. We went to airport. It was so magnificent: large field and aircrafts. We kissed and played; it was so nice.

On Saturday I made 8 dances. One idiot cheated me – I lost 11 dollars. Let God be his judge!

Azul, Louis, her customer, and me went to his home and ate Japanese meals – it was very tasty. In the evening we went to a restaurant and later we moved to the bar of Latin American music. We had a nice time; we danced and everybody was looking at me...

Today the weather is so fine, the sun is shining brightly, but there are no customers. And a bit later all of them came at the same time... I bought a bright dress! Tomorrow I am going to buy some more things (a top and a skirt).

My God bless me! Give me wisdom, forces and patience! Our Lady save and give us love! Guardian angel, keep us! Nicolas the Thaumaturge, help us in all our business!

September 23, 1999

There were the following interesting events these days. Now I have \$3600!!! God be praised! I plan to soon go to the all-nude Penthouse Club and to work there a little because the girls there make more money. God help me!

On Monday I made 25 dances. On Tuesday I made 37 dances! Today I made 35 dances! On Tuesday a man called me, he looked very simple. He ordered 4 dances and gave me 2500 pesos! On Wednesday he sent me a basket of red roses! God give happiness to him!

I met with Pablo. He is very good at kissing... But his character is rather heavy.

At the club I made 20 dances for one customer! God give him love and real happiness! (I gave to his young friend my name card with telephone number, and he by mistake passed to my customer. It was terrible!) Before it one fucker drove me to tears. He was tall and had attractive appearance. But he accosted to me with questions: Why did I speak at once about money? Why did I think only about money? He repeated all this about 5 times. I could not stand it and went away weeping. Fucker! Let God be his judge!

Later in the evening, I got acquainted with Max. He looks very attractive. He promised to take me to watch the underwater world with porpoises. He sent to me wonderful roses 7 pieces. Tanya has disappeared and Azul was frightened by it. Later it turned out that Tanya fell ill a little...

Roy called me up. He told me that he loved me and was going to wait for me to return to Moscow.

My God bless me!!! Give us forces and patience and guard us against all evil!!!

October 02, 1999

On Sunday and on Saturday, Azul, Alfredo and me went to an old Mexican town four hours outside Mexico City. We waited for this trip for a long time. Sometimes he could go, sometimes he had to prepare a number... But we went! We bought fruits... We came to such an old, such a nice city. Colors of houses were so picturesque! In the evening we visited disco. We danced there and crowds came to watch us, especially me. In the night I thrice changed my bed, going to another one, because Alfredo wanted sex. I had a dream that somebody touches me between my legs, but I could not understand who it was. I felt some movement. I woke up and saw him with erection. In the morning I told him that I was not a prostitute! He apologized. Alfredo gifted to me earrings and a topaz pendant. He gifted to Azul a silver bracelet as a present to her birthday (\$450). It was wonderful! A marvelous trip.

It was difficult on Sunday and on Monday as well. Each day I made 22 – 25 dances.

On Thursday... I woke up in the morning, washed, and Azul told me: "Let us run, faster!" At first I did not understand her and thought that it was some kind of a game, then I heard something falling down. I ran. In front of me on steps slowly ran a woman. I ran out in pajama so I took a security's suit. Near by stood a house and I saw how its jalousie was hanging here and there. It was terrible... My heart was beating hard... Alfredo and I went to change money – I thought that somebody had stolen my 500\$ because the package was empty... I began to weep hysterically but Alfredo was a nice fellow, he soothed me and said that he would give me those \$500, nothing had actually happened. I thought that a lad who was examining the house after the earthquake had taken the money, because the bag with money was open, but the money was there. In my room everything was falling down...

At work my eyes ached and watered from my contacts, customers did not want me.

At the Penthouse Club the dancers spread open their places. Nobody wanted me... I made only 6 dances in Penthouse. I understood – yes, somebody has put an evil eye upon me.

I finally removed the evil eye – what a relief!!!

At work there was a special show advertising the club attended by Mexican stars, I was “Miss Russia”. They shot me for TV, took photos! It was so wonderful! Azul celebrated her birthday. I gifted her a silver wine-glass. Let God give her all the best! Today she was working hard in Acarico. It was a favor to her. Alfredo bought me some food, fruits and underpants.

After I called my darling Alexei, I decided not to call him any more because of his questions: “What do you do there?” And after I began to quarrel with him because he had not said once “miss you” or “love you”, he said, “Why do you call me names? I’m not doing what you’re doing in Mexico for money.” I gave him my fax number – and never received anything from him by fax!!! If he does not answer to me first, I will not write to him myself!

Mavro has appeared again. Well, we shall see him!

My God bless us and save us!!!

October 09, 1999

There have happened a lot of events. On Saturday Mavro and me went to his house. The house is good, large. We kissed, did something more. He bought me jogging shoes but they too small, so he will exchange them. We went to aqua-park where we rode attractions. It was outstanding!

The next day, Sunday, Alfredo and me went to look at the pyramids. It was wonderful; I climbed to the very top! He gifted me a pair of silver bracelets and many other things. The pyramids belong to the God of Sun and the God of Moon. I meditated and accumulated energy. Then we went to the restaurant, which is situated inside a rock with candles and Mexican folk dances. They invited me to dance, and I jumped a little. It was cheery, everybody looked at me.

I bought a red dress, it gave at the seams on the first day, I brought it back to sew up. They apologized before me.

At the club on Monday I had 22 dances, on Wednesday I had 45 dances, thanks to Raul. He wrote out to me a check for 5000 pesos! The next day I received this money. Let God give him love and happiness.

On Thursday I made 39 dances. On Friday I made 27 dances, \$60 was given to me by one man from Florida. There were different situations. One customer insisted that I had danced for him not 3 but only 2 dances – it all makes me feel nervous, I told bouncer. Prior to it I had a clear face but yesterday in the evening it covered with spots... Mavro promised me to change jogging shoes and said that he had left them at home. All of it was actually a lie. He behaved to me like he did to his other girl (he took back all things he had bought to her – fucker, son of a bitch). Today he told me by phone that if I wanted to separate from him, that it was my own problem and he would separate from me with great pleasure (I felt that our relations would not last for long).

Azul, Alfredo and me went to ride horses – it was wonderful! These horses had a lighter saddle. First we went to mountains and then descended. Wonder!

I got acquainted with Sydney, he is from Australia, and we shall see what will come out of it!

I so miss my dear boyfriend Alexei. And what about him?

I called up my mum – the first thing she told me was that Yevgeniy Martianov who trained me in the broad jump when I was in college would be in Mexico City at a conference. My mum greatly feared that he might learn what I was doing in Mexico City. It would cause a scandal at the Academy.

On Sunday, Sydney and me went to his home and had sex. Then we went to Entertainment Park where we rode all kinds of attractions; he bought so many tickets that we won prizes – small toys. Then we left Entertainment Park went to a church to pray and later I got inebriated. We are acquainted for already a month and a half. He too often says that he loves me; there has come time to check his feelings. I understood that Mavro wanted only to have sex with me. I did not give it to him, so he became very angry and could hardly restrain himself. And then he began “to separate from me”.

My God, bless us! Give us forces and patience! Our Lady save us and give us love! Guardian angel, save and keep us! Nicolas the Thaumaturge, help us in all our deeds!!!

October 17, 1999

Now I am in Cancun. We went on Friday, early in the morning. I went with Alfredo, Azul and Martin. The hotel is so magnificent... It is situated in such a nice place... We did not sleep in the night from Thursday to Friday (I made 34 dances). I sunbathe without clothes on the balcony and Alfredo took pictures. Color of the sea is so pleasant. Alfredo wanted intercourse. But I told him that I had menstruation. The next day we went to the park “X-SCARLET”. First we walked along the river one photo cost \$8—so much. It was so interesting to roam among rocks, light everywhere is so different.

My suspicions about the sunbathing photo Angel showed me on New Year’s Eve proved true. Azul didn’t take the picture as Angel claimed, but her client Alfredo did with Azul standing in the background. Alfredo paid for Angel and Martin for Azul on the Cancun trip. Alfredo wasn’t as magnanimous as he claimed in taking Angel along on trips just because she was Azul’s friend. No, Alfredo took Angel along for him, and the story he told me over the telephone about the two of them being just “good friends” was probably concocted by him and Angel.

Then we went to dolphins. They had interesting skin. We swam with dolphins. We caressed dolphins’ bodies. They do not like if somebody touches their muzzles. Than we were lying on the water and two dolphins were carrying us along like in the film about some superhero. “I am superhero.” It was overwhelming.

We went to watch a concert of folk music. I felt cold... Alfredo took care of me. We had hardly managed to persuade him to feed us. Alfredo did not want to feed us.

Today in the morning Alfredo left us – he went for a business meeting. We were swimming all the day; I played volleyball. Then we went to a rock music restaurant. We watched stars and sea.

On Wednesday at the club I made 52 dances. Raul has ordered 32 dances. It was my record!!! He gifted to me a lot of roses. Let God send happiness to him!

I called up my darling Alexei and asked him to call me up on Tuesday. He reluctantly answered that he could dedicate to me only one minute. Thank you for your generosity!

My God, give me forces, patience and bless me!!!

October 30, 1999

The week after Cancun was very interesting. It was so good without Alfredo; nobody begging for sex all the time. Sydney came to the club; he did not pay for dances, but he promised to return money later. I had his jacket, so I did not fear for the money. There came a few men from Boston. On Friday we danced to them.

I went to Acapulco with Yatsento; he missed me. We traveled in the night from Friday to Saturday. All the way I was sleeping. The hotel has a swimming pool with flowers. It was wonderful... He more or less gave me to sleep. In the morning we had our breakfast on the balcony with a nice view on Pacific Ocean and of the city. We went to the beach where we flew with a parachute pulled by a motorboat. Practically all the beach boys asked to take photo of me. I had my photos with a parachute and a seashell.

In the evening we went to a restaurant; from there it is nice to watch Acapulco all in lights. We were sitting at the table with candles. Yatsento as well annoyed to me with his accosts. But he is more self-restrained than Alfredo.

Now I am sitting in the plane with Alfredo flying to Puerto Vallarta. I am nor very much happy, because I know that I will live with him in hotel. I am tired of ... with him.

Last week to the club came Max, he gifted to me a golden chain and a perfume. Then he bought to me a chocolate. After work I had to go with him to a hotel three or four times. (We are taking off now.)

We have quarreled with Sydney. He spoke about his feelings, he gave money for my dances and I returned his jacket. All this talk of feelings is bullshit. When we fixed time for a meeting he never came and I wasted my time and lost money. When we went with a man from Boston to Acapulco, Sydney felt upset because I promised to go with him. (It is so nice to look out of the plane's illuminator – we are flying over mountains and forests on our way to Puerto Vallarta...) I understand Sydney, but he does not keep his word. He speaks too much of love, but he does not prove it. For example, I asked him to meet with me on Friday, but he simply did not come... He is a young selfish fool.

I called up Alexei's mother. He has not sent me a single fax – "It is too expensive for me!" he says. I said to his mother that he had forgotten about me, but she said that he had written me a letter.

My agent Leo in Moscow annoyed me with his faxes about money. Sometimes our calculations do not coincide. He sends faxes every day. I must be careful Leo does not find out I do not pay him all I agreed. Maria, his partner here, says that if I will decide to return to Mexico, I have to call her up without Leo's involvement. Then I will make more money.

God, give me forces to lower my weight! Bless us! Amen!

November 1, 1999

Only 10 days are left till I will meet my 24<sup>th</sup> birthday.

Puerto Vallarta is such a wonderful place. If only I were here with my darling Alexei. I have been thinking about my boy for a long time. I would so much like to be with him at this

moment. This is a magnificent hotel where you do not need to think about your food, all is included in hotel price. Two days cost \$600 for each including meals and cost of flight. It was so wonderful! I swam in the swimming pool, played volleyball in water, where they serve cocktails, a tasty one, tequila with concentrated lemon, and we splashed the losers with water. It was wonderful! Alfredo and me played as well table tennis and there he succeeded better than at volley ball. I recall my boy Alexei– I think I love him, because I all the time think about him, and does he think about me. He did not send me a written line for the two months. I think, I will receive nothing from him even on my birthday. Why?

In Puerto Vallarta there were a lot of people from the north of America. There were as well Poles and people from Byelorussia. In the evening we go to local disco. There I saw a homosexual man. He had on a white evening dress. We danced a little, and in the evening Alfredo annoyed me with silly talk of love. He said that he feels deeply for me and that I do not understand him. I told him a lie to keep him at bay. I said that somebody tried to rape me and I ran away. He got angry, began to look for a doctor, but then again began to accost to me. I have so hardened; I felt nothing because I am so tired of his pawing... I used different ways but nothing worked with him. He allowed me to sleep. The next day he made me touch him in the bathroom. "It is common; just a little bit," he pleaded. I swore so much. But then he came - God be praised!

Later we rode water motorcycle. I kept maximum speed, and he feared. We also went by sailing vessel! I could not stand his touches! He is old; he might be my father! His smell, I do not like it. I see that he likes me but I am tired of him making me do things, which I do not like to do... I am thankful to him.

Today is Alfredo's birthday. I presented to him a postcard and a little angel. Alfredo said that the plane would take off at 14:00, and it turned out that the plane took off at 15:30. Smart fellow...

With God's help, with God's blessing, amen!

November 12, 1999

Alfredo, Azul and me again went to another resort town. He promised not to want sex with me. The flight took 45 minutes. Hotel was so marvelous! On the first day we played tennis. In the evening he again began to accost to me... We went to disco, danced and changed partners. It was wonderful!

The next day Alfredo and me rode water motorcycles. It was outstanding! He bought to me slippers.

I called up my darling Alexei. I asked his mother whether he had another girl. She called him to the phone. When I asked him why he had not written to me he answered: "I will try to find time for it." "Why do you prefer not to speak to me? Do you want to end our relations?" He did not answer anything. I asked: "Why do you behave like that?" He answered, "I am fed up with everything, with what you do for money. When you said you were going to stay in Mexico for the money, I felt as if something broke in me, a string snapped."

After this conversation I was weeping for 20 minutes.

In the evening there was an interesting competition between couples. I put roll of toilet paper between my legs and Alfredo, blind folded, put broom handle between his legs. I gave instructions for him to put broom handle into hole in toilet paper. Then we ran to drink beer through a tube that was very sexy. Then the couples were given one minute to swap clothes.



Finally the girls were blind folded and had to feel between all the men's legs to identify who was their partner. We won 4 tests of 5.

Alfredo accosted me in bed again. I ran away and later he apologized.

On Monday back at work, I made 20 dances for 6 hours of work. On Tuesday I met Manuel, who paid me \$500, plus toilet water. It was a nice evening. In the evening I made 23 dances – the business went not so good. But my 500\$... Jorge said that he would present to me 24 roses for my birthday.

Alfredo called me up at 00:05am on my birthday. He said that he had especially set his alarm clock and congratulated me. In the morning – it was wonderful. I had just opened my eyes when they brought to me roses – from Roy. Later he rang to me and congratulated me.

Later came Alfonso. He gifted to me a rose, a set of chains for hands and feet and a postcard in Russian wishing to me happiness. Alfredo came to me and presented gilded flowers and a postcard with warm words. Very nice roses with sunflowers. We went to a restaurant and ate very tasty salmon. Alfredo ordered an unusually tasty pie.

At work it was wonderful. One customer bought 18 dancers! Prior to it 2 customers ordered 8 and 7 dances each. Linda, Yulya and Azul sang to me. It was wonderful! Then the club presented to me a cake. It was my best birthday. It was not saddened by the fact that somebody had stolen my 1000 pesos and 1000 pesos from another girl. One more friend presented to me a rose and a large stuffed dog.

Yesterday Alfredo bought me a nice bag for 1300 pesos – class! But he got mad – he wants to have sex with me. I think that I will agree to it in order not to go to work. Yesterday he paid to me for two hours as much as he pays for 10 dances at the club—\$200. We went to a park and then to a church. He came to the club and bought 10 dances! Let God bless him!

Leo faxed me saying he had not received his money – the bank in Russia does not take money for some reason.

My God, I thank you from all my soul for everything!!! Bless us, give us wisdom, forces and patience! Our Lady, protect us against all misfortunes, give us immense peace, well being, strengthen our belief and hope!!!

Guardian angel, keep us! Keep my money safe, money of all of us! Nicolas the Thaumaturge! Be my quick assistant in my business and in my losing weight! All Saints, help me!

Thank You, my God, for all ordeals, for my wonderful 23 years! Bless me in my new 24 year!!!

November 20, 1999

What a surprise I received on Saturday! Azul congratulated me with birthday as soon as I opened my eyes. Then Alfredo and I went to ride on horsebacks. We went to the park and rode attractions, and then we went to a restaurant. Garçons began to bring meals and at that moment to the hall entered Tanya with a pie – surprise! There arrived Yulya and Paco, Xavier. We danced; it was merry! I am very grateful to everybody.

At the same day I made 18 dances. I got acquainted with Aleho – it was so marvelous! On Sunday Alfonso and me went to the city. We had a walk and bought aromatic sticks. We sat near the church on the grass... It was so wonderful! I have rested in my soul so well! Then we went to a Mexican restaurant. We returned home and went to the region where there was a lot of youngsters and bought yogurt. We wanted Cappuccino but there was a line. It was wonderful!

On Monday I again worried about money – I spoke to Leonid by phone. I made that day 11 dances, and Alfredo paid to me for 14—\$280. We went to a nightclub. Girls there have nice breasts and figures. A brunette danced to me in the private room. Alfredo helped, she was slightly biting me and rubbed me between my legs. I like the way girls do it. Then Alfredo wanted to take me to the hotel. When I refused he went into hysterics and began to cry. He said that he could not wait any more and that I was playing with him. I understood that I had to stop putting him off or he would stop paying me money. I drank some rum and gave it to him. He was happy...

I interrupted Igor to check the date of the month for Monday. Sure enough, November 15, the date of the fax on Westin Hotel stationary in which Angel said she visited places alone in Mexico, thought about me and missed me but obviously not enough to refrain from sex with Alfredo.

The next day Alfredo presented to me a toy dog – it is a wonder! On Tuesday he again paid for 14 dances. We went to “Titanium”. All men were looking at me and I was looking at the girls. I had drunk so much that I gave it to him that night; I was drunk and spoke much in Russian.

On Wednesday and on Thursday I had 41 dances every day--\$820 each day. Friday I had 45 dances. Benjamin gave me money and ticket to go to Cancun. Alfonso presented to me a silver bracelet and lent to me his jacket. He fell in love with me... Yesterday I was with Max. He told me that my visa would soon be ready, so I masturbated him and he was happy.

“Yesterday” meant November 19 the date of the second fax Angel sent me from Mexico. In it she asked me to call her to help her avoid customs when she returned. True to her cozen nature, she wrote, “I kiss you! I hold you! Your Angelina.” I couldn’t tell whether she held part of Max before or after writing the fax.

November 23, 1999

I am on the way back. We stopped in the hotel “Fiesta Americana”. And it has began... We had been waiting for a room for an hour and a half. At 15 o’clock we entered the room – it was filled with tobacco smoke, lay hair and condom wrappings. We could not prove that we had a bank account for 3000 pesos for the hotel. In the restaurant there is a sad music; customers had to pay for drinks separately. The swimming pool was good. We met boys, had a meal in the evening – the boys paid for us. Then we went to a disco. There was such a show... Sometimes there were water bubbles. In the night we went to the sea to swim. It was something unusual. In Caribbean sea there were my admirer and Azul. We did not kiss though we wanted.

The next day we went to gym. I had a good training. In the evening we went to a shop. Azul and me had \$600 each. Azul bought a cap and a bag, and I bought the next day jogging

shoes. In the evening I was laying on the surface of the sea, all in darkness. The next day we asked to wake us up but they did not do it. We were nearly late for AQUA WORLD. We rode water motorcycles and when we were parking instructor turned over our water motorcycle. It was wonderful to see large fishes swimming in water near me. We went back along the seaside.

In the evening I ran in gym for 60 minutes. Then we went shopping. We bought jogging shoes to me. In the night I said good-bye to the sea.

Today Thanks to God there were no problems with coupons. Azul leaves the day after tomorrow. My God, bless us!!!

November 29, 1999

When Azul was leaving she did not even wake me up. She left to me a message saying that she loved me, thanked me for everything and will miss our playing.

I had a good result on Tuesday – 41, 45, 41 dances. Raul again appeared here. He bought 15 dances and went away (he was with a friend). First business went so-so, but later, approximately from November 23, I had to work much.

On Thursday I could hardly manage to make 41 dances. Alfonso and I went to a Mexican restaurant. He wanted to leave for Monterrey. We gave to each other our addresses. He said that he loved me... I went with Enriko to a good Japanese restaurant.

Friday has come. Alfredo said to me not to work. I did not have to work because it was a holiday but I wanted to earn the money since I would be returning home in another week on November 29.

With Alfredo's assistance I received a Banamex Visa debit card on which I can put much of my money, so I can take it out of Mexico and into Russia with out customs knowing. The rest I will put on to travelers cheques, but not too much for customs might find them.

My customer Jose came and took 20 dances. I danced 2 dances more. I danced as well 6 dances for another customer. And all of a sudden there switched on the light – police everywhere! It was a raid. They checked everyone for drugs. We were divided into two separate groups – Mexican girls and foreign girls. Then they shot us with video camera and pushed us into a bus with bars on windows. There were so many policemen. They took us to a police station and we stayed there from 11pm to 4am in the morning. They wrote down our names, took our fingerprints. Cuban girls were crying. Then they took us to the immigration jail. All of us were so cold. There were Yulya and I, and as well Cuban girls – all of us slept in the prison cell on the floor. We slept only 4 hours. We thought that they would let us go soon but they did not. Then the bell rang and they brought to us some meal. The club brought to us socks, sweaters, and meals from McDonalds and fruits. At first we all kept together, were merry, there was a woman from Cuba with braids. Everybody felt sorry for her, but later when somebody of us took photo of her, she began shouting and gave us away to police. Policeman wanted to know who had taken photo, but all of us refused to say. When he went away we teased that Cuban woman, laughed at her and her braids.

By now it didn't surprise me that Angel sanitized the real story of the police raid on The Men's Club in order to obtain her visa. Her diary describes an arrest—not a detention.

Then Hungarian girls began to separate from us. Yulya is a kind girl – when we were sleeping she covered me with a blanket and tried to help in everything. I tried to help her as well. She is a nice girl.

Two girls from Hungary went away on Sunday. Policemen did not allow them even to take their things. From police station they went directly to airport.

On Monday, November 29, I called up Francisco – he is a friend of Max. I asked him to take me out of here. He told me that it was impossible. I don't know what has happened to my things. I do not know what happened to my visa that Max was getting me. Alfredo called me up and told me that a girl had gathered my things. She did not find one of my bags. I was nervous – maybe she took it and just said that she did not find it?! Later Alfredo and Maria have found everything, they gathered and brought to me all my things. I am so thankful to them! Now I have with me cash for Leo – \$2200, my Traveler's Cheques – \$5000 and another \$2100 in cash and the remaining \$18,000 is with Alfredo who promised to bring the \$18,000 to me in Russia in 10 days. My God, I hope that he will bring it; this money is my flat. I worked hard to earn this money, 10 –12 hours a day.

When they brought our things in sacks from the club, one Hungarian girl found out that somebody had stolen her money, perfume and cosmetics. It was good that I took everything with me.

They took me out of prison at 20:30 and my plane was to take off at 21:10! I did not see Alfredo and Maria, because the police put me right on my flight to Russia. Katherine and Yana said later that Alfonso was waiting for me and he was very upset. But I didn't not manage to see anybody...

Our Tanya was also frightened and decided to fly back to Russia with me. She is sitting now here, in the plane, somewhere to the left from me. God be praised, she sits rather far from me.

I would not desire anybody to fly from Mexico as I did.

I thank you, Mexico, with all my heart for everything! I will come back!

Now we are approaching Frankfurt. My God bless me!

Alfredo bought to me a jacket, pullover and a sports suit. I hope very much that I will receive my money by mid-December. My God. Help me! Bless and forgive us, protect us!!!

My translator, Igor, said he was exhausted while I felt emotionally stunned from bouncing down into the ever-deeper circles of marriage hell. We stopped for the day. I had never believed in the concept of a soul, but whatever animated my life, Angel's diary had blasted it—such utter disappointment in a person. How could anyone live such a life—no dignity, no self-respect, none of the nobler qualities that humans struggled for over millennia in order to grow beyond the desires dictated by the lowest chakra of bodily appetites? Angel reminded me of the panther from H.G. Wells' *Island of Dr. Moreau* that kept reverting back to her animal nature. So far her diary never once mentioned any of the virtues of compassion, enlightenment

or honesty, only the sordid vices of lies, cheating, hypocrisy and using sex for material gain. She even tried to pull down God by entreating him to help her in her business endeavors. I'm not religious, but even I wouldn't tempt the fates by asking God to bless someone I successfully scammed while damning those I didn't. It's almost as though she thought of herself as one of God's angels, doing his bidding to raise funds for paradise by tricking guys.

Despite the revulsion, I still tried to find some hope in this sea of filth. Such is the weakness of men when it comes to women. The mask behind which the real Angel lived, that carefully crafted counterfeit image continued to hold sway over me, and I started rationalizing again by telling myself her actions weren't so bad. After all, she came from an impoverished childhood and the materialism of the middle class in even a third world country like Mexico simply overwhelmed her. She accepted the largess of men who fell for her and provided them geisha like pleasures in return. So what? She boosted their egos by pretending to like them and distracted them from their staid existence with her endearing girlish thrill of discos, amusement parks and travel. She made the middle-aged man feel young again, and the young man feel wanted. But none of it was true, just a con, and no self-delusion could hide that one of those middle-aged guys was I, although I tried to convince myself otherwise. Her diary clearly showed she pined for her Alexei—not me. Still the illusions my conscious mind constructed to avoid the pain persisted while my intuition kept bubbling up with the sense that her diary probably left out the worst of her actions.

Igor asked, “Are you sure she is Russian? Her Russian grammar is awful. It is as though she never learned the language. She gets most of the conjugations wrong and writes as though she were German.”

“Her birth certificate says she was born in Samara, but her mother, according to Angel, took her to Germany when she was an infant. Maybe she learned German first, but she never mentioned being able to speak it, and I never heard her use it. Just another errant piece of the puzzle,” I said dejectedly not really concerned about her linguistic abilities.

“How did her mother get permission to leave Russian back then? That would be in the late 70s and only important people could leave.”

“Angel said her mother traveled around Russian a lot as a dancer and also went to Germany as a dancer.”

“Was her mother a ballet dancer?” Igor asked.

“No, modern dance.”

“Strange, I don’t see the Soviets allowing a dancer with a young baby to travel to Europe unless she was a ballet dancer.”

“There is much about Angel that I am finding strange.”

Igor continued. “She really keeps a close track of the money she spends and makes. And I noticed that she always is trying to take advantage. She wants something but tries to avoid giving something in return.

“In America, we call that the consummate con artist.”

My translator laughed, “So, same time tomorrow?”

“Okay, see you then.”

I dragged my stomped heart home, decided against going to a couple of meetings, took a sleeping pill and forgot my worries in the land of oblivion.

## I Put a Spell On You

The next day, hope reared her deceitful head with the justification that Angel really wasn't my girlfriend while in Mexico. Before she went to Mexico, we went out for a few nights, kissed a little, one massage and nothing more. How could I expect fidelity from someone who didn't owe me any? My struggle, however, to find a lawyerly argument that kept Angel as my true soul mate failed to realize the obvious—a girl who did what she did in Mexico would never be anyone's soul mate. But I didn't see that at the time. Igor picked up translating the diary with Angel's December 7, 1999, entry, which was a week after her deportation from Mexico and arrival in Moscow. I hoped the virtues she often talked about in her soliloquies, and I desperately wanted her to possess showed themselves in the remaining part of her dairy.

In Frankfurt I avoided Tanya. The airport paging system told me to report to a message office. There was a message for me to call Roy. He could not meet me when I landed, but told me he arranged for me to get through customs without trouble and that Leo would be at the airport.

In Moscow I tried to sneak through the custom line for nothing to declare but they stopped me, searched my bag and found my \$9,300. I was asked where I worked and where I took all these money. I answered that all these money are a present of my boy-friend – and you are welcome to see and to check. They let me in.

It turned out that 2 men should have met me and should have helped to come through customs without problems. Leo knew it and on purpose came later. But he was fooled because he did not know that most my money would come later with Alfredo and the commission I finally paid Leo \$1400 less than I owed him. I had to spend the night in a studio. But thanks to God all ended well.

Apparently, Angel and Leo weren't in on a scheme, as Kroll's investigators thought, that the two would have the militia confiscate the money from my apartment and then try to con me into making good their loses. Leo's actions still looked suspicious for whatever reason while Angel wanted to cheat Leo out of some of the commission she owed him, which she did.

The next day Roy and I went to the Bolshoi Ballet "Giselle". Roy gifted to me a huge bear and hired an FSB agent to guard me and my money because he suspected Leo might try to use his police contacts to arrest me on a false charge and take my money.

In Krasnodar, my darling Alexei met me with white flowers. He did not even embrace me and was silent all the way home. He did not want to enter my house. He wanted me to hate him. He shouted that he was unfaithful to me. At home I went into hysteric, my mum helped me very much. I have so much pain inside.

The next day he came to ask me to give him a chance. I decided to give him a chance. We went to Sochi to buy me a sheepskin coat and spend a couple of days. When we made love he did all usual things but somewhat automatically. He sniffed and looked away from me. He said that he missed my body. I understood that the same thing he said to another woman (32 years old with a child 7 years old). It hurts me inside...

We went to Sochi and everywhere he was paying for everything. In the train he spread out the bed, it was wonderful. But it is not the same as before, I feel it. He takes care of me, but it goes not out of his soul. He can hardly utter the word "love".

No wonder Angel didn't fear for her money. After landing in Krasnodar, she had arrange for her boy friend to meet her at the airport, and the reason she didn't call me for three days to confirm her safe arrival was because she and Alexei went to Sochi.

After Sochi on returning to Krasnodar, we went to a restaurant, but he was mistaken if he thought that I would forget everything so easily. We love each other but he does not understand how much aches my soul... He tried to make a wall of those little quarrels, which were between us, he wanted to stop love... But he did not manage to do it.

I don't have that respect and trust to him which I had before. He went every day to training instead of staying with me for a single day. And when I went to see model friends at beauty pageant, he was outraged that I did not spend this time with him. Earlier he worried about me, and now. His mother was shocked by his attitude towards me.

I think that he does not love me any more. When we make love, and I want to do it twice, he tells me that he had tired. What for do I need this inactivity? He shows that he wants to forget me. I don't respect and trust him, which I had before. I keep him now as a man whom I need for solving my problems, for transport. But sometimes I use him as a sexual partner because now I am not active in my business in Krasnodar. I want very much to find a foreigner and to live abroad; I want to buy a flat and marry a foreigner, but I do not want to live in Krasnodar!

Alfredo called me up – he insisted that I live with him in his hotel room in Moscow. My God, give me wisdom, forces and patience!!! Bless me!!!

December 10, 1999

Now I am sitting on the train to Moscow in a berth with 3 men—they want me. I called up Alfredo and now I am going to him for my 18,600 dollars. Mum looks for apartments to buy. The most important thing is that Alfredo bring all my money. I hope he will be accurate.

My God, bless me! Give us wisdom, forces and patience!



December 19, 1999

I arrived to Moscow early Friday morning December 10. I left my luggage in the baggage office and the whole day walked around Moscow. I sat for 3 hours in the hotel “Rossiya” waiting for Alfredo. At last! It turned out that he bought Traveler’s Cheques for 7,000 dollars and another \$7,000 we would get from traveler’s checks he said were lost and the rest on a debit card. That way he was able to hide from Mexican authorities how much money he took out of Mexico. He is smart that way and teaches me how best to avoid the law, but I must pay him in sex.

Oh god, that night was such a torture to me. I understand his feelings and I had to drink. When he said, “I want to fuck you, Angi!” I do not know why but I wanted to laugh. Though I respect his feelings and all he does for me.

I worried very much – I feared that Roy would notice me in town.

So I received my 18,600 dollars plus \$600 from Alfredo for staying with him. I am thankful to him. My God, bless Your slave Alfredo!

Alfredo hired a taxi for me that took me to where Roy worked—I had a very heavy bag and couldn’t take it by metro. Thank goodness everything turned out all right. I got my money and Roy did not see me in Moscow with Alfredo. Roy believed that I just arrived that day by train. Thanks to God for keeping my secrets!

So, when Angel called me at the office on December 14, she was really calling from Alfredo’s room at the Rossiya Hotel. And the way she got the heavy bag she could barely carry to my office was by a taxi in which Alfredo put her.

Roy and I got up early the next morning at 5 o’clock for receiving an American visa. It was so cold to stay in the line. To my great surprise they gave us visa at once – now I am going to go with Roy to America on January 19. Let God bless me!

Roy presented to me a cellular phone. I was so glad!

I have flown home to Krasnodar and my money is safe.

December 18, 1999 – date of my complete breaking relations with Alexei. He always avoids me. I myself told him to stop playing these games. He answered that he had feelings to the other woman. He killed his love to me. I recollected my nurse friend Lena’s words that Alexei did not see me as his wife.

Now I have a cellular phone on which I have already received calls from Mexico and from Sochi.

Mum and me looked at flats. We chose one with 3 rooms, and there is a discount of \$2500 because it requires repairs. It causes us so much nerves to hurry the paper work before the new law takes effect next year. If we cannot register our apartment before January, I will have to say how I got the money to buy it. We paid \$1000 for urgent registration and papers and services of the lawyer – but this dullard is constantly letting us down. We finally missed the deadline for filing papers because of him. Now we just hope that a bribe to the government officials will let us submit the papers after the deadline. I want to receive it as quick as possible! My God, help me!!!

I received communion and colored my hair. Volume of my thighs has lowered only by 1 cm to 102 cm. My God, give me forces to lower my weight more and quicker!!! With God's assistance!!!

January 05, 2000

Here is the New Year! The Year 2000! My God, bless me! I thank You for all, for all!!! Let mum and me go with God's blessing and help!!!

On December 30, 1999, mum and me met Roy, the plane was late by 2 hours. We took Roy to "Moscow" hotel, the taxi cost 130 rubles and included taking mum to her house. I spent a night in hotel, in the first class room.

After Roy and me went to celebrate to home. He brought so many presents. There was a player with a disk, and many little things – chocolate, cornflakes. Mum as well received wonderful presents – gloves, a casket for earrings. I presented to mum a Dictaphone. And I presented to Roy a placard with my photo. He was glad.

Mum and me on New Year's Eve and in Christmas night did magic to divine our future. We used bread, onion and an eggshell with a candle. Fortune promised to mum a large gain and to me it promised winning a competition. My God, help us, and give us wisdom, forces and patience! My God, bless me!!!

I didn't remember any hocus-pocus stuff from New Year's Eve. How did those two sneak that by me in such a tiny house?

We met the New Year very well, shot a little fireworks. I had not overeaten – may be for the first time. We wanted to call a taxi but we did not manage – all telephone lines were busy. At approximately 2:30am we went to stop a car. There were few cars in the street. We rather quickly stopped a car and the driver took only 30 rubles! The next day, on January 01, we wanted to go to Sochi by bus, but the route was cancelled, it was good, that we managed to return those tickets and to buy tickets for a train. He was disappointed to go in an open berth. The way was easy. We arrived early morning.

We slept at the hotel, then went to the market. Roy bought to me socks and underpants. In the evening we went to "Prestige" disco. When I was in the cloakroom, Roy quarreled with a drunken boy and had early struck him. Roy did not want that drunken boy to sit with us. Then we went to another disco; it was "Ultra". Next day Roy upset me to tears – he made me to evoke unpleasant memories of my life in Cyprus when he asked me what I did there. I never should have told him, I would talk about my past. Now he wants to keep me to that promise. He says it not what I did but that I be truthful with him. Why does he want the truth? Then he himself got angry because I did not want to speak of it, but I changed the subject of our conversation.

We walked to the park where I met a model friend from Krasnodar. Roy asked me why I did not introduce him. I don't want him to know about my private life. Then we visited circus, where tigers scuffled with each other and the animal trainer could hardly manage to calm them down. After it, we had a meal and went to the railway station for our train back home.

Our fellow travelers in our train compartment were Sergey and his wife. We drank a little and talked. At night Sergey snored so loud that I could not sleep.

The next day mum and me went to visit Sergey at his house. He works in Baku, Azerbaijan and Novorossiysk, something connected with oil. He said much about Russia, that it would show itself to America, that Russia was not worse than America.

After Roy flew back to Moscow, I frightened Alexei – I let him know that I spy a little after him and his girl-friend. He was frightened. Today his mum told me that his girl-friend's name is Tanya, that she has a seven years old child and that she is 32. Alexei called me up and asked me not to come to his house. He was frightened of my magic powers. When he called me up the next time I refused to speak with him. Let God be judge to him and to all his deeds!

Tomorrow mum and me shall go to settle our relations with the apartment sellers. They are going to cheat us, I am sure of it!

My God, give us wisdom, forces and patience! Our Lady save us! Guardian angel, keep us! Nicolas the Thaumaturge and all Saints, help us! With Gods blessing and help!!!

January 17, 2000

Alexey called me up and told me to take all my things from his mother's apartment and never to come there again. Later I came to his mother and took a bath there. His mother handed to me a large package with my things. Cover of the package with razors was opened and there was absent one razor. I was infuriated by this fact. Son of a bitch! I took all my photos where we were together. I was trembling with indignation. In this state of feelings I wrote to him a message – “You are bloody son of a bitch! It all will come back to you!” I told his mother that I am not going to carry heavy things – let him himself bring all these things to me. He came to me and I asked my mum to speak to him. They spoke calmly; he was smiling. He thinks that I lost an excellent opportunity to marry. I called him up later and told him all I thought about that razor. He began to shout, he told me there was no razor missing and to go to the shop and check other packages with razors. There was so much hatred in his voice. My God, what a monster he is. My God, let You be judge of his deeds.

I visited Irina; she is from Grozny. I and mum bought fabric for an evening dress. We bought as well skirts (a short one – 450 rubles and a long one – 1300 rubles) and a beret. Irina (she is 31) married Sergey (he is 27) in the end of October. God give her happiness!!! God send her a child!

I begin to keep to a diet. I grew thin by 4 kilos. Volume of my thighs is still 102. God, give me forces to grow thin; I so much want to be thin! I am tired of being thick! I began to loose actively my weight!!!

Alfredo called me up each week. He told me that he missed me, loved me and wanted me. On January 15 he has his birthday.

Roy also called me up. Once he called me up when I was looking at his photo. The next time he called me up when I was reading a horoscope of his. Roy says that I am the only happiness of his. He wants me to be near him. If only he were younger. Information about Roy, which is at my disposal at present, satisfies me completely. We shall see how events will go... I turned away an evil eye, which was on me. Let God do so that nobody hindered me.

Our sellers of flat continue to be dilatory. They continue to lie that they have already prepared documents, but they did not. They wanted more money for us to move in early.

I asked Volodya to help mum to complete the purchase of our apartment since I will soon leave for a visit to America. My God bless us to complete this bargain without unpleasant surprises!

January 23, 2000

Now I am in a plane flying to Las Vegas from New York City... In airport I saw one Russian man, I desired him, what can I say.

When I came to New York one bore custom official asked me too many questions – what for I came, who and where and so on. But when I answered that Roy is my future husband her ugly face had immediately changed.

New York looks just as I fancied. I did not like dark color of house walls.

Roy does not like American women because they too much strive to be like men. Roy thinks that all American girls should be sent to Russia where they will have to put up with Russian men and all Russian girls should go to America as a reward for their femininity. That way, American women will get what they deserve for the past 30 years of attacking American men.

I called up to Mexico to Maria. She told me that after my arrest at the Men's Club there was one more raid by the police, still all girls from Czechoslovakia and Hungary have come back, but nobody can give any guaranties of no future arrests. She told that she might try to make for me a paper allowing me to work in the club. Salvadore accuses me for the club raids – he said that it was I who set police against the club. I do not know whether it is worthwhile going back to Mexico.

I got Roy to take me in New York to two clubs – everywhere there is so much chaos in these clubs. There is no show in the clubs where the girls go on stage; they can only take off clothes on stage to thong panties and cannot sit or lie on the stage. When the girls take off clothes on stage they make some money but most is made doing lap dances for the customers at tables. While making table dance those dancing may touch the customers but the customers cannot touch them. Also the girls cannot leave work with one of there customers, but they can make dates to meet customers after hours. A table dance is \$20, but in comparison with the club in Mexico girls were dancing worse. There are private rooms where the girl can make \$100 or more for a half hour.

Roy and me went to the "Imax". It was something like cinema, but there was a huge screen in which you seemed to enter virtual reality. We saw a Walt Disney film. Then we went to a Russian restaurant where I immediately began to feel nostalgia to Russia. In Japanese restaurant each slice of sushi cost 1 dollar. Roy took me to a shop. I found there a nice roll-neck sweater, but Roy told me that it was too expensive – \$60. Why then he took me to an expensive shop and allowed to choose if all there was too expensive to him? I found something for my hair \$15 and he again said that it was too expensive. Then we went to a restaurant and there he paid 75 dollars. Why does he grudge spending money on things, which I will wear for a long time? Sometimes I don't understand him. He drove me to tears. I did not want to tell him how offensive it is when somebody takes you to an expensive shop, proposes to choose something and then says that everything there is too expensive. He began to argue with me. I will not stand it! He has no right to criticize me! Their cultural traditions of truth and talking disagreements over don't matter to me; let him restrain himself!

We met an actress friend Cindy, Frank and producer Everett who produces shows and looks for people. They are very interesting people. My God, let me find work in my favorite kind of business! My God, bless me!

January 27, 2000

Now I am in the plane flying back to New York from Las Vegas.

What happened in Las Vegas? When I came there I was looking at all surrounding me with widely open eyes. Oh, these hotels... Casino, where people waste such a lot of money. Me stayed in "Paris" hotel. The room was very nice. In the evening Roy and me went to watch showgirls. Small artists executed acrobatic tricks and danced cancan there.

In the evening we met Patsy and her husband. We had a look at their house – it was neat, clean and cozy. Patsy wanted to present me a nice embellishment, a necklace. I liked it very much, but I feared she wanted something from me and did not accept it.

Then we went to a show, where our places were next to the stage, so I could not see the general picture. It was a magnificent show; costumes were very good. Main subject was beginning of the 19<sup>th</sup> century. One dancer was looking at me. Then there appeared tigers in a cage. I enjoyed that show very much.

I got Roy to take me to a men's club. Roy drank much. There was a show where girls were dancing rather well. All was the same as in New York – they took 20 dollars for a dance. Roy said he was getting tired of going to these clubs with me and watching all these nude girls dancing. This is my business and I need to learn where I can make the most money.

We went to the "Crazy girls" show. There was nothing interesting; it looked very cheap in comparison with preceding shows.

Yesterday we went to "New York" hotel. There I rode the roller coaster. It was exciting. The day before it I went to a "virtual reality" show in which I flew between poles, and fell down. Yesterday's evening show was something like a circus. There were brothers from Mexico who juggled.

Yesterday we discussed philosophical problems and Roy disagreed and raised his voice. I decided to change subject of conversation and to make a photo. Suddenly he smiled. I do not know, but it worthwhile marrying him only for the purpose to receive American citizenship. He is not the person I need. He took care of me, when I pretended to loose consciousness, he was anxious. He is too open with his emotions.

Angel obviously had considered marrying me well before I ever proposed so that she could work in America.

I called up to mum. She received a letter from Maria in Mexico concerning visa. Maria's guarantee that Salvador will not make me trouble for my past business is not sufficient for me. Maria said she sent money she owed me to Leo in December and he lied to me that he did not receive it. I have to clear this up when in Moscow.

My God, I don't know what to do. May be, I will have to go for a month to Mexico. May be I will have to earn money in Moscow.

My God, give me wisdom and forces!!!

January 29, 2000

My travels have ended. Now I am sitting in the airport waiting for our flight back to Moscow. Yesterday I managed to call up to Azul – it turned out that she had been to Holland. She is trying to find out whether it is possible to get a visa to work in Mexico or not.

My God, what shall I do? May be I shall go to Mexico for a month, but it is a risk. But it is as well money... On the other hand, to live with Roy and work in Moscow. I shall think it over. Roy is good as a friend and sexual partner, but Roy as a husband....

What happened one night after Las Vegas? I was in a good mood, and he was merry as well. Then I made a mistake. Roy has strong intuition. I must be more careful in the future. I couldn't think quickly of how to change the situation, so I went to another room. He followed me and brought a dressing gown and covered me with it. He said calmly that if I wanted to end our relation then we would come back and that was all. He is a fool, he knows that I depend on him and behaves indecently. I went back to the room. I embraced him and he embraced me. We made love in the table and I finished twice. Then I went into my tears act and pretended to shiver and faked a faint. It had the effect on him I wanted.

The next evening we went to a restaurant. There we spoke about different things and I brought up magic and the evil eye. When he said his secretary's mother use to prepare his meals at work, I knew his secretary had bedeviled Roy through his food to make him want her and no one else. I told him when we go back to Moscow I will try to find a way to avert her bad eye. I could tell he still did not believe in magic, which makes it all the more easy for me. He agreed to go with me to see a white magic man to protect him from his secretary's curse. But I will find a black magic man to end the secretary's spell and put on one that assures he does what I want.

Igor exclaimed, "This girl will stop at nothing!"

"I'm beginning to realize that."

Then we went to a performance "Phantom of the Opera". It is a story of a phantom who fell in love with a girl and she loved another man. After, we met Pat at a record studio, he trusts in God. There an attractive boy from France sang a sexual song. It was very interesting.

My God, bless me!!! I thank You for everything!!!

February 04, 2000

We arrived in Moscow at approximately 12:30pm and went to bed. We woke up at 7:40pm – got up, had a meal and made love. Next day in the morning we again had a meal. I spent a long time finding a magic man willing to do what I wanted with Roy without having to pay a lot of money. I chose an attractive tall black magic man with a sharp eye. I brought to him Roy and the magic man said that it was strong negative influence on Roy but he could easily replace it with the spell I wanted. The next day I brought to him Roy's photo so he could bind Roy to me and end the magic of Roy's secretary.

My conversation with Leo about the money Maria sent to him for me was interesting! He said that Maria was lying and agreed to make a direct call to her to prove that he did not receive the money. He said that he did not want those financial problems to become an obstacle in our

relations. I agreed. He had helped to me a lot and I am thankful for this. After my meeting with Leo in the evening, Roy made me proposal. The magic worked! Thanks to God!

On Tuesday, February 2, 2000, my mum called to say our flat became really ours! We bought it!!! A miracle has happened. God be praised! Thank goodness!

In the evening I spoke to Roy about marriage. I said that I do not think I am ready, and I was not sure about him, and that the only way to make sure in everything was to go to America with a visa to work. If I do it, it will be business for me and later the time will show. And plus he began speaking about a paper according to which I well not have any right on his money in the case of divorce. So, in this case I will receive nothing... In my turn I told him about a paper according to which he would have no right to send me out of the country. He drank 2 glasses of wine and became foolish. The talk became senseless.

On the 3<sup>rd</sup> of February I went for a walk with an attractive man with oriental appearance told my fortune by hand. I was told that I would have two children and my relations with Roy would become more profitable from the end of February. I was interesting to that man with oriental appearance. We drank some wine and talked.

I stayed in Moscow a few days, I cooked for Roy, cleaned his things, I went in the snowfall to pay with for my and his phones. I think he will miss me.

My God, give me wisdom and bless me!

February 19, 2000

At last I returned home! Thank goodness, I am away from Roy!

For the next two weeks, I have been making repair in our new flat. My mum is ill with a strong cough in the night. Alfredo called me up – he masturbated himself while he spoke to me. We spoke about 40 minutes. He is crazy with sex for me. I told him that I am sitting in white underwear and touching my private parts. Roy phoned to me right after from London. He sounded suspicious. How could he know? I made him recollect who I am for him for the time being. I told that I have no money. He felt sorry for me and promised to bring some and asked how much. I answered he should decide.

Alfredo called again and I complained that I have no money. He promised to me that he would transfer to my debit account 1000 dollars, but I asked for a lesser sum – 500 dollars. I don't want him to think he only means money to me. He invited me to Paris, he told me that he could not live without me, that he wanted me badly.

On February 13, I saw my old boyfriend Alexei with his woman. It was a shock to him. He went by without greeting me. He led her aside. They were walking and watching me. My heart was banging. They went away.

On February 14, I called up Roy and Alfredo and greeted them with St. Valentine's Day and to see they got my cards.

Gee, I wondered whether Angel wrote Alfredo the same malarkey she did me that her love was like a "flower" that required my "clean feelings to grow it."

In the evening I went to a concert. I was photographed with a famous man whom I told that I had my photos with many well-known persons and now I would have my photo with him

as well. “Then you must visit me personally to pick up the photo,” he said. I did, but he drank too much that day to do anything in bed.

Now I am preparing for my laser eye operation. I will endure it but then I will forget about glasses. I went to consultation. I worry. I phoned to Lena, my nurse friend the clairvoyant, and she said that I might do this operation. Lena said as well that the business with Roy is very advantageous for me.

I have bought a coat for 2400 rubles. It is fashionable; its sleeves are a little short.

My God, bless me, give forces and patience! Our Lady, protect us against misfortunes and save us! Guardian angel, keep us! Nicolas the Thaumaturge help me in all my deeds and business! All Saints help me!!!

“Who is this Nicolas the Thaumaturge she keeps beseeching?” I asked Igor.

“He’s a Saint from the fourth century on whom Santa Claus is modeled. Nicolas was the Eastern Orthodox archbishop of Lycia, Turkey who people believed worked wonders for children, sailors, perfumers and unmarried girls. Legend has it that he kept three girls from selling themselves into prostitution in order to support their aged father by going to their house at night, opening the windows in the bedrooms for the first two girls and leaving a bag of gold. The window of the third girl was locked, so he dropped the gold down the chimney into the third girl’s stocking that was hanging on the fireplace mantle to dry.”

“Sounds familiar, I see why Angel likes this guy: something for nothing.”

Igor and I stopped for the day because I needed to leave for the airport to meet my friends arriving from London.

My hope that Angel cared about me more than a means for working in America was clearly on the ropes. All her smiles and affectionate words apparently met nothing other than to mask the truth—a manic drive for money and psychotic need to keep up appearances. Light started to pierce the stupor of my illusions. Angel saw me as just another in a long and growing line of suckers, albeit her best and most stupid one. Her denigration of me hurt, but I found especially sad what her words revealed about her character. It seemed as though the real Angel lacked what the fake Angel worked so hard at pretending to have: heart, compassion and self-



respect. She clearly knew what decency met for she outwardly acted that way. Her spoken words exhibited an understanding of ethical behavior, but inside virtue apparently held no sway—only selfish gain. I began to fear she was incapable of putting herself in the place of another person whom she hurt when material gain was at stake. Her diary showed that when she looked out on the world she only saw a reflection of herself. Any little slight stirred her to anger as though some lesser life form dared to transgress the laws of the universe by annoying her. She took offense so easily and held it to her chest as though it were a precious diamond that she could never let go and never forgive. From her perspective, all circled around the sun of Angel, which may be why in some instances in her dairy Angel didn't even refer to me when I was there. Perhaps I married the true egotist, lacking in empathy or remorse.

She and her mother's use of magic to gain their ends made them both look like mental cases, and Angel's mixing it with an apparent sincere devotion to a Christian God seemed hypocritically bizarre. Even if she found an illusion of power in practicing magic, how could she still believe in God, especially when Angel used a black magic-man—it just didn't make any sense.

“What about this magic,” I asked Igor. “Is this common in Russia?”

“You would be surprised at how many Russians believe in magic. They use it to catch a wife or husband, to win in a business deal and punish their enemies.”

“You're kidding? People really believe it works?”

“Absolutely! And it makes sense. In Russia under the Czars, Communists and now the Criminals, the average person always had little if any protection from the whims of the powerful or rich. Belief and the practice of magic satisfy the need to reduce this sense of powerlessness. It provides an illusion in which to hide from the truth of their vulnerability. Not just the

uneducated proletarians in the provinces believe but professionals and other accomplished persons because there is no other way to even hope to avenge the violation of their rights or win a confrontation. The courts don't work, it costs money to hire hoodlums and you need connections to influence government officials to do what they are supposed to."

"All right, magic becomes a substitute means for not only righting wrongs but causing wrongs or venting anger. And because there are no other means available to most people, it may actually work—in Russia! But how can someone believe in magic and God at the same time?"

"All Russians know that the use of magic to influence another person, rather than just to protect oneself, is black magic, which means that whatever harm you cause another will come back to you many times over."

"That's what I am saying. If Angel knows this why does she use it?"

"Because she believes her devotion to God through going to church, buying icons, lighting candles and praying will protect her from any harm that may result from her use of black magic."

"Very cunning and logically sound but I doubt any God would fall for it."

"She obviously believes so."

"So, she's conning God the same way she conned me and others"

"That's probably what she is doing and thinks it acceptable behavior."

"Somehow, I don't think it will work. So, when can we meet again?"

"How about Sunday? Same time?"

"Okay, see you then."

I met my driver and headed to the airport to meet my friends from London. All this nonsense about black magic, white magic, evil eyes, curses and spells was beginning to take its

toll on my system of rational beliefs. I tried to bolster my beliefs with the argument that while science's explanations, especially quantum physics, painted a strange picture of the universe and left many unanswered questions, the idea that any malevolent heart could use such mumbo jumbo to manipulate the forces of the universe made no logical sense. Still the thought nagged at my mind, what if it did work? Look at what happened to me in less than a year in Russia. I did something I vowed never to do—got married. And despite all the warning signs, married the type of person, which I always avoided through out my life because the emotional filth of such girls revolted me, not to mention the danger of disease.

I struggled to understand what was going on and came up with the theory that perhaps living in a country where most of the people believed in magic somehow influenced the time-space continuum to make magic effective. Maybe all the psychic energy from these millions of twisted Russian minds warped the laws of physics to make ancient rituals and beliefs work. If that were true, I was doomed. My logic and will couldn't save me in Russia. I hoped my friends' arrival would bring some sanity to my thinking. They lived in England that most civilized of modern countries, so their presence in Moscow might bring some modernity back to the medieval ages in which I felt trapped. At least they could help me fight magic with magic since, as my reasoning went, they both grew up in Jamaica. A voodoo ceremony to get Angel out of my soul seemed to make sense. But I didn't believe in the soul and why should an audit manager from a Big Five accounting firm know anything about voodoo. This was all nuts!

#### I Put A Spell On You (Again)

I showed my Jamaican friends, Carol and her mother Thelma, around Moscow, which to my surprised they liked even after being attacked by Gypsies. Bands of Gypsies used to regularly accost Western tourists in Moscow—picking pockets and stealing purses. These bands

of around eight boys and girls in their teens or twenties carrying what appeared to be babies would surround and jostle tourists pretending to beg for money but actually grab wallets, jewelry and purses then runaway. The young women used their apparent babies as psychological shields to deter tourists from slugging them during the pushing, bumping and robbing. In the wake of the apartment building bombings the previous year, the Mayor's security forces ran all the Gypsies out of Moscow. So when I saw a band of Gypsies in the metro, I was surprised but still warned my friends to stay alert. Unfortunately, we let our guard down by talking about our next stop and the Gypsies attacked. I stunned two of the mothers with a right to one's face and a left to the gut of another—the only type of argument a female understands. The Gypsies backed off liked the cowards they were crying that I hit a mother with an alleged baby in her arms. I moved in to pummel the two some more, but the entire group took off. I knew the babies these “virtuous” mothers carried were probably corpses or just dolls. My Russian friends previously told me that the Gypsies stole babies and used them or dolls to engender sympathy from tourists when begging. Even after an infant dies, the Gypsies continue to use it for a time heavily wrapped in cloth so as to create the illusion that the child still lives.

I turned to my friends. They were all right and had held their own against the mugging. Carol and Thelma had clocked a couple more of the attackers, but one Gypsy got away with Carol's wallet from her purse. Carol lost her credit cards, a little money and some identification but not her passport. I explained to my friends we could report the incident to the militia, which would take the rest of the day given the Russian addiction to paper work maximization and most likely yield no results even with the appropriate bribes. Besides, Gypsies in Moscow used only the cash they stole because the few Russian businesses, even the criminal establishments, would never accept a credit card from a Gypsy, not because they knew the Gypsy stole it, but because

Russians considered Gypsies spiritually filthy and avoided any contact beyond the exchange of cash. Carol decided to forgo the militia and contacted her credit card companies.

Thelma, as did Carol, well knew about my troubles over Angel and asked, “Do you think your wife sent them after us?”

“I didn’t even think of that, why would she?”

Carol interjected, “Maybe she’s afraid we’ll bring you to your senses.”

“What’s wrong with my senses?”

Carol laughed, “Look at you, all this talk about voodoo and magic and then marrying a girl like that. Where’s the logical lawyer I used to know?”

“Well you believe in magic, don’t you?”

“I believe in God and that evil people exist. But even your wife must have some good in her.”

Thelma added, “Well, there are strange things in this world and some very harmful, but only God can protect you.”

This didn’t do me much good since the idea of a benevolent intelligence running the universe seemed nothing more than a desire to find meaning in the tragedies of life where no meaning existed. Believing some father or mother-like figure occupied a hidden dimension from which it watched over mankind and guided events in its all knowing wisdom might allow some to accept the vagaries of life, but I believed in the “will” for changing matters.

The next day, my driver showed my friends around while I continued with my translator, Igor, delving the sordid life of my wife.

“Do you think we can finish today?” I asked.

“Let’s see. The last entry we did was February 19, 2000, and the next one is April 5. Are we missing part of her diary?”

“No. Angel under went a laser eye operation on February 23 and was unable to read or write for about six weeks. I assume that’s why she didn’t make any journal entries during that time.”

“So, we have from April 5 to May 23 to do.”

“That’s the day she surprised me by showing up at my apartment in the evening with the absurd story of hitching a ride from Krasnodar to Moscow with friends.”

“We should be able to finish today. What about the diary entries before you met her?”

“I’m not concerned with those now, maybe later, I don’t know. Let’s get the rest of this show on the road for now,” I said somewhat bitterly but hoping in my heart that there were no further painful surprises coming my way.

April 05, 2000

My God, so much time has passed! How much nerves took and how many troubles gave to me Mr. Hollander! On the March 01, 2000 mum and me moved to our new flat. He helped us along with my mother’s students. But it takes too much nerve to deal with his bloody philosophy.

I suffered so much because of him and all the work we had to do to marry at ZAGS. Just days prior to our marriage he said that he might cancel everything because I told him that I did not like to speak with him about my past. He infuriated me - I had to speak about Cyprus, about Mexico, that I was tired there and did not want and did not have sex there. Roy did take care of me but morally he was sucking me dry, I so went to the clairvoyant who gave me salts and sugars to admix into his food. His smile began to look like a smile of innocent angel. And on Saturday, March 11, 2000, I led him to ZAGS where we got married. It was merry! I did not accept it seriously; for me it was only business. I become so tired of him... He is a complete fool...

“Wait a minute,” I said. “She went to whom and for what to put into my food?”

“The word in Russian means a person that has powers to solve problems, make people do things and see the future.”

“Another magic-man?” I asked derisively.

“More than someone who just delves in the arcane arts. It’s a person very common in Russia who provides spiritual and everyday advice, reads cards or other signs to predict the future and provides herbs and other natural medicines. Many Russian seek out such people to help them with their health, love affairs, business and what not. Your wife went to one and got what she called “salts and sugars” that she put in your food. There’s no other way to translate what it was.”

“Probably some hocus pocus she had put on the salt and sugar for my food. What a darling?” But I arrogantly dismissed her actions as inconsequential. “Okay, let’s continue.”

At the end of March in the Miss Krasnodar beauty pageant, my friend Inna was awarded title “Miss Charming” and “Miss Russian Radio” – all thanks to Dmitri Morozov the photographer who taught us girls to pose with and without clothes. My friend Alena took the first place. After it we had such a party. I danced sometimes with Morozov and sometimes with one more young man. I danced so much that I was presented with a basket of “Silver Line” perfume. Then, when I went to the disco “Joy”, the manager Alexey Smolin told me that he wanted me and that I was driving him mad. He bought a bottle of Champaign. I was near to going with him.

Yesterday Katya and me had a nice time in disco “Orbita”. We corrupted a poor boy—kissed him, rubbed parts of his body while we danced, it was fun.

My mum went yesterday, April 4 in the evening to St. Petersburg. My God, help her! I got Roy to use his driver to take her from one train station in Moscow to another. While she was gone I got acquainted with Arsen whom I brought over to my flat. He is tall and looked like a good monster from a tale. We spent two days in my flat but then I tired of him sexually. I began to step aside from him.

God be praised, Arsen finally stopped calling me up. I was cold when I spoke to him last. He could not even help me tune my TV aerial and began himself to speak sarcastically about my stoutness.

What I had with Volodya! He took keys from Vadik. It was an old, badly groomed flat where Vadik’s mother recently hung herself. We had some wine and made love. We have done this many times before. Afterwards he had a rest and I was cooling. He is good at making love. We had it twice and the second time he even did not prepare. I did not come. He was preparing in an interesting way. It is strange, but I cannot finish unless I have a real man. He wanted me to make blowjob, but I can’t. For the past 1.5 years, I have been masturbating my customers nearly everyday and to have that in my mouth, I cannot. Roy will never understand my not making blowjob, because he is a man.

“This all happened after you were married, right? Igor asked.

“You’ve got it, about three weeks after the wedding. Ha! She couldn’t come to Moscow because her eye doctor didn’t want her to become excited from having sex or partying. What a low-life lying tart. Let’s continue.”

Roy wrote to me a letter saying how it was difficult for him to be alone. Frankly speaking, I cannot imagine what I will do with him in Moscow. Listen to his philosophy? To wash, to clean and to cook? And leave my mother all alone. And if somebody recognizes me and says something to him than all my work might be lost. If I loved him then maybe. I was infuriated by his words that I consider him just a good customer. I am so tired of his sixth sense. I told him I thought of him as boy friend since our second date. He is such son of a bitch, I was so angry with him. I believe that we have to discuss our relations so I can make him less suspicious. On the one hand, I would like that we remained friends, but he would not hinder my meetings with friends and I would give freedom to him. My God, give me wisdom!!!

For 2 weeks I have been running from 30 minutes up to 1 hour.

“No exercise was another of her doctor’s so-called orders for her three month recovery that apparently took only a couple of weeks.” I interjected

We gave interview about my eye correction for television. I described how many problems I had with bad eyesight. I spoke about transport, acquaintances, inconvenience of glasses, lenses irritate eyes. I had doubts before operation but now I am happy and I don’t want even to think about glasses except for sunglasses. It is so wonderful to see the world with your own eyes! My interview will be broadcasted next Sunday, in the program “Accent”.

It took a long time to make my second passport, because there was conducted an investigation from Maikop where I use to live. But thanks to God, I have now 2 passports. Maybe I will go for a week to Mexico and meet Alfredo to earn some money. But I need a good reason for Roy. It is dangerous, but I will see.

“Looks like my darling wife began planning a secret trip to Mexico after our engagement but before the marriage.” I again interrupted.

Katya and me went to discos. In “Joy” there was “Hit FM”, nice music. Last time some boys wanted to get acquainted with us, but they did not succeed, because we sat to a taxi accompanied by gangsters. I tried to seduce Alexey Smolin, to get him or anyone to help me renovate the ceiling in my flat but without success.

Katya fell ill high temperature and no voice. I had to put keys to Natasha’s flat in post box. I hope that everything will be all right, because I keep there all my secret things with my girl friend.

Alfredo called and I told him everything about Roy, about my plans. He accepted it with understanding.

My God give me wisdom, forces and patience, teach us and help us! My God, bless us!!!



Now I knew why Angel wanted to stay in Krasnodar rather than go on a honeymoon or live with me in Moscow—to party and whore around.

April 20, 2000

Now I am coming back from Moscow and my visit to Roy. I was intended not to take money from Roy in order to prove him that I do not treat him as a customer. When I arrived, he met me with pink roses, 11 flowers. I went to the church and immediately began menstruation – on Wednesday. That should keep him away. I ran along riverside. On April 18 I made a record – I ran for 1 hour and 10 minutes and covered approximately 9 km. I went to casting to “Vidi Vinci” for strip tease. Natasha Gubina liked me. She phoned to me a few times, I agreed and allowed to include me into database which cost to me \$50. I want to recompense this money.

It was warm in Moscow. I bought for myself lacquered shoes; it cost 25 dollars and 20 rubles, I bought as well two blouses, make-up, a pencil, and icons of angel to protect me. Roy presented to me a pot with flowers and in the evening he presented as well yellow and red tulips.

I had casting at Jabrail’s. He promised to me striptease, but I think he lied to me.

On Thursday we went to a disco. First we went to “Hippopotamus”, but it was closed. We wanted to go to another one, but Roy refused. He spends \$100 for a dinner but his greediness does not allow him to spend \$3 for a disco. We went to a disco in Tverskaya Street. There were few people but I had fun.

On Thursday we went to “Hippopotamus”. For an hour and a half I had been studying Latin American dances that they were teaching there. It was marvelous! But at 1 o’clock in the night Roy got tired and we left. He is a bore.

On Friday we went to Leo’s party. There were more girls than boys. I persuaded girls to go to Mexico. Leo said that Salvador felt offended with me, because I had love affair with Alfonso, I abandon him and he informed police. It is foolish. Leo simply feared that I can leave him and work for myself. I had to lie that I borrowed from Roy \$10,000 because I lost \$7,000 from my Mexico money so I could not pay Leo \$1400 commission. I will try to cooperate with him – look for girls ready to work in Mexico. Each girl will pay to me 100 dollars a month. My God, bless me!!!

Then Roy and I went to “Country bar”. There we saw a girl, his friend, Maria from England and her Moscow boy friend. She is pregnant from him. At first she didn’t like me but I remember Roy saying she was religious so I talked about God and won her over. Then we went to another place – there it was all the same. Some foreigners were looking at me.

On Sunday I made Roy take me to club “Dolls”. Entrance fee is 50 dollars per person. Girls are nice, but table dance costs 50 dollars and private striptease with more costs \$100. Roy was shocked by prices. I told girls about dancing in Cyprus and Mexico. Thank goodness Roy does not understand Russian. Then we went to RADISSON to a dance show. It was an excellent show and it continued for 1 hour. Praise to God, Roy did ask about my former life. The salts and sugars still work but his intuition caused him to say that I was cunning. I burst into tears and agreed that I was the worst, the most cunning etc. My tears worked. Roy began to sooth me. He said that he wanted to be nearer to me. For the first time he came in me. Oh, my God, whom I allowed to do it, I must have been drunk!

What will happen if I will not receive a visa to America? I will go – with Leo’s help – to Greece or to Venezuela and forget about Mr. Hollander. In June I am sure to go somewhere!

My God, give us wisdom, forces and patience! My God, bless me!!!  
“Well, my wife clearly keeps her options open,” I remarked.

May 19, 2000

Angel’s entry started with “Now I am sitting in the airport and wait departure for Moscow.”

As Igor continued translating, I wondered what Angel was doing in an airport on 19 May 2000 heading to Moscow? That was the Friday she originally planned to visit her Grozny friend in Kannevskaya village outside Krasnodar, but, as she said, she postponed her visit until Saturday, May 20, to make some money handing out samples. Why would Angel fly to Moscow on Friday, back to Krasnodar to hand out samples on Saturday, the day she called to tell me about the delay in visiting her friend, then take a bus to Kannevskaya, a town that lacked telephones? Something was up.

On April 29 there was a show in dramatic theater. I was so glad to see my acquaintances. A good show, it lasted for approximately 3 hours. There were 50 models participating in the show. There were no free places in auditorium. That night my mum and me met Easter. We were inside church. During procession we were nearly knocked down by crowd. Nevertheless, it was wonderful!

My old boy friend’s mother had never phoned to me. She has now other interest for her son.

Katya and me walked. It was raining; the weather was cool. We went to club “Samson-16”. My former boyfriend, Alexei, was there with his girl; he always takes her along. In the break he disappeared without leaving a trace. He is scared of me. On the way from disco Katya got acquainted with Andrei in white Mercedes. I went with Andrei and Katya to the same place I tried to seduce Alexey Smolin. When Andrei made me ready for sex and I said I was ready, it turned out that what Andrei wanted was a surprise. He wanted sex with Katya and me at the same time. My friend Katya was against this and this upset Andrei and Andrei was left with nothing.

So that’s why I couldn’t reach Angel over Easter—figures.

Ma went away and this time I did not bring anybody home with me although I wish I had. So I came to Volodya. I told him that I want to go to a picnic out of the city and play. He began to refuse; he said that he had already gone out of the city with Vadik. I insisted and he admitted that he is married, he has a child, two years old, and he had married in 1998. His wife is from Kazakhstan but she is Russian. He lied, he wanted me and all the times we had sex he continued to lie. I was shocked.

My “husband” Hollander called Alfredo up. When Alfredo told me about it I wanted to reject everything. Just on that very day I passed money for visa to Italy. Roy felt why on that very day... He said that he was my husband and he wanted to marry me (but we are already married – probably, he wanted something more serious). He began to ask Alfredo about our relations. Alfredo did not answer, instead he called me up and we agreed that Azul was whom Alfredo wanted. Roy asked him how long Alfredo stayed with me in December; what was between us in Mexico and in Moscow. We agreed that Alfredo escorted me in my trips around Mexico, because he fell in love with Azul and they took me with them. Alfredo said that I was only a good friend of his. He was in Moscow for 1 day and half of that day he spent with me cashing the travelers’ checks and taking money off of debit card so I had all the money I earned in Mexico.

I was right about that fat Mexican lying to me that he and Angel were only good friends and the two scheming to deceive me. At least not all my facilities had failed me in Russia, and I assumed her visa to Italy was to go dance in Smolin’s ballet that she auditioned for back in March.

As usual in the Moscow airport there is something interesting. I had problems connected with a strange signature in my second passport. I spent the night not bad. I spoke to Dima who works in the circus and lived in Japan and in Italy. God send happiness to him. I phoned up to Hollander to explain I would not be home for his call on Monday because I was now on my way to the village two days late. He was suspicious and asked what kind of promotion, the name of the product, what exactly I had done. I just said the usual and would explain all details when I saw him. Then he asked how I could go to the train for Moscow and the visa interview without picking up things at my flat. This I expected and said I would bring all things with me to village. I think he is fooled. What will be with Hollander, with visa...

Praise to God, on May 20 I came to Milan.

“Milan!” I interrupted Igor. “What the hell is she doing there? She was supposed to be at Kannevskaya. So that’s what the Italy visa was for.”

“Shall we continue? Igor asked.

“Definitely!”

The man in customs was a fool but I had a ticket and I did not fear. He spoke a little Spanish. He asked: “What for did you come?” That is not any damned business of his. Alfredo met me and we went to “Lloyd” hotel. He was so happy. He gifted to me small diamond golden ring—the first man in my life to gift me diamonds. He presented me earrings and a chain. I gifted to him my portrait, caviar and sweets. We made love. In a few minutes I came.

We went for a walk in Milan, talked to each other. The next day we went to Florence. It took three hours – we went by a speed train. In Florence we visited museums. There Alfredo

gifted to me golden earrings and a golden ring with a garnet. When we went to Florence the train was practically empty and we touched each other, giving a start if somebody was passing by. We returned in the evening, approximately at midnight. We were tired but we went to a disco where they played Latin American dances. I danced so good that a few girls began to dance with us.

The next day (May 22) in the morning we went to agencies for lap dancers but none of them was interested in me: they wanted another kind of girls - dark-haired and swarthy. It means that this is not mine. Then we went to Venice. On the way Alfredo was kissing me telling me he wants me. He was obsessed that I was taking advantage of him—wanted him only for money. We sailed along channel in a little steamer. Then we went to a square where there was a church. We were there only for four hours but it was marvelous. Alfredo kissed me, told me that he wanted me, embraced me. Roy never behaves like that - he always fears something. He fears that I will take his money and he is always tensed. Having come back we went to a nightclub where the girls sell sex. There were a lot of Russian girls, and we chose one for one drink – 25 dollars. Alfredo danced with a girl and then he went away to the private room with her. I pretended to be jealous and he made excuses to me. But after it we had a storm of a night. I could not finish for a long time but he took the first position – when I was lying on the back and my legs were raised in vertical position. Yes and also the drops I took worked and I finished. I performed oral sex on him. We slept only three hours in the night. Previous night he did not allow me to sleep – touched, caressed. And in the morning I again finished quickly. And he is so happy when I finish. A wonder! And Roy is simply a fool. After it I can hardly expect that I will want him!

Alfredo paid me \$600 and wanted to give \$100 more, but I refused. My God, send to him health and happiness! In the street a woman asked him to buy her an ice-cream and he did it! A man at the station asked to give him some money – he had not sum sufficient to buy a ticket - and Alfredo gave money to him. This is what I call humanity. Alfredo has a very generous soul and heart. My God, send to him all the best!!!

And now it is very important to me to extinguish all evidence. I closed package with adhesive tape and tried to hide gold and money. I hope so Roy did not learn anything. Amen!

I thank you my God for everything; bless me!

Igor looked at me and said, “I’m sorry.”

“So am I, so am I.”

Once again a man is felled by the archetype of the twisted, treacherous soul marked by the prettiest of faces and pretending to be lost and helpless so a man will want to save her.

Angel’s latest but worst deception was now clear. She used her second passport to meet Alfredo in Italy in order to keep the customs’ stamp out of her original passport because I would need to show it to INS during her visa interview. She must have applied for the second passport around the same time she sent me the Valentine Day’s card of love, flowers and inveigling me to have

clean feelings for her. “Clean feelings,” what a hypocrite! Tricks, lies, deception, they’re meat and drink to her.

In April and May while she planned her Italian assignation and committed adultery with one guy after another she sent me cards in which she proclaimed, “My love husband! I’m so miss on you, but I must help my mother. I send you this picture of spring flowers from all my heart. I kiss and hold you. You present me the best moments of my life and with special love. Your wife.” What a mistress of deceit! The story about visiting her friend in Kannevskaya was the cover with the Saturday May 20<sup>th</sup> telephone call coming from the Moscow airport while she waited for her flight to Italy. Her original cover was probably that stuff she told me before our wedding in March about going to Italy to dance at the end of May. For some reason she discarded that one but over the months she maintained a cool pose while waiting to pull off her coup.

What a revolting development this was: my wife of three months rendezvousing with a fat, middle-aged creep from Mexico. I knew there was a reason why I always hated Mexico. Apparently time didn’t flow like a stream in one direction but was more of a swirling gas that could make the future a cause of the past.

When my roller coaster ride hit bottom, the anger came—time to get this slut out of my life and teach her a lesson in justice.

“Well, it’s over,” I said to Igor as we parted.

“That is best. Bad girls like her are a disgrace. They’ll drag you down because they are no good.”

“You’re right Igor. Thanks for the help.”

Cathy’s Clown

I walked back to my apartment on Kutuzovsky Prospect outraged and set on retribution. My plan consisted of showing Leo the section of Angel's diary where she described cheating him out of \$1400—not a small sum in Russia. Knowing Leo, he would intimidate her into paying and then stop doing business with her because she didn't swindle a little—like all his girls—but a lot. Handing over the money would hit Angel where it hurt—in her avarice and, especially, her ego. She fed her arrogance with victories gained by a win-at-any-cost attitude. She ignored all the rules, but like all cheats, whenever she lost, even a minor engagement, she crumbled and pleaded for what she never showed others—mercy. The ending of her business relations with Leo would also block her alternative plan to work in Venezuela or Greece and leave her scrambling to find another agent to provide visas and club contacts outside of Russia. Naturally the marriage was over, and since I had her visa documents needed for entry into America, she wasn't going there. When I walked into my apartment, I declared to Carol and Thelma I was going to get divorced and brought them up to date on the latest from my wife's diary. When I told them about my plans for vengeance, they surprisingly argued against it.

“Why not? She deserves it. Don't you believe in justice?” I said.

Thelma said, “I don't think it's a good idea. It will get you nowhere. It will just come back and hurt you. You only torture yourself by walking around with your anger for her. Your anger doesn't hurt her—it hurts you. Just let her go and chalk it up to an experience.”

“Yea, Roy,” as Carol joined in, “You don't want justice, you want revenge and that will consume you while she's out doing what she wants and making her way in the world. She's like the aliens in the movie *Independence Day* except she goes from man to man taking what she can get and moves on.”

“She should be stopped then, or taught that if she keeps it up, she'll pay.”

“But she is still a human being and like all people, a mixture of good and bad.”

Her statement struck a chord of understanding and some relief, but it wasn't in the Roy I knew and alien words came out of my mouth, “You're right! She's both good and evil.”

“People like this are their own torture,” Carol continued. “You think she doesn't feel pain everyday for what she does?”

“I didn't see any of that in her dairy,” I replied.

“Believe me, she does. How could any human not?”

Thelma than said, “I had the same situation with my ex-husband. He went out with other women, so I left him, but then he came back and begged that I forgive him, promising he would change, so I gave him another chance. For a while he remained faithful, then he started playing around again. He just couldn't help himself, and I learned that people don't change and you can't make them change. It's best to stay away from them; just let them go their way and God will deal with them in his own way. You should forget her and move on with your life.”

Normally any appeals to God I dismissed as irrelevant and a mere manifestation of wishful thinking. Generally, religion held as much credence for me as magic. But these weren't normal times for me. Metaphysical realities of good and evil kept breaking through my shields of reason, swamping me in a sea of confusion. The belief system I used for making decisions short-circuited. I was helpless to stop the anarchy sweeping up from my unconscious to rend my logic. I couldn't stop myself from doing fundamentally stupid things and listening to others who knew less because I no longer felt confident to make decisions. Somehow the words of these ladies swayed me more quickly than I thought possible. Maybe because their growing up in Jamaica made them more attuned to dealing with the basic demons of nature that haunted me in

Russia. To my surprise and contrary to my long held beliefs about justice, I decided not to seek retribution and immediately felt somewhat relieved.

In the evening, my friends and I went to see Maria sing with her band. Maria and Angel had grown close primarily through their talk about God. Angel professed a literal belief, as did Maria. When I told Maria the truth about Angel, her soul rocked back in shock, her face convulsed into the anguish of having a knife sunk into her heart by someone she trusted. Seeing her reaction, I wished I hadn't told her. I never imagined she would take it so hard. Angel's glib words and uncanny knack to assume the persona that caused another person to open their heart to her claimed another victim. The illusion and reality were so diametrically opposite that Maria looked even more upset than me while her Russian boyfriend didn't seem surprised at all. He advised I just move on and forget about her.

Sunday morning June 11<sup>th</sup>, the three-month anniversary of my marriage, I lay awake in bed sensing trouble. I felt an evil presence surrounding me; the continuing metaphysical manifestations from Angel living in my apartment were trying to control me by befuddling my thinking, sapping my will. I finally accepted that magic worked, at least in Russia, as I watched it inexorably drag me into a malevolent maelstrom. Her magic created a fog of apathy and fear in my mind while erecting unexpected obstacles to any saving course of action—the trap kept closing tighter. Carol showed me my horoscope from the paper:

The more you think about a complex matter, the more uncomfortable you become. It doesn't matter how many angles you try to view it from or how many inventive ideas you try to come up with. You just can't seem to reconcile a need with the circumstance you are in.

But I wasn't dead yet. Angel's magic was not all-powerful; otherwise, I never would have found her diary. As with any human being, the magic practitioner can't foresee every occurrence that might interfere with her plans. Angel couldn't predict my friends' visit. I sensed



their roots in Jamaica and their Christian beliefs were keeping Angel's baleful magic at bay as long as they stayed with me in Moscow, but their flight back to London left the next day. Then I saw my escape—go to London with them. I told them my plan, and they said I could stay with them for a few days until they flew to New York where Carol needed to go on business. My escape route from the Dark Angel became clear—London and then New York, all the time in the protective company of my Jamaican friends. I reasoned that once in America, the Dark Angel's primitive earth powers would fail against the bulwark of the world's most modern and enlightened society. I bought a ticket and packed my bags. What I couldn't fit, such as blankets, furniture and a boom box, I gave to the orphanage where Maria worked and said goodbye to the insanity of Russia.

When we arrived at Heathrow in London, I bumped into Kroll's Chief of European and Middle Eastern operations. He always treated the people in Moscow decently, unlike my former boss, the lesbian Tiedemann. When I ran into him, I was planning on exposing the incompetence and criminal activities of Tiedemann to the president of the Blackstone Group that recently took over Kroll. But having relinquished my desire for justice against one female, I reprieve the lesbian as well. None of these acts fit my nature as I remembered it before Russia, but now magnanimity made me feel like the member of a cult doing what the cult wanted.

On our way out of the airport, I pointed to the Concord parked on the runway.

Carol asked, "What's special about the Concord."

"It's the fastest passenger jet made. It flies so high that it skirts outer space."

Carol looked at me with surprise and said, "Your whole face just lighted up and your eyes widened when you said that. I never saw you look like that before." And then I knew that my childhood dream of space travel was the direction I should have pursued all my life. Maybe

not as the astronaut I wanted to be but working in the field of space flight was clearly my first best destiny. Why didn't I understand that sooner? How did I forget what I knew as a child? But I didn't forget. All my life different experiences kept reminding me of my desire to explore the heavens through physics and space exploration, but at each opportunity I turned my back on my dreams. Was I so afraid of disaster resulting from the pursuit of something I loved? Did I fear that once I reached my dream, reality would show me the disappointing truth, as it did with Angel, and the dream would evaporate forever? Nothing made sense anymore.

Late one night in my friends' apartment, I told Carol about the time Angel took me to a black magic-man just before I proposed to her.

"You're kidding?" she said. "Why didn't you run out of there when you saw the black clothe on the table?"

"Because I didn't believe in any of that witchcraft stuff, and it seemed important to Angel, so I figured what's the big deal."

"The big deal is you ended up marrying a Russian slut whom I now see would just as soon cut your throat if she thought it would make her money. Face it; she'd follow a dollar to hell!"

"Probably."

"What's with you white boys always letting your girlfriends make chumps of you?"

"It must be in our genes."

"Where's the picture of you that the guy cast a spell on?"

I pulled it out of my suitcase and showed it to her.

"I know what to do with this. We're going to burn it, which is what should happen to that witch Angel." So on a dreary, rainy midnight in an upscale London apartment a young

Jamaican lady with an MBA and a middle-aged American lawyer, also with an MBA, ritually burned a photograph that a ruthless Russian witch used to marshal unknown forces of the universe to marry the lawyer so he would bring her to New York where she could make lots of money as a lap dancer.

Soon after waking the next morning, an epiphany struck my consciousness: Walking around with hostility towards others cuts a person off from fully living his life and pursuing his destiny. All my life I saw other people, even strangers in the street, as potential enemies with whom conflict seemed more likely than cooperation. I understood that, except for my few friends, I didn't like people because they scared me; and when someone is afraid, he hates others for causing him the humiliation and himself for allowing it. But where did this ever-present fear come from—my genes or the way my mother raised me? I opted for the culpability of my mother with some assistance from my father. Both of them were Nazis in the sense that they felt superior to others and believed themselves the sole possessors of the truth concerning any topic. In reality, they were scared little people without the courage or self-respect to say what they believed. Like Angel, they knew what was right; they just conveniently let it slip their conscience. For them every word, every act served their material desires or conformed to accepted beliefs of the small narrow-minded suburban town in which I grew up. The best advice their cowardice permitted them to articulate were the insincere admonitions of platitudes they hypocritically failed to follow in their own lives. Naturally the fear and trembling that ran their lives festered in me a view of the world as unfriendly, manipulative and hostile.

At birth, a child's brain contains virtually all the synapses, the switching centers for thoughts that a child will need throughout life. The newborn infant, however, lacks many of the connections between the synapses called dendrites. These dendrites are needed in order for

thoughts to flow through the brain from synapse to synapse. Most dendrites form in the child's brain from birth until the age of ten, as though constructing a superhighway system. The arrangements of the dendrites significantly depend on the child's environment, and a particular configuration apparently determines the child's behavior in a certain situation. The route that an electrical impulse takes through the brain can be analogized to a thought, so the thought depends on the route and the route depends on the roads it can take or how the dendrites are arranged. Where the dendrites are organized in a manner that allow thoughts that match the reality of a particular social order, then the person should function well within that society because his analysis of any situation will reflect reality and enable him to take effective action.

Another way to understand the crucial importance of the network of dendrites on a person's ability to function within a particular social order is to consider the arrangement of dendrites as the brain's program. When the body's five senses transmit messages to the brain, the program, or particular arrangement of dendrites, provides an interpretation as to the meaning of an event in the external society. The interpretation—whether verbal or emotional, which is the language of the unconscious—provides a person's conscious with an understanding or sense on which the person can decide a course of action. A functional program provides a person with an accurate interpretation and, therefore, effective action; whereas, a dysfunctional program presents a situation that does not exist, so the resulting course of action has no effect or just creates difficulties. For example, many times I wrongly interpreted a girl's look as an invitation when, in fact, it was only a tease to build her ego by tricking me into hitting on her. Consequently, because of significantly different upbringing and slightly different genetic material, some individuals are better able to draw the right conclusions about the world around them and act accordingly.

Lying in bed, my analysis seemed to make sense. The reason for the great success of the human species was its adaptability, which was made possible because the brains of its young were still partially unformed at birth. As a result, a human child born into anyone of different social orders: tribal, feudal, dictatorial, democratic or other, could adapt immediately given a local environment that accurately mimicked the society as a whole. For instance, American parents used to teach their children in words and by example that honesty was the best policy. Such conduct created a set of dendrites that allowed one person to rely on the word of another. This one simple concept programmed into most Americans enabled many people to assume that when another American gave his word, the odds were he would keep it. The former chairman of one of the Big Five accounting firms once said that his most valuable asset was his word. Keeping his word allowed others to rely on his promises and vice versa, which streamlined business transactions and provided a basis of certainty for future actions. America, however, has changed with the win at all cost zealotry of the political correctionalists. The PCers believe that only they know the truth and what is right, so whatever unethical or intolerant means they use is justified. That naturally requires a different strategy and set of dendrites to function successfully. Dishonesty is now the best policy in America, as it has always been in Russia.

Of a child's two parents, usually the mother exercises the most influence on the offspring, at least during the formative years, so the success or failure of an individual within a certain social system largely depends on her. The mother essentially transfers her dendrite structure onto the child by her behavior and words. A dysfunctional mother will probably yield a dysfunctional child. For me, my mother exercised the greatest influence during my childhood. Her unpredictable hysterics, narcissism, deviousness, cruelty and cold heartedness disposed me

to fearing most people but, ironically, not her or someone like her, such as my wife. With either of them, I felt right at home.

My epiphany on that day in London evaporated for a time my ever-present fear that manifested itself in hostility to people. But I didn't understand why this realization occurred now, so late in life. Perhaps taking my friends' advice to forgo retribution against Angel or the burning of my picture on which she had a spell cast or my escape from Russia, a country steeped in the dark underworld forces of a more primitive time, dragged from my unconscious enlightenment that no logic could convince me of believing.

Feeling no malice toward any man, women or witch, I decided the proper thing to do was write Angel a letter telling her the marriage, if one could call it that, was over and why. I was sure her contingency plan to go to Greece or Venezuela would kick in the moment I turned up absent from Moscow. No sentiment held her back when it came to business and money, but my own sense of fair play required I send the letter. I started with the usual opening lines that developed into a habit whenever I telephoned her. She often teased me about those lines by saying she knew who it was by my voice, although she sounded strangely appreciative of my inquiring into her well being as though she thought nobody cared, or was that just another of her feints:

June 13, 2000

Hello Angel.

It is Roy.

How are you?

Perhaps if I had opened my heart more and been more loving, we would still be together. But I do not think that whatever I said, whatever I did, whatever misunderstandings we had—none of those mistakes justified what you did to harm me from the beginning of March to Milan.

But I will always be thankful to the universe, for as long as I live, for bringing me, for a little while, a Good Angel and a Fallen Angel in one person. Your words as the Good Angel coupled with your actions as the Fallen Angel gave me a revelation. If a person goes through life with hate in his heart for other people, then he creates his own prison of self-torment from which

he will fail to see the beauty of life. I deeply thank you for that understanding and, as a result, I sincerely, from my heart, forgive you.

You once said that love meant trust and respect. I trust and respect the Good Angel, I always did, but given what I know now, I could never trust nor respect the Fallen Angel.

Sometime in the future, three little words will become more important than “I love you”. Those words will be “Let me help”. I tried the best I could to help you reach your dreams, but the Fallen Angel was too powerful for me.

I honestly hope your dreams still come true. Don’t give up; you will make it, if you sincerely respect people.

Goodbye my dear one.

I sent the letter by one-day delivery, and the next day flew back to New York City on the same flight as Carol and Thelma using what protection they could provide me against the reach of the Dark Angel’s magic. I planned to go back to college to study physics and spend the remainder of my life exploring the secrets of the universe. But only a fool makes any kind of allowance for hope and happy endings.

## **Stupid Frigging Fool**

By Roy Den Hollander

### Part 2

#### You Keep Me Hanging On

As soon as I walked into my apartment in New York City, my phone rang. I knew it was Angel, but I wasn't playing her game anymore—I didn't answer. Her soft and wheedling voice wasn't manipulating me anymore; besides, I didn't want her to know my whereabouts for fear that her satanic magic might be able to reach me even in America. I still believed magic limited to Russia but I wanted to err on the safe side after her witchcraft and duplicity played me for such a sap. Throughout the day, the phone rang periodically but by early evening stopped because in Krasnodar it was the middle of the night—time for her nocturnal activities. I don't know why I didn't disconnect my telephone. Maybe I enjoyed knowing that with each ring she suffered as she watched her golden opportunity of traveling to America evaporate for unknown reasons.

The next day, I called my American lawyer in Moscow to see how I could get out of this marriage and keep her from entering the U.S.

“Who has the visa?” He asked.

“I do.”

“Without the visa, she will never get into America. But just to make sure she doesn't pull a fast one by claiming to have lost it, I suggest you write a letter to INS at the Embassy saying that she married you solely to go to America, and that you are now in the process of getting a divorce. Send them a copy of her dairy as well. The quickest and least expensive way to divorce or get an annulment in Russia requires both of you to agree to it. If she



agrees then the two of you need to go back to ZAGS in Krasnodar to sign a document and two months later—freedom.

“What if she doesn’t agree?”

“Then it could theoretically drag on for an eternity without any clear cut resolution. Unfortunately, the way Russian civil procedure works, she can prevent any final hearing by just failing to show up—time after time, after time. Eventually you can get a default verdict in your favor, but that’s after spending all the time and money waiting for her not to show. And a default is open to all sorts of challenges on the basis of her absence, even though she’s the one who failed to show. I suggest you telephone her and ask her to agree to a divorce. Tell her she can’t get into the country without her visa, which you have, and that you will contact the Embassy to make sure she doesn’t trick them into issuing her a duplicate visa, which is highly unlikely anyway. With her route to America blocked, she should agree to a divorce to free her to find someone else to use.”

That last part hurt but was true—Angel used me from the beginning. “I’ll give her a call, which is not a task I look forward to doing, but I guess I must.”

On 15 June 2000, I dialed her mobile. When she picked up and started talking, the entire lunacy started again right where I left it in Russia—sympathy for a slut, magic and stupidity.

“Hello Angel,” I said without emotion.

“Roy! Where are you?”

“South America,” I said to keep her from casting a spell on my apartment but sensed she knew I was back in New York.

“Why did you leave Russia? I look for you for three days now. What has happened?” Her words rushed in a torrent of apprehension.

“Milan happened.”

Without skipping a beat she said, “What are you talking about? I don’t hear.”

“Milan. You know it is in Italy along with Venice and Florence.”

“You make no sense Roy. What are you talking about?” She was good.

“I know Angel, I know about you and Alfredo in Italy.”

“I don’t do nothing!” she said in her usual emphatic way when caught; trying to make her accuser doubt the truth.

“Cut the con Angel. Before you came to Moscow, you flew to Milan, Italy, stayed at the Lloyds Hotel, fucked Alfredo repeatedly, gave him a blow job, traveled to Venice and Florence with him, all for \$600, a diamond ring and other brilliants.” I didn’t mention the real source of my information. Let her fear that I kept watch through Kroll’s F.S.B. and M.V.D. sources.

Immediately, and actually sounding sincere, she said, “I very big sorry, please forgive me.” She begged and pleaded, “Roy give me last chance. I will try to correct mistake. Please give me last chance.” Damn she was real good and continued to lie, “I had sex with nobody else except Alfredo. I don’t make any sex in Krasnodar during our marriage. I tell you honestly. I tell you I was with nobody else.”

“What about Volodya?”

Silence.

“What about Volodya?” I repeated.

“I don’t know who you talk about.”

“The guy who took you to the apartment of Vadik’s mother, who hung herself. He fucked you twice. Remember him now.” Anger didn’t enter my voice because I didn’t feel it, just remoteness.

More silence.

“I don’t want to speak lies in the future. I sorry for lies what I told. I have nothing in Krasnodar. There is nothing here for me, please forgive me, please give me last chance.” Now she was dangerous, and I knew it! She continued to lie about her affairs, but her desperation sounded sincere and that or perhaps her magic cracked my resolve.

“I will think about what you said and call you tomorrow.” I felt confused again and wanted time to think, to figure out the right thing to do. “But if I decide to continue our marriage and bring you to America, I expect you to live up to your earlier promises: not to go out with other men, not to try to trick me and no more contact with Alfredo.”

“I agree Roy. I will wait your call,” she said in her contrite voice.

“Goodbye.”

“Goodbye darling,” she said in her most innocent voice.

Once again clarity escaped me. Did she cast a spell over the telephone? Why even consider giving her another chance? She kept lying while claiming to tell the truth—did she even know the difference? I went for a walk.

Later that day, I called my stockbroker and friend for years, Maiya Furgason, to tell her I was back in town. Ironically, it was through my broker, who had done business in Russia under the Soviets, that I found the apartment in the same building in Moscow where I met Angel at Leo’s “model” party the previous July. Maiya invited me to her house on the New Jersey shore for the weekend. I quickly accepted. I could use some sun, surf and

outdoors to make my decision or to escape the decision my intuition told me I already made. I hoped the Jersey shore, where I used to hangout in high school, would return my thinking to a time free from a culture straining to turn men into the paradigm of the forgiving female, which never existed in reality, so women could wreak their evil unopposed and unfettered.

The Roy before Russia immediately dropped any girl who gave even the appearance of cheating. I never cheated on my girl friends, so I expected the same. If fidelity overburdened their weak, self-centered minds, then I moved on. I didn't exist to cater to the irrational whims of any girl, no matter how successfully she convinced herself that royal blood flowed through her veins. With seven billion people in the world, over half girls, that left more than 3.5 billion. I figured one percent were good looking and in their athletic prime of 15 to 25 years old, which came to 70 million. Assuming an active sexual life of 60 years, then each year allotted over one million girls, which worked out to over 3,100 per night—that was plenty for me. Actually, like most guys, I'm still working on my first night. Ah, but what about all the other guys out there I'm competing with—irrelevant. Girls are not consumable commodities such as chocolate bars. After a man eats a chocolate bar, no other guy is going to eat it—it's gone. But girls are reusable like the overnight deposit boxes in banks. Guy after guy comes along and makes his deposit.

From a different angle, I figured if I owned a 1957 red and white DeSoto Fireflite Sportsman convertible with push button drive, I wouldn't want some other guy riding around in it picking up chicks. It's my car, and it's valuable to me, because it's hot, and there are so few of them. But there are millions of hot girls. Why would a guy want to own anyone of them when he can rent dozens? So ownership and possessiveness of a girl makes

no sense. The entire concept of “ownership” of a girl comes from girls thinking they’re more valuable than they are—it’s the princess syndrome.

The next day, Friday, I called Angel to tell her I hadn’t made my decision yet but would by Sunday. The moment I got her on the phone she jumped into a well-prepared monologue—this girl didn’t give up when she wanted something, but the something wasn’t me.

You are only one man with whom I have serious relations. And to forgive is the higher moral principal. If you really love me, give me one last chance to renew my life. Because if you do not give me this chance, I do not have anything. I very big sorry. Only from 1999 do I see world. Before I had nothing. I make a lot of mistakes because I did not know the man. You great man, clever and wise, you taught me things. It was my mistake. I did not take you seriously. I thought you had wind in your head. You smart. But the more I like you is your heart. You very important in my life and I do not have anyone but you. Now we honest before each other. You not only friend, but specially love you. What you do for me is very important. I do not have too much experience. I make a lot of mistakes. I very big sorry. I feel myself very bad. I cry everyday. I have learned my lesson. I must respect you. All things you do, I appreciate. You were close to me. Your heart was not open. Before stupid mistakes, you was in my heart and stayed in my heart. All criminals in jail have chance to start new life. Before you, I am criminal. I ask you for a chance. I will try to change. Nobody wanted me to be honest before you. First man who take so serious honest and truth. In Russia no one wanted to be honest. Remember, I love you. You very important as person to me. Cannot forgive unless problem. If high intellect then forgive. I can change.”

I didn’t believe much of this hooey, especially the parts about my greatness and her not having anything without me—she planned to go to Venezuela or Greece if her American visa fell through. Angel could make lots of money as a stripper anywhere in the world, but only in America could her dreams of legitimate stardom come true. No other country ever provided anyone willing to work hard and with a little luck the opportunity to reach her dreams. The decision I faced seemed rather simple: Do I condemn another human being to an existence where dreams forever remain the bitter musings of her imagination or give Angel the little bit of luck she never had to go for her heart’s desire. Still, I wavered, until

during the weekend at my broker's house while standing on the dock in front of her house, Maiya said, "if you leave Angel in Russia you will always wonder whether she could have changed into a decent human being, and you could have saved your marriage." That comment tipped the balance to bring her here, but I still wanted the chance to change my mind.

Sunday June 18, 2000, I called Angel from my broker's and told her what I decided; she sounded happy even though I made clear we needed to talk more in Moscow and on that depended whether I brought her to America. Once in America, if she kept up her cheating ways, an annulment or divorce within two years after our marriage combined with her diary that exposed her perjury to the U.S. Embassy in order to obtain her visa should give INS legal grounds to deport her. But that required the U.S. government to do what was right, which didn't always happen, especially given the influence of the Feminazis. Since my position would never be as powerful as it was before she entered America, I wanted to leave my options open until the last minute. We arranged to meet in Moscow.

My Jamaican friends, Carol and Thelma, thought Angel's spell still affected me or that she'd cast another spell on me in Moscow. To prevent Angel from using black magic on me in Moscow again, I followed the suggestion of one of Carol's friends and visited a voodoo priestess from Central America who practiced only white magic. I didn't want anything to do with black magic because my goal wasn't to harm Angel but to protect me from her sorcery.

The priestess Carmen worked out of her house in New Jersey doing a thriving occult business, which for America surprised me. After the bizarre decisions I made in Russia, I conceded that magic could work in a country still steeped in medieval superstitions but not

in modern-day U.S.A. The people waiting to see Carmen obviously disagreed. Fine, I just wanted to protect myself in Russia by using Carmen's white magic to nullify Angel's satanic sorcery. I didn't want any more surprises or blatant stupidity on my part in black magic land.

Carmen was in her forties, came from the Caribbean and wore a tropical dress with a brightly colored scarf around her hair. She walked with a limp and smoked an inexpensive cigar; apparently she liked them. Her office, on the second floor of her house, consisted of a couple of chairs and a table or altar loaded with candles, religious ornaments and pictures of Jesus Christ. She kept a large twisted, wooden stick beside her chair, probably in case one of her clients became possessed I thought. I told Carmen about Angel, handed over a photograph and some of Angel's hair that I took from her brush when I last saw her in Moscow. Not sure why I took it—just seemed like a good idea at the time. Carmen muttered some words, blew smoke in front of her from the cigar and tapped the large wooden stick on the floor. Apparently the cigar and wooden stick had purposes I didn't understand.

In her Caribbean accent, she said, "I must drive out the evil spirits that your wife beset you with before we can get to work. If they remain here, they will report back to your wife what we are doing."

Carmen appeared to exert much effort in dispelling my wife's demon helpers. I looked around but didn't see or hear a thing. Carmen took out a well-used deck of tarot cards, shuffled them while reciting something and turned a number of them face up in the pattern of a cross on the altar. This altar had a white cloth on it.

As she began to talk, I felt transfixed with the words that flowed into me without my usual critical analysis. My life-long beliefs in reason and science lay dormant in the back of my mind while I seemed to enter a nebulous realm of intuition and subtle forces.

“You’re saint is Elegua.”

“Who’s that?” I asked.

“Jesus.”

She picked up the cards from the altar, shuffled and laid them out again.

“You must not go back to Russia for it will mean your death! Your wife doesn’t care about you. She only wants you to bring her to America where she can make a lot of money selling her body. She has worked long and hard, using all her powers and evil spirits to trick you into marrying her and taking her to America. If you go to Russia and refuse to do her bidding, she will kill you. If you bring her to America she will turn you into her slave and you will be as the living dead. If you try to fight her, it will consume your life and in the end she will have you killed.”

I mumbled, “She does have F.S.B. connections, which also means criminal contacts, and the going rate to kill someone in Russia is only \$2000 for a Russian and \$5000 for a foreigner. She’d probably throw in some sex to reduce the price. She has the means, and I wouldn’t put it past her.”

“Hiring someone isn’t her only way. I can feel her evil,” Carmen shuttered as she said this. “Her power is very strong against men and her determination set to live the glamorous life. She could kill you as she would a bug. She doesn’t need someone else to do it because she can kill you with her magic or put something in your food.”



“She already did,” and I told Carmen about her putting “salts and sugars” in my food before the wedding.

“You must get away from her for good. It is very dangerous for you to be around her.”

Carmen’s warnings caused me to grin inside with excitement. Now here was a challenge—my intellect versus the magic of a Russian she-devil. What a struggle between the enlightened and primitive forces. How could I turn my back on this? Here was danger cutting across the physical, intellectual, emotional and metaphysical realms—what a battle it would be! If I won, I had a good story to tell; if I lost, then I would be dead—so what? I never liked my life anyway. Not to have been born was passed all prizing best. I knew then I would bring Angel back to America to plant my flag for ego, truth and right.

Carmen continued, “Your wife decided when she was 16 that her goal in life was to make money off of men by using her looks, body and the mask of a pleasing personality. She believes she can get anything she wants with her beauty and lies. For her that is why God gave her a pretty face and will protect her soul from the dark forces she calls on to help her. She hates men bitterly and has created in herself a machine for destroying them. The way she makes money helps her achieve vengeance against men by making them fall in love with, lust after or feel sympathetic to her. She exploits those feelings for money and uses them to cause men pain. Romance is for strengthening her bank account. As a teenager, she promised herself not to be a good girl but a user of men. Her false personality communicates a childish innocence and naiveté that masks a cold-hearted ruthlessness. She intends men emotional, physical and spiritual harm.”

That explained why the photograph of Angel as a teenager showed such a mean and nasty girl—the real Angel. It also explained her pantomime while demonstrating a lap dance to me in my apartment, where she used both hands to simulate a gun, shooting me and then arrogantly blowing away the smoke from the make believe barrel.

“All along your wife tricked you into believing she was a decent person who got a raw deal so that you would feel sorry for her, forgive her and use your time and money to help get her to America. By demanding that you acted decently toward her, she was able to succeed by being indecent. You are just another customer to her. The most important thing to your wife is money, which is why she pretends to show so much concern over saving a man money. She believes it will help win her way into his heart so as to allow her to trick much more from him over time.”

All of Angel’s haggling over carfare and the cheap tickets for the train to Sochi went through my head.

“Your wife would rather have girls, but she needs men for money and to exercise feminine power, which doesn’t work with girls. She has a girl friend for a lover who is tall, with black hair.”

“You’re right, at least it makes sense. When I was in Krasnodar for my wedding, Angel kept going upstairs to visit her friend Natasha for hours at a time. Recently, one of Angel’s friends told me Natasha was a model—tall with black hair.”

“Girls like these always prefer women. I want you to realize that your wife is not stupid. She is very clever and cunning. She understands both the physical and spiritual world, which you don’t, but she lacks any feeling of social and moral obligations—that makes her extremely dangerous. She will do things you wouldn’t imagine, no matter how

filthy to her soul just to get money. She firmly believes the ends justify the means and that her prayers to God will always bring forgiveness, but God is not fooled so easily. The only reason you didn't completely succumb to her powers is because you have a guardian angel protecting you."

That caused an ironic smile as I remembered Angel saying the same thing while reading my palm on our first date at the Park of Victory in Moscow. Like an idiot, I assumed then that Angel was my guardian, which was why I immediately started calling her "Angel".

"I know it isn't my wife, so who is it?" I asked Carmen.

"Your guardian angel is your mother."

"That's impossible! My mother was a mean spirited, nasty person who thought only about herself." I blurted out with intense bitterness. "She's dead, thank goodness, so I guess she qualifies for a spirit, but if there is a heaven and hell, she's in one of the lower circles of Dante's Inferno—at least I hope so. She never cared enough to help anyone but herself. She was a phony who pretended to be the proverbial innocent victim to get others to feel sorry for her, so she could ruthlessly use them for her own ends. She didn't care whose lives she ruined, not her sons, no one, so long as they served her interests. Any sacrifice she tricked others into was fine with her. She valued money as much as my wife does. On my first date with Angel, she found a kopeck lying in the street and picked it up with glee. My mother did the same for pennies. On more than one occasion as a kid, mother refused to take me to the doctor for fractured bones I got from playing sports. Finally, after days of delay, other adults hauled me off for medical help when they saw the pain I was in. Once I had a fractured wrist and didn't make it to a doctor for a week until I collapsed from the pain

in gym class. And it wasn't because we couldn't afford a doctor. Our family had two cars and a Catskill vacation home. It was because every penny mother saved out of the household budget went into her bank account."

"My mother thought more about money and appearances than anything else. I doubted her ever capable of loving anyone. At least, I never heard that word from her. When I was eleven, after taking me to the cheery movie *On the Beach*, she walked me over to the town soda fountain—very strange I thought, since she never did this before. While eating my ice cream sundae, she told me she was thinking of getting a divorce because the only reason she married my father was that he could provide her with a better life style than some other guy she was dating at the time. From the age of five or six until I was a teenager, she often hollered at me that she should have listened to my father and never had me. She finally stopped saying that when I replied, 'I wish you had too!'"

"By the time I was a teenager, her ravings made me realize that the only reason she gave birth was the same reason people buy two cars and park them in front of their house—to keep up appearances. On top of this, she martyred herself over the son she lost to some unknown illness, 'Roger was always very sick,' she'd often say. Her sorrow didn't ring true, since she wished she never had kids. After my parents' deaths, I did a little research into the death of the brother who was born before me but with Down's syndrome. It all looked very suspicious, and I concluded from Roger's death certificate that in order to avoid future medical bills and the continuing humiliation of having given birth to a retarded child, dear old mother and father starved Roger, gave him pneumonia in the middle of summer and ultimately choked him to death in his crib. My mother's hypocrisy and mask of decency disgusted me. She went to church every Sunday because it looked good and probably

wanted to keep her options open in case God really did exist. In her heart boiled selfishness, arrogance and duplicity—she was a nazi, not a guardian angel but more like a tormenting demon.”

Carmen looked a little surprised by my tirade, which made me suspect her for a charlatan. She should have seen the character of my mother as she did with Angel. Of course, what I told Carmen about Angel, she repeated back to me with embellishment. My skepticism of magic still existed in part of my mind, but this was a new adventure, so I went along willing with the new ideas and suspended by doubt about Carmen’s supernatural powers for the time being.

Carmen immediately said, “When people die they realize their mistakes and try to make up for them by helping from the spirit world. Your mother is trying to protect you now from the evil of your wife.”

Not a bad response, but I didn’t buy it, although I said, “Perhaps.” I found it impossible for my mother in any manifestation to do something for someone else, even a son. No, any success at protecting myself from Angel’s witchcraft would result not from my phantom mother but my intellect and will, and, maybe, some white wizardry.

Right after my marriage, I thought I could sense Angel’s spells. They always functioned in the same way, probably because of her lack of imagination. The spell either created or exploited an obstacle, whether internal or external, to my doing something she didn’t want. For example, when I discovered her dairy, my heart irrationally filled with so much fear that I almost didn’t make a copy, and the pages I did copy were only for 1999-2000. The few pages for 1996-98, I left alone—what a bewitched idiot! At the first copy place the machine couldn’t copy those pages she wrote in blue ink, so I went searching for a

place that could—not an easy task in Russia. When I tried to find the black magic-man to shake some information out of him, an unexpected traffic jam popped up that delayed my arrival at his den just long enough so that I apparently missed him by a few minutes. Other tries failed because my interpreter or driver was delayed. Each conjured obstacle attacked me emotionally by creating a despairing sense that my efforts were impossible and I should give up. I noticed, however, that not giving up, that by just trying to move forward again and again, the obstacle and emotional constraints vanished. Magic probably worked through illusions created in the victim's mind, but by keeping focused and persistent the illusions crumbled. Then again, I might be wrong.

I asked Carmen, "If I go to Russia, can you do something to protect me from her magic."

"I knew you were going to go and will probably bring her back. When is your flight?"

"I've made reservations for July 6<sup>th</sup>."

"That doesn't give us much time. But if you bring her back, she will not kill you because you will be doing what she wants and she will need you to serve her in America, for a while at least. She is the type of girl who uses men to do her bidding and help her deal with everyday problems. She will try to enslave you, and we will have to protect you against that. But if you go against her wishes, then she will destroy you, either in Russia or America. I can end the spells she has cast on you so far and give you some protection against new ones while you are gone, but in Russia you must be very careful—many dreadful spirits walk that land. It's her home and she is most powerful there. If you bring her back, call me right away, or she will turn you into her slave. Living with a person like

this may overwhelm any defense your good heartedness gives you, so we will need to do more work. I also want to give you a cross to keep under your pillow, but that will have to wait your return. And try not to eat any of the foods she prepares in Russia or here! She'll try to use food as a way to bind you to her."

Carmen left the room and returned shortly with a small bottle of darkish liquid, dried flowers of some kind, a candle and a liter coke bottle with some foul smelling brown liquid inside. "Everyday until you leave for Russia and after you take a shower, spread the liquid in this big bottle all over yourself. It smells bad so you should wear a lot of cologne when going out. Before you go to bed put a few drops from the small bottle into a cup tea made from these herbal flowers. Also, before bedtime, light this candle and read from the Bible Psalms 23 and 91. When you finish reading, put the candle out by wetting your fingers and quickly pinching the flame. If you blow out the flame, the protective magic I put in the candle will be scattered—you want it to stay concentrated. Do this for the next 12 days and on the last day before you go to Russia, let the candle burn down until it goes out by itself. When you get home, throw out all the pictures of your wife."

"Why?"

"It's through her pictures that she keeps a presence near you to keep you under her influence." I knew I wasn't going to throw out her pictures, not because I wanted to look at them, which I didn't, but to keep them as mementos, a la the movie *Carnal Knowledge*.

Carmen then said, "Now, I want you to go into the bathroom down the end of the hall and spread some of the liquid from the large bottle all over you."

"Now?" I asked, a little embarrassed.

"Yes. You do not have much time until you leave, so you must start now."

“Okay.” I did as she said and ended up smelling like overly spiced garlic bread in an Italian restaurant. On my way home, feeling as though swimming in a supernatural sea of lunacy, I kept my distance from other people on the PATH and in the subway, not just because I stunk but to avoid evil spirits, as if I could recognize any.

Over the next days, I followed Carmen’s instructions, made the arrangements for my trip to Moscow and a return flight for Angel, assuming it occurred. A number of other matters also occupied my time.

My stockbroker Maiya always wanted to smuggle art objects out of Russia. She had buyers in America but nobody in Russia to purchase the art or transport it out. Russia’s laws forbid the export without special licenses of any art created before the Communist Revolution. These regulations existed to exact bribes for government officials—not to preserve the country’s heritage. Most of the art created under the Commies didn’t require export licenses because the Russian authorities knew nobody in their right mind would pay bribes for those works. Since Angel didn’t give a damn about Russian laws, I suggested her as the smuggler Maiya was looking for. When Maiya told Angel the amount of money she might make, she naturally agreed. Maiya, however, wasn’t so stupid as to trust Angel or any other Russian with a lot of money up front to purchase art, so Maiya organized a test smuggling for a small amount. Angel found a dealer in Krasnodar willing to sell 18<sup>th</sup> century silverware at very low prices and Inessa would arrange for shipment to Maiya’s house in New Jersey after Angel forged the export license. Total cost to Maiya: \$500 with a reputed value of \$1500, according to Angel. My wife made \$100 and the shipping amounted to \$50 with the price of the goods at \$350. Delivery would take about three weeks.



Before leaving for Moscow, I met with some of my friends in New York City whom I had seen nearly a year earlier before my time travel back to the dark ages of sorcery, witchcraft and demonic spirits. After telling them the story about Angel, they all said to leave her in the evil empire where she belonged. One old friend commented that my tale sounded like a 1940s detective movie and suggested I rent one called *Murder, My Sweet*. I did and watched a number of other movies in the same genre. One I had first watched the previous year before going to work for Kroll: *Dead Reckoning* in which Humphrey Bogart tells Lizabeth Scott, “I don’t trust women.” At that time, it struck me as overly cynical because living among all the Feminazis and their sycophants in America had subtly twisted my sense of reality into actually attributing the virtue of integrity to females. But after Russia, I began the long process of weaning myself off of such Kool-Aide. In addition to film noir movies, I picked up the detective novels of Dashiell Hammett and Raymond Chandler from the first half of the 20<sup>th</sup> century before the Political Correctionalists put females on that illusionary pedestal of moral uprightness.

Those two authors knew the real danger of women—their extraordinary ability to trick a man even when he intellectually knew she was running a con. The women in their novels circumvented a man’s reason by attacking through the emotions of compassion and sex. The femme fatales played on evolution’s programming of men as the protectors of women. Evolution wanted the species to survive, which required someone to protect women since they bore the next generation. The only choice was men, but no rational male would jump in front of a saber tooth tiger to protect a duplicitous female unless driven by compassion. Evolution, therefore, hardwired sympathy into the brain of every heterosexual man, making him a sucker for a female’s fake tears and phony hard-luck stories. Females

have added their own gloss over the ages by twisting the different nature of the sexes so that society depicts women as the compassionate sex and men as macho brutes, which make women, not men, worthy of saving. This delusion makes no sense because it's the compassion of men that evolution needed to assure the survival of the species and not the compassion of females. It was no accident that 74% of the females survived the Titanic but only 20% of the men. Females simply use the juxtaposition of that inherent character trait to further manipulated men into believing them inherently worthy of protection no matter how evil their deeds, such as boiling their babes and drowning their sons.

Evolution also created a chemical reaction in heterosexual men's brains that causes desire for women. The drive for sex provides a chain to tie the male to the female so that his protection of her will continue after she bears children while compassion ties him to protecting the child. Evolution is no one's fool and neither are females no matter how much they feign naiveté. Feminine propaganda over the ages depicted men as lower-life forms driven only by sex when in reality women burn to copulate more frequently because they derive more pleasure from it. Evolution required women to enjoy sex more; otherwise, no female would risk the pain, burden and sacrifice of childbirth and rearing just to get laid if the pleasure she felt equaled that experience by a man. Women once again twisted the differences between the sexes to their duplicitous advantage by pretending they were doing a guy a favor by sleeping with him, when in reality he was doing her the favor.

A woman's drive for sex and economic support, which is the modern-day form of protection, made infidelity a way of life for her. Females spread their bets, so if one man bites the dust, either physically or economically, she still had other beaus to depend on. To keep her beaus tied to her, she needed to cheat on all of them but still convince each one

with her tears, entreaties and sex that he was the only one. Over millions of years, natural selection eliminated the faithful females, since they tended to die out with only one male protecting and supporting them. That left modern-day man with only a huge pool of hos—billions of them.

Women understand in their genes that a pretty face, pretense of innocence and the appearance of victimization will enable them to manipulate most any man. Even today's Feminazis adroitly exploit their alleged victimization by claiming years of oppression—tell that to the guys pushing up daisies in the Falkland Islands—and bawling like babies when they don't get their way or someone exposes their screw-ups. But that special interest group can't exploit sexual desire with their unshaved underarms, lack of make up, incessant demonizing of men and trying to act like men. So while the Feminazis threaten truth and justice, the real danger for a man lies in the attractive, ruthless, feminine female. Those are the ones that Chandler described in *Farewell, My Lovely* as “Big league blonds, beautiful, expensive babes who know what they have got. All bubble bath and dewy morning and moonlight but inside blue steel—cold, cold like ice only not that clean.” It's that cold steel that cuts through any sense of morality, allowing the feminine female to justify her duplicitous acts by blaming men for everything that went wrong in her life or rationalizing her conduct as the only means to get what she wants—usually wealth and the glamorous life.

The detective stories led me to vainly identify my situation with Hammett's *Maltese Falcon*. The detective Sam Spade runs into the consummate treacherous female whom he calls “Angel,” what else. Spade's description of his Angel, well suited the one I blundered into, “You are not exactly the sort of person you pretend to be, the blushing and school girl

manner stammering.” Even the evasive answers from the Angel in the book sounded familiar, “I can’t tell you now I will later when I can. You have got to trust me.” As did her maneuverings when caught in a lie, “I’m so tired of lying. Not knowing what is a lie, what is the truth?”

I was no Sam Spade, but more like Miles Archer, and despite all the advice from friends and the enlightenment of detective stories, I still played the sap for Angel, knew it, and couldn’t figure out why. Was it the magic, evolution’s programming to save a pretty girl, the desire for a daughter I never had, a challenge, having a girl like the one that married “dear old dad” or the thrill of living dangerously inside a real-life detective story? At the time, I told a friend who advised me to forget Angel that I felt I was living in a 1940s detective novel, so how could I turn my back on that? Then again, maybe it was just plain stupidity as a fortune cookie once told me, “The greatest danger may be your own stupidity.”

Angel sent me a letter claiming to want to make me happy and help change my life, which included an insight seemingly more applicable to her: “If you talk that you change, then you are not changed—it is mask.” “Mask” was a word Angel often used to describe the two-face nature of cozeners. The movie *The Mask* with Jim Carey was her second favorite next to *Showgirls*—a real discriminating filmgoer this girl. The main characters in both movies developed personalities that amplified their darker parts. So was Angel telling me she lied about her promise of fidelity? That made no sense. Did she consider me the guilty party for her adultery and deceit? Girls always blame men for their nefarious conduct. But then she avowed her innocence in not trying to trick me out of my money and warned that I shouldn’t try to take revenge, which at least indicated she understood her behavior wrong.

On the back of the letter, she drew a bunch of symbols and pictures. These included a triangle with an eye in it as on the back of a dollar bill, a winged girl holding a flower growing out of her palm with a three pointed crown above it, lots of six pointed stars and other scribbling. She wrote, “Think about this picture and my wishes and my inside world.” I sprinkled some of Carmen’s potion on the drawing and threw the letter in a draw.

Before flying to Russia, I began researching opportunities for physicists in the space exploration industry in hope of eventually working in the field after obtaining another degree, but even there Angel intruded. On June 28 while in the Columbia University business library, I sensed Angel was about to do something treacherous again. I hurried home and called her apartment between 9 and 10 PM her time, just when she usually left for the discos. No answer, which meant she was not home. I then called her mobile, also no answer, which meant she was out of town or leaving town. The following day, I reached Angel who claimed she went to a disco with her friend Katya and had forgotten her mobile. She assured me she did nothing wrong and that I should not be so suspicious of, as she said, “the new Angel.” I didn’t believe it, noted the incident in my scheduler for future reference.

On July 6, after completing Carmen’s rituals and despite all the warnings and signs of danger, or perhaps because of them, I boarded a flight to Moscow.

### Don’t Play That Song (You Lied)

My flight took me through Zurich, Switzerland. While waiting in Zurich for my connecting flight to Moscow, I spotted a pretty Russian girl in her early twenties holding tightly her carry on bag. Another master of the art of deception from a country of deceivers who was going home with more money than she ever dreamed of—all in cash in her bag. I wondered in which country she hoed and sold her soul.

Angel flew into Moscow late one night after my arrival. My driver from Kroll days took me to the airport. My lack of a smile reflected a determination to keep her from suckering me again. I sat with my back to the departing passengers not wanting to fall into the blushing groom role again of eagerly anticipating his beloved's arrival. My driver kept watch for Angel and would bring her over to my seat when she exited the gate. Some girl with short black hair touched my shoulder. I looked up twice wondering what this lady wanted, then realized it was Angel.

I rose surprised and kissed her on the cheek, "What did you do to your hair?"

"Do you like it?" she said with a model type move of her body.

"I thought you always wanted to be a blonde? You not only died your hair but cut it short." I was shocked and tried to figure out why. I knew by then she didn't do something without a reason—usually a nefarious one.

"This is the new Angel!" She exclaimed with the same old Cheshire grin.

"You really look different." More dark and menacing than ever I thought.

Driving through the night from the airport, Angel pulled out another weapon, but this one I understood—the guilt trip.

"Why are you so distant Roy? You close your heart to me."

"How would you feel if some girl paid me to go to Italy to have sex?" The moment after I said it, I knew it was the wrong question since she probably wouldn't care at all. She ignored it.

"Why are you so cold to me? I told you, I'm sorry for that. It was stupid of me and will never happen again. After we talked three weeks ago, I do nothing in Krasnodar but pray you truly forgive me. I don't go out except to shop and walk. I don't go anywhere."

“So you say.”

Silence, which surprised me. I thought she would try harder; maybe her arrogance prevented her. I softened a little towards her and suggested we go to a bowling ally and pool hall to which she readily agreed. Angel liked pool and bowling. Both brought out the seemingly innocent girl in her, as did amusement park rides.

Under the Soviets, Russians didn't have the opportunities to amuse themselves with such Western games until the late nineties when government officials and their henchmen started building glitzy entertainment complexes and modern restaurants with stolen government funds. The amusement centers offered bowling, pool, video and table games and discos, but only New Russians or foreigners could afford the prices, so most of the places, as with the restaurants, were usually empty. The clientele of one large fancy restaurant I often went to on a Friday or Saturday night usually consisted of only my date and me. These restaurants and entertainment complexes didn't go broke because they weren't built to make money but to wash it.

The Krishas, controlled by powerful government officials generated so much cash that physically shipping the money overseas became impractical. The crime groups needed banks in Russia with correspondent accounts in the West to wire funds abroad. The banks in the hard currency countries where New Russians wanted to invest their gains operated under laws against accepting funds that appeared to come from criminal activities—drugs, prostitution, looting state assets, embezzling international loans, counterfeiting products, extortion and contract killings. These activities are the cash cows for Russian Krisha's, so they needed a way to make their funds appear to originate from legitimate businesses. That's why restaurants and entertainment centers began appearing throughout Russia. The

government racketeers funnel some of their illegal money through these apparently legal operations by reporting a full house of customers every night when there's virtually no one. Now everybody, including Western bankers, know the New Russians launder their money this way before wiring it overseas, but the laws only require a plausible appearance of legitimacy, so the bankers play dumb to satisfy the laws and, of course, their greed.

At the pool hall and bowling alley, Angel boasted, "We have a place like this in Krasnodar, now. It is great with bowl, pool and air hockey. I like it very much."

"Did you go there often?"

"Once a week or more. It is great fun."

"Whom did you go with?" Her smile faded.

"I went with my friend Katya," she said sourly as though realizing she made a mistake by admitting to doing something other than praying, walking or shopping.

"How can you and Katya afford such a place?"

"Stop it Hollander! I told you I do nothing in Krasnodar." I envisioned Angel, Katya and New Russians enjoying themselves in the new Krasnodar amusement center.

After bowling, we went downstairs to the pool hall—rows and rows of tables with only a few patrons on a Saturday night. Angel liked pool more than bowling, probably because of the stick and ball imagery. During one game, I nudged her good-naturedly to which she responded with a headlock and our wrestling match commenced. We battled, partly seriously, partly not, over the table onto the couches lining the wall and down to the floor. I think I enjoyed this part of her the most—wrestling. Sometimes she won, but more often she lost. Still she never said "Amba," which means "curtains" in Russian. Even in defeat, she refused to concede but just lay there pinned, waiting for a sign of weakness on



my part when she would attack again. I admired her spirit and will to renew the fight when the chance arose, which reminded me of Hitler's belief that to keep a Russian defeated meant killing him.

While wrestling in the pool hall, I saw she didn't change her hair at all but wore a wig—a false new Angel? I theorized why the disguise. She probably assumed I concocted some plan to psychologically trick her into divulging more information about her activities. That was the Russian way, so to throw me off she pretended to change her entire appearance believing I would react to that and forget my scheme to trick more information from her. In one move, she hoped to divert my intention from continuing to quiz her about her infidelities, which I didn't have to since I possessed a copy of her diary. But she didn't know that. On the other hand, maybe she assumed I enlisted the help of a white magic witch and the disguise was meant to befuddle the spirits sent against her. Who knew in that lunatic asylum of Russia?

The next day, Maria's boy friend dropped off a demo tape that my rock and roll producer friend Pat expressed interest in hearing.

After he left, Angel asked, "He knows about me doesn't he? I could tell by his coolness."

"Yes. I told Maria about your activities in Krasnodar and Italy. She's a close friend of mine and was a friend of yours but no more. She took it very hard."

"I wish you didn't tell them," Angel said without apparent rancor.

"You'll never see them again. What do you care what they think?"

She didn't respond to this and once again the universe tried to tell me something about her that I didn't understand, so I filed the incident away for future reference.

We then took a walk to the Park of Victory where less than one year earlier we had our first date. My mind seemed fairly clear, but my will weak. I continued taking the drops in herb tea at night that Carmen prescribed but, against her directions, ate a couple of the meals Angel prepared. How much sorcery could a meal carry I reasoned? Angel and I sat on one of the benches looking west, just as we did the previous year.

“It’s time for honesty on the part of both of us Angel. And depending on whether you can tell the truth or not will depend on whether I take you back to America.”

“I be honest with you my husband,” she contritely said.

She still didn’t know I possessed a copy of her dairy, so she could only guess at how much I knew.

“You once said that you considered me your boy friend beginning in December last year when we first slept together. So I am only interested in whether you can tell the truth—the whole truth—about what you’ve done since then. We’ll go month to month. I’ll tell you about my activities, and you tell me about yours.” For me it was easy, prior to and during our marriage there was no one except Angel.

“I understand,” she said, sounding somewhat sarcastically.

“I’m serious Angel!” Still believing my free will in tact.

Angel started talking, but for each month she declared she did nothing bad until I would confront her with the name of someone or an event in which she acted unfaithfully or tried to trick me. Then without batting an eyelash or revealing a blush, she claimed to have forgotten the incident or euphemized it as innocuous. Clearly her strategy was to conceal her nefarious acts until I called her on them at which point she would diminish their seriousness or plead a faulty memory. At the end of our conversation, she apologized again

for her conduct, said the talk very difficult for her because telling the truth not part to her culture and it would take her time to change.

Angel's half-truths and lies were obvious, but the foggiess of my mind failed to foresee any real danger, so, like a fool, I gave into Angel again. As with so many times in my life, rather than pursuing physics, I ended up diverting into what proved another eclectic and meaningless adventure. But at least I tried to make sure as best my hazed enshrouded brain could that she understood my position and hers.

“I am well aware of the anger you feel towards me—some of that anger is my fault, most is not. Some is cultural differences, age differences and some is not. Whether you even like me, or only see me as a fool to be taken advantage of is unclear. People have always lied to you, tricked you and tried to cheat you. You and other Russian girls see each other as allies in arms against a hostile world and weak men who have the material resources you desire. So when you can gain something you want from a man, you feel justified in lying and tricking him and, when necessary, providing him sex though you do not feel emotionally close to him. Generally when you deal with men from the third world: Mexico, Cyprus, Russia and other such places, you may be justified in being artful because they do not care about you as a human being with feelings, hopes and dreams. They just want their sex and to show other people that they have you for a sex slave. This is also true of some American men, but none of whom I have ever known, except Tony. As a result, lying for you becomes second nature, an instinctive reaction. The problem between us is that I am not a man from the third world. I am not perfect and not young, but I am, my woman friends tell me, a decent American man. In America, once you are caught in a lie, it is enormously difficult to regain trust—enormously difficult.”

“After I learned about your lies and your tricks, I decided to divorce you, but then you asked for a last chance. My logic said you would not change and just continue doing what you always did to satisfy your desires and get what you wanted no matter whom you harmed. You even continued to lie today. But something keeps telling me to give you the last chance. I do not know whether it’s metaphysics, evolution, psychology, the God to whom you pray, wanting to save our marriage or what, but something has made me give you a last chance. Now it’s up to you to decide what you are going to do with it. But remember, if you continue to lie and cheat, you will lose in the end.”

She said nothing in response.

We stayed in Moscow another two nights. Angel started wearing her hair in a single braid. Before she always wore it loose and long. The significance would eventually reveal itself. We flew back to New York on separate planes. Angel wanted to come to America as quickly as possible, but I couldn’t find a flight with two seats. I still didn’t understand her rush, so I just filed it away in my mind with the other incongruous information and arranged for different flights. Since Angel’s plane would arrive before mine, I told her to wait at the terminal where she arrived and I would find her. JFK airport consists of a number of terminals and I didn’t want her getting lost looking for me.

#### On Broadway

On the trip over, I couldn’t help but wonder whether Angel planned to disappear in New York City or perhaps fly on to California to work in a strip club run by one of Leo’s business associates.

We landed on July 10, 2000, with her two hours ahead of me. Rather than take the shuttle bus to her terminal, I decided to walk since it was quicker. Part way to her terminal,

I ran into Angel rushing in my direction lugging her suitcase. Obviously, she decided not to follow my advice and wait for me at her terminal. Was she trying to disappear? When she saw me, she smiled and waved. Another feint, I wondered.

“Why didn’t you wait at the terminal?” I asked.

“They told me your plane was late, so I tried to find it,” she said as she hugged and kissed me.

“But what if we had missed each other?”

“Don’t worry, everything worked out. I am now in America—it’s great,” she jumped with glee like a little child.

When we arrived at my apartment, my mail included a card sent by Angel from Krasnodar a week earlier. Mail from Russia to America usually takes about a week, but from America to Russia, it might take months or an eternity. Russian postal workers often don’t bother to deliver foreign mail; a hold over of sloth from the Soviet Union, and they regularly open letters from America looking for something of value, which in poverty stricken Russia might simply mean the blank sides of paper that they can use for their own writing. Before mailing the card, Angel kissed the back with her lipstick-coated lips only once:

Hello my husband!

Interesting, now I’m with you and this card. We are has a lot of difficult situation, psychological, but we are together, what it mean is that we are took lessons. I wish both of us health, clean love, understanding, harmony and good luck in everything.

Your unforgettable Angelina

“Very nice,” I sincerely said, hoping she lives up to her promises to put her wicked ways behind, but still remembering the other fine words she had told as boldfaced lies to manipulate me.

I emptied out a closet and dresser draws for her things. She used the closet but not the dresser. Instead, she kept many of her things in two bags on the floor in front of her bedroom closet as if her accommodations were only temporary. It seemed strange, but I dismissed it. She took up preparing meals, and I felt great about living with her and failed to contact Carmen for the cross to protect me. I especially enjoyed wrestling with Angel in the apartment or public places, like restaurants and Central Park. Guess it made both of us feel like kids before the horrors of our childhoods took hold of our adult lives.

I gave Angel maps of New York City and red lined the neighborhoods she should avoid. Briefed her on how to use the subway, advised her on dealing with New Yorkers and showed her around the neighborhood. When pointing out a copy store, I realized I made a mistake, because Angel stopped and mumbled, “So maybe that’s how.” I knew she referred to how I obtained my information on her. She must have eventually suspected her dairy, but knew I couldn’t read Russian, so then how could her diary have betrayed her? The copy store probably clicked in her mind the answer that I had copied the diary and then got it translated. Still, she couldn’t be sure.

The next day she said, “I want to buy a notebook so I can write my thoughts down. Show me where I can find one.” She never before mentioned writing her thoughts. Now I knew she suspected that I found out about her cheating by reading her dairy. Back in June, when she asked me how I learned about her Italy trip and the other liaisons, I left it to her imagination that I used Kroll’s F.S.B. and M.V.D. agents to spy on her and tap the telephone in her apartment. I wanted to cover my real source of information just in case I needed to copy future entries in her diary and deter her from further un-wifely activities out of fear that Big Brother was watching. But when she made a point of buying the notebook with me and

keeping it in plain sight on the living room coffee table, I concluded it a test to confirm her suspicions that her own diary betrayed her. She probably reasoned that by keeping the new diary in plain view, I would copy it and have it translated. By opening it for copying, carefully arranged pieces of paper would certainly fall out or move, and that would tell her I looked in the diary in order to obtain information. She often used this trick of positioning little pieces of paper that move when someone went through her belongings. So, I let the diary sit and only checked it by prying open the pages from the side with a knife to see how much was written. After buying the notebook, she immediately wrote two pages and then nothing for an entire month. That confirmed for me it was a trap.

Angel wanted to find a lap-dancing job quickly. I tried to talk her out of it, “Look, you said you want to be a model. Working in a dark, smoke filled joint eight hours a night is going to take a toll on your looks, emotions and self-respect. Take a part-time waitress job and concentrate all your energy on modeling. Or do bartending. My friend Tom makes decent money at it, and you as a girl can make a lot more. I’m sure he’d be willing to teach you bartending. Even so, I can support the both of us until your career begins to click.”

“I don’t want to be a burden,” she said. “You always said a person must be independent. I have no money, and this is the quickest way for me to make it. I need to save at least fifty thousand for I and mum to feel secure. Then I will concentrate full time on modeling.”

I couldn’t really argue with her wanting the security of financial independence, “Have it your way, but I’m going to check these places out with you. If I don’t like a place, I’m not going to let you work there.”

“Don’t worry Roy, I do not want to work at a low level club,” as she smiled down at me and put her arm over my shoulders.

We spent a week visiting the clubs in Manhattan that were topless as opposed to all-nude, which I refused to permit and which Angel said she wanted to avoid. She called all nude stripping “dirty work”, but yet she enjoyed the Krasnodar body art contest in which she danced all nude on a stage in front of hundreds and tried out the all-nude Penthouse Club in Mexico City. I didn’t know what to believe, but she wasn’t going to dance all nude in NYC.

Some of the clubs were real sleazy, small and filthy. In one the girls and customers lined up in a not so private hallway to make out and fondled each other. The girls were pretty and the guys all losers.

I said to Angel, “Can’t these girls find some other type of work?”

Her response surprised me, “Not all girls can do this type of work.” Which she meant as a compliment.

“Not all pretty girls would want to do this. There are plenty of beautiful women whose self respect and dignity won’t let them do such trash.” Or so I thought at the time.

Angel didn’t say anything, and we moved on to the next club.

She ended up “auditioning” at three clubs: Scores, Stringfellows and Flash Dancers. These clubs were the best in Manhattan. Their managements made lots of money catering to white collar, upscale professionals. These clubs didn’t want the cash wealth generated by girls’ bodies to disappear, so in order to avoid any problems with Mayor Guiliani’s latest crack down on the seedier side of life, the managers tried to limit the sexual thrills to girls prancing around in tong panties. The auditions consisted of Angel stripping on stage or giving a lap dance. Bizarrely, it all seemed natural to me at the time. At Stringfellows, the



manager told me on the side, “These Russian girls are beautiful, but there is something hard inside them. They don’t strike me as the type I would want to cuddle up with in front of a fireplace.” I never imagined a manager of one of these places ever felt such sentiments. Obviously, the place for him was just a business, as was lap dancing for Angel.

Stringfellows and Scores rejected Angel because a lot of girls had just arrived from Florida for the summer, which gave both clubs more girls than they needed. The Scores manager told me that lap dancers travel between New York and Miami depending on the season. The girls make a lot of money in Miami over the fall and winter, but during the summer, their clients consist mainly of retirees on fixed pensions. The rejections started Angel worrying about finding a job, and me hopping she wouldn’t. After each rejection she resorted to her usual philosophy when something didn’t work out the way she wished, “It is not mine.” She also found solace in her supernatural beliefs, “I have tried two places, now I try a third and the third try usually works. If after three tries, it is not yours, then you must change direction.” I hoped her third try would change her direction.

We visited Flash Dancers on Broadway between 52<sup>nd</sup> and 53<sup>rd</sup> Streets, just north of Times Square. The entrance went down a steep flight of stairs to a small, dimly-lit, smoke-filled cavern filled with female flesh hungry for male money. At the bottom, an inarticulate caricature of a hoodlum from a Peter DeBrugel painting greedily took the \$15 cover. I looked for a sign over the gatekeeper’s head saying something about abandoning hope but couldn’t find it. Wise guys owned and operated the club and thugs with barrel wide necks stood menacingly throughout. The hoods served not only as bouncers but also to allegedly enforce the no-touching rules. Under New York State law, touching a girl’s naked tits, ass or thighs while she performed a lap dance for money constituted prostitution, and nothing

would close a club faster. I estimated that Flash Dancers' owners probably took in at least \$10,000 in cash a night—\$3.65 million a year. Wise guys weren't going to risk that cash flow.

On Sunday, July 16<sup>th</sup>, Flash Dancers signed Angel to work its night shift from 8 PM to 4 AM. Angel was happy—I wasn't.

"These jobs are considered somewhat filthy by Americans," I told Angel. "So don't tell anyone where you work."

"What should I say?" she asked.

"Tell them you work as a bartender on the Upper Eastside. Many of those bars hire pretty young girls to flirt with the male customers while serving them drinks. Some of those girls make \$400 cash a night, almost as much as you can make at Flash Dancers."

Flash Dancers didn't actually hire girls; it just allowed them to dance there for a fee. Flash Dancers considered the girls independent contractors who paid the club \$100 a night so they could strip in the joint. The girls also paid the housemother, who kept these not-to-honest babes from stealing each others' belongings; the make-up artist for painting their faces; the hair stylist; and the disk jockey—all of which amounted to around \$40 to \$50 more a night. The customers paid the girls directly—\$20 for one dance that usually lasted around three minutes, the length of a typical song. The girl kept the entire \$20, which in Flash Dancer thinking made her the independent contractor of the customer, so Flash Dancers' didn't need to provide 1099 tax reports. Typical wise guy reasoning and typically wrong under I.R.S. rules.

A customer could also hire a girl for "dancing privately" in the Champagne room in which cameras allegedly kept watch over their activities. For the Champagne room, the

customer paid the club \$250 of which the girl got \$100 plus any tips she could weasel. The man received a half hour alone with the girl. Angel said nothing went on except stripping and talking, but I wondered. During a night, the DJ would call different girls to a small stage where they stripped advertising their wares and collecting dollar bills from the poorer customers sitting around it. From the stage, the girls headed into the audience hustling individual table dances or private ones in the Champagne room. If a customer was interested in a particular girl, he just mentioned it to one of the hoods standing around, and the girl would appear as if by magic to give a dance.

Flash Dancers required all the girls to wear 5-inch high heels, a long evening dress, tong panties and no bra. Angel went for the tacky style dress with sequins and spread glitter and body wash over her skin. She regularly needed a pedicure because when stripping on stage, the level of the customer's face looked right at her feet.

A table dance consisted of a girl slithering out of her evening dress in about the first 20 seconds of a song, leaving her completely naked except for her tong panties and a garter belt for holding her money. Angel wore the garter belt from our wedding. I ignored the insult, but it began to rekindle my suspicions amid the continuing stupor in which I lived. The naked girl, except for tong panties, would then move her body close to the sitting customer, letting her hair fall over his face and crouch, bringing her tits, crouch and ass close to the customer's face and sometimes use her knee to fondle the customer's genitals. Angel called it art, but I kept my mouth shut—hope and stupidity in me never seemed to end.

Angel liked Flash Dancers but not as much as The Men's Club in Mexico City. To me, Flash Dancers and the other clubs seemed to either bring out the worst of the sexes—

greed for money or sex, or simply stripped away civilized trappings to reveal that sex drove our species.

Evolution shaped girls bodies to invade the emotional part of a man's mind by way of the eyes. A girl's breasts and rear are much larger, more prominent and when in motion capture a man's sight. As evolution wanted, the view triggers emotions and anticipation of pleasure, but is the desire merely sexually gratification or more as expressed in the poem of Guiraut De Borneilh:

So, through the eyes love attains the heart:  
For the eyes are the scouts of the heart,  
And the eyes go reconnoitering  
For what it would please the heart to possess.  
And when they are in full accord  
And firm, all three, in the one resolve,  
At that time, perfect love is born  
From what the eyes have made welcome to the heart.  
Not otherwise can love either be born or have commencement  
Than by this birth and commencement.

By the grace and command  
Of these three, and from their pleasure,  
Love is born, who with fair hope  
Goes comforting friends.  
For as all true lovers  
Know, love is perfect kindness,  
Which is born—there is no doubt—from the heart and eyes.

The connection evolution created between men's eyes and women's bodies may rest on both passion and compassion. Sure lots of guys say they are just looking for some hot entertainment, trying to fit the media image of a sexual conqueror, but perhaps a deeper desire they can't even articulate—to please their heart—drives them to such places. Unfortunately for those guys, the girls ruthlessly exploit any hope in men of finding "perfect kindness," even for the short span of a three-minute song.

The dancers understand the power of enticing, tempting and holding out the illusion of emotional salvation like an oasis in the desert. It enables them to connive lots of tax-free dollars from men without any pangs for the suckers they fleece. These girls' motivations crawl up from the baser regions of greed, power and revenge. Never satisfied with their dominion over the realms of emotion and sex that made women the equivalent in power to men, strippers, like most women, lust for superiority. They want not only the power evolution granted them but also that given to men, so they can cozen men into acting the way women always believed men should—as a willing sacrifice to their irrational whims. The female's myopic view fails to perceive that evolution created a balance of power between the sexes in order to prevent either men or women from dominating the other. Women's effort to reverse millions of years of evolution remains an impossible task doomed to failure. It can only gestate into a hatred of men, who, in their view, must surely be responsible for everything that went wrong in their lives.

The lap dancer by displaying her body and pretending to like her customers excites a man's passion and his longing for compassion but she also walks away with a symbol of masculine power—a twenty-dollar bill. Her Pyrrhic victory, however, will never win her the respect on which male power rests and only tarnish her own self-respect for she will always feel herself for what she is: a ho.

On a good night, Angel netted around \$900 and on poor nights around \$400. Angel had an advantage over her competition. In her five-inch heels that the club required, Angel stood six-feet-six, heads above the other girls and most customers.

Flash Dancers averaged around 75 girls every night with the average girl netting about \$500 a night. The club required each girl to work five nights a week. Assuming ten

weeks vacation, not uncommon in the business, the average girl at Flash Dancers works 42 weeks a year and makes an average net income per year of \$105,000. For 75 girls, \$37,500 each night or over \$13 million a year goes unreported or under-reported from just one club.

With her cash flow secured, Angel and I set out building her legitimate career as a model. My actress friend, Cindi, arranged for an agency to hire Angel for a number of corporate events, including Bloomberg's annual picnic for its employees. Corporate events use models for short stage performances, to assist with product demonstrations, as ushers, to hand out samples and leaflets and to just stand around and look pretty. Cindi also introduced Angel to another former model who provided Angel with work at trade shows and enrolled her in the Miss Hawaiian Tropic beauty pageant, in part, to increase Angel's exposure.

Beauty pageants seemed to light up Angel, especially the swimsuit competition. While most of the girls looked stiff and nervous before going on stage to parade their assets before strangers, Angel waited in line smiling and moving her body to the music. On stage she glowed without any hint of shyness; she enjoyed the spotlight and the people involved in these events, such as the muscular bare-chested bodyguards with whom she always posed for a photo. Despite her enthusiasm, Angel's heavy Russian accent prevented her from reaching a finalist position in any corporate America beauty contest—no one could understand what she said. During the question phase in the New York round of Miss Hawaiian Tropic, a couple of guys next to me said she sounded like she just got off the boat, and they were right.

Angel's accent would have to go; otherwise, she was limited to just standing around and looking pretty. American corporations don't choose foreign sounding models to

represent them. After the competition, I tried to convince her to take English lessons but she replied, “Why should I pay money for something I will pick up in time anyway.” This surprised me coming from the girl who was always in a rush to move ahead with her career. I explained that success in entertainment required her to speak without an accent, which meant taking lessons, but she didn’t listen. The lessons were clearly affordable, and not even her arrogance could blind someone wanting to succeed in the entertainment field from understanding the need to speak the native language well—unless, of course, Angel wanted a different career.

She also pursued modeling agencies for photography work. Angel realized she didn’t have the youth, age 24, for fashion runway modeling, so my friends suggested agencies that might hire her for magazine, television and music video spots. We made the rounds until the Grace Del Marco agency picked her up and referred her to a photographer for a new photo portfolio. The photographer suggested she cut her hair short and change to a brunette to fit the current look for models. She refused, saying, “I want to keep my hair long and blonde. It is how I like it.” Once again, Angel ignored good advice for her modeling career. It didn’t make sense. Grace Del Marco found her some one-day jobs, which included a Saturday Night Live show, a rap video and an exclusive corporate promotional party at Harry Winston Jewelers on Fifth Avenue, where she modeled diamonds. “I walked around as a queen with the value of a house on my arms,” she said later enthralled.

Despite Angel’s unwillingness to maximize her marketability as a model, life was looking up, and I felt good. Angel wasn’t yet making much money as a model, but in the long run, it could lead to her dream of appearing on a magazine cover and other

entertainment jobs that proved more rewarding than the cash from stripping, an occupation with a very short life. At age twenty-four, the five nights a week at Flash Dancers started to age and fatigue Angel. She refused to miss a night's work, so she often went to a modeling gig with only a few hours sleep. Lines began to appear in her face that weren't there before.

I kept trying to convince her that in America long-term goals are achievable but often require short-term sacrifice. As with most Russians, she didn't understand building for the future. Russians do whatever they can in the present to make as much money as possible because of the extensive uncertainty of tomorrow in their country caused by most everybody grabbing what they can now. They make commitments and promises they never intend to keep in order to gain some immediate advantage. Most Russians just don't realize that a society in which individuals generally keep their word enables everyone to achieve more in the long run because a person can rely on others to live by their agreements. Instead, nearly everyone in Russia tries to trick everyone else with false promises of the future so that plans beyond the short term are useless. It's as though the Russians modeled their interpersonal behavior on the old television show "Abbot and Costello." These two guys always ran into con artists, usually pretty young women playing the victim. No matter which way they turned, some swindler always marked them for a fall.

Despite the general character of Russians, I still hoped Angel's youth and intelligence would free her from the imprint of her culture. But week after week, her addiction to the quick, easy money at Flash Dancers grew. Angel often complained that the girls at Flash Dancers with big breasts made the most money. "It's so easy for them. All they do is walk around with their tits bouncing and the men give money. They shake their tits in front of the man's face and that is all. I have to use my personality to get a customer



to ask for a dance and then work hard on my body movements because my tits aren't as big. When the club brings in a sex star, she has big tits. The last one danced on stage with a dildo as big as her and held it between her huge tits—the men just threw her money.” Was this my wife talking? What circle of hell had I bounced into? She sounded like a dedicated professional stripper trying to figure out how to improve her business—shades of Mexico? Well, she did promised to change and only do lap dancing until she saved \$50,000, so I would at least give her until then.

I continued to focus on bringing Angel into the American mainstream by giving her a crash course on how to deal with people in the legitimate part of her work, such as always sending thank-you cards to anyone who provided her with assistance. To keep her from running afoul of the Internal Revenue Service, I warned her that in America, unlike Russia, people generally pay their taxes and if they don't, they often get caught. I volunteered to introduce her to my tax accountant who could make sure she took advantage of all the legal loopholes to minimize her taxes while avoiding any trouble with the I.R.S. She only responded with “Maybe later I will talk with him.” She never did, but rented a safe deposit box where she kept most of her cash from Flash Dancers.

I asked, “Why keep your money in a deposit box? You can put it in a bank account where it will earn interest and not worry about losing any of it. What if the bank has a fire that destroys the safe deposit box section? In an account, the money is insured by the government, so if there is an economic meltdown, as in Russia in 1998 when the bankers stole people's deposits, the U.S. government will refund your money.”

“Yes, but if I keep my money in a bank account will the government know how much I make?”

“Kind of. The interest you earn is income, and that is reported to the government, so the government can figure out about how much you deposited and approximate your income.”

“I don’t want the government to know how much I make.”

“Look Angel, this isn’t Russia. The tax authorities don’t alert criminals to how much money people have, they usually don’t take bribes but they do go after people who don’t pay their taxes.”

“But how can they know how much I must pay, if they don’t know how much I make?”

She had a point there since her business was all cash. “All I can say is that in the long run, it will be better for you to pay your taxes.”

“I will pay, but smartly,” she said.

At that point, I decided against filing a joint tax return, which would make me liable for any tax evasion she obviously intended to commit.

“You know that if you take more than \$10,000 out of the country without declaring it, you could end up in jail?”

“I not need to worry,” was all she said. And all I could do was to keep reminding her about the difference between right and wrong in America. Unfortunately, the fear of George Orwell’s *1984* seemed to hold sway over Angel and most modern-day Russians.

Besides the peculiarities of her culture, Angel also exhibited some bizarre personal habits. She always took up the middle of the bed, leaving me with only a sliver along the side.

“I know you are a big girl, but couldn’t you leave me with half the bed?” I asked late one night.

“I am not a big girl, I am a tall girl! Big means stout! Why can’t we move the bed so I can lie against the wall?” Her remark brought up the memory of the way she slept in her apartment in Krasnodar—wedged into the corner between the bed and the wall.

“What’s the problem?” I asked.

“I’m afraid I will fall out of bed.” That didn’t make sense; she wasn’t a child.

“If we move the bed around, when you come home after four in the morning from work, you will wake me up crawling over me to get near the wall.”

“Let’s see if I will get use to it,” she said.

Angel also did some strange exercises when she awoke.

“I tense my muscles, visualize what I want and release my energy to get it.”

“Can I watch?” I asked.

“No, you will come to harm if you watch or interrupt me.”

“Didn’t you tell me the same thing in Krasnodar before we got married?”

“I do the same exercises.”

She also used a set of cards for divining her future, drew pictures with strange symbols similar to the ones in the letter she sent me in June: a female’s left eye inside a triangle inside a circle, a six pointed star and others. And in the bedroom, she did something with two candles, one white and one red, for which she only used wooden matches to light. I couldn’t fathom their use, and she never let me watch any of her rituals. Once, I trimmed some of the wax from one of the candles to make it burn better and Angel hit the ceiling, threw the candle out, told me not to touch her candles again and bought a

new one. Another weird event occurred when I bought her a plant that she put on her vanity table in the bedroom. After one week, the plant was dead.

I asked, “What happen? Didn’t you water it?”

Her reaction transcended into the absurd—she broke down crying like a child caught doing something wrong.

“What’s the matter?” I asked bewildered.

“I didn’t kill it! I didn’t! I didn’t!!” She hit the table for emphasis. “It’s not my fault! Florists put poison in plants to make them die quickly so you will buy another one.” I just looked at her in amazement. Why the cover-up concerning a plant? So what if she didn’t water it, big deal.

### Secret Agent

With Angel’s legitimate career at least started, I began pursuing what I believed was my first-best destiny—delving the mysteries of the universe. After some further research, I saw two rather than one avenue. The original path meant going back to school to obtain a Doctorate in Physics while the new avenue required using my law and business degrees to find a position in the space exploration field. An extremely helpful professor in the Columbia University Physics Department mapped out the route to a Physics PhD. It would take about six years and to my surprise, didn’t require a Bachelor’s Degree in Physics, just the knowledge of math and physics that undergraduates gain through the Physics curriculum. The professor emphasized that the graduate departments were interested in a student’s level of knowledge—not an undergraduate degree. To acquire that knowledge, I could start the fall semester by sitting in on the requisite undergraduate math and physics courses. If I told the professors my aim, they would probably let me sit in on their courses

unofficially and even grade my work. Once I completed the undergraduate courses in two years or less, I would be prepared to take the Graduate Admission Test for Physics. If I did well enough on that test, I could enter the graduate program at Columbia.

The space exploration field route required learning about the industry and determining where my skills fit. To my surprise, the industry included many private businesses in addition to the obvious government agencies. The field had changed a lot since I first majored in Aerospace Engineering decades ago. I decided to go for a position in the space exploration industry rather than the PhD because of time and money. I signed up for one of the larger conventions in the field for October in order to begin networking with people in the industry and began researching the industry full-time at Columbia's business library.

Angel usually left for Flash Dancers just before 6 PM. She liked to get to the club around 7 PM to do up her face and hair. She really looked gorgeous all made up. One day, I came back from my research at Columbia after she already left and went to make a telephone call. Accidentally, I hit the redial button that flashed a number on the digital display. It didn't look familiar to me, so I assumed Angel must have called it. I went to push down the cradle to get a dial tone when a man with a foreign accent answered. Immediately trouble flashed in my mind.

"Who's this?" I lamely asked, unable to think of anything else.

The man asked, "Who are you looking for?"

"Angelina."

He reacted in surprise and curtly said, "You have the wrong number. There is no Angelina here," and hung up.

For the rest of the week, I came home after Angel went to work and found the same number on the redial button. My telephone company provided me an up-to-date list of all the calls made from my telephone. In Russia, the telephone companies only show the first three digits of any number dialed and can only produce records that are a month behind. American phone companies, however, record the entire number and the statements are available on a daily basis, if requested. Angel didn't know that. Over a five-day period, Angel made seven calls to the number of the man with a foreign accent. I hired an Internet private eye to find out who was registered to that number. The private eye said the number was a prepaid cell phone that didn't require a listing of the owner's name and warned me that such numbers were used for illegal activities. I slipped right back into the underworld I thought I had left behind in Russia. The new Angel began to look like the old Angel—only sneakier.

The phone company also listed a few calls to Alfredo in Mexico, whom she promised never to contact again and some to a St. Petersburg's number. I didn't think Angel knew anyone there, but I called the number and sure enough a man answered.

"Hello, do you speak English," I asked.

"Yes, but speak slowly. Who is calling? You American?"

"Yes," and I gave him my name. "I'm Angelina's husband."

Pause, then somewhat sheepishly, "I didn't know she was married."

"Yes, we have been married since March."

"Since March!" he said with surprise. I concluded from his response that he and Angel played around after our marriage about which he didn't know. Not that it would have

made a difference; Russian men like most third-worlders have no qualms about going out with other men's wives, only about getting caught, and this guy sounded caught.

I continued, "What's your name?" I assumed he'd hang up, but he answered.

"Valodya," he said.

"Are you from Krasnodar?"

"No I just travel there for business." So this was not the same Valodya that Angel's diary mentions.

"Why is she calling you from her husband's house?"

"She calls to say hello and tell me how she is doing. We are just good friends." I heard that before. He must be taking lessons from Alfredo.

"How long have you two been good friends?"

"We just met last month." That meant June for which I didn't have any of her diary entries. Was it before or after she begged forgiveness and promised to change?

"Do you recall the date?"

"No, but what does it matter. Nothing happened between us," a sure sign that something did.

"I don't believe that and neither do you. Needless to say, I want you to stay away from my wife."

"I don't call her, she calls me. I suggest you talk to her."

"Look Valodya. I'm not the usual stupid American without contacts in Russia who falls for a pretty liar over the Internet. I managed a security firm in Moscow. I think you know what that means. If you want problems, I will be glad to provide them."

“I don’t want any problems,” he demurely and probably falsely said. Generally it takes a baseball bat to get something through a Russian’s self-destructively stubborn skull. They often remind me of psychopaths who refuse to allow common sense or ethics to deter them from doing something they can do but shouldn’t.

I confronted Angel about the local mobile telephone number of the foreign man she kept calling. I didn’t mention Valodya, yet. “Who’s this guy you keep calling?”

“What do you mean, I don’t call nobody,” she lied thinking I couldn’t tell which numbers she called.

“This number!” I showed her the number on the telephone statement.

Her eyes widened in surprised, she paused and then said, “It’s one of my customers. A rich Indian man, I call to invite to come to the club.”

I was dumbfounded. “You call men you meet while taking off your clothes to invite them to see you strip! Are you nuts! What else do you invite them to do?”

“It’s my business!” she protested. “I call them to promote my business so they will come to club and buy dances. That is all. There’s nothing wrong with it.”

“So you go after them the way you did me when we first met at Leo’s party in Moscow.”

“It’s not the same. I not give lap dances there.”

“It sure looks the same to me.”

“If you don’t want me to then I won’t.”

“Right! You won’t call from my phone but from the club’s.”



“The club don’t let us use its phone.” Here we go again, I thought, with her Clintonesque tactic of ignoring the reasonable connotation of words by ascribing only a literal or personal definition to them.

“You know what I mean. You will simply use a different telephone.” She went into the bedroom without another word, probably to do some magic.

A few days later, I accompanied Angel on the subway to Flash Dancers, since it was in the direction of where I was going.

Out of the blue, she asked, “Why can’t I go out with some of my customers?”

I looked at her in shock. This was worst than drumming up stripping business, but she was serious. “You’re married Angel. Don’t you see anything wrong with that?”

“All I want to do is go out once in a while for lunch or dinner or to a show.”

Angel still didn’t know I kept a copy of her diary through May 2000, so I knew that these professed innocent jaunts were shades of Mexico and Krasnodar. But what really amazed me was that she thought her husband would allow her to go out with guys. Didn’t she have any kind of grasp on what marriage meant?

“If you want to date your customers, then we will get a divorce, and you can go back to Russia where men apparently put up with such conduct.”

Angel regrouped realizing the mistake she made by meekly replying, “I don’t want to date my customers. I only asked to see whether you would allow me to go out. I don’t want to do anything you don’t want me to. I now try hard to do things the American way, so when I am unsure, I need to ask you my husband.”

That sounded a little too glib; then again, maybe she sincerely wanted to change. But so far, the accident with the telephone belied her sincerity. I didn’t want to rely on

future accidents for exposing her mendacity. Angel usually didn't make the same tactical mistake twice. Since I didn't have her real diary after May to rely on, I needed a system of surveillance to provide me with information. One source was her telephone conversations with her mother. Angel confided in her mother more than any other person. I sensed Inessa her only true friend. Their telephone calls should provide a window on to Angel's true feelings for me and some of her activities.

I approached some of my contacts in Russia to see whether they would eavesdrop on Inessa's telephone in Krasnodar, record any calls between Angel and her mother and provide me an English translation of the conversations. To my surprise, they said the government was already recording calls to and from Inessa because of the family's connections with the Chechens, who the Russians were still at war with. Damn, what had I, a white-boy from middle-class suburbia, got involved with? They agreed to deliver recordings for a reasonable price of anything the government didn't consider sensitive to its war and criminal investigations of the Chechens, but I'd have to handle the translations in English.

In New York, I began taking the faxes from her mother off my machine and making a copy before giving them to Angel. And since I had the only mailbox key, all the letters from her mother also went through my hands. I'd wait until after she opened a letter, then search her bags and make a copy while she worked. Also, every morning, I got up while Angel still slept from her late nights at Flash Dancers to count the money she made, which averaged between \$500 and \$600 a night, and search the bag in which she carried her lap dancing gear. Periodically, I checked whether she actually worked on a particular night by making surprise visits or calling the club.

Flash Dancers was very accommodating about telling strangers over the telephone whether a girl was dancing on a particular night. Most of these girls build their own clientele base from which the club makes lots on drinks and admission, so by telling clients when their “dream lover” or regular “ho” dances, the club and girls profit—very business like.

One morning when I opened her bag, I saw what looked like two small pieces of paper folded many times. I almost ignored them but decided to see what notes she wrote. Angel always made notes on scraps of paper, folded them up and hid them away some place. These, however, weren’t notes but business cards. My darling wife who promised not to pursue her customers collected their business cards. I assumed she folded them up thinking I would over look them if I searched her bag. I woke her up.

“Why are you collecting your customers’ business cards?”

Still half asleep, she blurted out the truth, “I can’t give my customers my telephone number here because then they will know I am married.”

I flipped out. “Are you crazy? What are you doing? Arranging tricks on the side with the guys who buy your lap dances?”

“Stop it Roy! I am tired and need my sleep. You don’t know how hard it is to stand on my feet all night long.”

“You mean lay on your back, don’t you!”

“I not a prostitute! I a good girl! Let me go back to sleep. We talk about this later.”

“Oh, so you’ll have time to invent another cover-up. No we talk now! Why are you collecting the business cards of your customers?”

“I told you before, to get them to come to the club and buy my dances. It is promotion.”

“Oh, I agree, it’s promotion—promoting sexual thrills.”

“I do nothing wrong. I don’t make anything with nobody. Let me go to sleep.”

“How many more business cards have you collected?”

“None. Those are the only two.”

I let her go back to sleep and went back to checking her bag where I found three more folded business cards, two with notes in Russian on the back in her hand writing. The consummate businesswoman who takes notes so as to better remember her customers and any of their particular interests. Then I realized why Angel folded the cards. Flash Dancers prohibited their girls from accepting business cards from customers because it provided the necessary exchange of information for a girl to run her own prostitution racket on the side. If a girl got caught recruiting prostitution clients at the club, the City would shut it down immediately. So some girls simply remember a guy’s number or give him their mobile number, but Angel didn’t have a mobile and couldn’t remember numbers well enough unless they were dollar amounts. After secretly accepting a clients’ business card, she simply folded it up and put it inside her vagina. Tong panties don’t come with pockets; they just hide one. She’d then go to the dressing room, take the card out and maybe make a note on it.

That night with Angel at work, I searched through the bags that she kept in the bedroom. I half hoped to find her real diary, but she wasn’t that stupid. I did find a piece of paper with Russian writing on it and a sealed envelope addressed also in Russian to Valodya in St. Petersburg—most likely the same guy I called. This should tell whether they are just

good friends. I steamed open the envelope to find a postcard of New York City with Angel's handwriting, in Russian, on the back along with four kisses in her bright red lipstick—clearly more than good friends. I also found three condoms in her purse. Why did she need condoms other than the ones I kept in the apartment—for her customers?

Time to have the information I collected, including the faxes from her mother, translated. I arranged to meet my Russian tutor, who had visited me earlier in the year in Moscow with her friend. They're warnings about Angel looked prophetic.

My tutor and I met a number of times between in late August and September. We always sat down in the kitchen of her family's apartment in Queens. For some strange reason, any conversation or undertaking of importance for Russians always takes place in the kitchen. By now, I was used to it.

I filled my tutor in on some of my recent investigations but not the government's eavesdropping in Krasnodar. She reacted with her characteristic bluntness, "I told you she was a slut! And I don't like this spying into other peoples' affairs, even if they are criminals."

I never thought of Angel as a criminal, but my tutor was right—again. I feared, however, she might not help me since as a young, pretty and well-endowed Russian nineteen year old, she might abide by the unwritten code of silence to never reveal another Russian girl's true activities.

"This is important," I almost pleaded.

"But I'll help you out," she continued. "I owe you some money from when my friend and I were in Moscow and this should pay that off. But instead of going through all this expense and heartache, why don't you just kick her out into the street and find another

girl your own age, or at least in her thirties.” Once again, my tutor spoke her mind, no matter how brutal her thoughts. I attributed this to her coming to America as a kid, which enabled her to escape the Russian culture that socializes people into pathological liars—never tell the truth because only falsehoods bring gain.

“We’ve had this discussion before,” I responded. “I don’t dream about thirty-something girls. It’s unnatural for a guy to be attracted to females over 30. Look at all the famous paintings and statues of women, they don’t show over-the-hill flabby females, but girls in their athletic prime—late teens and twenties, like you. The young female form is an express ticket to the male’s unconscious. A young girl’s body is a genetically programmed stimulant whether the guy’s five years old or an octogenarian.”

“What’s an octogenarian?”

“Someone in their eighties.”

“Yuch!”

“Relax, I’m not there yet.”

“You’re still too old for me.”

“Is that your mother or you talking? It surely isn’t Mother Nature.”

“Me, and you’re not getting near these,” as she motioned to her Sophia Loren size breasts.

“Haven’t we been through this before? Anyway, back to what I was saying. I remember how Marilyn Monroe knocked me out when I was all of five and she sang “Heat Wave” in *Gentlemen Prefer Blondes*. I couldn’t take my eyes from the upper half of her body.”

“Boy you are old,” she interjected. “Almost an octogenarian.”

“Thanks. Most men don’t say it, but girls passed their twenties just aren’t physically attractive anymore.”

“Then go to the Philippines for some young thing, but get rid of that Russian whore you brought here.”

“You’re right, I know you’re right, but I keep hoping. She says she can change but needs time. If she can change, I want to give her that chance. But she keeps lying about so many things that were she to tell the truth, I probably couldn’t recognize it. And I do like being with her and going places together—don’t know why. Maybe I don’t have to worry about her breaking down in the middle of a minor disaster.”

“You’re just thinking with your glands.”

“I don’t think so. The sex with her is awful and she smells even after taking a long, hot shower—and I mean hot! I don’t know how she can stand it. I tried taking showers with her, but the water temperature nearly burned me and when I got out, she made it even hotter. It must be her Russian blood.”

“More like her demon blood,” My tutor said half seriously.

“Times I actually wonder whether she is descended from some creature of hell. Every so often I take a photograph of her that turns out to show a face strikingly like a medieval painting of a demon.”

“Or just the evil within someone willing to do anything to get out of Russia.”

“She’s out of Russia and to keep me from trying to send her back, why doesn’t she change?”

“You chump! She’s not going to change for you. She looks at you as a dog that she can make do whatever she wants. Promising to change is just one of her tricks. That’s her

hold on you. She has her claws around your heart playing it so you'll feel sorry for her. She knows she can keep you hanging on by hoping she will change. Wake up Roy! You can't change anybody, especially a Russian slut." My tutor's words cut my heart, but I knew she just wanted to shake some reality into it.

We started with Angel's Russian scribbling on the back of the business cards I found in her bag. Angel needed these notes to remind her of something to say when she turned on those high beams, smiled innocently and mentioned something about a guy from their last meeting in order to make him think he wasn't the usual customer but someone special, maybe even the only one. Without her notes, any guy blurred into a haze of men. Thirty or more lap dances a night added up to 150 men a week or 600 a month or 6000 a year with two months vacation. Among the thousands, Angel knew her marks and zeroed in on them. Lonely men with good hearts and money generally fell for her mask of a decent girl trapped by circumstances that they could help her escape with money or material goods.

On the back of the card from a managing director of Nomura Securities, Angel wrote: "Romantic. Tall. He massaged and kissed my back." On another, "From Mexico. Older man likes Russian girls." I felt disgusted.

Next, my tutor translated the piece of paper with Angel's writing that I found in her luggage. She wrote it after I found out about Italy but before I brought her to America:

"Roy wants to revenge against me for Italy, then he will forgive. But if he takes me to America, he will never forget. He wants something from me. It will probably force him to worry. Why does he want fidelity? Why do I have to be faithful? With such an abnormal person there is a need for another person that would help him. But why should I help him? Really why? To be humiliated and worry sick about not doing what I want? I am a symbol of self-realization. He seeks out to manipulate people (using compromising material), pressure them, so he could experience joy; the same kind of joy that his mother had when she was pressuring him. That is his internal complex (conflict)—being the boss. What is in his soul is to use me. Humiliation of others is important to him. To continue with him I must



change prenuptial conditions on infidelity. I am not a slave and will do as I please. If he loved me he would not want me to be a slave to fidelity.

My tutor remarked, “I told you not to marry her.”

“I know, I know. My memory is not that flawed.”

“Only your judgment.”

“I can’t argue with that. Here, this is a card she wrote to this guy, Valodya, in St. Petersburg. I talked to him on the telephone.”

“I didn’t know you spoke Russian.”

“You know I don’t, but his English was good enough. He said Angel was just a good friend.”

“Sluts don’t have friends, only sex partners and customers.”

“Let’s see which.”

“Maybe it is another Valodya than the guy she was humping in Krasnodar?” My tutor’s Russian pessimism always drove her to point out the worst-case scenario. “There a lot of Valodyas in Russia you know.”

“I know. It seemed like every third guy I met in Russia was a Valodya.”

“It’s because Valodya is a nick name for Vladimir—Lenin’s first name.”

“Alright, so what does she say to Lenin’s namesake?”

“On the top of the card she writes, ‘Good luck, peace, love and all the kindness to you.’ Then goes on:

‘Hello Valodya,

This is Angelina. How are you? I am okay. It was really difficult to come here. It turns out that my boss found out information about me from MVD and FSB. And now he watches me. I began to work. It is interesting. I like it a lot. I work about eight hours a day. (I dance.) It is interesting to meet new people, to learn about different places.

I think a lot about you and I miss you and it was great that we could understand each other. Do me a huge, huge favor, please, don't tell anybody, anybody, that I am here—no way. Only my mum knows about it and now you.

I kiss you, I embrace you, I miss you.”

My tutor pointed to the four kisses plastered on it, “What a retard! You’d think she was ten years old.”

“Only ethically.” I added. “She told me only her mother and Azul, a fellow ho from Lithuania, knew she was in New York City and she’d never tell it to a Russian man unless he was her boyfriend.”

“I don’t think you need that to conclude she’s sleeping with this guy. By the way, what are M.V.D. and F.S.B.?”

“You don’t know?” I said with surprise. “That’s right you left Russia about ten years ago. The M.V.D. is the Ministry of Internal Affairs. Remember the forces that Gorbachev sent into Lithuania to put down democratic opposition and the guys Putin sent to Chechnaya along with the military. The F.S.B. is the former K.G.B.”

“Oh yea, I didn’t recognize the M.V.D. initials in English. That’s who my former boyfriend works for. He ended up in Chechnaya.”

“Former boyfriend, what happened? He wasn’t killed there?”

“No, when my girlfriend and I were in Russia visiting my home town Pskov, he tried to make it with her.”

“Did he succeed? She’s a delicious babe.”

“No way! She’s not an American bitch. She wouldn’t do that to me.”

“I guess you two Russian girls are the exception to the norm.”

“I hate to disillusion you, but your wife is not the norm—she’s a whore!”

“Is that different than slut?”

“Don’t be smart!”

“Forget it. Anyway, you’ve been intimate with a number of guys by the tender age of nineteen. You once told me the number but I forgot.”

“‘Intimate’! Are you a dork? Speak English. Let’s see, one, two, three... eight guys. All..., well almost all of whom, I was in a relationship with at the time. And none of whom I sold my body, like your wife does. Girls enjoy sex as much if not more than guys, so if they are careful and protect themselves, why shouldn’t they enjoy their bodies while they can. You Americans are too puritanical. Get real!”

“You think I should accept Angel going out with her customers?” I said.

“Look, she’s going to go out with them whether you accept it or not. And no, I do not approve of her whoring around. She’s married, and at the extreme—a sex freak in love with money. For her it’s fortune and power, the heart has nothing to do with it. If she even has a heart. But I can understand the route she took. I might have ended up the same way given the circumstances.”

“Circumstances have nothing to do with it—morality is a matter of intent. I remember two years ago when you needed money; you were thinking of dancing in a titty bar but didn’t. You have a lot more to show in the chest than Angel, and your ass is nicer. I’m sure you would have made a lot more money than her.”

“Well my boyfriend didn’t like the idea.”

“That’s just an excuse. He’s not your boy friend anymore, so why don’t you do it now? You’re waitressing job pays peanuts. Here’s your chance to make big bucks.”

“Because something inside me says no.”

“That’s what I’m saying. What’s inside you is a sense of decency, of self-respect. You know stripping is just another form of prostitution—trading vicarious sexual thrills for money. Angel has twisted the concept completely around saying that only a few girls can do what she does, as though she belonged to an enviable female elite that valued money over dignity. She actually believes lap dancing glamorous and a form of art.”

“Now that is delusional. But you’ve got to admit that growing up poor could drive any girl to prostitution. I didn’t grow up as poor as Angel apparently was.”

“That’s the excuse Angel sells everybody. Well she isn’t poor anymore and she could easily get a job as a bartender or waitress and make enough to live on, but she doesn’t. She continues her lap dancing and who knows what else because she chooses to. You make a lot less money than Angel, so why don’t you become a lap dancer? Because you choose not to go that route. I know lots of pretty, poor girls in Russia who chose to work at legitimate jobs instead of the easy wealth of prostitution. Angel simply chose the easy way that didn’t require the will, strength or confidence to put in the long-term effort and sacrifice to succeed at a worthy endeavor. Money, glitz and the superficial ‘Entertainment Network lifestyle’ are all she craves.”

“I’m glad you see it my way Roy. Now isn’t it time to throw her out?” My tutor smiled at having adroitly reversed our roles.

But all I could say was, “Soon, soon, just a little more information to make sure.”

“You’re hopeless. What’s next?”

“Faxes from the motherland.”

Most of the first fax contained little of interest. Angel’s mother mentioned that the totally nude pictures by Dmitri Morosov were beautiful. This was the modeling

photographer Angel and I met in Krasnodar around the time we married. Angel and Inessa's fortuneteller in Krasnodar warned that Angel faced hardships in America but would overcome them.

Then my tutor said, "Listen to this! Inessa says 'I saw one of your customers, Arsen, walking with a girl. He was smiling and did not see me.' Then she ends the fax, 'I wish you good clients.'"

My tutor remarked, "Sounds like mom knows what her daughter does for a living and even encourages it. Who's Arsen?"

"I wasn't sure whether her mother knew. Angel said she didn't, but then again why should I have believed that? Arsen is the guy Angel brought home with her in April, after we were married, and when her mother went to St. Petersburg. She spent two days with him, obviously not playing cards. Angel's diary indicates she is in the habit of bring guys back to the apartment when Inessa leaves town, which made me think that Inessa didn't know. But maybe Inessa knew and maybe the guys weren't just someone to have sex with but to sell sex to. I'm just not sure, yet."

"That's because you are still in denial."

"No, I need more facts."

"Okay."

The next fax also concerned mostly domestic matters in Krasnodar, except for one part. Inessa complained that I only thought about money after learning from Angel that I wanted her to pay part of the household expenses now that Angel made over \$3000 a week. Inessa told Angel to stand firm because it wasn't in the contract.

My tutor looked at me, "What contract?"

“There’s a prenuptial agreement, but it only concerns divorce, and a couple of short written agreements. She had a tendency to conveniently forget her marriage vows and other promises, so I wrote down for her the promises she made not to cheat or trick me.”

“Well she has done plenty of that! Looks like both your wife and her mother see you as a business opportunity.”

“It’s beginning to look like that.”

My tutor needed to get up early the next day for work, so we made an appointment for the following week.

### She’s A Fool

My daily searches of Angel’s lap dancing bag began to reveal hundred dollar bills instead of the usual twenties paid for a dance. The hundreds probably came from the Champagne Room, but she vehemently denied working in it and always lied about making less than she really did.

“I don’t make anything what you don’t know,” Angel claimed.

“What about your call to Valodya in St. Petersburg?”

As always when caught, her eyes widened briefly, then she pretended not to understand. “What you talk about?”

I showed her the number. “Valodya whom you called at his number and whom you met in Krasnodar in June.”

“He is just a good friend,” I was tired of hearing those words. All three billion men in the world were “good friends” of my wife. “He is a boy that sells jewelry. Katya and I met him during the summer at a market. He is very smart. We have a similar philosophy. I felt spiritually close to him.”

“So close that you wrote him a postcard wishing him love with four kisses plastered across the back.”

Angel either freaked or pulled out a ruse I hadn't seen before. She ran into the kitchen and plopped down by the trashcan, “This is where I belong,” she shouted sobbing. “I am garbage and belong here to be thrown out like nothing more than trash. Use me and let fly like an old toy.” She hit the floor with the flat palm of her hand in order to make a loud noise without hurting herself. A simple technique used by wrestlers to deceive the audience into believing the occasion is genuine. I wasn't buying, but my heart kept breaking a little more each time I caught her in a lie.

“Giving your conduct in Mexico, Russia and now here in America, maybe you are right.”

She jumped up, headed for the knives, “You son of a bitch you will pay for what you have said!” She was fast, got her hand on the carving knife, but I used a martial arts move to knock it out of her hand.

She went back to the tears, “It takes time for me to change to American ways. Why don't you believe me? You've got to believe me!” And she stamped that foot of hers again.

The whole lunatic incident reminded me again of Sam Spade in *The Maltese Falcon* when confronting his Angel, although I chose not to say the lines: “That's good coming from you. What have you ever given me? Have you ever given me any of your confidence, any of the truth? Haven't you tried to buy my loyalty with sex?”

Angel promised not to contact Valodya again. But I didn't believe her and knew she wouldn't leave any evidence of communication in her bags.

A few days later the first recording of a telephone conversation between Angel and her mother arrived from Russia. The conversation took place a day after the confrontation concerning Valodya.

I brought the Russian cassette to my tutor for an oral translation.

“Where did you get this?” She accusingly asked,

“Don’t worry.”

“More secret agents, I assume?”

I replied, “Ask me no questions, I’ll tell you no lies.”

“Okay, let’s do this.”

Angel: One of my customers invited me to an interesting show, but I could not go because I had to work that night. Did anyone call for me?

Inessa: Valodya from St Petersburg called. I told him that you were working in America. I explained that you can no longer call him from America because your boss spies on you. He said he looks forward to see you in Krasnodar in September. I told him all you wanted me to say.

Angel: Good. I too want to see him again. If Valodya calls again, tell him I said Hi. Tell him, I will try to call his home from another telephone. I kiss him, I hug him, I miss him. Tell him everything is okay with me and Katya will send him a letter from me.

My “darling husband” wants to go to Cyprus with us—oh God! Here I cannot go out with any of my customers—it is like prison. It is horrible to feel that every step is being watched.

Inessa: He is like a little tail.

Angel: When you send letters use two envelopes and scotch tape the inside envelope. I must make sure that he does not read your letters.

Inessa: Don’t pay him money for rent, you be tough and keep to agreement.

Angel: There was no talk about paying the rent before I started making money but now there is. Paying rent is not normal for Roy and me. In normal family it would be okay, but everybody understands this is not natural. I was upset, because he wants to help me open bank account, now he will know how much I make, but what can you explain to a man.



And I need a tarot reading to help find a way out of this marriage but stay in America. Will you find me someone new? The other person's predictions were not accurate.

My customers offer me a lot of money for sex, but I am worried that he will find out and have me deported. I do not want to lose my chance to live in America. It was hard work getting him to take me here. It is awful, by agreement, I do not have the right to have sexual relations, I do not have right to lie or to call Alfredo or Valodya. I always feel that someone will find out about me. I know living with him is just a life experience and after these tough times, I will have good times again.

Angel might have good times again, but I doubted I would. My own personal hell kept getting deeper and deeper. Angel had said she wanted to take a few weeks off in September to go home but nothing about visiting Cyprus with her mother. Naturally, I planned to go along and wondered how she would try to sneak away to see Valodya in Krasnodar.

A couple of days later, I found her work schedule for the week that listed her off on Monday and Tuesday. But on both days she left the apartment as if going to work and came home the usual time, after four in the morning. She probably spent the two nights with a customer or two going for dinner, dancing and a hotel. When I confronted her with the schedule, she vehemently claimed her innocence once again. If it weren't for the secret telephone recordings of her and her mother, I might have believed her. But her false claims became a caricature of the oxymoron a "wrongly accused woman" who uses a flushed face, trembling voice, tears, anger and the guilt trip to make a man regret he ever doubted her. She was clearly a pro at convincing men she spoke the truth, but I possessed hard evidence of her deceit. She demanded I come by the club to talk to the manager who would tell me that she really did work those two nights. What else would he say? Angel was a club asset he wanted to keep content. I declined her invitation.

On August 11, Angel gave me a card commemorating our five-month wedding anniversary that contained a poem by Emily Matthews

If an angel is someone who's so filled with love, it's a gift that she constantly shares,  
If an angel is someone who looks out for others and gives them a nudge here or there,

If an angel is someone who touches your life with a heart that's both joyful and wise,  
Then even though she doesn't have halo or wings, she's an angel in human disguise.

Did she really believed this baloney about herself? Maybe Angel's problem stemmed from an inability to perceive reality. Perhaps I should pity rather than expose her. But as always with Angel, whenever I began to believe she possessed some redeeming quality enabling her to change, the real Angel reverted to its true gorgon soul insidiously slipping another knife into my feelings for her.

"I want to go to Krasnodar to take a rest and see my mother in September," Angel said.

Thinking about her appointment to meet Valodya, I said, "You mentioned that before, so when do you want to leave."

"You don't understand. It's mum's fiftieth birthday, which is very special for Russians. I want to present her with a trip to Cyprus."

"I thought you never wanted to go back to Cyprus after the bad memories you had about working there? Remember before our wedding, you refused to tell me what you did there because you said the memories caused you too much pain. Now you want to go back and take your mother. That's a little strange isn't it?" Actually, not strange at all for Angel, she probably enjoyed her lap dancing in Cyprus, and given my level of conscious understanding so far, her mother probably encouraged her in that line of work. Still I

wanted to see how she reacted to yet another inconsistency with one of the former stories she told to convince me of both her and her mother's alleged decency.

Angel just ignored my remarks, "It is sunny and warm, and mum has never been in a place like that."

I persisted, "But won't she want to see where you work? You told me she didn't know about your stripping but thought you worked as a model and dancer."

"I'm not going to show her where I worked, but I finally told her what I did in Cyprus and Mexico.

"When was that?" I said in disbelief. "You said you didn't want your mother to ever find out about your lap dancing."

Angel vaguely said, "Some time ago. I don't remember exactly." I didn't think she would remember.

"What did your mother say about her daughter making money as a stripper?"

"I not stripper, I dancer—it is art!"

"So what did your mother say?"

"She understood."

"That was a major turn around for your mother," I continued with feigned ignorance. "When I was in Krasnodar in March, you told me not to mention anything about your working in a gentlemen's club in Mexico because your mother would be outraged that her sweet Angel took off her clothes for strange men in return for money." I went a little overboard with that last bit, but Angel apparently missed the sarcasm.

"I thought it best that I be honest with mum and she appreciated that and forgave me."

“Will she forgive you for dancing at Flash Dancers?”

“She doesn’t know.” That was a lie.

“I thought you wanted to be honest with your mother?” I couldn’t help myself—the lawyer made me do it.

“Stop it Roy! I want to give my mum a present for her birthday. She’s had a very hard life and she deserves this.”

“She deserves to see where her only child took off her clothes for money?”

“Enough! I’m going and I am taking her with me!”

“Fine. I’ve never been to Cyprus. I’d like to see it and the places where you worked.”

Angel sat close to me, took my hand and said in her fake sincere tone, “Roy I don’t want you to come. I want to be alone with my mother.”

“Baloney, you want me to stay here so you can play with your boyfriends in Krasnodar and in Cyprus!”

“How can I go out with other guys if my mother is with me? Be realistic.”

“Easy, find a guy for her or leave her at home or in the hotel,”

Then she said coldly, “If you come, you cannot stay in my apartment in Krasnodar, and I will not live with you at the hotel. I can’t keep you from traveling where you want, but you wouldn’t ruin my mother’s birthday. I want to be alone with my mother during this special time and that’s it.”

I didn’t believe this tale for a minute. She didn’t want me along so that she could ho with the St. Petersburg’s Valodya in Krasnodar and who knew whom in Cyprus. I didn’t particularly want to go to Krasnodar and Cyprus to conduct my own surveillance, but I

wanted to know what she did in those places. A little more evidence of her lying and cheating would finally end my uncharacteristic compassion for her. Kroll's F.S.B. agents were too expensive for such an extensive, multi-country job, at least for me. I then hit on the idea of forcing her to show me her real diary from when I copied it in May until the end of her upcoming trip to Cyprus. The dairy I copied in Moscow had plenty of blank pages left in it, so I assumed when she arrived in Krasnodar, she would record her American activities and take the diary, as she usually did on trips, with her to Cyprus to write about her fun times as they happened.

All I needed to do was confront her when she and mother-in-law got off the plane from Cyprus; demand to see her dairy on the spot. If she didn't produce it immediately, I'd threaten to tell the U.S. Immigration and Naturalization Service not to let her back in the country. Of course, I could tell Immigration anything, but it wasn't about to keep Angel out of America, since she had a temporary green card. Angel, however, didn't know that, so the odds were she would turn the notebook over. This way, I would gain a clearer window on her activities from the end of May through Cyprus. A better window than any F.S.B. agents could provide—the window of her mind. Secretly, I arranged my trip to surprise her at the Krasnodar airport on September 25<sup>th</sup>, the day before my birthday.

A couple of days later, the notebook that Angel kept on the coffee table disappeared. I couldn't find it in her bag, which by now she knew I searched regularly. Too cheap to buy a new notebook and having given up on her scheme to deceive me with the bogus diary, she probably took the notebook to record her real life activities. But in order to keep it out of my hands, she likely stored it with her Russian friend and fellow lap dancer, Tatianna. Angel wasn't about to refrain from keeping a diary for very long. Her delusional belief in

her goddess stature drove her to prize every sordid episode in her self-professed glamorous life. She didn't want to lose any of those treasures to her chronically faulty memory. The disappearance of the notebook meant that when I confronted Angel in Krasnodar, I would demand the notebook I previously copied in Moscow and the one from the coffee table.

The second recording from Russia between Angel and Inessa was delivered that same day.

Angel: This is the psychological repeat of Cyprus. Roy does not trust me because of the past; he thinks I cannot change. He thinks my wanting to sleep with other men is sickness, but he doesn't know how Russian girls can go from man to man.

Inessa: Maybe you should move out, find your own apartment.

Angel: Yes in the last possible resort, but apartments here are expensive, and I would have to share with someone unless I could find a man to pay for it. Roy's wanting me to be faithful is like a sickness in him. I never saw this before in my life in a man. It is not normal! It makes me so nervous that I do not want to even try to go out with someone because I will worry about him finding out and then trying to deport me.

Inessa: Asya predicted your troubles in America. Roy's disbelief of you is stupid.

Angel: I think Roy is psychologically sick. I told him not to come to Cyprus. If he comes I will not be able to have fun with the boys I know there and you know what else. He said I was cruel to him by going out with so many men and dishonored him.

Inessa: Let him build a statute to himself.

Angel: Ha, ha, ha. He only worries that I do not have sex with another man. Worst thing is that he does not believe me. I relax when he is not home.

Inessa: I feel so bad that you spend so much of your nerves because of that idiot, dumb ass. If he comes here I will kick his ass. Tell him that. I am serious. I will choke him with my own hands to death.

Angel: Ha, ha, ha. I will help you.

Inessa: If he comes to Krasnodar, I will definitely kick his ass.

Every time I discovered more of the truth—it kept hurting. I didn't understand why I still cared or why her comment about doing “and you know what else” in Cyprus made my

stomach sink. She didn't feel anything but contempt for me. Her heart pumped only ice water, so why keep looking for a sign of concern, of simple human decency? It made no sense, especially given her and Inessa's perspective on the proper relationship between husband and wife. These two sounded like aliens whose beliefs existed only in nightmares.

### Chains

Angel started performing more magic rituals than her regular wake up rites. Often when I came home, strange odors permeated the apartment with candles spread through out. Other times, she locked herself in the bedroom from which I heard her muttering incomprehensible words and smelled the burning of, I assumed, incense.

"What's going on?" I sometimes asked, knocking on the door.

"You will soon understand," she arrogantly replied. "Don't disturb me—it is dangerous. I might lose control."

Lose control of what—Russian spirits, I condescendingly told myself. In the beginning, I dismissed it all as a typical female ploy to distract me from her nefarious acts or some childish game to intimidate me into halting my investigation of her. But then my mind started clouding over, my energy sapped away and I lay in bed until late every morning. I didn't want to deal with the absurdity of my life anymore, hoping for it and Angel to go away. My unconscious, however, didn't give up. It kept prodding me from the abyss of my mind to realize that forces in which I arrogantly disbelieved battled my intellect for control of my life—and I was losing. My intuition once again warned that I faced the specter of Angel's malevolent magic, psychology or whatever it was she did. I needed help and thought about going back to Carmen, whose advice I somehow forgot after returning from Moscow when I started eating the meals Angel prepared, but in which she didn't partake. I

took some of Angel's hair from her brush, knowing Carmen would want that and planned to make an appointment. But as events turned out, I found help from a different source.

One night over a drink with my buddy Mark, who also taught me martial arts, I whined about my disintegration.

"I don't understand what's happening to me. This girl has some power beyond my ability to deal with, which I have never experienced before."

Mark calmly replied, "That's because you don't believe in the spiritual realm. How many times have we discussed the spiritual side of martial arts?"

"Almost all the time," I said.

"Thank you. That's because without the spiritual, the martial arts can't exist. But you still haven't taken that step in believing. You're a lawyer, you're intellectually and physically strong, but you've never been up against someone using the energies of the universe for evil."

"I wouldn't say she is evil."

"Pleaseeee, Roy, I've met her. She's made her choice to use her life for evil."

"So she's a stripper and wants to make money because she grew up poor."

"Excuseeee me. She does a lot more than strip and you know it but still don't realize it. Anyway, the *Tao Te Ching* calls evil a state of self-absorption that is in disharmony with the universal process. Need I say more?"

"She's clearly self-absorbed—vanity to the max and out of touch with human decency," I agreed.

"That means she's evil—period. Believe me this is an area I know about. I've been living the martial arts for nearly thirty years—I trust in the spiritual. It doesn't matter how



you think about it—it exists. For me, I find strength from the Bible and God, for others it's the Koran and Allah or Hinduism with Shiva and Vishnu or Buddhism or what you always talk about, quantum mechanics. But despite your intellectual understanding that there are mysteries science can't explain, in your gut you're still a skeptic."

"Well it would be nice for some evidence."

"You see the evidence all the time but refuse to admit it. How many times have you sparred with one of my black belts who messes you up, and then you ask me how it happened? You've played rugby and boxed, how do you explain these guys completely befuddling you? Some of it is that they are more advanced in the technique, but as I always try to get through to the class, the key is connecting with the spiritual. That takes faith in the spiritual and meditation to attune with it. Only then can you move at the last instant without thinking about it, feel the danger coming before you see it and automatically do what's needed to protect yourself."

"But that's just a sense you develop over time."

"No. It's a connection you establish with the nature of the world through faith. If you believe in your heart, not your intellect, but your heart that a spiritual world underlies the confused alarms of struggle and flight our senses show us everyday, then you can act in harmony with the true reality of nature. All the surface confusions, fears and distractions melt away. Your perception clears, and that gives a peace and confidence from which you sense not just how to move in a dangerous situation but the way to go in your life."

"Okay, how can a witch like Angel who believes in God and a spiritual realm use it for evil?"

“Nobody uses God for anything. She may think she is using Him, but that’s just her egotism. It’s the devil that is using her because she chose to use her gifts from God not to contribute to the world but to take. And take no matter whom she hurts. But her belief in the unseen energies of the universe gives her an advantage over you because her belief enables her to twist some of these energies for her own sinful purposes. You, unfortunately, are left only with your reason, and no man can wrap his mind around the metaphysics that she is using to destroy you.”

“Well, I wouldn’t say she is trying to destroy me.”

“Look at you—you’re an emotional wreck. All you think about is her and your investigation for the truth. You’ve got the truth—move on. You can’t even pick yourself up to find a job. You’ve got two graduate degrees with honors from hotshot schools and you’re telling me you can’t find a job. Pleaseeee, if that’s not destruction; I don’t know what is? You’ve put yourself at the spiritual mercy of a Russian whore. And not for nothing, you always told me, ‘Never put yourself at the mercy of a Russian because they don’t know the meaning of the word.’ Am I right?”

Mark was right. I still didn’t want to believe in this spiritual stuff, but it seemed that unseen, unreasoned demons mocked my intellect and laughed as they cavorted around my illusions, tripping me up time after time all in the service of their master—Angel.

“Well what can I do?” I asked. “I’ve thought about going back to this Caribbean voodoo lady I saw before going back to Moscow for Angel.”

“Forget that! When you go home tonight, open up the Bible and put it somewhere that Angel will be sure to see it. Open it to the Old Testament, any book will do, then see

what happens. Also buy a pocket Bible for carrying around with you and stop eating the meals she cooks!”

I didn’t like using the Bible for anything because my disbelief made me feel like a hypocrite, but I was desperate and followed Mark’s advice that night.

Angel came home, went to sleep and the next day didn’t say a word about the Bible that she surely saw opened in the bedroom. She did ask me whether I planned to keep her from reentering the U.S. when she returned from her vacation to Krasnodar and Cyprus. I didn’t have that power, but she thought I did. I equivocated in my answer.

Around 10 o’clock that night, Angel called from work. That surprised me. She never called from the club and forbade me telephoning her there because, as she said, management didn’t like the girls making or receiving calls. She probably didn’t want any calls because it ate up time she could use for hustling money out of some sucker and the calls allowed me to check on whether she was at work.

“What’s up Angel?”

“I call to tell you I just sitting here when suddenly it came to me that I been on the downward course. I see now that I start lying and using men when I work in Cyprus. I didn’t know any other men except my boyfriend before Cyprus. The world was new to me and I went wrong. I now tell you honestly and truly—I don’t want to go out with other men anymore. I see that my life leading me in bad direction and that you try to help me leave this behind. I know now that I must change or great harm will come to me. I don’t want to continue my past anymore. I want to live here in a healthy life.”

I was stunned and suspicious but hopeful—again, “I’m glad to hear that Angel. I want you to reach your dreams and hope we can come closer together.”

“Me too my husband, I now completely honest and truthful with you. Thank you for everything. I must go back to work, see you later.”

As I hung up, I thought it feasible for a person to change over night; some do experience a moment of insight that changes their entire life. But the question gnawed at whether Angel was telling the truth or just running another con? Did the opened Bible stir the decency I believed existed in her heart or did it scare her? When we were in Moscow, I told her that I had visited a voodoo priestess for protection from her magic to which she arrogantly responded, “My helpers are stronger!” But now, an open Bible by someone she previously knew as a non-believer may have changed the balance of forces. Was she trying to deter my reliance on the fire and brimstone of the Old Testament because she knew her black magic couldn’t fight Yaweh? Was she now a good Angel or continued as a bad one? Or did the fear of my keeping her from reentering the country after Cyprus motivate her “revelation.” Angel loved money and nowhere else could she make as much as in America. Her past record indicated another scam, and change often takes place incrementally, even when intended. Whatever the truth, I thought it wise to no longer eat the meals she prepared for me. Everyday, I told her to put my dinner in the refrigerator, so I could eat it later. After she left for work, I promptly dumped it in the garbage. I also continued my investigation to see what the facts, rather than her words, showed.

Slowly my thinking process cleared and the oppressive feeling of hopelessness dissipated, but the facts moved in the same direction as before.

Angel knew I didn’t like the idea of her dancing in the private Champagne room at Flash Dancers, so she always denied working there. As I continued to find more and more hundred-dollar bills instead of twenties in her nightly take, I confronted her again with lying

about not dancing in the Champagne room. Since the club paid girls \$100 for thirty minutes in the room, it made sense that's how she earned the hundred-dollar bills. Angel went into cover-up mode again by saying she exchanged her twenties from the usual lap dances for hundreds from the club's cashier. Good story, but unlikely, a couple of the strippers told me the club policy required girls to push the Champagne room, and when a customer requested it of a girl, she had to go because the club made \$150 for a half hour.

Another of the tapped telephone conversations between Angel and Inessa arrived I again brought the Russian cassette to my tutor for an oral translation.

She started to translate. "You'll like this. Your wife is upset because, 'I do not have the right to sell my body to my customers, I do not have the right to have sex with anyone but Roy, I do not have the right to lie and I do not have the right to contact any of my customers anywhere in the world. I want to go out with some of my customers when they ask me but cannot. Roy only worries about his own interests that I do not have sex with other men.'"

My tutor laughed, "What a wife you brought back. She's complaining that her husband wouldn't let her whore around."

"Did she really complain to her mother about not being able to sell her body?" I asked with what little surprise there was left in me.

"That's what she said. And knowing the type of Russian girl she is, she's probably doing it anyway."

"Damn! Definitely a prostitute and clearly her mother knows it. Angel always said her mother didn't know what she did for a living until Angel planned to take her mother to Cyprus, so then she told her about the stripping."

“You’re a fool! Angel didn’t tell her mother anything because her mother already knew. She just uses that line to make you and others think she is from a decent family. Who do you think raised Angel to be the slut she is? Her mother taught her to live off men. It was the easiest way to make lots of money by Russian standards. Her mother was probably a prostitute herself.”

“Angel told me her mother only knew one man—Angel’s father.”

“That’s just another lie Roy. Like mother, like daughter. Angel probably doesn’t even know who her real father is. She probably comes from a long line of prostitutes, and for them, you are nothing but a piece of business. You of all people with your MBA from Columbia should understand they are just carrying on the family business—nothing personal, only business.”

“That’s the problem—nothing personal.” I dejectedly said and began to see sex as Angel’s service and men with money as her target market.

My tutor added, “Knowing how careless Russians are about sex, I’d get tested for every disease they can test for.”

“Soon, soon,” I said. “What else is in the conversation?”

“Angel says, ‘Sometimes better to sit at work than listen to Roy. He reminds me of Marios, my boss in Cyprus. Marios always wanted to know how many times I met one of his customers, so he could get his commission for each meeting. He always feared we make private deals that he did not know about. Except with Roy, it is not about money already but fidelity. He is a fool and spies on me. His spying is so dirty.’”

My tutor chimed in agreement, “Your spying is dirty. I hope you realize that.”

“Not as dirty as her. Besides, it’s necessary to find the truth. Facing the truth is my only hope. See things as they really are no matter how much it hurts.”

“You’re hopeless.”

“Inessa: ‘Roy is like a little tail. Alexey’s mother said she heard about your marriage and asked to see the photographs.’”

“Angel laughs, ‘What pictures?’”

“Inessa: ‘I told her she was mistaken.’”

“Angel: ‘I want to take a day off, but it is twice as bad to be with Roy always asking me questions. Roy does not believe me probably because he is psychologically sick.’”

“Inessa: ‘His disbelief in you is crazy and senile. He should feel honored. Roy is like a bloodsucker, never satisfied. He only thinks about himself. His prying into your life is like a vampire sucking you dry. He should see that you are not a burden since you make dollars yourself, make food for him—what else does he need?’”

“Angel: ‘Yes, at least he is dumb enough to eat the herbs I put in his food to lessen his suspicions.’”

“Inessa: ‘Keep giving him those herbs. But why does he still dig into your affairs? What is not there for him? Another would have been carrying you in his arms and would have been happy for such a creature as you my little Angel. To have the most caring, loving beauty as you.’”

“Angel: ‘I already put up a magical block against him learning any more about me and from coming to Russia with me in September.’”

“Angel: ‘Did you send my letter to Valodya in St. Petersburg?’”

“Inessa: ‘Yes, he called you and asked for Angela. I didn’t know at first whom he was talking about.’”

“Angel: ‘That’s what he calls me. How is he?’”

“Inessa: ‘He is fine, misses you and hopes to see you in September.’”

I interrupted, “So her date with Valodya is still on. I guess that’s the main reason she doesn’t want me to go to Krasnodar with her, but what’s the reason for not wanting me in Cyprus?”

My tutor replied, “She doesn’t want you along because she is going on vacation—vacation. That means to get away from work, and you are her work.”

“Yeah, you’re right,” I sadly replied.

“Angel says, ‘I hope to see him too. He is very special to me.’”

“Inessa: ‘I think your cousin, Alona, went through your things and saw the nude photographs that Morosov took and your tape of *Showgirls* is missing.’”

My tutor asked, “Who’s Alona?”

“Alona is the daughter of Angel’s aunt—the sister of her mother. After Angel bought her apartment, her mother decided to give their house to Angel’s aunt who, according to Angel, wanted to move from Sakhalin Island to Krasnodar. Alona has been living in Angel and her mother’s new apartment since June to help get the house ready. But apparently, Alona has also been learning about the kind of people Angel and her mother are and is not pleased with her relatives.”

“Smarter than you.”

“Okay, let’s continue.”

“Angel says about her cousin Alona: ‘Young whore, bitch, she needs to get her face beaten. I want to hit her in the face. She is spoiled. For me to buy a mobile phone I have to work to get money from a man, but all she does is ask her father—the little slut. I don’t want her in our apartment when we are gone. Ask Katya to stay in it. I can trust her because I have checked her many times. That little bitch Alona. Tell her if I was there, I would punch her face. Sometimes at the club I play at karate with my clients. They think it is a joke and do not get the real meaning of how I want to punch their faces.’”

My tutor interrupted, “Your wife is not only a whore but a hostile one.”

“Inessa: ‘Smolin called about Japan and asked if you were planning on working there.’”

“Angel: ‘Not now. I make too much money here and have many customers who keep coming back.’”



“Inessa: ‘Be strong darling. I wish you new conquests and, remember, someday you will be famous.’”

My tutor quipped, “Right, the most famous whore in Krasnodar. Both your wife and mother-in-law are retards. Get rid of them.”

“Like mother, like daughter, as you said,” I replied. “But I didn’t realize so much violence boiled inside of her. That part was new.”

“Be careful and get yourself checked by your doctor. I’m off to work. Let me know when you want to meet next.”

The subway ride home from my tutor seemed to get longer each time. The pain, anger and humiliation boiled within me giving no pause for peace. How much more would I take? Why didn’t I just kick her out of the house and move on with my life? What kept pushing me to find out all the truth? Clearly lying was her life, her mother’s life and to everyone, including themselves. Self-righteous psychopaths, a family of mutual deceivers and deceived—I should get away from them but couldn’t let it go just yet. I wanted more of the truth and soon got it.

Maiya, my stockbroker, received the smuggled silverware that Angel purchased in Krasnodar and Inessa sent to America. The alleged \$1500 antique spoons turned into unsaleable collectibles worth at most \$200 for insurance purposes. Maiya lost \$500 and Angel probably profited by \$400, most likely paying out only \$50 to buy the spoons in Russia and \$50 to send them to America.

Maiya knew all about my horrors with Angel and said in disgust, “What’s with this girl? Doesn’t she realize that she could have made a lot more in the long run by being straight with this deal? It seems she can’t help but cheat someone whenever she gets the

chance. One of these days she's going to cheat the wrong person and end up face down in the gutter."

"You're right. I've never met anyone so devoted to tricking people. She seems addicted to taking advantage of others even when it means she'll lose more in the end. I doubt she even realizes her stupidity. I wonder whether she ever had any desire for an honest relationship, rather than one where she just schemed, connived and cheated. To her, everyone is a potential sucker? Perhaps she's just a congenital con artist."

My complaining continued, "Once I borrowed four hundred dollars cash from her and when I returned it, I asked her to count it to make sure I didn't mistakenly cheat her. She counted the twenties, but I could tell there was something wrong. Thinking I paid her less, I asked if it was right. She said, 'Yes,' but not believing her, I took the money back and counted it twice. I didn't want her to feel I pressured her into being cheated by me. Both recounts showed I had actually over paid her by \$20 dollars. She knew it but said nothing. I just walked out of the room in disgust."

Maiya laughed, "You didn't want to cheat her so she cheated you. That's funny. Maybe it's just her culture. President Truman once said, "Those Russians—they lie!"

I added, "And the girls lie most of all. A Ukrainian in my martial arts class described Russian girls as incapable of being honest with themselves, so they can't be honest with anyone. They feel no guilt because they believe they are justified in doing anything to get what they want. They are simply amoral, although they fear the opinions of others and try to hide their actions. When someone learns the truth, the girls feel humiliated but not guilty. And for a Russian girl, humiliation is the worse because to them only the surface appearance matters."

One evening in late August, a coffee cup went missing that I had received when I left WNEW TV News years ago—a prized memento. I looked around and noticed a mark on the kitchen floor. On closer inspection, there were little pieces of the cup spread out in a semi circle of about six feet in diameter. This cup didn't fall on the floor—it was smashed. The next day I asked Angel why she smashed my cup? She said, “You weren't meant to have it anymore.” I didn't even bother to respond. What can one say to such arrogance that would do any good?

Just before she left on her vacation, Angel tried a new ruse—at least she was persistent.

“Roy your suspicions are causing me great nerves. I find it difficult to do my work and do not feel well. You know I have a history of abdominal problems, and they are bothering me again. You must be gentler with me. I am getting rashes on my body, and my customers won't want me. Here look at this.”

She showed me a rash on her stomach that looked more like a hicky than a medical problem.

“Did you go to your doctor?” I asked

“I don't have the time. You must stop giving me nerves, looking in my things and spying on me.”

“Am I giving you nerves, or is it your guilty conscience. Forget that, I doubt whether you have a conscience.”

“Why don't you stop? I told you the truth about everything. I am now completely truthful and honest before you.” Oh not again, I thought.

“Are you going to meet Valodya when you go to Krasnodar?”

“How can I meet him if I do not telephone him? I promised not to call him and I have not.”

“Nice try, even Billy-Bob Clinton would admire it. You agreed not to ‘contact’ him. That includes not only the telephone but the letters and messages you sent him through your mother and Katya.” I knew this would raise her suspicions about my tapping her telephone, but I believed my investigation close to over.

Her eyes widened briefly as usual when the truth slapped her face. She paused to decide which cover-up or avoidance to use. “I cannot work with your spying and aggressive behavior to me. I am sick.” And she grabbed her stomach and sat down with a moan.

“Are you going to meet Valodya in Krasnodar?”

“Leave me alone!”

“What about Cyprus, whom will you meet there?”

“I told you I am going there to show my mother where I worked.”

“No that is not what you said, but it does make sense given what I know now.”

“Roy, our relations are not good—you don’t trust me. I tell you I change but you think I lie.”

“You said that before you trust someone you should check them. I checked you and you can’t be trusted.”

“That was in the past, you must check now.” I was waiting for this.

“Okay, take a lie detector test.”

“No, I will not. You have no right.”

“You just said I must check now, so how else can I check.”

She got up placed her arm over my shoulders, put on her sincerity mask, looked down into my eyes and kissed me, “I kiss you from my clear soul. You are my only lover and boyfriend. I don’t make anything with anyone else. I never go to the Champagne room and will see no boys in Krasnodar or Cyprus. Can’t I make you believe me?”

“I’ll tell you what. If you talk to Maiya and she believes you, then I will believe you.”

“I will do that.” Angel seemed happy, but I didn’t delude myself. Angel couldn’t tell the truth, she had too much to hide. Maiya was in her fifties, divorce and her children grown. During the Viet Nam war, she worked in Saigon for a private firm that provided guns for special operations and flew around with Air America. Maiya knew Angel and Russians and could spot any Russian scam in an instant. Angel couldn’t fool her, but she would try and that would be just one more thing against her.

### Lover’s Island

All the talk about Cyprus finally made me see an obvious way for finding out more of the truth about Angel, especially why she wanted to revisit an island for which she claimed to have so many bad memories—translate the part of her diary I hadn’t—the section that dealt with Cyprus. Although likely twisted by self-delusions, Angel’s writings about her experiences in Cyprus would bring me nearer the full truth about my wife than any of the propaganda her mouth spewed in my direction.

Angel’s words always rang so fine in my head that they often made me doubt common sense and obvious truths. Whenever I accused her of lying and dishonesty, she always assuaged my accusations with sonorous words that struck directly at my emotions where her tone fabricated convincing rationales that took me days before realizing their

absurdity. Her favorite excuses were: “It part of my culture. I need time to learn your ways to tell the truth. Please be patient with me. I will change. I don’t know the man for a long time. I just go out into the world for a couple of years. I need time to learn what you a man want from his girl. You know I really a good girl,” and then she’d always smile innocently. With Angel the delivery rather than the text carried the power to deceive. But the bare, soundless words of her diary carried no emotional ploy.

After Angel left for Krasnodar on September 9<sup>th</sup>, I met with my tutor to do the translation. I didn’t want to do it with Angel around for fear she might get wind of it from her spirits or I might lose control and confront her with what I was learning. The dairy was still my secret weapon as long as she couldn’t be sure I had a copy. If she learned about my translating the Cyprus portion, it would give her a chance to emotionally duck and weave out of her admissions in a way that, coupled with her magic, might make me shelve my planned confrontation in Krasnodar and never learn about her activities after the trip to Italy with Alfredo. Also the information about Cyprus should help me throw her off balance when I surprised her in Krasnodar, making it easier to obtain the part of her real diary I wanted.

“What date do you want to start at and where do we end?” My tutor asked.

“Let’s start with December 20, 1998, when she flew to Cyprus to work in this club called Zygos in Limassol.”

“Never heard of Limassol.”

“Neither did I until I met Angel. It’s on the Greek part of the island—a small resort town of around 75,000 people on the southern shore. Apparently a pleasant place to live but overrun with the Russians.”

“Watch it, I’m Russian,” My tutor warned.

“But an honest Russian.”

“Listen, just because you got burnt by some devious Russian slut doesn’t mean we are all liars and thieves. And don’t forget, two Russian girls, me and my friend told you in Moscow not to marry her.”

“I remember. Anyway, a lot of Russians set up businesses in Cyprus because it’s the only country Russia recognizes as a tax haven. Your fellow countrymen go to Cyprus, register a legal entity, then go back to Russia and conduct their operations under the name of the Cypriot entity. That way the company operating in Russia is required to pay only Cypriot taxes, which amounts to a fraction of what it would be liable for if operating as a Russian company.”

“Why bother, everyone in Russia lies on their taxes anyhow?”

“Right, all Russian companies keep three sets of books—one for investors that shows a profitable growing business, one for the taxman that shows a company about to tank and one for the managers that shows the truth. But the companies still have to bribe the tax authorities to accept their duplicitous accounting. Russian tax officials aren’t stupid. They have a pretty good idea about what a company makes and base their bribes on the amount of taxes they believe the company should pay. With a Cypriot shell company, the taxes aren’t even owed to Russia, so no Russian tax liability and no bribes.”

“Smart, but why all the money laundering I read about that goes through Cyprus if they’ve already avoided taxes?”

“Because the laundered money comes from illegal activities, such as drugs, embezzlement of state assets, selling military hardware, contract killings—you name it.

Russian businessmen, perhaps I should use the term gangsters, since they're usually one in the same, aren't going to report illegal income on any tax return no matter how small the taxes. They want to keep their crimes secret, so they transport the cash in suitcases or through cooperative banks that don't ask questions to the perfect destination point—Cyprus. It's geographically close to Russia, the officials are susceptible to bribery and bank transactions along with the real owners of an account are kept secret. The U.S. government has called Cyprus a haven for money laundering by terrorists and organized crime. That's why your corrupt politicians and their criminal associates move some of the one billion dollars that flows out of Russia every month into Cyprus.”

“There not my politicians. I'm an American now—remember? And I am also well aware that Cyprus is a favorite playground for the Russian mafia. I'm sure your wife fitted in just fine. How old was she when she went to Cyprus?”

“Twenty-three.”

“Okay, how far in the diary do you want me to go to?”

“Stop at July 23, 1999. I already had from there until the end of May 2000 translated in Moscow.”

“I'm surprised one of your teenage girl translators did it for you,” my tutor peevishly remarked.

“Actually, none of them would, so I found a man.”

“Figures. All right, are you ready?”

“Yeah, let's get this continuing show on the road,” I replied steeling myself, but still hoping the diary would speak of a more temperate, less promiscuous Angel.

I have arrived in Cyprus to the girls' apartment in a basement. It is good here, here lives Michelle, Oxana and me, and as well Zlata who does magic.



Marios Athanasiou the manager of ZYGOS and TRAMPS was going to watch me for 3 days, first at 3 o'clock in the afternoon, then at 3 o'clock in the morning, but only on the third day he has watched me, watched how I move when I take my clothes off. Here we make a pound for every drink a customer buys us while we sit with him. On the first day my result is 7 drinks; I shivered when I spoke to customers.

My tutor stopped, "What's this 'pound'?"

"Cyprus was a British colony, so the currency they use is called the Cypriot Pound after the British Pound Sterling. In 1999, a Cypriot Pound was worth around \$1.60. Most people on the island also speak English. Angel studied it for seven years in Krasnodar but didn't practice it until Cyprus."

"So she says."

"Right, anything coming from her mouth is probably a lie. Let's go on."

On the same day I have acquainted with Chris, Marios introduced him to me. After work we have gone in his sports car. It was so nice! We came to a romantic place. I have seen sparkling Limassol, it was all in lights... On the second day he has presented me yellow and red carnations (on the first day he presented me roses). We have gone to a shop. He has bought me a journal and a chocolate. We went to the beach, and while we were talking, a wave watered a little our feet.

On the third day he took me to play cards. Due to my lucky hand we won. If I have correctly understood, we have won 220 pounds. 110 of them he presented to me. I was so glad of it, because I had to pay back a debt.

On the fourth day we went to a mountain and there we kissed for the first time. By the way, on the second day at the club I for the first time danced table dance (taking off my dress and dancing in my tong panties) for a very fat man. He touched me between my legs... After it I came to Chris all trembling. He was surprised and asked what happened. I told and then calmed down. It was filthy and awful. I received money for it.

Recently Chris has presented me 20 pounds - for striptease dance in private so that I did not dance for others. I sat with him practically all evening, and I did not make any striptease dance with other customers, because he does like the atmosphere in here. He considers that such things should be done alone.

My tutor interrupted, "What's the difference among 'drink', 'table dance' and 'striptease'?"

"In the sex industry a 'drink' means the girl is just sitting flirting with the customer, pretending she's interested and asks him to buy her a drink."

“Oh, I do that all the time at bars. What else is new?”

“Yeah, but you don’t get a percentage of the price of the drink. Lap dancers do.

‘Table dance’ means that during a song the customer sits in a chair while the girl takes off her dress and dances in her tong panties. In this place the girls were allowed to touch their customers and vice versus. With the ‘striptease’ the girl also took off her tong panties and danced completely naked before the customer who in this place could touch her and she would touch him outside or inside his cloths. Then there is the ‘private dance’ where the girl and customer go into a backroom by themselves for usually a half hour. The customer plays the club a certain amount of which some goes to the girl. The girl then cuts a private deal with the customer to do what he wants as long as she is willing—the seeder the club, the more willing the girl.”

“Very organized and business like.”

“That’s exactly what it is—a business,” I said with disgust.

It was very interesting yesterday, one customer an artist talked with me. He frankly told me story of his life. I began to dance a striptease dance for him (no panties), but he has categorically refused, he was frightened and paid for a table.

I did not have time enough to write down everything. Remaining details I shall write down in the following year. I am grateful to the year of 1998 with all my heart. This year has given me very much. Let be blessed the year of 1999! Let there be God’s blessing and rule! Let Our Lady send us love, patience and good. Let our guardian angel keep us! Let Nicolas the Thaumaturge help us! And as well let all saints help us! Amen! Forwards, in the kind, clean, fine year of 1999!!!

1999!!!

My God, bless me! Our Saint Lady, give us love and save all of us! Guardian angel keep us! Nicolas the Thaumaturge help all of us! And as well let all saints be with us!

Happy New Year!

So has come the New Year, the year of 1999!

With God’s help!!! I continue.

In the course of approximately our third meeting with Chris we kissed. I like to be with him, we went to hotel and made each other a massage. He wanted me, and I wanted him, but I would not do it. He became angry and told me that from now on he will come

only to look at me, for only 5 minutes, as it will be better for both him and me. I became scared I would lose him and began my tears. It has worked with Chris. I need him. First of all, he is a man whom I trust, and as well he gives me money and each time he presented me flowers (roses).

Last Friday me and one of my girl roommates, went to sea, we chattered, and today I have such a rising tide of energy. And the water there was so fine, and as well sand.

I have purchased a dress for 22 pounds, for this money they have as well shortened it to the length required by the club. Marios' assistant Kostas demands money for taking us to Immigration Service. I will not give him money because this is his job. 1 pound is quite enough for taking us to a shop to buy dresses the club requires.

On December 28 we celebrated Merry Christmas in TRAMPS, the other club that the two brothers Marios and Melios Athanasiou run. We ate salads, meat and danced. Marios and Melios, danced Greek dance. Then girls from TRAMPS danced totally nude. All of them have such cellulite. We have good fun and then began to work back at ZYGOS.

On December 29 I have danced 3 all nude dances, stripteases, and 1 dance in my panties, table. Marios shouted "Bravo!" For the next day I have earned only 35 pounds. And on December 31 we have met in ZYGOS at 11 pm our Russian New year, and at 12 pm - Cypriot New year. It was so fine!

The DJ has presented me red wine, I drank it at home on December 31 with the girls. In cabaret we had a meal of squids, cutlets and I had as well a heap of salads. In the cream pie for desert girls have found 50 pounds. We did not eat all of the cream pie.

Me and all others were dead drunk. I drank Martini, then whiskey with Chris. After it we left for hotel. There we got undressed and kissed, listening to RTR broadcasting. I do not know, but it seems that I am ready to sleep with him. If only I had not my menstruation. I do not consider it unfaithfulness to my boyfriend Alexei in Krasnodar, I do not feel that I am unfaithful, but there is a problem – Chris wants sex without condoms. What, if I suddenly become pregnant? I felt his hot desire. I hardly managed to extract my Tampax and we had sex with no condom.

My tutor said, "Did you get yourself tested yet?"

"I see my doctor the end of the week."

"I told you, Russians were careless concerning sex. They seldom use condoms because abortions are free. But for your wife to have sex with some guy who walks in off the street to a whorehouse is nuts!"

"It's not exactly a whorehouse."

"You wanna bet?"

"Let's` continue," I said knowing deep down my tutor was right—Zygos was a whorehouse.

Me and Chris bathed together. Pouring water was first hot, then cold, and we had fun very much. What will Marios think about our business together since he will not receive money.

O, God, give mum and me wisdom, love, forces and patience!!!

Merry Christmas!!! Happy Christmas !!!

Since the New Year there have already passed 7 days. The club DJ began chasing after me. He presented me toilet water (a magnificent one) and a jacket (which I have chosen myself). And today he presented me underwear (dark blue and white). He as well offered an ordinary dress (lengthy, for wearing in the street), but I refused. Yesterday me and DJ went to the city, I wanted to buy a long evening dress for the club's stage show, but the shop was closed. We had coffee. He is not indifferent to me. We have picked flowers to guess whether one loves the other or does not. We obtained an interesting result – I don't love him but he of course loves me. Still he was touched. It is a pity. He is a pleasant person, but as a man he is not in my taste. I am very much, very much grateful to him. He will soon leave for England, then to Moscow, and to Krasnodar, so what can I gain. He wanted to take my address, but I explained, that I live with mum and that we do not have room for him to rent in Krasnodar. The DJ is a good friend to me and I am very grateful to him, but him to live in my house—no.

Today in the evening Chris celebrated his eighteenth birthday. I wanted to present him a poster, but could not manage to find a good one. So I have purchased him a pie and a picture post card. This night there were no people in ZYGOS. After the nightly stage show, me and Chris went to the hotel. Prior to this (for about 2 weeks) I prepared Chris sexually. He could not suffer any more. Today in the night I made my mind to again have sex with—he has gifted me a lot. Psychologically I was ready (and I do not consider it an unfaithfulness). He has asked me about condoms. I answered: “Why not?” He burst out laughing. It turned out that he himself has purchased them. For about 1 hour we played in love. He entered and left, then from the back. His member was so small - very exotic feelings.

In the same night girls from TRAMPS have met young boys (19 and 23 years old). They got drunk, barfed in the car. Then they went to the girls' apartment. Having arrived, the girls have run and closed the door. These boys started fighting with the landlord. They said they had paid for the girls but didn't get what they were promised. They broke window glass, and somebody called police. There was also one case earlier when Marios beat up two men who refused to pay money. It was awful.

Today I have colored my hair in other tint. I received my alien card. I asked Chris to lend me money for long dress (approximately 30 pounds, but he has given 50 pounds). I told him that I will pay it back, but he answered, that it is his present. I do not know whether to believe him, I do not want to be deceived.

I interrupted the translation, “I don't understand what she means by saying she doesn't want to be deceived?”

“She's obviously paranoid that men are out to trick her or take advantage of her. Something probably happened to her that made her distrustful of them.”

“Or that’s the way her mother raised her. Warning her not to trust any man. To always look out for only herself and try to get the best of men. What a sad life to never be able to trust anyone but your mother, and a mother who encourages her to sell her body for a living.”

“Russian girls always trust their mother. It’s part of our culture and doesn’t matter how bad the mother might be. Shall we continue?”

“Okay”

Today one customer kissed me for 30 minutes, another spoke about his problems with wife (but paid for a table). Another one told me that I am a lady. Others laughed very much and joked, because their friend was going to marry. They laughed and played tricks on my watch, on everything. Inga, Irina and Donna have finished working, now they have holidays. They are going to leave Cyprus next Saturday.

Marios introduced a new system. When leaving with a customer we must register it in a book and call Marios to tell where we go.

Bless me!!!

January 19, 1999

I have been living in Cyprus for almost a month. Yesterday I and Elisa went to gym to go in for sports. For 15 minutes I was running on the racing track. Yes, I have a problem - I had slightly put on weight. Of course, if you each morning eat a croissant you will gain.

I danced for one customer a table dance and then a striptease. During the striptease while I rubbed his member he came. It was funny.

Chris came in when I was sitting with Rikos for the first time. I did not notice him and he passed by. He waited for me for a long time, and then left. The next day he did not come. I rang to him and left messages. When at last he has come, I apologized to him for a long time. We went to play cards. His friend has given me 20 pounds, someone else has as well gave me money, Chris has given 10 pounds - so I got approximately 50 pounds. Later, on January 17, 1999, we also played cards; sometimes we won and sometimes we lost, approximately 5 - 6 hundred pounds.

There sat one man with a lot of golden knick-knacks, three bracelets on each hand, rings on fingers, his girl-friend as well had a lot of golden adornments. They are Russian mafia.

I asked Chris to buy me contact lenses, but he invented many reasons not to do it. Well. The main thing is that I receive money from him, and sometimes it becomes very important for me. Now I have approximately 340 pounds. I want very much 50 pounds

more. It is necessary to me, and I can earn this money. When I yesterday told Rikos about lenses, he at once got troubled, because Marios...

I and Rikos went to make photos near the sea. We made photos and then we wanted to call a friend of Rikos to ride horses. And at this very moment there appeared Rikos' wife on her Jeep. I witnessed the scene of jealousy. He quickly stopped a taxi for me. His wife ran up to me as I entered the taxi, and told that if she once more sees me with her husband, she will send me back to Russia... My taxi drove away but she followed me in her car. My taxi driver turned out to be a good driver, and we lost her. She was funny in her jealousy. In the taxi, I rang to Rikos' mobile telephone to arrange to meet later. Rikos came and we went to restaurant to eat ice-cream. It was delightful. And the restaurant, by the way, seemed to me very cozy.

At the club Marios told me to sit with George. George is a doctor - orthopedist, he liked me very much. I danced to him striptease. He kneeled before me and kissed me between the legs. It was fun. Then he arranged with Marios for me to leave the club with him. We went to Bouzouki. For the first time I saw what it was. There they sang songs in Greek and threw a lot of flowers to me as I danced. Then we went to hotel. There was so beautiful. We bathed, then he slightly massaged my backbone and wanted to make love to me, but I explained that I do not do like this. George told that Marios sold me to him for 100 pounds... He presented me a set of scents Estee Lauder, gave 50 pounds and I left. What wonderful it was that morning at 8 o'clock when I left the hotel.

God bless me! Our Lady save me! Guardian angel keep mum and me! Nicolas the Thaumaturge help me in everything!!! Amen!

"Not a whorehouse, Huh?" my tutor chimed in.

February 02, 1999

3 years and 5 months passed since the day when I got acquainted with my darling Alexei. God, please, send us happiness, love and trust. I rang to Alexei from Rikos' telephone in his car and Alexei got frightened thinking something was wrong because telephone calls are expensive, but I have calmed him. He as always hesitates to tell me about his feelings in his mother's presence. I spoke Russian so Rikos did not understand I called my darling.

On January 27 or 28 Marios shouted at me because of Chris. Chris told to everyone that he was my boyfriend. I just listen without saying anything. Marios said he would straighten me out tomorrow. The next day I had been waiting for approximately 1.5 hours, whining for all this time. Marios told me that I cannot appear to have a boyfriend, because it repels customers. The customers will not buy me if they know I have a steady boy friend. Marios told me that I should not fix time for Chris to come during the club hours. (I ordered Chris to come by the end of performance.) I understood Marios and the importance to our business but I did not understand how Chris could hurt my business by telling Marios? I trusted Chris so much and he has betrayed me, he has disgraced me. But I forgave him.

On January 29 I and Chris went to hotel. I drank some wine and we had a conversation with Chris - a strange conversation full of hints about treachery, about confidence, but at the same time I did not tell Chris that I meant him. He wanted to sleep with me, but I did not give it to him. I excited him and mocked him - so I have to some

extent revenged myself. Afterwards in the morning we went with Andreas to his restaurant for a lunch.

I and Rikos went to store. He presented me a lot of cosmetics, and today I was made a cosmetic mask on face for clearing skin. Rikos presented me a silver ornament with my name. I am grateful to him with all my heart for everything, what he has done for me. For our trip to the farm with horses - there I for the first time in my life rode on horseback. I received such unforgettable impressions. We played a little in the woods and he came. Besides he made to me large photos. Let God give him all good.

Nikolas presented me magnificent flowers and a telephone. I and Regina went to his house, ate shish kebabs. Soon afterwards he and I went by car to the mountain, though I wanted to go to beach. I quarreled with him and he turned his car back to the sea. I got a lot of pleasure while swimming in the sea. Then we went to his house. There I bathed and he presented me a sporting suit, a record player, money and then took me naked and carried me in the bedroom. I stretched my arms to the sides like on a cross, we made sex but I had to pretend I came. I did not like it too much. He was not very good. Afterwards we talked for a long time.

The next day I was sitting with the friend of Andreas. He gifted me many things and told, that he does not want sex, he does not want sexual games, and he just wants to receive inner joy from my presence. He promised me a holiday in Spain. Let all be according to the God's will! After a trip to Bouzouki, he threw flowers to me, washed my legs in champagne and kissed my thighs. He is interesting. Also that day came Chris to the club, but he did not wait for me to return from being with Andreas' friend. I feel good with Chris, but I am very cautious.

Yesterday we made fun of one customer who bought I and Natasha for private room. Instead of playing with him we make masturbation between us two. He was frightened and ran away.

I received a letter from mum. God give me and her all kind, clean, and first of all, love, wisdom, forces and patience. God bless us!!!

February 08, 1999

A lot of events in a very little time. Chris pretends that he did not tell Marios about having sex with me, but he did, and Marios thinks I cheat him out of money. Chris has changed, he loves only himself. When I told him about delay in my menstrual period, he offered to buy a test for pregnancy or tell Marios about it to arrange for an abortion. He is crazy, if Marios thought me pregnant, I would lose business. I am really nervous about it, because the delay makes already 12 days. But now my breasts have already begun to ache, and it is a holiday for me.

Yesterday I and Rikos went to hotel, I allowed him to kiss me between my legs and during sex pretended that I came. It is pleasant to me that he does not pretend to be a great person, for me it is cheerful to stay with him. Sometimes I go with him to a restaurant, sometimes I go with him to a hotel, or I go with him to ride on horseback. It was nice, when I for the first time in my life rode on horseback, the horse went at a light trot. Afterwards my muscles were slightly aching.

The next day, on Saturday evening, Marios prohibited all us girls to go anywhere at all. He says we are all cheating him. We go out on our own to make our own business. Now

we are only allowed to go to supermarket once a week, with his assistant Kostas. No shopping, no gyms. We must go everywhere only with Kostas. We were not allowed even to go to a church for 10 minutes. Looks like we are in a prison.

My tutor paused, “I see now what your wife meant when she compared you with her boss Marios. She thinks you’re interfering in her business the way he did, only he did it out of greed. You’re just a fool husband from another era who believes in fidelity, and she doesn’t like it because it lessens the amount of money she makes.”

“What do you mean?”

“Don’t you see? She doesn’t care about keeping any of her agreements if it interferes with her making money. Whether it’s her contract with Marios, which I assume she had, her marriage vows with you or whatever she had with Alexei. Nothing, no promise, no ethic, nothing matters to her when it stands in the way of money. She’s driven solely by greed. She whores for money, she cheats people for money and she tricked you into bringing her to America where she doesn’t need to pay a pimp. She can run her own business out of Flash Dancers. It all fits. Her name should be ‘Avarice’. She’ll do anything for money and think nothing of it.”

“I’m beginning to think the same. She talks a lot of fine sentiments but apparently only believes in money. Funny, my mother was the same.”

“Your mother was a prostitute?”

“Not that I know of, but greedy and driven by appearances. Let’s continue.” I didn’t bother going into the apparent murder of my Down’s syndrome brother,

On Saturday, February 6, we celebrated in restaurant Lena’s birthday. Kostas arrived there under Marios’ order and took us home, he even did not allow us to eat up our ice-cream. We were sitting so well, we ourselves chose menu, had a fish meal. Marios did not allow us to even eat pie in ZYGOS before work and told us that we should eat the pie after work. And after work the pie was thrown to a waste bin. I have never seen something like this to throw away good food.



After work, I have met Nikolas. When we have kissed each other, he, poor fellow could hardly stand it. He needed quick relief and I gave him it.

Some money - 80 pounds - have disappeared from Sveta's pocket. Some of these notes were marked. In her search she came to me and found one marked note. I have received this note from garcons. After it everyone began to look at me with suspicion. I began crying in hysterics. I wept all the nightlong at work and could only make 5 drinks and 1 striptease.

After, I went with Chris and he even did not make any special effort to soothe me. He spoke only about himself, and my problems were of no interest to him. I made a special torture for Chris. It was a night with wine and with hints of treachery. I pretended that only drinking is of interest to me and I don't want to hear about sex - I was simply tormenting him. And it serves him right - in the beginning he gave me presents and money, but now he only makes faces. But I pretend that all goes well.

Today I have measured myself. Hips - 38.5 inches, thighs - 22.5, waist - 26! I understood - the same already happened to me after past birthday, when I ate many sweets and chocolate. Stop, enough, I will not eat sweets!

I am very much annoyed by Lukas. He has been ringing me up 3 times a day for already 7-th day, he wants more. I went with him to a restaurant. On the way he made me to put on glasses, for no one of his friends to see me in his silvery Jeep. He told me, that he will not ring to me after sex. And now he rings me up again, wants to come to cabaret. He says that without me he becomes crazy, and I answer: "You are in this condition for already a few days."

Andreas wants to buy me tomorrow. We will go to restaurant, to disco. I asked him to take me to a swimming pool.

Oh, God, let our Marios become more kind, let finish with this stupid system that hurts my business, let everything became good! My God, help me!!!

February 11, 1999

Today size of my hips became 39 inches. Andreas has bought me for a day. Me, Andreas and his friend have gone to eat fish to the best fish restaurant. His friend is a man in the age of approximately 60, he is from Italy. We talked about miscellaneous things, then we went to some places (Bouzouki) but all of them were closed. We went to "Runel" to disco, there was so beautiful. I danced with all my heart, drank Baileys. Then we went to Bouzouki once more. Here there was a sea of flowers, whole mountains of flowers. I had to dance under Greek music (during dance all were throwing flowers to me). Andreas said that it seemed to him that he had fallen in love with me. But he felt not so well, because he had very much tired (arrhythmia). Then we went to the hotel, where he for some times asked, whether he should leave but I asked him to stay. He tried to out card in the door many times but was unsuccessful. We slept together. He tried to accost to me, but I stopped him, having lied that I had menstruation. He is a good fellow, he controlled himself very well and paid 50 pounds. We woke up about 10 o'clock in the morning and he had to go to the office.

My tutor said, “What a piece of work is your wife! She’s always cheating people—even her customers. She sells herself, then tries to weasel her way out of performing. This slut is immoral even from a prostitute’s point of view.”

“That’s assuming what she wrote is literally accurate. She may simply use a code for sex when she writes of a guy trying to accost her, that they only slept together or she gave him a massage. Think about it. Would a guy spend a couple of hundred dollars for a hotel room, pay a girl he bought at a strip club an additional 50 to 100 pounds for nothing? I don’t think soooo. Beside, anyone who keeps a diary will paint herself in the best light possible. Angel probably mixes her self delusions and paranoiac drive for secrecy to yield an euphemistic but coded narrative of her real experiences.”

“Right, always leave room for a denial, no matter how ridiculous.”

All that day I stayed in the hotel along. I ate a Kit Kat and also 100 grams of nuts and washed all it down with juice (naturally, it is so easy to put on weight with such foods). Then I went to the hotel swimming pool to swim. In the swimming pool it was very good. The swimming pool was small. I very quickly reached an opposite wall of the swimming pool and turned back. Then I took a walk, made some photos. Then I went to a restaurant, ate some tomato soup, huge plate of salad, squids. In the restaurant they thanked me for everything. They thanked me for order, for my having meal there. They thought I was a star. Then I rose to leave and they have brought to me a present from some unknown admirer of bananas, kiwi, a pear, a tangerine. I had a walk once more, then I again went to swimming pool and went back to the room but I could not open the door. I took taxi and went to the office of Andreas. He was nervous and very tired. I sat and demonstrated how models sit in different poses. Then he took me home, having presented me another 50 pounds. I have arrived home at approximately 7 pm.

Chris began to make scandals. Our relations came to an end. I talked with him for a long time and even burst into tears (feigningly). I understood - all he wants from me is only sex. My problems do not bother him, neither my work nor my state of health. He pays attention to nobody except for himself. Having learned that Andreas has bought me for a day, he got upset. He has no right to interfere in my business. He said that Andreas is crazy, that he gifted hundreds of flowers to a girl who worked here before me. He would better look at himself. Recently he did not gift me any flowers, gave me 10 pounds to buy tights, and that is all. He began to lose in cards, became greedy and began to speak that all this is too expensive for him. I said that if he has any good feeling to me, he would forgive me for spending time with Andreas (he confirmed presence of such feelings having unexpectedly

sneezed). I think, that all this may be for the better, because I become free for other customers, whom I can make more money from. Maybe all this is for the better....

For example, this "little bit crazy" customer Paco has presented me toilet water, besides, he bought to me a toy, then he gifted gold - and he took this gold from himself. And yesterday he gifted me a journal and an organizer (in which there were his personal records). I will give it back today. One customer who wanted to sleep with me, promised to present me a silver bracelet, which I trickily asked for after I complained Chris never made to me any gift.

Now the club has a new system. The girls dance in pairs, one of girls dances topless, the other all nude. Sometimes we make a show rubbing and kissing each other. At this time all the others rest. This system is more pleasant to me.

My God, bless me, give us love, wisdom, forces and patience!!!

March 07, 1999

Here has come 3 years and 6 months since the day when I got acquainted with my darling, Alexei. He called me up in ZYGOS and told that he loves me very much, that he counts days left before my homing. And I do not know, but maybe I will elongate my contract beyond the 3 months.

It is good without Chris. I got acquainted with Stephanos, 3 times went with him to hotel, we only slept together. When we went to hotel for the first time, lighting did not work in the room. For the second and the third times he took with him radio. He is so sensitive, interesting, gentle. But he does not pay much money and does not gift anything. Today I took from him 10 pounds but did not tell him it for massage. He felt offended, I don't know why. I wait him now at the club.

In the studio of Andreas (an artist) I sat in the nude to students for two hours in 20 minutes periods with five-minute breaks. I received 2 pounds from each student - in total it made approximately 16 pounds. I want Andreas to draw my portrait. Here in his studio we twice made love with Rikos - it was terrible, like a dog. For him it is not enough once a week, he wants more than 2 times a week. And I don't agree!!! I have other customers. And he asks, whether he is better, than my boy-friends in Russia. He may not even dream to be compared with them. I solicit from him a video camera for my mum. I put aside 100 pounds for a tape recorder for Alexei. (I will not say about it to mum or she will scold me.) Rikos presented a chain - a silver one, with a little heart made of pearls. By the way, my hips are 39.4 inches. Now I begin to drink purgative tea. Appetite has decreased. I hope, that I will bring down my weight.

I helped Pannikos to make masturbation, he was crying so interesting... I have solicited from him a cream against cellulite. Maybe he will present me a golden chain with my name Alina. This maniac Doctor George raped Oxana, she was drunk. I, Rikos and Oxana went to ride and there saw how horses make love. The ride was so good.

"A little bit crazy Rikos" was engaged in extraordinary incident. I periodically talked to him in the club when other customers want me. So greedy Marios has thrown him out of the club and shouted at me not attending to the club's clients. And Rikos returned with police - he thought, that Marios struck me. Marios doesn't like police in his club... All was settled because I told police that I am all right and no one hit me. It was funny. Rikos said that he will bring me 100 pounds, but gave me only 20.

I will do my best to be in the first place in our business at the club.

Petros has nearly torn my clothes, but promises to buy me expensive clothes. He is just crazy sadist. He promised to gift me a silver chain.

On March 12 we celebrated Vika's birthday. She made a sweet table. Bambos presented to her a gold bracelet and perfumery. We spent that evening well.

In the night of March 13 customers made Natasha and Sveta to dance for 40 minutes without break in private room. Natasha lost consciousness from so much activity. Monika could not stand and refused to work. Oxana as well could not stand and decided together with Monika to refuse from work. Melios came and talked to them, Monika came back, but Oxana did not return.

Yesterday we rode on horseback for 1.5 hours. On the way back I have lost my watch. Many customers did not like my watch, but I hope, that Akhmed will find it.

My darling, Alexei, called me up. He thought, that I will come back next week, but I decided to stay for a while. He was upset very much, but it is a little bit early for me to come back. I need to make more money.

Today came doctor George. He was so glad. In private we just embraced and kissed each other. He was so happy to be with me. Then we went to Bouzouki with Andreas and Masha - that day was Masha's birthday. Andreas presented to Masha a lot of flowers, a pie and a song. It was magnificent. Then I drank wine. I and George went to hotel. I have so relaxed. He kissed me and embraced me and he came in the morning, and then gifted me a watch, an alarm clock, ear-rings with a chain and ORGASM perfumery. It was so pleasant to me. And still he gifted me 100 pounds!!

My God, let everything go properly. God bless me, Our Lady save me and mum and give us love, guardian angel keep us! Nicolas the Thaumaturge help us!!!

I interrupted my tutor, "You know what I don't understand is that Angel has a germ-phobia. She refuses to hold on to the poles in subway cars for fear of contracting someone else's germs but shows no reluctance for pulling the dicks of her clients or allowing them to stick it in her without a condom. It doesn't make sense.

"Sure it does, she's sick—period! Where were we?"

March 21, 1999

Yesterday it was 3 months from the day when I arrived to Cyprus.

Here something happens every day. Once some sucker, a child of approximately 18 years old, sat next to me and Monika. They opened a bottle of champagne. It was good. 1 table dance and 4 drinks. Then we went with them, they have brought us to a cheap hotel. Here Monika began to demand from them 100 pounds for sex - what if there will be a child? My boy tried several times to lay me in bed, threatened me with his arm. I asked him: "What happened to your hand?" So I did not allow any sex to them. We went back to the club by ourselves, for a long time we could not find the way home - we did not know what bus goes to our district.

Once I went with Oxana, a fat man and his small friend. His small friend (to my mind, he had some mental deviations) for a long time (about 30 minutes) could not recollect the road and our car went in circles. Then we have arrived to a hotel. I helped fat man to masturbate, made him a massage. He paid me 30 pounds. The little fool broke Oxana's cosmetics - he wanted to take back the money he paid her for orgasm because he said she not worth it. She climbed over balcony and came to my room. We left from that hotel by taxi.

I asked former customer of Lena who was also named Christopher to take us to Pathos. It's nice to go there, the whole trip takes about 1 hour. There we took photos. He bought me electronic watch, we were choosing for a very long time. And then Eric as well gifted me watch - precisely same model, but of other color. I quickly hide watch Christopher bought me.

"I assume Pathos is a resort on Cyprus?" My tutor asked.

"Right, it's located on the western part of the island. The ancient Greeks believed Aphrodite was born there and turned it into a pagan pilgrimage site long before Christ."

"Your wife probably believes she's a direct descendant of the goddess of love."

"I'm sure she does, all will love her and despair."

Yesterday I talked with Sergey (after masturbating Pannikos) and burst into tears. I told him that I am so tired of it all. Sergey believed me and to soothe me he gifted me a dress, it costs approximately 37 pounds. After it came Pannikos and took me with him. Prior to it I was sitting with Philip. He managed to urge Pannikos to buy a large bottle of champagne - 8 drinks. I thank you, My God.

On March 19 I have received 40 pounds from dances + 10 pounds salary. For the first time in my life - 5 privates 6 pounds each + 10 drinks. Monika began to interrupt my business. She sits with Rikos and does what I usually do. When it is necessary for me to speak with Rikos she says that he is her customer, and that I should hurry my talk with him. Oxana went home.

Today Pamela from TRAMPS at 6 o'clock in the morning left with a customer, and returned at 10 o'clock in the morning without telling Marios. Marios and Melios learned about it and they came to us. Yesterday Marios shouted at me because I went with Pannikos. Marios said Pannikos does not come to club, I have sex with him, I receive something for it but the club does not receive anything. I shouted in answer you son of a bitch, I do not have sex with him and that Marios should not trust to all he hears. Then Marios seemed to trust me.

My God bless me! Our Lady save and give us love, guardian angel keep us! Nicolas the Thaumaturge, help me in my business and in lowering of my weight!

April 03, 1999

It is already the 3<sup>rd</sup> of April. 3 years and 7 months passed since the day when I got acquainted with my darling. God give us all the best (me, Your slave Angelina and Your slave Alexei).

Larisa from the club helped me very much. She took to Krasnodar my things (coat, jeans) and handed over some of my earnings so far to my mum and 200 dollars to Alexei. After it my darling Alexei has called me up and told that my mum was very happy. He told me that I must prepare for a serious conversation about post-graduate courses (that I must continue studying). Besides my darling told me that he cannot take this money and that it will wait till I myself come and take it. It means, that he wants not my money but me myself.

My tutor commented, “Alexei sounds like a decent Russian man whom I’d like to meet.”

“He does seem like a guy honestly concerned about Angel, and she told me no man wanted her to be honest until she met me. Ha!”

“And you, of course, fell for it.”

Last week here came tourists from Kuwait. Marios sold to them me, Regina, Julia and Nadya (40 pounds to each of us). My admirer, Ibragim, and me drank much wine and I was stupid enough to give in to him. Prior to it I asked him to give me 100 dollars – not for sex, I just needed it. He answered that he had left all his money downstairs with security desk. Most awful that he also introduced his member into my anus. It was very painful and terrible. After it I did not feel my fanny for three days - it was very painful. He told me that he will come once more to ZYGOS to pay me or I could myself come later to him and take this money. He left the next day without paying me. Let God be his judge...

“So that’s why Angel would never take it up the ass,” I interrupted.

“You’re a pervert Roy,” my tutor replied.

“And you girls love it.”

In two days I got acquainted with a very remarkable person. I went with him to hotel and made massage. (I told that without sex it would cost 40 pounds, with sex - 100 pounds). I have excited him and he finished before entering me. I received 100 pounds anyway and money for a taxi. Let God give this remarkable person good health and all the best!

Me and Vika have pierced ears, made one piercing each. Thanks to Eric we paid no money. I went to a doctor, because my delay with menstruation has made already 17 days. The doctor told me that I am not pregnant. In 2 days there began menstruation.

In the club, I am glad when a customer comes during a private dance. Some men come this way for the first time.

Andreas has brought to ZYGOS his son. Now I meet both with Andreas and with his son. Andreas is a remarkable man, he is very careful and attentive, treats me with fruits. He gifted me a golden bracelet (the first one in my life).

Sometimes I have problems with girls. They cry that I always run to each customer in front of them, not giving him a time to enter, though I saw, that Amanda and Sveta were making their way to the customers entering. Monika makes with her customers 75 pounds a day, and I 50 pounds. When my customer Eric refused to buy a dance from Monika, she told to her customer not to buy a dance from me.

“Wait a minute,” I said. “Let me figure this out. 50 pounds a day, six-day week for six months comes to 6,200 pounds at \$1.60 is \$9,920! And she always complained about being broke after Cyprus.”

“What do you expect? Can we continue?”

Situations differ. Yesterday one merry man undressed my left leg, sprinkled it with orange juice, put on my shoe and led me to dance on the stage. We danced, he jumped with me, but he did not buy a dance. God’s will is in everything!!!

My God bless me! Our Lady save and give us love, guardian angel keep us! Nicolas the Thaumaturge, help me in rising my business and in losing my weight!!! Amen!!!

My tutor stopped translating; it was early evening. “My head is swimming. I have got to stop for the day. I can take just so much of this retard. Your wife is nuts you know, not just a prostitute, but certifiably committable.”

“I’m disgusted.” I replied. “This is even worse than Mexico, unless she was just more honest about what she wrote when in Cyprus. What a liar, telling me she danced only in her panties, the men never touched her and she didn’t have sex in Cyprus. Men bought her for hours at a time and it sounds like she enjoyed it. All that hypocrisy—pretending she was a good girl. She’s nothing but a two timing, duplicitous slut!”

“Looks like you were just one in a long line of suckers. Why didn’t you listen to my friend and me—you dope?”

“I don’t know. I keep asking myself why I pursued this girl. What was it that made me keep after her despite all the warning signs?”

“You weren’t pursuing her, stupid—she was pursuing you. She’s the wolf—you’re the goat.”

“Okay, okay. When can we meet again to finish this?”

“Let’s see. How’s the day after tomorrow at the same time?”

“That’s fine.”

The following day I received a call from Angel at eight in the morning, four in the afternoon her time, which was strange since she knows I am usually asleep at that hour. Strange, unless she planned to go out for the evening with one of her beaus and wanted to head-off my calling her late at night to find her not at home by calling me instead. She could have saved herself the effort; I was so fed up with her after the latest part of her dairy that I didn’t much care. But as the fates would have it, later that day a model agency called for Angle requesting an interview. I thought it important for her to telephone the agency directly, so I called her at around midnight her time. Her mother answered and said Angel was a sleep. I explained it was important, but her mother refused to wake Angel up. I then called Angel on her mobile and got no answer. Hours later at seven in the morning her time I reached Angel who sounded extremely sleepy. She said she was jet lagged—party lagged was probably more correct. I was cool and didn’t reveal what I now knew about her and told her about the model agency.

Two days later, my tutor and I picked up where we left off.

KALO PASHA!  
(Happy Easter)

April 16, 1999



CHRIST HAS ARISEN!  
REALLY HE IS ARISEN!

My tutor laughed, “When she says ‘arisen,” I can imagine what she’s thinking.”

“Enough commentary.”

“You’re such a stiff. No pun intended,” she laughed some more.

It was so wonderful! We girls went to Russian church, and for the first time I participated with a candle in my hand in religious procession, we followed the parson. All was so wonderful.

The only thing that we could not manage was to consecrate Easter communion - Kostas arrived and took us from church back to the club.

Later we went to TRAMPS, had a meal, talked and danced. I pitied that I did not go with Stephanos - he could take me in the night from church and we might go somewhere to make love. All girls have bitten off 12 times from 12 Easter cakes to make this year happy for us.

I learned from Sergey that he loves a girl, Liuda, who works as I do in a club, but his parents don’t want him dating such a girl. They think she is a whore.

Before Easter Marios sold me to other customer (Anton). Stephanos wanted to take me that night, but the club did not tell him, that I was already taken by another customer. He thought that I decided to get rid of him, became angry and did not want even to speak with me or even see me. I burst into tears, but later, thanks to God, he apologized, saying that he was drunk. To tell the truth I want him.

I am awfully tired of masturbating these fuckers in the private dances.

On Tuesday I had 5 striptease dances.

One boy had to marry on Saturday, he came to us with his friends. We danced for all of them a table dance. Marios gave Julia a wedding dress and she danced for this boy a striptease on the stage. When this boy wanted to leave his friends did not let him.

One customer seized me by hand. With this customer there was sitting a girl in a kerchief. It turned out that she knows how to tell fortunes by looking at hands. At first the customer introduced himself as Mustafa, then as Akhmed. He wanted to buy me for three days. Then he talked to Marios and bought me for three days.

We were all together - Tatyana, her husband, Akhmed and I. In the first night in hotel Meridian he bothered me with sex. He followed me constantly speaking ‘please, please.’ I did not give it to him. Touching exasperates me, I am tired of it. After it he began to respect me, he said that I am not the same girl as all others. These three days I stayed with him in the hotel and we went to different cabarets, twice swam in swimming pools (in an outdoor and in an indoor).

And what is the most important, he invited me to go to Egypt. He offered to open for me all ways, it is possible to find job and entertainment everywhere, he asked me to marry him. He would divorce his a wife with whom he has 2 daughters and a son, for whom I helped to choose clothes. He offered me everything I might wish - house, career. He could even purchase for me humiliation of my boss and make Marios clean my footwear. I decided

that next week I will go to Egypt with him. Next week he will come for me, I might leave even the day after tomorrow, if visa comes through.

Tatyana is a remarkable person, she is from Rostov. She is only 22, former ballerina, clairvoyant, slim. And I am so fat--restaurants, croissants for lunch. I will bring down my weight.

Now I am waiting for doctor George to buy me for the night.

My God bless my leaving Cyprus for Egypt! I thank You and I ask for wisdom, forces, love and safeguarding!!!

April 25, 1999

It was a crazy week. Marios is going to leave us, he wants to manage his other club TRAMPS and let Jimis run ZYGOS.

We had no business for three days. I had only 1 drink.

I went with Stephanos, got drunk with tonic (40 percents of alcohol). I drank so hard for the first time in my life. It is abnormal. Then I barfed. Poor Stephanos ran after me offering a seat so it was more convenient to me. And it was too bad to me. Stephanos cared for me very much, but then he himself felt bad - his temperature rose.

Marios shouted because there was no business. He discharged Vika and Natasha. We wept, all hoped, that Marios will on Sunday leave for TRAMPS.

On Friday I for the first time had 8 privates and 12 drinks. I was wasted. Before that this one ass hole with a big shlong bought me and wanted me to make him oral sex, I persuaded him to give me 10 pounds in return. I nearly gagged.

Another customer had a house with a lift. He took me just before my day off, it happened very unexpectedly, 20 - 30 minutes prior to closing cabaret.

Yesterday I had 1 private and 10 drinks. Marios shouted at me for not switching up lights during my dances so the customer could see me better, though I did.

Me and Serge went to make love.

At 11:30 in the morning, I met with Pannikos. Prior to it Pannikos presented me a ring of white gold. I dreamed of it so much. He and I went to Aqua-park. There we went boating, swam. Then I for two hours was riding his Harley Davidson motorbike. We greeted everybody, having gone round for several times. We bathed in the sea (my eyes watered after salt water). I myself rode water motorcycle - maximum speed on water is 60 km/hour.

A security guard at the club sold to Eric information that I had sex with Serge. I started my tears for Eric who kept asking me why I did it. I told Marios about that security guard, he became very angry. I took from Eric all my money that he kept in his bank account. I was very much upset. Eric promised to gift me on Tuesday a video camera for my mum and now I will not get it. But Akhmed will come tomorrow.

Leandros paid me with shoes and the rest in dollars. Apartment in the center costs 12 000 dollars (one-room) or 15 000 dollars (two-room).

Yesterday I again rode "Albano" - this is my first horse. I rode very fast, all alone.

My God bless mum and me! Our Lady give us love! Guardian angel keep us! Nicolas the Thaumaturge and all saints, help us!!!

May 06, 1999

I have been thinking hard for all 3 weeks. I did not know whether it is good or not to go to Egypt. All discouraged me from this trip. I decided to go and packed my things. Akhmed came and took me. He promised me visa, but said that there emerged some problems.

Before it I went to a doctor and asked him to give me a medical report that I am sick so I could get day off. I told the doctor that I have pains in my abdomen. The doctor gave me some tablets. Then he wanted to make analyses for me, but he did not give me a medical report. My pulse was 80, 110/70- i.e. normal. Horror. Marios got angry because a customer could not buy me because I was getting tests done in the hospital.

“Interesting,” I said. “She apparently has this bag of schemes she uses over and over to fool people into getting what she wants.”

“What are you talking about?” My tutor asked.

“Her fake illness to get off from work. She used the same line about serious abdominal pains before she left for Krasnodar and Cyprus to make me feel sorry for her so that I wouldn’t try to keep her from reentering the country.”

“She’s a grifter. That’s how she gets by.”

“Some times I think you are on her side.”

“Hey, you’re the one who got yourself into this mess—not I. After all your time in Russia you should have learned that the girls stuck in that place are not the little miss innocents they pretend to be. American men idealize these Russian babes as passive and dutiful—they aren’t, they’re just better liars.”

“Hard to blame American guys given the storm-trooper-booted girls they find here.”

“Then let them deal with Russian girls who know exactly what they want from foreign men, which is to take guys for everything they’ve got, especially a ticket out of Russia. These pretty young girls make a living by hooking up with a foreigner, wrapping him around her finger, getting him to buy her expensive presents and dinners, and after he leaves, she repeats the same thing with another guy until she finds one dumb enough to take

her home with him. They have few notions about love. Remember when you were still in Russia, I told you to have fun and not get seriously involved.”

“I remember, I remember. Let’s continue with Dark Angel’s exploits.”

“Ouuuu, I like that name. How fitting.”

This night George took me. Prior to it I made a silly mistake - I asked Andreas to go to hotel “Meromania” and to take there from Akhmed a copy of visa for me. Akhmed got jealous over Andreas and lied that he couldn’t get visa. It was the turning point in my going to Egypt. Akhmed no longer wanted me.

I went with George to “Meridian” hotel. He gifted me a bracelet and ring made of three kinds of gold - white, yellow and red. He gifted as well an alarm clock and a silver frame for a photograph... All was good.

Marios shouted at me about trying to leave to Egypt with Akhmed and my going to the hospital to fake an illness. He told that I must all the next day stay at home and wait for him to decide what to do with me. All day I had been waiting for him, but he did not arrive. On that day I should have a day purchased by doctor George. In the evening Marios called me to office and told that on Sunday I would go back to Krasnodar.

I could not work. I was shocked. All the money I hoped to make gone. Stephanos came and bought me, and Marios told Stephanos that he has me until 7 o'clock in the morning when Kostas would take me back to the club.

Marios threatening to send me back to Krasnodar turned out to be a psychological trick (a lesson for me). I went to office and talked with Melios and Marios. I told them that I understood my mistake. They forgave me.

On May 2, 1999 Marios had his birthday. I signed a congratulatory card to Marios and apologized once again. We ate a pie bought by Kostas. We enjoyed a good time. Marios embraced me in the office and apologized for so much shouting at me. I took him by the hand, but this time he immediately made me leave the office. As boss he is very much pleasant to me. If he is in a good mood, I as well feel myself normally. But sex happens in different ways.

Now business does not go. Yesterday one son of a bitch ordered a dance, but did not pay, because I have not allowed him to kiss between my legs.

Akhmed does not call me up. My God, give me forces that Your slaves Andreas and George still want me!

Good luck! My God bless me! Our Lady save me! My guardian angel keep me! Nicolas the Thaumaturge, help me in my business, in lowering of my weight and in all my deeds!!! Amen!!!

May 16, 1999

There happened so many events in so little time. First, I seriously intend to decrease my weight, because I became as thick as a cow (chest - 37 inches, waist - 27, hips - 40, one thigh – 23, calf - 20.) Am I a strong person or am I not? Now I control what I eat and how

much I eat. I have a very strong will. I will stand it!!! For this week's term I must decrease volume of my hips to 39 inches. I can, I will stand it. I am strong. I control everything.

For this period of time there happened many things. Andreas arrived to ZYGOS, but I could not speak to him. I was busy with another customer.

One fine day Marios organized to drive us girls home after work. He waited, while we were changing our clothes. That day I was very tired, because I had 8 table dances. Marios began to preach that it was immoral for us to cheat him out of money by making our own business with the customers. He managed to irritate me.

The next day he again conducted a meeting. But his income did not improve so he decided to keep close watch on us and the customers. For one week we did not go anywhere with a customer unless Marios recorded the time spent with each customer. He watched the time we left the club and the time we returned.

Monika and Vera were discharged because they still made private business with customers. All of us wept very much in fear...

One fucker has not paid me for dances (I danced two dances). Another lied something about money. I have danced, and he did not pay, and Antonio, the security guard, stood silent and looked at all it, not even trying to help me. Amanda as well danced to the same customer 2 dances, and he as well did not pay. Soon Amanda was also discharged for cheating Marios.

Two other girls came to our cabaret from another cabaret, because their cabaret became bankrupt.

Sonya celebrated her birthday. It is good, that the girls helped her to cook everything, all passed easily.

At club Rikos began to joke, that when I give private dance to his good friend Eric, I allow his friend to put his fingers in me. I spoke with Rikos without tears, very boldly and refuted all he said. Rikos does not know, that we meet with Eric privately.

Once I and Stephanos made love near the sea under noise of wind and sea waves, and then I lay in the sun without clothes. It was so wonderful.

On Friday there was a party. Two persons from one telephone company, but from different countries were going to marry. On that day arrived people from Africa, America, Australia - in total about 20 persons. We danced there. We all put on T-shirts, I strutted and enjoyed a nice time.

Angelos (former customer of Regina) promised to present to Sonya and to me golden rings. Regina promised him very much, but made love with him only once, but received from him many gifts.

The girls are having a good time at the club. They have purchased themselves drinks, Marios was shocked.

Once we forgot Regina at home and left for work without her, after it she was stinking very long. And there was one more case, when she has fallen asleep in the girls room, sitting on the toilet—it was funny.

Now Marios has left for Krasnodar to see my model agent Anastasia Vasilyeva to arrange for more of her girls to work in ZYGOS and TRAMPS, I sent with him my package of money to hand over to my darling Alexei who will pick him up at the airport. Mum will be so happy when she receives the package.

On Sunday Monika and Vika came to us, I spent with them only 1 hour. Now I live with Olya and Sonya. We have more or less good relations.

It is interesting, when my menstruation will begin. Due to my nervous strain my menstruation has already delayed by 17 - 18 days.

And yesterday I made sexy photos in the club "Four Seasons".

My God, bless me to work. Give me forces and patience in all cases, and help me to grow thin. Amen!!

P.S. I rode with Andreas on his Harley Davidson motorbike with the speed of 150 km/hour. I was dressed in his jeans and jacket. And what a miracle is that bike. He is a good boy. My God bless me!!!

May 22, 1999

Time goes fast. Term of my contract ends in one month. I have to grow thin. And I will grow thin! Amen.

I worry very much because of delay with my menstruation. In one week there will be a month of delay. I drink tablets for regulation of menstruation cycle. My God, help me, make so that my menstruation begin!!! According to information received with magic pendulum and cards I am not pregnant (there are even no signs present). Oh, My God....

Yesterday I did not go with girls to walk in the center because one fucker bought me. How he manages to work in a bank, I wonder. I burst into tears when I could not go with the girls. On the other hand, the girls have overeaten. Regina celebrated the traditional day that everybody with her name celebrates in Russia. She brought pies. Well, I also have eaten these pies.

Today I and Pannikos went to a beach and on the way back his car could not start. Well, we pushed it a little and then I went home with him.

Yesterday I had 4 privates, 1 table dance and 12 drinks. And on Wednesday I had 7 privates and 2 drinks. On Thursday it was bad - only 1 private and 2 drinks. (Horror!)

Yesterday I and Stephanos were going to go to Larnaka but Stephanos did not come. So I went with Davie. He wants to gift me an icon (gilded with 24 carats gold) where image of Jesus Christ was drawn by Davie himself. Here I recollected a prediction by a fortuneteller - I was told that I will receive a thing - a gift, which would cause to me many problems in Cyprus and in Krasnodar. This gift is a thing. And yesterday I began to recollect this prediction. I think I will accept it and then sell it in a shop—he will never know. On our way back from Larnaka we rushed with the speed of 130 km/hour on motorbike. I shouted. It was terrible, going so fast was very risky. I did not feel my face.

Eric again promised, but did not arrive at the club.

My God, help me!!!

May 29, 1999

Time flies. When I was with one young customer I have nearly fallen out of room for privates when his member shot fast and furious. It was amusing, some of it hit my thigh.

Eric gifted me - at last! - a video camera, dream of my mum. She so dreamed of video camera. She will be so happy. On the same day I and Masha have gone to the church "St. Raphael", then we swam, ate, had a massage. Eric began to chase after Masha and even does not try to hide it. He bought to her a bathing suit for 39 pounds, bought to her and to

me slippers. He makes to her business twice more than to my, and gifts flowers to her but not me.

Stelios gave me 30 pounds, he put it inconspicuously in my bag. And yesterday I bought to me a dress for 23 pounds and pajamas for 44 pounds. At last, God be praised, there began my menstruation (I waited them for about one month).

I and Stephanos went to Georgio Beach, I wanted to swim so much, but I could not, as he wanted to make love to me. I was tired and as I was in my dress I went directly in the sea, in waves. I half-cried half-wept, and then burst into tears. Stephanos calmed me and gifted to me a towel and yellow flowers. He apologized, if he had offended me. All ended normally the way I wanted it.

By the way, one rich Arab with his friend took me and Masha, then we danced in disco, but in the hotel he saw that I have menstruation. He was offended, called up Marios and complained, rich scoundrel.

Bambos gave me a medicine - if I will take it, then I may lower my weight by 22 lbs. in one month's term. Now I weigh 170 lbs. My God bless me!!!

When Eric gifted to Masha a stuffed monkey, Masha had a conversation with a woman selling flowers. Masha wanted to tell this woman "The monkey looks at you" but the woman heard something like "The monkey looks like you" and refused to sell us flowers. We laughed.

Three days ago Nadya got dead drunk. All girls tried to bring her round. They took her to bathroom, made coffee for her. They worried and feared, that Marios would see her. Regina is a fine girl, she slapped Nadya across her face. Nadya came alert and soon she was again sitting with customers and drinking whiskey.

Bambos gave me a medicine for improving metabolism. My God, help me to achieve hips of 39 inches. Oh, God, let it be so!!!

June 06, 1999

On June 2 there were 3 years and 9 months since the day when I got acquainted with my darling Alexei. He has sent me such a letter.

I asked one Arab customer (he told me that he is rich) for 65 pounds for tape recorder after we went to hotel. He gave me 70 pounds and 5 pounds for a taxi. Let God give him all good!

As for Stelios, I did not give it to him, so he took back the 65 pounds he paid for me by credit card. Greedy son of a bitch! He feels offended and does not want to come to cabaret.

Nadya and Masha got dead drunk. They were wallowing on the floor in toilet. Marios has beaten them black and blue and then forgave them. They were in such condition. Regina was discharged for private business with customers and received 3 days of vacation. She wished me all best and warned me to be artful in my business.

Alexia came to cabaret at 10 in the evening. She wore glasses and a hood. Antonio called her to office and she left. She had such a look as if she was asking "What has actually happened to me?" She lost her salary for 2 days. She had gone with a group of Greek seamen without making them pay Marios for her.

I went with Eric to ride on horseback. I swam in the sea, water was very warm, a girl from Krasnodar made massage to me.

On Thursday came Stephanos, he had been sitting with me for half a night and ordered 2 table dances. It was so cheerful and wonderful! Then after making love in the hotel, I spent a whole hour waking him up, for him not to be late to work.

I have been keeping diet for already four days. Those medicines which Bambos gave me made me bend in convulsion, but then, thanks to God, all passed. I lost only 15 lbs of my weight.

Olga celebrated her birthday, I did not overeat for the first time. Olga wants to leave on Sunday, she is tired of Cyprus. And I still have 3 weeks.

Recently here came so many new girls - about 15 persons. They drank with us, for them it all is a novelty. But each takes a little bit of business - and the whole business goes downwards for me and other girls. May God help me (in my growing thin and in my business).

Lena has left. She is a good girl, she is approximately 34 years old. Another girl came at once to her place. Now in our flat live four girls.

I went to a dentist. All is well, except for my gingivitis. I rinse gums with preparation. I should be more careful with customers.

Stephanos says that he will miss me very much. He wants me to write to him letters. Pierre fell in love with me. Today we sat, talked and he presented me a post card and 20 pounds.

Sasha left two days ago - her husband took to himself her son. He wants to sue Sasha for divorce because he learned she works in Cyprus as a prostitute. She has two times more luggage than me. I went to shopping center and bought a skirt and a blouse.

I thought where to hide my money when I go back to Krasnodar. There are three variants - in luggage, in heels or inside me. To hide in heels, it is necessary to purchase proper shoes.

Doctor George shall arrive at the club today.

My God bless me! Our Lady, give us love! Guardian angel, keep us! Nicolas the Thaumaturge, help me in everything!!! Amen!!!

June 15, 1999

There are only two weeks left - and then I go home. Yesterday, on Monday, I had 4 privates and 5 drinks.

I went to dentist - 2 of my teeth ache. I cried so much - the pain was very strong, my gums were aching. Prior to it Eric paid to cure 3 teeth - it was very expensive. Curing of 1 tooth costs 30 pounds, curing of 3 teeth cost him 150 pounds. He presented to me a dress and as well presented a dress to Julia. He makes more gifts to Julia than to me, she belongs to the next generation of girls at the club, and he pays to her more attention than to me.

I and Christopher (he gifted to me a watch) went to Pathos and for the first time here we made love. It took him 1 minute to come inside me. Then we went to Andreas' restaurant to eat fish. I called up to doctor George but he does not want to talk with me. Why? I am very, very much disappointed for I will lose money. I will insist on conversation with him. Probably, someone has told him something very bad about me. I need to put some herbs in his food.

My tutor asked, "What kind of herbs?"



“Who knows? Probably the same that she put in my food before and after our wedding. I think it’s all part of her bag of black magic tricks.”

“Or drugs?”

“What do you mean?” I asked.

“Look, she lives in the Caucasus, which is a transshipment point for Asian opiates going to Europe and the U.S. Even I know that. So drugs are cheap and easy to come by in her hometown. She slips some to her Johns so that they keep coming back to her thinking it’s she who makes them feel good when it’s actually the drugs.”

“That’s it!” I shouted. “You’re a gem. I could kiss you!”

“Don’t you dare.”

“I couldn’t make the connection. I thought the so-called herbs she slipped me were part of her black magic, but no, they were drugs. That’s why guys fall for her—so simple and so effective. She’s lousy in bed and she has awful body odor. Not exactly the criteria for a geisha girl, which is what she emulates. In fact, one of the reasons I initially thought she wasn’t a prostitute was how bad she was at sex. But she wasn’t selling sex because no one would pay for it from her. She was secretly selling addiction to the narcotics she slipped in the food or drink of the customers she wanted money from. She’s a pusher, but she does it in such a way that the men think it is her that makes them feel ecstatic when it’s actually dope. She made herself the drug of choice for her customers without them knowing it. Ingenious, simply ingenious to transfer the nirvana of drugs to herself, which makes her, not the drug, the object of hunger in the man’s mind. That’s why I always felt bad after she left. It had nothing to do with love or any other psychological reason—she simply used drugs to addict me to her. That’s why I liked just hanging out with her because I was stoned

and didn't realize it. She slipped narcotics into my food and I identified the good feeling with her—amazing!”

“It's also why you brought her to America after learning about her slutting around and why you still haven't gotten her out of your life.”

“But cold turkey from whatever she was slipping me would last at most a week or two. So by the time I was back from Moscow, I was over the drugs.”

“You were physically over them. But drugs also cause long term psychological dependence, and you're not over that part yet.”

“Good grief, what a curse!”

“I'll say,” replied my tutor. “She's one vicious slut. How does she know whether someone is allergic to the dope she feeds them or what their tolerance level is?”

“She doesn't. You just translated about Stephanos who couldn't wake up to go to work after spending a night with her. She probably gave him too much. And Andreas who was having heart problems. You don't give opiates to a guy with a heart condition.”

“She could kill guys doing this.”

“I'll bet she has already, but doesn't give a damn. If she had overdosed me in Krasnodar, she would have started the tears flowing for the police, saying, ‘You know these Americans and their drugs. I tried to stop him but he wouldn't listen.’ Men are less to her than the kitten she once killed. She doesn't want their hearts—only their money.”

“She killed a kitten?”

““Yep, once Angel told me that when she was a teenager, a kitten kept rubbing against her legs, so she stamped her foot on the kitten's hindquarters crushing its back legs. Then she just watched in glee as the kitten crawled away screeching in pain to die. Funny,

my mother didn't like my cat rubbing against her legs either. Always thought mother had finally poisoned my cat."

"Your wife better hope I never see her, I'll ripe her face to shreds!"

I was fully certain my tutor could do just that. "It all makes sense. Most of the guys she writes about were regulars with prostitutes. They're not about to fall in love with one and take them back to their country or give them so many gifts as though they were chasing a regular girl. And they are not about to pay money for intercourse only to get a massage, assuming her diary isn't coded to hide many of her tricks."

"You did."

"But I didn't know she was a prostitute and didn't meet her in a strip club. In the beginning, I thought her a model and dancer, which was probably when she started feeding me drugs. No these guys were too worldly to fall for a pros, but they would have gone after her licking their lips for another fix of Dark Angel's magical brew—dope."

"But why doesn't she write about it in her diary?"

"The possession or use of narcotics in Russia can put you away for a long time. You know that. A friend of one of my translators over there is serving two years for possessing a joint. Would you want to spend two years in a Russian jail?"

"No thank you!"

"Right! And the only time she ever mentions secretly feeding me something was before our wedding and then she referred to it as 'salts and sugars'. When I confronted her, she steadfastly refused to say what the salts and sugars were. Dope is a punishable crime everywhere, prostitution nowhere."

“Dark Angel is too nice a name for her,” my tutor added. I can’t think of a word low enough. What a combination: whore and pusher, but the usual pusher is generally honorable enough to tell his customers what they are getting.”

“I never believed girls like her existed except in the movies. Let’s finish the translation up.”

I have gone to gym. My weight is now 169 lbs. After running and exercises – 164 lbs. There is a lot of water in my body. I must leave with hips of 39 inches. I must! My God, bless me and give us wisdom, forces and patience!!!

June 23, 1999

On Friday, at 6:06pm I called up Stephanos. I told him that I shall go with another customer who bought me to Ayanapa. Stephanos felt offended, has wished me Godspeed and I switched off telephone. I wept so much.

“What’s Ayanapa?” My tutor asked.

“It’s a seaside resort on the south shore of Cyprus where the young, people your age, go for fun and sun.”

“I’ll keep that in mind if I ever travel to Cyprus.”

On Saturday I made a record - 10 privates, including 5 to one remarkable grandpa, and as well 2 table and 12 drinks. In total it made 500 pounds. Stephany took me and we went to Larnaka. I had to leave early because I had to see grandpa from whom I earned 60 pounds for 30 minutes of masturbation. Then grandpa and I ate in restaurant and I sold him for 10 pounds copies of 2 photographs that Leo took in Moscow of me naked.

“Who’s Leo?” My tutor asked.

“He’s the guy who runs the modeling agency in Moscow that Angel worked for.”

“You mean her Moscow pimp.”

On Sunday I worked without much effort - 5 privates, 4 tables and 8 drinks. Three customers wanted to buy me - that son of a bitch Stelios, a fat man and Davie. I preferred to leave with Davie. We went to hotel. I came back by motorbike. It was marvelous!

In Monday morning I went to pose. For 2 days I earned 15 pounds (in total I posed naked for approximately 3 hours).

Later on Monday I and Stephany went to ZYGOS and there I explained to the new girls the best approaches to work (everyone listened to me so attentively). Now Freedom, my contract with Marios and Melios is finished and I hope to go home Sunday. Then me and Stephany we went to beach and swam. After it we went to hotel. (That day the son of a bitch Stelios told my ma that he bought sex from me. He thought mum did not know.)

“So,” I said, “we finally know what we suspected about Dark Angel’s mother.”

“Speak for yourself. I knew all along her mother was an old whore who taught her daughter the ropes. She probably started pimping Angel out when she was a teenager or younger.”

“You really think so? I never even thought about that.”

“An easy way to make money.”

On Tuesday I and Stephany went to amusement park. It was so wonderful to be in weightlessness ride. And I did not fear at all in the horror room, only in the very end we were sprayed with water. We drove small cars. Then I for the first time came to the restaurant “Perfect”. Stephany was telling me his love stories.

Today Kostas promised to take me to Pathos but he did not come. I participated in advertising of exercise training device - they photographed me in clothes and naked, I was paid 50 pounds.

Now there is a problem because there are no tickets to a plane to Krasnodar for Sunday. Maybe I will have to go via Moscow, sit there for a day in the airport, and then fly to Krasnodar. My God, help me to avoid it! Make it so that there appeared one place in the aircraft for me! I beg you!

My God, bless me and help me...

June 27, 1999

Now I am sitting in the plane. Each day I thought about the ticket. I got it all by myself. Marios didn’t help. On Friday one Arab helped me. I went along Anarsthasezia Street. The Arab stopped near me and I went to him. We had a meal, then he begun to accost to me. “You son of a bitch!” - shouted I to him. And he said that I was mistaken and that he was not like all the others. He presented to me a skirt and two T-shirts. I am very grateful to him. He helped me very much and I have saved a lot of money.

Stephany and me again went to amusement park. We twice rode on the upside down attraction. Oh, Stephany, Stepanit. Then I drove a car. On Friday in the evening we went for a walk. In pub I drank cocktail and excited myself. He as well tried the cocktail, became excited, and tried to dispose himself to making love but unsuccessfully. Then we went to Greek disco.

On Saturday I have persuaded Stephany and we went to Ayanapa. We stayed in “Swim Park World” for 1.5 hours. He laughed looking how I was sliding down in water

from a 2-stage slide, how I clumsily tried to walk on rocks. I received so many impressions. Then we went to ZYGOS. We sat at a little table. Instead of DJ there was Marios. It was very stuffy. All girls were dancing together on the stage; it was awful. I said goodbye to everybody. I thought that someone has taken my 500 pounds, but then, after a talk to the girls, I understood that I myself had put aside 500 pounds from the 1800 pounds I would bring back myself to home. It was very shameful to me that Stephany and I had to open Lolita's bag and to look what was in it. My God, forgive me, Your sinful slave. Stephany fell asleep. I wanted to make photos of the disco, but he did not give me his camera, because he was already half sleeping. All this time we each day slept in the hotel.

On Thursday Stephany overslept and was late to his work. In spite of the fact that sometimes he did what I did not like, he is very - very much pleasant to me. I like his odor, course of his thoughts.

On Thursday I went for the last time with Eric to ride Albano. My legs ache for already three days. There was so beautiful there.

I wheedled from Eric 50 pounds and spent them. And today I have also wheedled 25 pounds from him for massage. I am very, very much grateful to him for all he did for me. God give him all the best.

Today in morning we gathered with the girls, we sat, talked and had a drink. Forgive me, girls, for my badly thinking about you. Let God give you good business.

We arrived at airport at approximately 11:50am. We went and bought the ticket. One woman was flying with her daughter. With their help I managed not to pay for extra luggage - I gave them 2 of my bags when they weighed baggage. All happened so quickly. It turned out that our aircraft was taking off at 1:10pm (local time). I had time for only 1 kiss to Stephany. I thank him for everything. Cyprus, Limassol, I thank them with all my heart for everything!!!

My God, bless me! The aircraft began to take off. 1:57pm, June 27, 1999.

June 30, 1999

Thanks to God, I has arrived home in Krasnodar! But I suffered so much with my bags! It was good that I was together with that girl. I had with me 1 package with the tape recorder and video camera, my "Fa" bag, 1 bag of money to Elvira from Marios, and my small bag. And in all I had 2 major bags, 2 green bags "Fa", 1 black bag, 1 package and I had to carry it all alone. Oh, Russians, Russians. They never try to help, they only care about themselves.

I wanted to come back so much. It was raining when I arrived. Thanks to God, customs had no questions to me. They asked whether I carried something valuable. I answered "I have no gold" (though I had golden rings on fingers, money and electronic goods). Mum met me with balloons. It was so difficult living in Krasnodar after Cyprus. Everywhere there is much dirt, and there is no sun in the sky.

My darling Alexei, after Stephany, I could not kiss him. It was difficult to me to stand Alexei's touches. I miss Stephany so much. I miss his laughter, his kisses.

We have celebrated my homing. We made a pie. I was glad to have some melon and to see Alexei's mother.

On Monday I and Alexei went somewhere (I do not remember where exactly).

Yesterday I called up Stephany. I was so glad to hear Stephany's voice. "Its very hot here. Angelina, I have lost 2 lbs!" Stepanit, my dear boy. We talked about my arriving home, about my missing him. Then I went to Alexei and talked to him.

I called up to Moscow. Leo invited me to arrive about July 15 for customers. There will be a festival with participation of Hollywood stars.

My tutor asked, "Is that when you met her at the party in your apartment building?"

"A week later."

"Lucky you."

"All right, let's get the rest of this over with."

July 17, 1999

There happened so many events. I began clearing my intestine in the medical center. I began keeping diet, ate raw fruits and vegetables, and my intestine has inflamed and I had Venus disease. My temperature lifted up to 101.7 F. When my illness ended, my weight was only 161 lbs (in comparison to 172 lbs earlier).

"That means V.D. Roy!" My tutor emphasized.

"Give me a break. I'm getting myself tested tomorrow."

On Thursday I had some purgative tea. On Friday my temperature again rose up to 100 degrees. On Saturday we went with my darling to disco "Joy". We ate ice-cream, drank cocktails. We made love, it was painful to me. In the morning we ate sausages, then we went to choose a gift for me.

On Wednesday I felt gynecological pain. Then we decided to go to the Black Sea. I felt sick, there were shooting pains everywhere in my abdomen. I was sad. We swam in the sea. Water in the sea was warm. I have bought chocolate. We went to discos, it was so wonderful.

The pains did not cease. When we were going to go to bed, I could not fall asleep, pains became intolerable. We went to look for the first aid. At last we have found it. Medical attendant made me an injection (he turned out to be a good fellow). My darling paid to him something, I do not know how much, but he did it on his own will. We continued our trip. I was falling asleep. My darling as well began to fall asleep. We stopped to sleep near the post of the road police for safety. Here I again woke up because of cutting pain. My darling, it was so difficult for him to stand all this. He did not have slept his full, I was crying. He ran to find out, where there was hospital. We came to the hospital and found there two silly woman sitting and saying: 'We cannot make anesthetizing, first you must make analyses and then we shall talk'. And they said it after I had been bending from pain for already 50 minutes! Only when my darling put some money under her journal she reluctantly made to me a pain killing injection. I did not know that he had given them money.

Thus suffering we came home. On the way home my darling banged against a pole when we drove from the hospital. In the morning we called up to First Aid. I was completely examined. There was detected gynecological infection. I was laying under IV, they made to me analysis of urine. I had to go to hospital. I wept so much. They did to me a gastroscopic and gynecological examination. Then there began spasms and began girdling pain. I am very grateful to my mum, she helped me very much. Alexei, my darling boy, as well helped me, I am as well grateful to him for everything - for water he brought me, for everything.

Thanks to God, I was out of the hospital already on Tuesday (diagnosis: inflammation of the gall bladder, inflammation of stomach, duodenum and gynecology disease). Diet: it is prohibited to eat anything fat, fried, I have to eat 6 times a day, each time eating very little + to take medicines including penicillin.

“Well,” my tutor said, “she clearly had some diseases.”

“I’m sure she did, working as a prostitute, but that doesn’t mean she didn’t fabricate a repeat of her symptoms in trying to make me feel sorry for her so that I’d do what she wanted.”

Today I have arrived to Moscow and recalled with Mark my work in Cyprus, my dances. In the end of all these conversations I spent 500 roubles and bought him some food. I have spent 500 roubles, and managed to buy so little! Leo knows everything about my Cyprus work and has work for me here. It is nice in the apartment where Leo placed me (there is a teapot, a radio, a small TV set, black leather sofa.)

My God, bless me, bless me! And give us wisdom, forces and patience! Our Lady save us and give us love! Guardian angel, keep us and save us! Nicolas the Thaumaturge, help us in everything!

At this point, I wearily said, “You can stop there. I had the rest of the diary translated in Moscow.” Then quipped, “Well, maybe she has changed since Cyprus. What do you think?”

“You idiot!” my tutor succinctly and loudly replied. “She’s a whore, a pusher and always will be. That’s how she makes her money. Do you understand?”

“Yes my tender-hearted Russian girl, I was only joking.”

“Good. If I didn’t care about you, who would? I’m just telling you the truth, which I think you see by now. She’s the worst type of Russian girl you could find.”

“And I had to marry her! What a dope.”



“Are you still going to Krasnodar to try to get the rest of her diary?”

“Well it will bring me up-to-date on her activities. Cyprus occurred before I met her and....”

“What’s with you? Why do you keep looking for a way to believe that she is as pretty inside as out?”

“Okay, okay, I’ll admit the marriage is doomed, but I just want to see what she was thinking and doing after she begged for a last chance and promised to change. That’s the issue—what was in her mind for the last four months. This way I will be sure.”

“I don’t think you’ll be sure until she puts a knife in your back or enough drugs to kill you.”

“She does have a violent temper, but I can handle the risk, including the drugs with which I have had some moderate experience.”

“You’re nuts! And I’m sure your druggie days were more than moderate given what I’ve heard about you hippies and antiwar radicals.”

“You had to be there,” I replied.

“What if you don’t get the rest of the dairy?”

“Oh, I will get it. I maybe a moron when it comes to romance, but squeezing information out people I can do.”

“Let me know what happens and good luck.”

“Thanks,” I said as I left for on another painful subway ride home. I swore I would never fall for romance again, I would never do a good deed again and when I wanted sex, I would buy me a prostitute. After all, that’s what I unknowing did with Dark Angel.

Remember Then

At my apartment, the mail brought a card from Krasnodar dated September 11, six-months to the day after my marriage to Dark Angel: “Always with you belief, hope, love unforgettable, your Angel.” How many guys did she use that line on?

I immediately took down the many photographs of Dark Angel that haunted every room. When she first spread her smiling pictures throughout, I thought them for my benefit—what a fool. No, she arranged them for herself as shrines to her artfulness in using people to gain her ends. Well, her using me was over. I also scrapped off of the mirrors, appliances and cabinets the stickers of Walt Disney’s Lady and the Tramp that she plastered everywhere. I knew who was the tramp in our relationship. At my doctor’s, I told him the story about Dark Angel and he tested me for every commonly occurring venereal disease. The tests turned out negative, and I considered myself lucky.

A week before my flight to Russia to surprise Dark Angel when she and her mother returned from Cyprus, she called sobbing, “Roy, I have just got some very bad news.”

“What is it?” I said upset by the sounds of her crying.

“Remember I told you about the time I was hospitalized after Cyprus?” she lucidly said without having to catch her breath.

“Yes, but you didn’t really explain the problem, only something about your stomach.” Always the trickster, she never mentioned to me that her hospitalization involved a venereal disease, and I wasn’t going to give away what I just learned from her diary.

“I just came from a sonogram,” sobbing again and trying to catch her breath this time, “and, and...and they say...they say... I have a growth on my gall bladder...and growths like this...like this are often incurable.” More sobbing. The dread of cancer seized

my mind, but between her sobbing and imperfect English, I wanted to make sure I understood the situation.

“Relax Angel, relax,” I said and she calmed down rather too quickly I thought. “Tell me again what they said.”

“They said that there is a middle size tumor growing on my gall bladder. If it keeps growing, they cannot do anything for me and....” She went back to the sobbing.

“Easy, easy, what else?”

“It may mean that I don’t have much longer,” she began to whimper and whine.

I was hoping she didn’t start sobbing again because then I would never get the facts. “Take it easy Angel. Breathe a little. Who told you this? Was he a specialist?” Doctors everywhere make mistakes and probably more so in Russia with its antiquated equipment and out dated techniques.

“It was the man who ran the machine that took the sonogram.”

“Is he a doctor?”

“No, he is a technician.”

“Did you see a doctor with the sonogram?”

“I showed it to my eye doctor, and he agreed with the technician that it could be the type of growth they cannot stop!” Her sobbing immediately started again, right on cue. At that point, I began to suspect she was trying to use sympathy to manipulate me into not trying to bar her from reentering the U.S. Her feint meant to raise the specter of a dire illness that only American medical care had a chance of curing and that without it, she might die. Nice try, but I didn’t have the power to keep her out of the country anyway, so the whole apparent ruse was meaningless although she didn’t know that.

“Did you tell your mother?”

Silence.

“Did you tell your mother?”

“No, I didn’t want to upset her before our trip.” How convenient, I thought, and any remnants of the sympathy her crying initially caused vanished.

“Let me get this straight.” I said. “Some technician says that you may be about to die because of an apparent growth on your gall bladder. Then you go to your eye doctor with the sonogram for his analysis and he agrees. Why didn’t you go to a specialist?”

“Because I don’t have time before my trip to Cyprus.”

“So do it in Cyprus. That way you won’t ruin your trip worrying about a problem you may not have.”

“The doctors are expensive in Cyprus, and I don’t want to waste the time.”

“Then make an appointment with a Krasnodar doctor when you return.”

“I wouldn’t have the time then.”

“Okay, I will make an appointment with your doctor here for when you return.” I knew she wanted to hear that because to her it meant I wouldn’t interfere with her returning to America. Since none of this affected my plan to surprise her and get the rest of her diary, I didn’t care. Actually, her belief that I fell for her latest scam would put her even more off guard for when I confront her at the Krasnodar airport.

“Okay,” she said. “That is a good idea. The medicine in America is better than in Russia. Do you miss me my husband,” she cooed.

She really has nerve. “Naturally, darling. I don’t think you will need to worry about this growth once you see a specialist here in America.” I said playing along with her latest con.

“I hope you are right. Call me in Cyprus.”

“For sure, have a safe trip.”

As I hung up, I recalled a scene from the Star Trek Movie: *The Search for Spock* in which Captain Kirk, while fighting a Klingon on a disintegrating planet, tries to keep the Klingon from falling to his death, “Give me your hand,” Kirk says. But in the face of such compassion, the Klingon sees only an opportunity to take advantage and grabs Kirk’s ankle trying to pull him over the cliff into the flow of hot lava below boiling up from the planet’s interior. Fed up, Kirk kicks the Klingon repeatedly in the face saying, “I have had enough of you!” The Klingon falls to his fiery death.

From the time I brought Angel to America, until she left for Krasnodar and Cyprus, I tried to salvage our marriage, to help her pursue the dreams she talked about and to believe her words despite her actions. I took her wherever she wanted to go—plays, tourist attractions and, of course, Brighton Beach. I searched for a seed of honesty in her, a sign of change and sincerity, but all I found were the honey dripping words of deceit. I kept telling her over and over that her honesty was crucial to our relationship, but she just couldn’t speak the truth about anything. She couldn’t give up her Klingon ways of always trying to take advantage of people who offer a helping hand.

I took a walk up Fifth Avenue looking for some peace and understanding—how did my life degenerate into the stupidity of this marriage. Here I was, a middle-aged man who belonged to two of the four national academic honor societies, one for law and one for

business. I worked in politics, labor, media, government and a Wall Street law firm but had no career. My MBA in finance with honors from Columbia University's Business School couldn't even help me find a finance job in a fourth world country like Russia. All I found was working for some incompetent lesbian at a badly run, over hyped gumshoe agency in Moscow. In a matter of days, I would board a plane to Moscow, stay with my two nineteen-year old translators because I couldn't afford a hotel, then fly to Krasnodar to surprise my wife when she returned from a place she used to work as a prostitute so as to psychologically pressure her into turning over the parts of her diary I didn't have because I wanted to know with how many other guys she committed adultery during the past four months of our marriage—amazing. Never in my darkest nightmare did I imagine such a situation. Out of all the whores in the world, I had to marry a Russian prostitute.

In the fifties as a kid, I sometimes awoke in the middle of the night to the noise of jet engines and wondered whether Russian rockets were coming to end my short life. It now seemed a Russian prostitute was doing what the Soviet ICBMs didn't. What the hell happened? How did I end up here?

I left Wall Street in 1989 to take care of my two ailing parents—two people I didn't even like, a couple of Nazis. My father was in a nursing home but mother could still handle some of her own matters, except paying bills, taxes and maintaining her house, which fell to me. Cravath tried to talk me into staying at the firm, but I was such a wreck from four years of handling the parents' affairs and the long hours as a lawyer that I didn't know where my self-interest lay. I thought all I needed was six months to place my parents' affairs in order, find someone to handle the chores I did and then back to a career of some kind. Wishful thinking, a stroke incapacitated my mother, and I ended up hiring nurses around the clock to

keep her in her house because she abhorred nursing homes. Why did I do this for such a selfish, cold-hearted person? Was another female using sympathy to play me for a sucker? Mother never cared about anyone except herself.

While managing what turned into a one-person nursing home, I heard about the twenty-fifth annual reunion for my high school class. Like an idiot, I went. Included among my former classmates whom I had not seen since graduation was Leslie. When we were seniors, Leslie was the cheerleader captain, very popular, smart, blonde, blue-eye and large breasts. Back then we knew each other, sometimes ended up at the same parties but nothing more. I still vividly remember the senior class trip when the two of us talked for a short time in the bus. During that conversation, an intense premonition swept over me, warning me to stay away from Leslie because something bad would come through her, although I couldn't imagine what. I heeded the omen that summer, and with the help of life, we never met again until 1991 at the reunion.

It turned out that Leslie and I both lived in New York City. My premonition from 25 years ago laid buried deep in my unconscious, so I saw no reason not to hang out with her, socially—not romantically. Leslie's age and feminazi beliefs didn't make her attractive as a girlfriend. She invited me to a friend's barbecue in Westchester County. There I met a professor from Hofstra University who recently returned from an academic trip to Russia during the failed coup attempt in August 1991, which eventually brought down the Soviet Union. The changes in Russia sounded exciting, and I mistakenly believed the Russians wanted a democratic state ruled by law rather than the self-interested decisions of the powerful. To my comic-book thinking and idiot idealism, that meant a lawyer like me could have an impact. I know better now. The Russians only wanted money so that they could

push around other Russians and feel superior. They didn't give a dam about, nor understand the concept of individual rights and the need for laws to protect those rights. Everyone in the former Soviet Union was out for himself or herself, no matter whom they hurt so long as it wasn't them or someone on whom they depended. The Hofstra professor invited me to a conference for November in Moscow where began my inexorable descent into the failed lunatic world I now inhabited.

My walk on Fifth Avenue took me passed St. Patrick's Cathedral. I thought about going in, but I didn't believe in God, the Father or any of that. The quiet inside, however, might allow me to think more clearly, give me some perspective and understanding of the right way to move during one of the worst emotional situations I ever found myself in. I crossed the busy avenue, climbed the steps and entered a world of apparent peace. I choose a pew midway down the aisle on the left, sat back with my arms stretched out along the top of the wooden bench—not exactly humble, but then again I wasn't a believer, just an interloper.

I didn't think but just took in the beauty and feeling, not understanding the ancient knowledge that the architecture, stained glass windows and statutes represented. Perhaps those symbols communicated to the Jungian archetypes in my unconscious that genes carried from generation to generation down through the millenniums. Such places might carry the wisdom of the ages because men intended that of them. Perhaps they weren't houses of some omnipotent spirit that ruled the universe, but rather the bearers of the best in the spirit of man, as that spirit struggled through countless lives searching, finding and then losing again reasons for the trials of life and how to deal with them. I didn't find a reason for the plague of the Dark Angel on my life, but to my real surprise, I sensed a current of



whispers from men destroyed by the treachery of women over the span of our species' existence stretching forward into the future. I was just one of many, past, present and future. That brought me some comfort. It also made me feel detached from the consuming horror of her influence, as though reading a novel about someone else and at ease over the uncertainty of whether my actions were right and how it would all end. I understood to just move forward and see what my trip turned up.

I left St. Pat's believing I had learned an important lesson—if you need help, go to a church and ask for it; a spiritual realm apparently exists.

#### Diary

September 21, 2000, I arrived at Kennedy airport for my flight to Moscow, the first leg of my trip to Krasnodar. I telephoned Dark Angel's hotel room in Cyprus because I wanted to head off her calling me at home and finding me not there. There was an outside chance she suspected I would show up in Krasnodar or Cyprus to spy on her, so I wanted to allay those suspicions by creating the illusion that I was still at home in New York. At 11 PM Cyprus time, she wasn't in her hotel room, which didn't surprise me, probably out with an old customer. So I left a message telling her I'd try tomorrow and boarded my flight to the land of barbarism.

I flew the Russian Aeroflot airline, as I usually did, because it cost less, provided better service and most Americans believed the carrier unsafe, so fewer flew it, which meant more room to sleep during the nine-hour flight. The airline's flights from New York City are probably as safe as Delta's because it uses western made planes and Delta's maintenance crews. The downside, however, meant that Russians comprised most of the passengers with more than a few unfamiliar with modern day toilets—especially the procedures for using

them on airplanes. I always planned to use the commode in the early part of the flight before too many of the passengers who failed toilet training turned it into the typical foul experience of most Russian toilets. Towns with dirt streets in the Amazon maintained cleaner restrooms than those in Moscow while outside of Moscow, modern day plumbing consisted of a hole without anything on which to sit. I assumed something in the Russian genes enabled them to squat down without losing their balance or soiling their cloths when using these medieval toilets.

On the plane, I hoped no one would sit next to me, or if someone did, then a Russian who didn't speak English because I didn't feel like talking. Naturally, an American, from what I could see, the only other one on the flight, sat beside me. In his mid-forties and with a smile on his face, I knew exactly why he was flying to Moscow—to meet a young Russian girl. I was half wrong; Dennis had already met the girl, in her early twenties, traveled to visit her and her family a few times, and now, feeling young once more and full of renewed hope or illusion, headed to Moscow for his wedding. I didn't miss the irony.

Like most guys in his situation, Dennis first married an American girl back in his youth, but over the past fifteen years or so, his wife bought into more and more of the Feminist special interest group's propaganda that made living with her unpleasant. Dennis and his feminized wife had owned a suburban house, so he, as all men of the house always did, maintained the yard, raked the lawn, shoveled snow and made various repairs around the home, including perching precariously atop a ladder to clean the gutters or repair the sliding. But that wasn't good enough for the Feminazis who demanded he also help with the cooking and cleaning—the wife's traditionally tasks.

As we talked, we agreed, as did virtually most middle-aged American men, that feminism was merely a scam to make men's lives harder by adding to their duties some of the obligations traditionally handled by women. Feminazis always complained about the "glass ceiling" that allegedly kept them from the highest paying and most prestigious jobs. But neither of us ever heard them complain about the "tombstone basement" where men make up ninety percent of the workers in the most dangerous and health damaging jobs. When a boy is born in America, he has a 90% chance of ending up in such a job as compared to a girl who only has a 10% chance. Girls don't have to worry about taking such risky jobs in order to survive or support a family. They need not face dying younger and at higher rates from the ten top killers in our society. The Feminazis, like all self-centered little girls throughout history, want men to give them the best that society has to offer while protecting them from the worse. They don't want equality but preferential treatment. Dennis, like so many American men fed up with dealing with the new American feminist princesses, turned to the Internet one day where he found his possible dream girl, or at least, a young, pretty and feminine one. Off he went to Russia, and after a couple of visits decided to divorce the feminism that had intruded into his life over the years.

Not wanting to trample Dennis's pearls in the dirt, but feeling obligated to at least put him on notice that in Russia evil not only bangs on one's front door with loudmouthed, hypocritical accusations trying to intimidate but also slithers in the back door on a smile of duplicity, I told him my tale of horror. However, I didn't push my belief that although Dark Angel probably represented the worst of Russian girls, all of the young pretty ones in that country exhibit an uncanny proficiency at manipulating western men with lies. He politely listened to my story, but I could see his fiancée's spell of "sugar and spice and everything

nice” clouded his caution, or possibly pessimism warped my perception. Regardless, he invited me to his wedding that Saturday because he would feel more comfortable with at least one other American there. I accepted. Why not, I will see what a real wedding in Russia looks like.

Our flight arrived Friday morning; my driver took me to my teenage translators’ apartment where they put me in Anya’s room for my stay. From there I called Dark Angel in Cyprus to make her think I was still in America.

“Roy, where have you been? I called the apartment three times and no answer,” Rats! Dark Angel sounded suspicious. My scheme of calling her everyday as I made my way to Krasnodar in order to activate her genetic cheapness and deter her from spending the money to call me had failed. Then I realized the fatal flaw in my scheme. She probably used the telephone of one of her old customers—an additional perk for providing sex. That’s what she did when calling her old boy friend Alexei from Rikos’ car back in 1999. Knowing her, she probably used Rikos’ car phone for her calls to New York as well. Dark Angel’s calls also indicated she feared me spying on her in Cyprus, interesting.

Buying time to concoct an explanation, I went on the attack, “I called you late last night, but you weren’t in your hotel room? Didn’t you get the message, or did you stay somewhere else last night?”

“Me and Mum went to a show and then a club.”

Still grasping for a cover, I asked, “Did you take her to the place you worked?”

“Yes, she wanted to see it very much. She approved.”

“I’m sure she did,” trying not to sound too sarcastic while thinking it probably looked very classy to an old Russian whore like her mother.

“Where were you when I called?” By now I came up with a plausible lie—two could play this game.

“I’m at Maiya’s for the weekend down at the Jersey shore. I’ll be back in New York Monday night. Here’s her number.” The perfect story, if Dark Angel telephones, Maiya will tell her I’m out on the boat or something. By Monday, when I’m suppose to return to my apartment, Dark Angel will fly into Krasnodar where I will be waiting to spring my trap.

We exchanged other lying pleasantries, and as soon as I got off the phone with Dark Angel, I called Maiya to clue her in on covering for me.

Saturday, I met Dennis for his civil ceremony at the Wedding Palace, which looked more like a commercial storefront than the fairy tale images the name conjures up. Few Russians married in church, even though after the fall of communism everyone got religion: politicians, racketeers, gangsters and prostitutes. The clergy charged Russians too much for their marriage services, and if an American walked in the rectory, visions of expensive wines would drive them to add exorbitant greed to the list of “thou shalt” commandments. The clergy’s greed, however, does result in very elegant weddings. I accidentally caught one in an old church in Rostov on Don. The couple and a small number of well-wishers stood in the nave beneath a high vaulted ceiling while three older ladies sang in perfect harmony without instruments as incense wafted across the shafts of light from stained glass windows.

Dennis’ bride, Olga, lived in Siberia and brought to the wedding both her parents, which surprised me because the dysfunctional nature of most Russian families often resulted in a single parent household. A few of the bride’s friends also showed, including a hot looking college coed with whom I flirted a little, but restrained myself from stumbling down

that path again. By this point in my Russian travails, I immediately saw through the phony smiles of innocence to the real duplicitous nature of pretty, young Russian girls with shark-hungry appetite for material goods, money and escape from the motherland. These felines knew western men were suckers who easily fell for the illusion of their sexy packaging while most Russian guys didn't. I now understood why Russian men behaved so standoffish toward their female comrades: the guys knew in their genes the viciousness the feminine mask disguised. Russian men from their early twenties to sixties knew how to deal with the young ladies of their country—trade material goods for sex and never, never, never involve their hearts. Olga's uncle knew the game. In his mid-sixties, former diplomat, meaning K.G.B. and now F.S.B., he spent his leisure time buying pretty, young coeds with material goods.

Russians and a few westerners periodically hired a few coeds for Banya orgies. The guys and girls would sit around in towels, talk, eat, drink, use the steam bath and periodically go off into a room for sex with a different partner, usually without protection. The revelry usually lasted until the early hours of the morning. None of the participants needed to worry about AIDS because in Russia the government made up figures that showed the disease was not a wide spread health risk. In truth, the incidence of AIDS in Russia is closer to Africa than in the Vatican.

After the wedding ceremony, we drank Russian Champagne, which is much better than French, while standing on the sidewalk in front of the Wedding Palace listening to a boom box. Following tradition, the wedding party decorated the married couple's car with white ribbons, bows and two large wedding rings about a foot in diameter interlocked together on the car's roof. The rest of us piled into Russian built autos, which always

reminded me of the “Match Box” cars I collected as a child. Off we drove for the customary visit to Red Square and then to the Moscow State University heights that overlooked the entire city. Newly weds in tuxes and gowns usually outnumbered tourists at these two sites during the weekends from June to September. Next was the reception at a restaurant on Old Arbat Street, which no longer functions as a street but a pedestrian walkway where Russians stroll among artists selling paintings and entertainers performing along its expanse of souvenir shops, cafes, theaters and a McDonald’s.

About ten people attended the reception, including a professional hired especially for the occasion who kept everyone entertained by making toasts, telling jokes and organizing little games. Russians are big on toasts, probably because it keeps their lying abilities sharp. Tradition called for everyone at the reception to make a toast. I said, “May the couples dreams come true. Hoping that they each dream for the same thing,” which got a few laughs. After a couple of hours of fun, I said my goodbyes, wished Dennis and his bride luck and kissed the hot young coed on the cheek promising to call her, which I knew I never would. Caught the Metro and dejectedly went back to my translators’ apartment sadly recollecting my wedding day that contrasted so sharply with Dennis’ and wondered why I always stood alone on the outside looking in on these apparently happy events of life.

Sunday evening I flew into Krasnodar, haggled with a taxi driver—Russians always try to cheat Americans—and checked into the Moscow Hotel: the same place I stayed on my first visit to Krasnodar for the Eve of the New Millennium—an eternity ago. I contacted the translator I had arranged for, Natalya, and scheduled her and a driver to take me to the airport the following day to surprise Dark Angel and Inessa when they arrived from Cyprus. I wanted to take a private car rather than a taxi in case Dark Angel tried to use as an excuse

for not handing over her diary that she left it at home, something I doubted. Since I wasn't about to search through her luggage on the sidewalk, a car would allow me to take the two of them back to her apartment while my translator listened for any scheming in Russian to keep me from the diary. I wasn't going to let these two lowlives out of my sight, so they could deep-six the diary.

Monday evening, Natalya, the driver and I set ourselves up at the airport. The Krasnodar airport consisted of one small terminal that looked like it belonged in the 1930s. Disembarking passengers walked from the tarmac into a short enclosed hallway then out one set of double doors onto a small open-air plaza. Straight across the plaza was the parking lot with bus and taxi stands while off to the right a series of small shops. I instructed the driver to watch me, so when I waved, he could bring the car around for our reluctant passengers. Natalya, I stationed in front of the doors where Dark Angel would exit in order to signal me in case I missed her. I showed Natalya pictures and briefed her that Dark Angel's height and blonde hair made her stand out like a beacon. I found a vantage point inside a newspaper shop behind a magazine rack that allowed me to watch the exit doors but made it impossible for Dark Angel to see me. Before I confronted her, I wanted to see whether one of her customers or anyone else met her.

It started to rain some while darkness began to fall. Natalya came over to me to say that Dark Angel's plane had just landed. About a half hour later, Dark Angel and her mother walked out the exit and headed across the plaza towards the buses with Natalya in pursuit. Only a blind man could have missed my giraffe of a wife. No one met them yet, maybe in the parking lot. As they passed my position, they headed along a sidewalk bordering the parking lot. I moved out until about five yards behind with Natalya closer



trying to overhear anything they said. Every time either of them made a move to turn, I ducked into a door or behind some store display. They finally stopped at a bus stop while I hid in a doorway. Natalya walked back looking for me; I motioned to her. “They’re going to take a bus home,” she said. Rats! That meant no one was picking her up—time for the confrontation.

I walked up behind Dark Angel unnoticed, “Hello Angel.”

She spun around and stared at me, speechless with eyes wide open trying to grasp whether she saw a ghost or the real me. Clearly she didn’t know what to think or do. She must have frozen, figuring I followed her from Cyprus and knew all about her activities there.

“Come over here, I want to talk to you,” as I motioned her to a place away from her mother. I didn’t want Inessa, who understood English but like most Russians pretended she didn’t, to give Dark Angel any help in weaseling out of my demand.

“What you do here?” she finally asked.

“I’ll tell you. I want your diary from May of this year to the present, and if you don’t give it to me, I will keep you from entering America again.”

Her eyes narrowed with malice but no tears, hysterics or lies about never having a diary. “It is my private thoughts and they are meant for no one.”

“Then you can stay and rot in Russia because you are not coming back to America. Where is it?”

“Why you want my diary?”

“To see how much you’ve been lying to me and cheating on me—very simple.”

“We have a saying in Russia that it is better not to know too much because then you can believe what you want.”

“I know, and we have a saying in America as I’ve told you before, ‘The truth shall make you free.’ Where’s the diary?”

“It at my apartment.”

I didn’t believe her, but I came prepared. “Okay let’s go.”

“We have to wait for the bus,” she said, trying to play for time and a chance to talk with her mother.

I waived my hand and the driver pulled up, just like the movies. “You have the longest legs Angel, so why don’t you get in the front.” I wanted to keep her and her mother apart to avoid any whispering and make her feel isolated so as to keep the pressure on in order to make it difficult for her to invent some con to escape her predicament. I sat menacingly behind her in the back seat with Natalya between Inessa and me just for insurance against Inessa doing something stupid—like attacking me.

“So how was your trip?” I started to chitchat in order to distract her from the furious workings of her mind on how to con me out of what I wanted.

“It was nice. I saw some old friends.”

“Your old boss?”

“Yes and a friend Stephanos who worked in a bank and two others Rikos and Andreas.”

I recognized the names as guys she prostituted herself to when she worked in Cyprus, but why did she tell me she visited them? She didn’t know I read her diary, so she must have feared I conducted surveillance of her in Cyprus and tried to establish a cover-up

for hanging out with these guys. Either way, I knew she probably engaged in some sexual activity with them in return for money.

Then Inessa started a low boiling rant of which Natalya translated only a little because most of it made no sense or Natalya found offensive, these Russians and their sensitivities. I leaned on Natalya to translate.

“You have no right to come here and ruin our beautiful vacation. What do you want?” Inessa asked.

“Ask your daughter. She knows what I want and why.”

“We just had a very pleasant holiday and you ruined it,” Inessa continued.

“No you had a pleasant trip because I didn’t decide to come here before you left for Cyprus. You should be thankful I ‘m so considerate. Unlike the two of you.” I could be as nasty as any Russian.

“What do you want from my daughter?”

“I want from my wife the truth. The truth about what she did in Cyprus, in Mexico and continues to do while married. I assume at sometime in your life you’ve heard of the word Pravada (truth in Russian), but I doubt you ever knew what it meant.”

Angel interjected, “Don’t insult my mother.”

“Then tell her not to insult me, which she does on a regular basis.”

Inessa continued, “My daughter a good girl—she like little angel. She works hard as a dancer and model in Cyprus and Mexico. You are lucky to have her.”

I pulled out my list of the guys Inessa’s little angel sold herself to in Cyprus and Mexico, waved it around a la Joseph McCarthy—who was right about the Commies, he just

got the individual names wrong. “I have here a list of dozens of your daughter’s prostitution customers. How can I be lucky to have married a prostitute?”

That angered Inessa, “Alina not prostitute. How dare you say that? She is pure as snow.”

“Yeah, New York City snow.”

Inessa continued, “Your papers mean nothing. Take them back with you, they are useless here.”

Speaking to Dark Angel, I said, “Do you want me to show your mother the list of all the guys you sold yourself too?”

Dark Angel replied, “I don’t want to cause any trouble now, put it away.” It wasn’t her mother she didn’t want to know about her Johns, since Inessa knew Dark Angel worked as a prostitute. Rather, Dark Angel feared that the other Russians in the car would learn about her foul occupation and gossip to people in town causing her humiliation—the dread of all Russian females.

Inessa continued raving, but Natalya only translated her repeating that I ruined the trip they already took and the uselessness of my papers. The rest were probably various insults.

At Dark Angel’s apartment, Natalya and the driver waited outside as I went in to collect the diary. As I walked toward the kitchen with Dark Angel, I noticed the Barbie Doll I had bought in January in Las Vegas for Masha, the ten-year-old daughter of the Transneft manager.

“Why didn’t you give Masha the Barbie Doll?” I asked Dark Angel.

“I have no time.”

Baloney, she decided to keep it for herself. Stealing from a ten-year-old, how  
Commie can you get?

“Can I make you something?” my wife innocently asked.

“No thanks,” I replied, remembering her tendency to put drugs in other people’s  
food. She made herself some tea.

“Why do you want my dairy?”

“I told you, but I’m only interested from May to right now. I want to know whether  
during that time you ever told the truth, which I doubt.”

“Oh, and Roy then pure always tell the truth!” She tried to put me on the defensive,  
but I didn’t bite.

“The diary Angel.”

“It has very personal things that I think. It show my inner feelings. It not meant for  
anyone but me.”

“I thought you said back in April that your secret life was over.”

“It over, but my diary looks into my heart, and no one has right to see in there.”

Thank goodness I didn’t have a heart like hers, I thought. Still no tears or hysterics, I  
guess she figured them useless, or somehow I missed another con she was running. “You  
have a choice, give me the diary or you don’t get back into America.”

“Mum,” Dark Angel told her mother to get her diary. Since her mother knew where  
Angel kept her diary, she probably read it. This provided further confirmation, as if I  
needed it, that Inessa knew everything about Dark Angel’s whoring for dollars and  
encouraged it.

Inessa returned with both volumes. I recognized the one I copied most of in Moscow and the one that previously sat as bait on the coffee table in my apartment. To cheap to buy another notebook, she continued her real diary in the notebook she first used as a ruse, which was why it disappeared.

“What dates do you want?” Angel asked as she took the notebooks, and as she did, I notice new markings indicating these books were just two in a series of volumes. Couldn’t make out the Roman numerals, but Dark Angel must have kept volumes from at least before 1996. What trash reading they must make.

“From May to the present.”

“I didn’t write about Cyprus yet. I guess you should have waited,” she said with her Cheshire grin as she showed me the last entry was during her flight from America to Russia earlier that month.

“Can’t win them all,” I said.

She ripped out the pages I wanted, but before giving them to me asked, “I want your promise that when you have them translated, you will only translate what I did and not my feelings. My feelings are personal to me.”

“Okay, if that is what you want. I promise.” I lied and without any qualms—it was time for fighting fire with fire. She repeated her request, and I promised again, but this time crossed my fingers in my pocket.

“I’ll see you back in New York.” I left without bothering to kiss her, since she probably kissed plenty of things in Cyprus. Maybe she and Inessa rented themselves out as a team. Who knew, but I wouldn’t have been surprised.

Outside my driver and translator smoked their ubiquitous cigarettes and warned me to watch myself because, in their words, my mother-in-law was dangerously crazy and of a criminal mind. That surprised me. Although I had a low opinion of a mother who encourages and benefits from her daughter's prostitution, I never thought of Inessa as mentally unsound, dangerous or a hood. My associates were probably right, since it takes a Russian to realize the true nature of another Russian.

The driver dropped me at my hotel. I arranged for Natalya to take me to the airport the next day for my flight back to Moscow.

Eight o'clock the next morning, I abruptly awoke out of a jet lagged induced sleep to loud banging on my door. Like Kafka, I feared the thought police or some such criminals. Generally in Russian hotels only invited guests, prostitutes, the police and criminals are allowed passed the security in the lobby or the matrons on each floor. So who's left to keep out? No use pretending I was out, since whenever a guest leaves his room, he's required to deposit the key with the floor matron who keeps it lock in a metal cabinet. No key in the cabinet means the guest is in his room—a hold over from Soviet times to keep tract of people. Feeling like a cornered rat, I opened the door and in strutted Dark Angel.

"What do you want?" I asked, not at all pleased to see her and immediately on guard for some trick.

"Were you going to have that stupid girl from last night translate my diary?"

"No, why?"

"Her English is awful, worst than mine. She is no good for translating my diary, and I don't want her stupidity to cause me more problems."

Her criticism didn't make any sense. Natalya spoke excellent English, a lot better than Dark Angel, so why the show, I wondered still half asleep.

"I'm leaving tonight and have no plans to use Natalya to translate your diary."

"You promise me?"

"Yes, I promise," and this time I meant it because I didn't have time for a translation before I left. "What are you afraid of Angel?" The moment I asked, I knew the answer. Russian girls dreaded humiliation and Natalya, a girl living in Krasnodar, might gossip about some of the sorted details of Dark Angel's life that could easily get back to people she knew.

"I just don't want her to make mistakes that will mislead you into thinking bad about me," she said with her innocent, sincere look in an effort to deceive. I countered with the truth.

"You just don't want your fellow models to learn about your prostitution?"

"I told you I not prostitute!" Her image of innocence immediately vanished.

"Come on Angel. A guy gives you money, so you'll provide him some sexual act whether intercourse, which is the only act you call sex, or masturbation or blow jobs or he kisses you between your legs or fondles intimate parts of your body. That's prostitution."

"Not unless you do it everyday."

"Wait a minute," as I shook my head to more fully wake up. "You're telling me that unless you sell sex everyday, than you are not a prostitute?"

"That's right," she firmly said. I couldn't tell whether she actually believed this malarkey or was trying to convince me of it.



“That’s not how the laws in your country, my country, Cyprus, Mexico and your church define prostitution. The key is money for sexual favors, and you’ve done a lot of that.”

“But after I do something, I go to church and ask the God’s forgiveness and the God forgives me, so it is as if it never happened.”

I just looked at her in amazement, then she added, “If the God can forgive me, why can’t you?”

I didn’t even bother to clue her in that my arrogance didn’t reach those proportions and just shook my head in disgust. “Enjoy your meeting with Valodya from St. Petersburg.”

“I don’t see anybody.”

“Right, and you are an Angel spreading love and joy to all. I’ll see you in New York. Goodbye.” She left and I went back to sleep.

Back in Moscow, I arrived at my translators’ apartment just before midnight. Anya was out, but Sasha greeted me with “Happy Birthday.” I had forgotten about it, September 26<sup>th</sup>—what a birthday! We sat at the kitchen table drinking tea and eating a small birthday cake. Russians, especially Russian girls like their sweets. I wondered out loud why I ever married Dark Angel.

Sasha replied, “Because you were lonely.”

“I’ve been lonely all my life, why should it matter now?”

“Because you’re getting older and the older you get the more lonely you feel.”

“I guess you’re right. It’s the best explanation I’ve heard so far. But why didn’t I choose someone else. I’ve been around. It’s not as though I were some nerd who never went out with a pretty girl. All my girl friends were pretty. I even went after you.”

“I remember, and you also wanted Anya.”

“Okay, okay, so I’m a man.”

“And you like young girls.”

“Pretty young girls. But I never went near a prostitute. I was always too conscious of my health and revolted by their lewdness, crudity and lack of class. What was going on in my brain to marry a one?”

“Maybe there’s more to you and Angel than the surface of the pond shows.”

“Sounds like a Russian saying. Well, I have to get up early for my flight. Thanks for listening to my moaning again.”

Sasha giggled, “Not at all. I hope this all ends for you soon.”

“Thanks, but somehow I doubt it. Good night.”

#### Runaround Sue

Back in New York City, I saw my tutor again for translating the remainder of Dark Angel’s diary.

“Glad you’re back safe,” she said, opening the door to her family’s apartment. “I hope this is the last of it. You know it’s not going to change anything but only make you feel worse.”

“The truth is worth the pain; just as justice is worth the effort,” I said.

“Oh no, you’re not going vengeful on me. Are you?”

“No, I still care about her, just not as a lover, or perhaps I should say a customer. I hope she wakes up and straightens her life out before something really bad happens to her.”

“Always the idealist,” my tutor responded, “I think her doom was sealed a long time ago. So where are the last incriminating pages of the glamour girl’s infamous dairy?”

“Here. Unfortunately, she didn’t write anything about her vacation in Krasnodar or Cyprus.”

“Maybe she did, only in a different volume.”

“What do you mean?” I asked with surprise thinking I covered all the bases.

“You said she left the phony dairy in the living room, and then it disappeared. Maybe that was just a trick to make you think she started writing the truth in it. But she really had another volume that covered her real doings in America and her trip to Krasnodar and Cyprus. You did think she might have suspected you of reading her diary.”

“Rats! I never thought about that. She’s as slippery as a lap-dancing poll.

“Very unfunny. Good thing you don’t work as a comedian,”

I ignored her barb. “I think you maybe right. Sure, she had plenty of time at home and in Cyprus to make entries. She generally wrote about her experiences right after they happened because she didn’t have the best of memories and knew it. On our trip to Las Vegas, she wrote on the plane in the airport and the hotel room. Nuts, I should have brought you along. You would’ve enjoyed the ride from the airport when her mother starting going off the deep end. But I still have the truth up until I took her to America in July. I saw her take those entries out of the volume I copied part of in May just before her visa interview. So those entries are probably truthful. Well, let’s see what both sets of entries show. The marriage is over, but I’d like to see how big a fool I really was, and no I don’t need your opinion on that point.”

“No, you already have it. So where do I start?”

“These entries. They pick up when she came to Moscow in May after her trip to Italy with Alfredo.”

“When she visited her husband because she needed to go for her interview at the Embassy to get her visa to America. How sweet!”

June 05, 2000

I came to Roy. My cellular phone was disconnected, I could not call him. I did not have the keys to open the door to his apartment and had to ring. He looked so surprised when he saw me. He began to ask me – How I came, what and where and so on. He was questioning me for a long time and got infuriated because he could not find anything. He thought that I spent time in Moscow with some boy-friend and now came to him. He calmed down after I made him food with my special herbs. He likes my tasty meals.

My tutor sarcastically interjected, “As an old hippie, I’m sure you liked those drug-laced meals.”

“Don’t disparage your elders. Let’s move on.”

After mimicking my remark, she continued.

The next day we went to watch Maria and Alexander’s band in the Country Bar. But I was so tired from my trip to Italy—I did not sleep for a long time. We also went to take photos and when I asked Roy to give me my purse, he took it and began to open all its sections and look what was in (as if it was a joke). I was watching at him perplexedly but very calmly. He was examining me. After it I understood that he was still suspicious and would search my luggage, which traveled to Italy with me. So, when Roy’s driver met me to help me register in Moscow I gave him a package with everything from Alfredo (money, jewelry) to hold for me. I told him I thought someone might break in Roy’s apartment and take these valuables. I feared that he might tell something to Roy.

The rest of the days Roy was annoying to me about the letter from the Cyprus Police for my visa interview. My impresario, Melios, in Cyprus sent the letter, after paying the police for a good one, to my apartment in Krasnodar. But it arrived when I in Italy. Roy bothered me about not having the letter. I called mum to send it to me in Moscow. On the letter my name was written incorrectly but by the time it got too Moscow, it too late to change it before the interview and Roy kept annoying me about it.

On Sunday before visa interview we went out of city with Maria, her boy friend Alexander and their friends (some people were from England, some – from Italy, but there were many Englishmen). I rode horses. We decide to take a boat and I was rowing. We ate shish kebabs. Meat was a bit tough and my tooth ached. It was a jovial man from England who cooked shish kebabs. We went with Roy to the forest, he wanted to have sex with me, but we refused because sometimes there were people passing by. The most important was that his age might be clearly seen. If he were a young boy we would do it with pleasure for people to watch. It was nice out of city.

My tutor paused, “I notice that she often uses the pronoun “we” for the pronoun “I.” Any reason for that?”

“Got me? Maybe she uses ‘we’ as part of her deception. She goes out with guys for money, gifts and to experience new places, but she can’t like all the guys who take her out. So, in her mind she pretends she is with her mother, but uses the plural pronoun to make the guy think she is referring to the two of them as a couple. It’s subtle but works on the unconscious, and she carries it over into her diary. As far as I can gather, the only person she was ever close to was Inessa, her mother, whom she idolizes. Maybe she sees the two of them as a team and mentally takes her mother with her wherever she goes. Having imaginary conversations when away from home.”

“So you get two for one in bed.”

“Don’t make me sick. Her mother is short, dumpy and wears purple eye shadow.”

“That’s disgusting. Maybe Angel has multiple personalities.”

“Could be? I sometimes wonder how she can integrate her prostitution with her alleged belief in God. I once asked her how the Russian Orthodox Church defined prostitution, but she refused to talk about. Now was that to avoid facing her own hypocrisy or to maintain for me the image she uses to sucker people but knows full well is false? Who can say? But she is extremely close to Inessa, so I thought the use of “we” for “I” meant the two of them against men and the world.”

“If she feels that tied to Inessa, then she’s probably living the same type of life her mother lived or what she imagines her mother wants her to live. Either way, the real evil here is Inessa turning her daughter into a slut to support the two of them.”

“You’re probably right, but even though a parent’s incompetence or immoral intent in raising a child leads to the grown child doing evil deeds, the grown child is held responsible, not the parent.”

“I’m not saying Angel is innocent. She’s an adult and knows better unless she’s mentally ill, which I wouldn’t be surprised. But her mother should be punished for raising her daughter as a prostitute. That’s just low! Using her child’s body to enrich herself.”

“I agree, Inessa should be locked up, and Angel forced to see a shrink every day. But our society hasn’t yet reached the point of holding parents even partly liable for the harms caused by their adult children. Probably because psychology is still an inexact science, but someday we may be able to trace with certainty specific behaviors and individual acts back to the parents’ programming of their child. The courts could then hold the parents liable as accomplices by failing to properly raise their children.”

“You mean make it a crime to screw up raising a child?”

“Why not? It should be a crime. I can’t think of any greater harm than destroying a child’s life because the parent thinks the child exists to serve the parent’s interests. Whether the parent acts as the child’s pimp, which I’m sure is the basis of the relationship between Dark Angel and Inessa, or the mother sacrifices the child’s destiny in order to have a companion for when she grows old or some other self-serving aim, the parent should be severely punished. Children can’t fight for their rights—that’s the parent’s job. But when the parent becomes the violator instead of the protector, then they must pay and pay dearly.”

“Uh-oh, sounds like deep seated hostility against your mother is boiling over.” My tutor tried to calm me down.

“And rightly so. Anyway, incompetent and malicious parents should at least be held civilly liable for the psychological harm they inflicted on their children.”

“It’s an interesting idea. That way people would think more seriously about having children and pay more attention to raising them because they could be sued for screwing up. Just like driving a car, you do it badly or recklessly, you can end up in court because you can kill people.”

“Exactly,” I was a little surprised that my tutor actually agreed with one of my ideas.

“But how do you define a proper upbringing?”

“That will probably take decades and a lot more advances in psychology. But we can define certain prohibited acts today, such as angrily repeating to a child, ‘I wish I had listened to your father and never had you. You’re a monster. How could I give birth to someone like you?’”

“Angel’s mother told her that?” My tutor exclaimed.

“No, that’s what my mother always told me.”

“Hello, Roy,” My tutor waved her hand in front of my face. “I’m not your shrink—I’m your translator.”

“Okay, okay. The point is there are certain things no sane person would say or do to a child. That doesn’t mean children can’t be punished for doing wrong, just that parents shouldn’t take their own insecurities out on their kids or manipulate them for the parents’ ends. The parents brought the child into this world, so they are responsible not just for food, clothing and shelter but to help the child find his way, not the parent’s way in this world.”

“Well, such social changes wouldn’t help you or your wife.”

“I know. I’m stuck, let’s go on,” I said.

May 30, 2000. We arrived at 7:30 in the morning at the US Embassy. Roy brought his translator Sasha, a short pretty girl. I found her very attractive. Approximately at 8:30 the window had opened and a man called us for my interview. Questions were asked only to Roy. We passed everything. Visa was ready on the next day. On May 31, 2000 I received visa to America!!! Praise to God! All goes well.

During my other days I got registered in Moscow. That cost \$30 and Roy gave \$40 so I made \$10. Still the \$40 Roy gave is much money especially if I take into consideration that this money would be very helpful to me later. But registration in Moscow will allow me to come here any time and make money with Leo.

To celebrate, I and Roy went bowling. I won 2 games. I had scored 127 balls and 102, and Roy had 101. He won a game in billiards. We went to a disco where we participated in competition. We had to tell or to sing about summer. He sang “Summertime” and won beer. In the next competition I was rolling an egg from one trouser-leg to another and he from one sleeve to another. We won 2 bottles of beer. The third competition was to dance and to kiss. Somebody else had won that competition. Then I left Roy and went to watch men’s striptease where only girls were allowed. There were boys with attractive bodies; among them was one Negro. It was nice and very erotic. Four of them were undressing a girl in the audience.

In sex with Roy I finished only once, when I first arrived, and never more. He is only a way for me to get to America but sometimes I felt pity to him – he spends so much money on me. But I must make my future as I envision no matter what.

When I left for home, Roy tried to give me money but I refused to show I cared about him and not his money. Alfredo paid me well in Italy. I did not need any more money. Still, Roy slipped money in my pocket—1700 roubles. I got my package from Roy’s driver without Roy learning a thing. He knows nothing about my trip to Italy. He is such a fool.

I was happy to return to Krasnodar. Now I will prepare to go to America.

Mum did not get to defend her Masters thesis at the Academy, because professor Vera Ivanovna did not give her a credit. She said mum failed to earn the credit. Mum was not allowed to defend her thesis. Let God be judge to his slave Vera! She will pay for what she did to mum! I will see to it!

My God, bless me!!!

P.S. Roy saw me off up to the very departure of the train. I tried to be attentive to him; I cooked tasty dinners.

My tutor asked, “Is her mother still in college? I thought her a professor.”

“Not a professor, Inessa is just an instructor who teaches gymnastics and aerobics at the Krasnodar Academy of Physical Culture and was trying to get a Masters so that she could earn more money. She failed, but found someone else to fault, typical of her and her daughter to blame everyone but themselves. This P.S. part is interesting. I originally thought she wanted me to leave before her train left for Krasnodar so that she could sneak



off to one of her customers, but apparently she just didn't want me around. Well, the feeling is mutual now."

"I'll bet those tasty meals packed quite a wallop," my tutor sarcastically remarked

"I can't remember."

June 25, 2000

On Friday, June 9, Hollander called me up and asked a strange question whether there was a case when he believed one of my lies. I answered that there was no such a case. But it put me on my guard.

"What was that about?"

"To tell the truth, I don't remember. By June 9<sup>th</sup>, I was already having her diary translated, so when I asked the question, I already knew she lied repeatedly. Maybe I was giving her a last chance to tell the truth. Who knows? I was a wreck at the time between her black magic, my pummeled heart and the drugs she repeatedly put in my food."

On June 10, Katya, Alona, my cousin, and me went to Gelendzhik on the Black Sea to carnival. We had to stay there for a night. We looked for a place to spend a night and found one place—80 roubles for a night per person. Then we found one remarkable woman who allowed us to stay for 60 roubles per person. From 7 at night to 4 in the morning there was a festival. There were performances of sportsmen, dancing groups and circus acrobats. Everyone wore a mask with antennas on the head. Thieves cut Katya's bag but did not take anything. We went to a disco where local boys were looking at us. They thought that we were all from a show group. Everyone wore a mask with antennas on the head. We refused to men who were looking for a girl for one night. I threw at one man some sand and he answered: 'You fool!' It was so cold that we decided to go to that woman, knocked at the door and stayed at hers for 30 roubles. God give her all the best!

On Sunday a surprise waited for me at home but I didn't know until we came back on Monday. Roy disappeared. I telephoned his Moscow apartment where the maid said he moved out. Then I called his old office and they knew nothing about where he was. For 3 days, I could not find him, but then on the 4<sup>th</sup> day he called my mobile. I was in the post office to send nude photos to Alfredo.

I interrupted, "So even while she pleaded for one last chance and promised to change, she was plying Alfredo with her photos!"

"Duh! What do you expect? It's her business."

“I know that now. What’s the slut say next?”

I was shocked. He told me that he knew everything in detail: about Alfredo in Italy, about Valodya in Krasnodar and even the apartment... I think that somebody has told Roy all about it. In March, Roy was with me all the time – in Krasnodar and at my apartment. All of it was so strange...I admitted that it was my fault. I did it. I begged for pardon and cried. I was telling him that forgiveness is the highest moral virtue. I asked him to give me my last chance and that without him I have nothing. I lost hope that he would forgive me. I watched at everything with other eyes. He has an inferiority complex since his childhood, and he looks for truth to control other people. But I am not a slave! He needs a psychologist. The problem is in his real feelings to me. I am a stimulus for him. He sees me as a real wife, but it is absurd... I will never see him as a real husband.

My tutor turned to me and said, “Well that’s pretty clear and should explain everything even to you. She says it right there, she never thought of you as a husband, which means you were just a ticket to ride to America. Don’t feel bad, I’ve met plenty of Russian and American girls like this who use sex for personal power and that power for money.”

“Yeah, she’s a parasite jumping from man to man using her power to exploit money and precious bobbles, wrecking havoc and then moving on to the next fool. That’s why she was always so secretive, hiding her scouting expeditions for new hosts or telling outlandish lies so that I wouldn’t realize she was manipulating me. She was quite good at keeping secret her true motivations for marrying me.”

“Only to you Roy. Everybody else knew she was playing you for a green card.”

“Now I know it but still can’t believe it in my gut.”

“You’re still hopeless.”

On Sunday, when I was at Natasha’s, Roy called me up and told me that he forgave me. He apologized for the time to think, for the pain, which he had caused to me.

“You apologized to her! What is in that brain of yours?”

“Whatever it was, it’s not there anymore.”

Roy demanded that I must cease to meet and to speak to Alfredo. He sees in Alfredo his rival. I will do as I wish but discretely.

What a thing Lena thought of. Roy became suspicious in May because I did not arrive in Moscow by train since I flew in from Italy. When I landed in Moscow, I should have taken a local train to a station outside Moscow and there boarded the train from Krasnodar. He would have been completely fooled. I will learn.

“This wife of yours is hopeless. She thinks doing wrong is when you screw up and get caught.”

“Amazing, isn’t she?” I agreed. “One amoral girl dedicated to perfecting her devious methods so as to more effectively manipulate others.”

I had a good time in “Joy” disco. We danced – there were three of us: Sergey, Katya and me. He offered to take us home without wanting sex.

June 19 I met Roman in the park. I put on a black wig. We kissed a little. He is funny...

This time I interrupted, “What was that date again?”

“June 19<sup>th</sup>. Why?”

“Wait a minute,” as I grabbed my briefcase. “Here it is. I thought I had it. Dark Angel wrote me a long letter in English on the same day she was playing around with Roman, and after I agreed to forgive her.”

“Ouuuu, goody. Let’s hear these lies that you obviously believed at the time.”

“She says, ‘From all my soul I wanted to try to give to you new direction. I wanted to help you find the goal of your life. Help you understand for what you live and how you can be happy. I wanted to help you understand the philosophy of this life and why you have especially this life. I want to tell you again, that I never think about your money—how to get this—for me it not interesting.’”

My tutor interjected, “She’s real good, using your own philosophy against you, trying to make you think she cares about you the way you care about her. What else does your smooth talking criminal say?”

“She lists a bunch of beliefs from some book on Karma by a guy called Sergey Lazarev. She claims he changed her from an egotistical, vengeful girl to the kind hearted Angel she is now.”

“That’s a laugh—she doesn’t have a heart. There’s no way she can believe in Karma with the hurt she spreads around. It must be another trick to sucker guys like you into thinking they can trust her. What does she believe?”

“Some of this doesn’t make any sense, probably because of her broken English or twisted mental faculties:

“Outside equally inside;

Similar magnetic similar;

What you don’t like in other people is presence in you;

If we go away from something, so here to be pain;

Before do something, think about what happen before, during and after and use your thinking, feeling and premonition to learn lesson from situation;

The situation will give birth or magnetize your thinking and blocks;

Our block is what we must know and understand about this world;

If you hit the same situation or problem, it is because you need to learn something from it;

Don’t try to change world or people, change yourself and that will change others around you, will change the world;

If you talk that you change, therefore, you don't change—it mask;

If somebody give you advice or help, don't think it limits you that you can't master it;

When you don't have something what you want to have, you either don't want it or it not advisable yet. If you want to get it, be precise, find description of what you want. Learn limit crystal of mind idea;

Real power includes love and attention to yourself and to people;

Think about what you want, not about what you don't want;

Negative emotions don't give to you what you want, they bring only what you don't want;

If you every time repeat to yourself why you can't have a subject of your dreams, you never get this. Start to tell yourself why you may have what you want.

Concentrate what on what you want to have, but not on the escape what you don't want. Many people knowing what are don't want, but very few knowing what they want.

If you can't believe in the opportunity to have something, you will never have this;

To learn, make well-being in your life—it a process of your growth;

You came in this world to have pleasure from life, not suffer.

You (here she underlined “You,” meaning me) cause what happens to you.”

My tutor reacted, “What a con artist, trying to make you feel responsible for her whoring around. She wants you to follow her commandments while she's exempt to make it easier for her to sucker you. As though it's not already easy enough. She sure doesn't need

any lessons in hypocrisy. She probably only believes the one about having pleasure, but hopes you'll buy into the rest. As for the ones that talk gibberish, she probably did that on purpose so she could give them whatever interpretation served her purposes at the time. She just wanted to make her goal of getting a green card easier by warping your thinking into believing you were the guilty party and not she. Any other twisted thoughts in that letter from the soulless Angel?"

"You'll like this, 'If something happen to me strange or if I find that you avenge on me, it will be one of your biggest mistakes.'"

"Not only a conning but threatening wench," my tutor said laughing. "I guess she sees in you what is in her—a thirst for vengeance. And what about her belief that real power is love? What trash, this is all intended to distract you from her true nature—a conniving whore."

"There's more, she writes, 'You have difficult childhood. Your parents pressed on you and from this time you have complex—the complex of degradation. Why you need the truth? This for degradation of yourself and to lord over other people, so you can be boss. I'm your good friend but I'm free, I'm not female slave. I have my right, my life. I'm not toy which you can use and if don't need—let fly. All things in this life return. Try to be more open and more trust. If somebody do something, stop and wait and ask yourself why? What the real reason? So, I hope this letter will help you better understand yourself and the goings on around you.'"

"What a phony," my tutor said. "It was just another trick to get to America."

"She's pretty good at turning the tables to make herself out as the righteous innocent rather than the scoundrel," I said.

“Where were we with the unmasked Dark Angel?”

“Kissing Roman.”

At an exhibition I got acquainted with two boys from St. Petersburg who were selling jewelry goods. We went to cafes, chattered, and drank. I and Katya were so drunk, we rode the boys sports bikes. But she hit a pole and I hit people.

On June 24 I and Katya went to the exhibition again to meet the boys and had a party. We sat there and had some pizza and drank. Valodya was squeezing my hand. All the discos were full. They decided to sleep in the hotel. I refused to go with them because I said that I am watched. Katya was jealous because both Vanya and Valodya preferred me. Katya and Vanya went to her home.

I bought from these boys rock crystal ear-rings and Katya bought a ring. A man from St. Petersburg gave to me a picture made of amber – I will present it to Roy. These boys are good fellows – let God send them luck!!!

My God, bless us and give us wisdom, forces and patience!

July 06, 2000

We met once more those two boys on Monday. We persuaded them to stay one more night in Krasnodar. We ate salad, drank some wine and for the first time in my life I was drunk and kind. In the evening we went to Katya's. We bought shrimps and wine. We kissed with Valodya, and I myself began it. That moment all my hatred to men came to the surface – I was like a tiger. We were in the kitchen, I we had sex on the table. At 5:30 in the morning, I had to leave and Valodya and Vanya went to see me off. I stopped a car and the driver tried to accost to me. I let him rub my knees in order to save some money on the fare.

I stopped my tutor, “So she lied to me about not hoing any other guys when we had our little talk of honesty in Moscow before I brought her here. She never mentioned Valodya from St. Petersburg, and when I confronted her about that postcard to him, she coped that tired line of Valodya being just a ‘good friend’. Even Valodya lied to me when I called him about the postcard, saying ‘nothing happened between them.’”

“You expected this guy and your wife to tell the truth? Look, if you want to see the true nature of your wife, it's in this line: ‘I let him rub my knees in order to save some money on the fare.’” You can't get much lower than that. Allowing some stranger to rub her legs to save a few rubles. The driver probably realized the moment she got in his car that she was a prostitute and tried for a quickie.”

“He would have gotten it if he had offered dollars,” I said.

Nadya advised me not to go to America with Roy and said that if I went with him then my fate would come to a collapse. But I decided to go for now and make some money and to get a divorce from him later after I become a permanent resident.

On June 28<sup>th</sup> I and Katya were going to go to Anapa on the Black Sea to see Valodya and Vanya. A friend was ready to take us to the station, but when I rang mum to tell her I was going, she told me that somebody had called me up twice (it was Roy). How did he sense that I was about to go visit Valodya? His spies must be everywhere. We returned our tickets.

“You had spies watching her in Krasnodar?” My tutor asked.

“No, that was too expensive. But while doing some research at Columbia, my intuition told me she was about to do something bad again, so I called her mobile twice but got no answer. Obviously, her mother then told her about the calls, and she correctly assumed it was I.”

“Perhaps there is more to you than meets the eye Mr. Den Hollander,” my tutor said half sarcastically.

I went for 1 day to Kanevskaya, to visit Yulya, my friend from Chechnya and then she came to me. I bought a white wig. We met my friend Dima. Two boys were accosting to him and I thought that there would be a fight. But Dima is a clever boy; he managed to avoid it. We went to Yulya’s husband Igor. He wanted to run from her when she appeared in the wig.

My God, bless me in this difficult way to America! I decided to begin a new diary for Hollander not to use my information.

My God, bless me and give me wisdom, forces and patience!

“Rats! I thought she might have wised up. By July 6<sup>th</sup> she realized my information came from her diary, so her writings in the second notebook I got in Krasnodar are probably sanitized.”

“Your wife may be sick, but she’s not dumb. I’m sure there’s another notebook some place in which she wrote the truth about her fun times in America and her recent trips



to Krasnodar and Cyprus. Anyone as vain as her couldn't resist. You should have forced her to turn over that notebook when you were in Krasnodar."

"“You're right. I just didn't think about it at the time. I underestimated her. This girl is more dangerous than I thought.”

"Well then let her go endanger someone else and kick her sorry ass out into the street."

"The relationship is over. I just need to work out her departure."

"Work out what? Kick her out! She deserves it. You know she's always counted on you being a gentleman, which for her means sucker while she use every dirty trick around to get her way."

"Her day is coming," I lamely replied.

"For your sake, I hope it's before the Second Coming."

"Still this second notebook might reveal some things. Often she's unable to stick to a plan and makes mistakes. Let's see. You never know where information, even false information may lead."

July 12, 2000

### MY GOD, BLESS ME

Our Father in heaven, holy be your Name, your kingdom come, your will be done, on earth as in heaven. Give us today our daily bread. Forgive us our sins as we forgive those who sin against us. Do not bring us to the test but deliver us from evil. For the kingdom, the power, and the glory are yours now and forever.

I began my new diary because the previous one has already ended. It was useless to take it here because it contained a lot of very special information.

On July 08 I has found my Show-Girls cassette – I found it on the shelf which my mum and me had looked through several times. It appeared after my cousin took it. The rest that she took has not appeared – its time has not come yet. I am very grateful to my mum for all her help in getting me to America. May God, send happiness to my dear mum!!!

As I planned, I wore my wig to Moscow to distract Roy. Roy was sitting with a bouquet of orchids... He could hardly recognize me and asked what I had done to my hair.

He was cold, he wanted to speak to me after arrival, and we spoke a little and went to “Bowling”. It was wonderful.

I shamefully won only 68 points. I played billiards not so bad. And I won playing ice hockey. We had some wine and tried to quarrel and to kiss. At home he began to accost to me and then he took me at the table, saying again and again that he was fucking me... I was exhausted and he carried me to the bedroom, tied my hands with my trousers and continued. He wanted me to begin asking him to stop. It was wonderful! All it continued for 1.5 – 2 hours. I felt that all his anger with me, all pain, which he had to stand in connection with me, are pouring out of him at that moment.

July 09 became the most important day because that day there was to be a conversation, according to results of which I would either go with him or stay here. We spoke sitting in that very Victory Park where we first sat and talked nearly a year earlier. The conversation continued for 2.5 hours.

We told to each other what we were doing beginning from December 01, 1999 when we first were intimate. He told me what he had been doing in that period, and then I told him about my deeds. It turned out that he tried to accost to the girl-interpreter the small Sasha who told him no because he was married... All men are fuckers...

“What a hypocrite your wife,” my tutor said with disgust. “She’s out whoring for money, fun and to get ahead, but thinks she’s entitled to loyalty from you. This girl can really compartmentalize her thinking.”

I as well had to tell him everything, but did not tell about boys from St. Petersburg. It is strange that somebody provided Roy with false information that Alfredo was allegedly in Moscow in May after my trip to Italy. It is not true, otherwise it would be senseless for me to go to Italy. Conversation was rather interesting. It turned out that he himself used magic (I myself taught him to my own misfortune) – he went to some fortune-teller in New Jersey and this fortune-teller told him everything – that I was admixing something to his meals before our wedding. (He wanted to sleep even in the day.) I had to tell him I did it because he was too aggressive towards me with all his questions and I wanted to lower his level of aggression.

My tutor said, “Well she admits lying to you about Valodya from St. Petersburg. That seems to indicate a real diary.”

“I don’t think so. She always mixes the truth with lies in order to make her deceptions appear more believable. Admitting she lied to me about Valodya is probably just a trick to make me think the rest of her writings in this notebook are accurate. She’s not going to write down the truth in a book I might get my hands on.”

Well, it was hard to stand but nevertheless interesting. The next day we went to airport. My plane departed 3 hours after his. I saw Roy off.

My flight was good. I worried about customs control. I came to a man and they took me to “immigration office” where a girl took my fingerprints. I worried very much but I had with me wonderful orchids, which had opened during the last 10 hours on the plane. God be praised!!! I am in America.

I waited for Roy but I did not know whether his plane had already come, because it was at another building. I went by Free Bus (some people helped me, let God give them health) to another building and began to look for Roy, though I did not know exact number of his section. And here God helped me – Roy was going in my direction. It was wonderful! Later he admitted: he feared that on receiving my visa I would fly somewhere else, for example, to Mexico – to meet Alfredo, to work in California or somewhere near to Mexico. I did not have in my mind anything of the kind!

After arrival we had a rest. Then we went for walk, studying streets, subways and stores. Roy didn’t want me to work in lap dancing club but I told him I needed to save money for me and mum. We tried to find a job for me in two clubs – in “SCORES”, a highly elite club where you have to pay \$300 to the club for the right to work (they did not take me, explaining, that they have many girls from Florida), and in “Stringfellows” – they refused without indicating reasons (may be, because this is not mine). I returned three times to “Flash Dancers” – I came there alone, in the daytime. The manager was dissatisfied once with a dress, the other time with shoes. Russian girl Nikita helped me with a dress and advised to come to “audition” in the evening. I began working on Sunday night and earned 400 dollars, then 540 and yesterday, on Wednesday, I earned 650 dollars. God be praised!!! One man from India comes to me for 4 days; he wants to have sex with me. He is so funny... I began to mock him. He said: “Come to me in 15 minutes”. I answered: “Fix your alarm-clock or do you need help of 911? Your hair has grown and became gray while you had been waiting for me.”

Yesterday Roy and me had Day of Love – a sexual experiment. And today we met Louisa, Roy’s friend from the Austro-Hungarian Empire, and her boy friend. She use to stay at his apartment. We spoke about clothes. I have to go to shops on Saturday. I hope, I will prosper. God send to me and to my mum wisdom, forces and patience!!! My God, bless me!!!

August 05, 2000

July 23 is a special date – a year ago I met Roy. A lot of events happened with us and between us. He presented to me a pot with flowers. I hanged curtains in all rooms, and they became so cozy. My God, help us understand, respect and believe to each other.

My tutor commented, “This is beginning to sound as though she expected you to read it. The mean, nasty and self centered Dark Angel seems replaced by a normal person.”

“I agree, so I’ll just take it with greater caution.”

I worked for a week and a half so I waited so much this day off. But that day became a heavy one. It turned out that Roy knows everything what happened in Milan – in the room, about my conversations with Alfredo and how we mocked and laughed about how easy it was to fool Americans. How did he manage to learn it? I think that he took information from microphone installed into telephone. It is so dirty...

For all the night I and Roy played billiards, had meals in MacDonald's and sorted out our relations – I wished I had not taken that day off. I could have earned money.

On Monday I had my 2<sup>nd</sup> day off. It was the same, but this time it was better, softer. On Sunday we again began to sort out our relations and went to billiards, because bowling was closed. I had hysterics because he said I didn't deserve to be in America. I was sinking the eight ball on purpose – he so likes to win but the game was not interesting to him. When we played the 3<sup>rd</sup> game, I became a superhero – I scored the black ball. I wish I worked rather than go out with him. But it is so difficult to me...

My tutor asked, "What's this superhero stuff?"

"She pretends at times she is a superhero and goes around saying, 'I am superhero here to save the day.' She picked it up from the other of her favorite movies the *Mask* where some guy goes around pretending he's different characters."

"Maybe your wife should be committed?"

"She needs some kind of psychiatric intervention."

I worked on Friday until 4 am and then at 8 am went to a promotion for Bloomberg's Annual picnic. We met Cindi and Everett. First we had a meal and then make-up. We stood as statues. It was so interesting. First the main speaker, a silly head, was saying some rubbish, and then everything became dumb. Everyone ate, walked and we were standing as statues. One man put a glass in my hand. He ate, then he said "Thank you" and went away. A child began to offer me money – it was funny. In the end we were dancing African dances. It was marvelous! And then back to the work at Flash Dancers. I went around like a vampire – without feelings, I had no forces.

Yesterday (for the night from Thursday to Friday) I earned \$900. It is my record. Though, a biker gave me \$50 but I did not dance to his friend. I danced to the last boy 5 dances non-stop. He gave 150 dollars. I was late to the Champagne Room. I had to dance 5 songs, but I danced 9 or 10. I had a stress and laughed so much. I was tired. One man was looking at me with enchanted eyes and gave one dollar after another. He gave 20 dollars. I did not dance on the main stage. It was wonderful!

I fixed a date for a plane to Krasnodar. I leave on September 09 and come back the end of the month. My God, give me forces not to make silly deeds and mistakes. Give me patience, forces and bless me!!!

August 21, 2000

Though there has passed just a little time, there happened so much events. In the night from August 9 to August 10 Roy woke me up and told me that I had not worked on Monday and on Tuesday and had spent this time with my boy-friend. I was shocked. That sheet of paper, where manager did not make marks for Monday and Tuesday – it changed everything. I had a hystercis and felt pains in liver and gall bladder. I tried to prove. He was not at home for day and night. I waited for him in the club to talk to the manager, so I could prove I had actually worked on Monday and on Tuesday, but Roy did not come. I call him up, but he said that it did not matter anymore. I woke Roy up in the morning and we agreed that we live in different apartments. He was very aggressive, me too. In him woke up former feelings of horror and suppression, everything has changed.

My tutor remarked, “Yeah, this all sounds too phony, too much a cover. It’s not the real Dark Angel. She’s just serving her own devious interests here, especially her sympathy wringing abdominal pains.”

“She was probably with some guys on those two nights and convinced the manager to lie to me that she was working. That’s her business.”

On August 16, we were at the Statute of Liberty. It was wonderful! Nature, we climbed 349 steps, went by a steamer.

At work customers a few times tried to take me to Champagne room, but I did my best to avoid it. One day a few sons of a bitch tried to touch me, but I did not allow. One of them began to say that I was the worst of all. But afterwards I danced 5 dances for someone else, so I am not the worst. Last Monday I earned approximately \$900. One customer ordered approximately 20 dances. It was marvelous!

On August 17 there was the Miss Hawaiian Tropic beauty competition. The day before it I tinted and combed my hair. I was in a good mood. All the contestants had a meal in a restaurant and took photos. We tried to find answers for the questions. It began... The first question was “Why do you think that you may be Miss Hawaiian Tropic?” I answered that due to my long legs I can run round a beach and with Hawaiian Tropic cosmetics so I can help people to avoid being sunburnt. All answered seriously. I showed myself the best I could. Question: “What would you take with you to an island?” My answer: “A toothbrush and a comb”. I did not explain wittingly why. They watched my breasts, my language, how I communicate with judges and with audience.

Now I have a problem with the money. Roy found out that I do not put all the money to the bank. Taxes! Now I have in the bank approximately \$6300 and approximately same amount in cash. I want to take all this money to Russia. Roy thinks I am scheming and he is afraid of the law. I will pay some taxes-I do not want any problems. But I will be smart about it. God bless.

September 09, 2000

Though there has passed just a little time, there happened so much events... In the club I had twice 900 dollar nights. It was wonderful! But later, on Wednesday I earned only 600-650 dollars. On Saturday there were two cases when customers did not want to pay for dances. The first time it was a company – they said that I was dancing a dance which was not ordered. Bodyguard helped me and they paid. And in the second instance a customer took 2 dances, but paid for one. He said that he ordered only one. I was disappointed. But later I told about it to one customer and he gave me an extra 20 dollars. For the first time I went to a single room - I danced to a bearded man from TV in the Champagne Room. On Monday we sat there for 2 hours, I danced (I was so frightened). I allowed him to touch me. I received a pleasure.

“Is this single room the Champagne room?” My tutor asked.

“I don’t know.”

“She told me they had cameras in the Champagne room to keep such stuff from happening.”

“And you believed her?”

“Well, under State law, what those two did constitutes prostitution, and I thought Flash Dancers wouldn’t want to put their license in jeopardy.”

“Get real Roy. These clubs pay off the cops to leave them alone. Besides who cares what these sluts do there. Maybe this single room is an even higher price room that offers more intimate settings, but then why would she include it in this sanitized part of her diary?”

“By then the marriage was pretty much over.”

“She probably just wanted to upset you.”

“Who knows,” I said in exasperation. “Let’s go on.”

People were leaving the club. I was in a good mood. One customer dropped beer when I asked him to free up space for a dance, and accused me, saying, that it was me who moved the beer. For another customer I danced in the place where somebody had spilled beer. It looked like he had made water. When I was dancing for another man, I spilled beer (accidentally) and kicked him in the eye (accidentally). Merry. Each day my business was turning to the worse. On Sunday I earned \$500 but Monday there was Labor Day. I hardly managed to earn \$200 – there were very few people in the club. I worked with pleasure.

In total I earned 17 – 18 thousand dollars in 1.5 months (including everything – expenses, meals and presents). One time I did not manage to control myself and touched a

customer. Manager saw it and warned – one more case like this and he would fine me. God forbid!

I was worrying for mum because of that little snake cousin Alona and her mother Aunt Sveta. Sveta came to Krasnodar to stay in our apartment until they could move into our old house. Aunt Sveta was rude to mum after all her efforts with documents on our house. Mum was sobbing violently with offence. She was offended in our own home. Aunt Sveta began to eat separately, and then, when they found a place in Stavropol, they refused to live in our old house after all our work. I am glad. God be praised! These little snakes will learn something new about life.

I was disappointed with Roy's attitude toward my mum. When I was telling her by phone about my problems, she told in a temper that all would be OK. I miss Roy very much when he is absent. He is very important to me.

"That's it," my tutor said. "The last part about missing you is clearly for your eyes, but you are important to her—important in getting her a permanent green card."

"You're right, and the excuse she gave for her mother threatening to kick my ass if I showed up in Krasnodar during her vacation seems manufactured just for me. I'm sure this second notebook is a sanitized version of the truth except for the part about her earnings at Flash Dancers. Her income is pretty much accurate because I used to count her money nearly every morning."

"I think your wife's sickness has spread to you. So what now my lawyer?"

"Time to get this slut out of my life. Dark Angel returns in a few days, so I'll just tell her to get the hell out. I'll give her some time, but I don't want to see her again."

"About time. Keep me informed. I wish you luck."

### I've Had It

I met Dark Angel at Kennedy airport on September 29, 2000 not because I wanted to but because she previously weaseled out of me a promise to meet her. What did it matter to her whether I met her or not? She knew how to get back from the airport—probably wanted to save money by having me pay for part of the taxi, since an American taxi driver wouldn't be satisfied with just rubbing her knee. That one incident with the Krasnodar taxi driver, out

of all her repulsive acts, sickened me the most. For Dark Angel, her body, personality and, although she didn't realize it, her soul were just goods for rent or barter to anyone with the money. She may have also wanted me at the airport for fear she wouldn't be allowed back in the country. It's a lot easier for females to manipulate a man's emotions in person than over the telephone. I could just imagine the act she'd put on to get me to come to her aid.

Waiting for her arrival, I hoped the plane would crash, so I could collect the life insurance I took out on her and put this revolting development in my life behind me. But such miracles only happened in the movies. No, to exorcise her from my life meant convincing her to move out of my apartment and get an annulment or divorce.

To my disappointment, the plane landed safely and she exited from the gate. We didn't have much to say.

"Where are my flowers Roy?" She demanded. Dark Angel always made a point of making sure I knew when she wanted flowers. She viewed me and all the other men, with the possible exception of her old boy friend Alexei, as business transactions, so receiving flowers either served the delusional part of her brain that she was not a prostitute or the exploitative part that her demand for flowers helped deceive her victims into believing she liked them. Regardless of which, my playing her games were over.

I adopted one of her tactics and didn't respond to her question. I knew it would just spiral into the inevitable confrontation that loomed before us, which I wanted to avoid until I knew for certain whether the alleged problems with her gall bladder were serious. More dumb sympathy displayed by me. Unlike her and other Russians consumed with their manic, barbaric ruthlessness, I took no satisfaction in taking advantage of persons when they were down. Where's the honor in that? Besides, even though the marriage vows meant



nothing to her, they obligated me to take care of her when sick. Neither she nor most Russians will ever understand that when you make a promise—you keep it, including the ones made to yourself.

In the taxi Dark Angel said, “Here’s my sonogram. You see there is the growth.”

I couldn’t see anything, including any indications it was of her or when taken.

“I can’t tell anything from this, but we’ll see your doctor next Tuesday.” I said.

“You don’t have to come,” she deviously interjected. “I now know the way and can go by myself.”

“Now, now Angel, this is important and I wouldn’t want you to get lost.” I too could feign concern. I wanted to hear from the doctor, and not Dark Angel, what was the problem—if any.

At the apartment Dark Angel gave me the amber picture she received when hanging out with Valodya and Vanya in Krasnodar back in June. I handed it back to her.

“Why don’t you want it? It very good for your health and cost me a lot,” she lied.

“It cost you nothing,” I retorted.

She didn’t respond but accusingly asked, “Why did you take down the pictures of me and all the little Disney stickers?” Whenever put on the defensive, she usually attacked, but this time it didn’t matter. She possessed nothing I wanted, especially her emotional love of which I doubted her capable.

“Because I decided to.” That caused her to change subjects.

“I want to get my own mobile telephone. Where can I buy one?” she asked.

“There’s a store across the street and a couple more down the block.” I expected this. How could she run her own private prostitution service without a telephone—but that also didn’t matter?

A couple of days later, we visited her doctor for the sonogram. A female attendant took Angel into the testing area for the procedure. A half hour later she came out teary eyed.

“What did the doctor say?”

“It is what they told me in Krasnodar,” she sniffed. “I have a dangerous growth on my gall bladder, and all we can do is watch it and hope it does not grow.” She started blubbing, but I was beyond her cheap tears.

“Are you sure you understood correctly?”

“I talked to a Russian doctor and she told me.”

“What was her name?”

“I don’t know.”

I didn’t hesitate for a minute. I knew she was scamming me and I was going to find out the facts. A white, middle-aged male lawyer in a suit goes where he wants. Pushing through the doors to the testing area, I found the attendant who originally escorted Angel in for the sonogram.

“I’m looking for the Russian doctor who told my wife the results of her sonogram.”

“We don’t have any Russian doctors here,” the attendant politely said.

“Do you have anybody, maybe a nurse that speaks Russian who told my wife about the test results?”

“No. I don’t know who your wife talked to, but if you want, you can talk to the doctor who analyzes the sonograms.”

“Yes, that will be fine,” I said. The attendant led Dark Angel and I into a lowly lit room where an overweight gentleman sat in front of a machine for analyzing sonograms.

I introduced myself and asked about the diagnosis of Dark Angel’s sonogram.

“Here it is,” the doctor said bringing up a computer-generated image. “You see here. It’s a fold in the gall bladder. Nothing to worry about.”

“So she doesn’t have a growth that needs watching because it might be cancerous?” I asked the doctor.

The doctor looked at me in surprise, “No! It’s just a fold. But it can cause some discomfort if she eats too much fatty food. These are very common and there’s no need to watch them.”

I thanked him, knowing now for sure the whole gambit was to make me feel sorry for Dark Angel, so I wouldn’t try to get her bounced out of the country. America meant the most important part of life to her—money. She was one harsh, money-grubbing girl from a country of crass materialism devoid of moral or social responsibility. It was almost time to tell her, “Goodbye Baby Bye Bye.”

That night Dark Angel didn’t work and the movie *The Maltese Falcon* was on television. I thought it appropriate that we watch it together.

Near the end, Dark Angel complained, “You think I am like that Angel.”

“You’ve got it, precious. And this is the part I want you to listen close too.” Sam Spade says to his nemesis Angel, “I won’t play the sap for you. You have never played square with me for half an hour at a stretch since I have known you. I won’t walk in I don’t

know how many other men's footsteps. I have no earthly reason to think I can trust you. I wouldn't because all of me wants to regardless of the consequences, and you counted on that with me the same you counted on that with all the others." I, however, had already played the sap for Dark Angel, but it was over.

Dark Angel just sat with a sour look on her face, probably planning how to get revenge for my daring to offend a goddess such as her.

At the end of the movie as Bogart walked down the stairs holding the "stuff of dreams", the fake Maltese Falcon, I turned to my fake dream and said, "I want you to move out and I want a divorce."

She showed no emotion as she still looked at the TV, but I knew the anger boiled inside of her, "Why do you want this Roy?"

"Just like Humphrey Bogart said—I don't trust you and don't believe your incessant lying. You are a cold-hearted user, and that is being kind. You and your mother think men exist so you can use them for your whim of the moment with no concern for the emotional harm you cause."

"I told you I don't want you talking about my mum." Whenever I criticized her mother, Dark Angel became extremely defensive and protective. It was easy to tell the sincerity of her reaction to criticism of her mother because it differed so dramatically from any of her other feelings, which, except for anger and love of money, were feigned.

"The truth hurts, huh?"

"Don't talk about my mum!"

Fine, I didn't give a damn about her mother, "All you do is hide behind that mask of innocence. Do you really believe that phony visage will continue to take you far? Perhaps

it has up until now, but one day it will be your undoing when someone lowers the hammer of justice on your lying, cheating and conniving head. You line up men like little ducks to be plucked, take them for a sacrificial ride to your own self-aggrandizement and lust for money. I thought you smart enough to change, so I gave you a chance—that is called civility, which you and other Commies mistake for weakness. I even thought you might understand the concept of empathy. But I was wrong. You care not the least for others, so driven by your own self-indulgence for material pleasures that you even congratulate yourself on your deception and dissembling as the accomplishments of a great artist and the will of God.”

“I know what compassion is.”

“What?”

“If you know someone for a period of time and over that time you have tested them for trustworthiness, and they passed all tests and they show that they are willing to do things for you, then you can feel compassion for them.”

“You’re hopeless,” I said. “The point of compassion is not what someone does for you, it’s a desire to help someone in need because they are a human being, not because you have tested them and they are useful to you. It comes from an unconscious knowing that we are all linked together beyond the physical differences and separations of our senses. Compassion is what the German philosopher Schopenhauer considered the clearest evidence of a bond among all mankind; otherwise, why would people do clearly stupid and dangerous things to help others who are strangers. When we first met, and I hardly knew you, I offered to help you get an apartment, but you thought it some hidden motive to take advantage of you. You’ll never get it. By your definition, Schopenhauer is a jerk. And after my

experience with you, I'm beginning to think the same. But maybe he is only wrong in Russia, or only wrong with people like you who use the compassion of others to knife them in the back."

Surprisingly keeping her calm, Dark Angel asked, "What didn't I do for you? I clean apartment and make you meals from my clean soul."

"You call putting 'salts and sugars' in my food to insure I would marry you, to keep me so befuddled I wouldn't see the truth, you call that coming from your 'clean soul'?"

"You were aggressive to me. I had to do something."

"I'm sorry Angel, but there is no justification for putting what I am sure were narcotics in my food. What if I was allergic to them? What if you gave me too much? But you didn't care, because by not giving them to me you stood to lose your chance at lots of money in America. So what if I died or suffered some crippling injury, you wanted the money only America offered, so why not gamble with my life—you didn't have anything to lose."

After a pause of silence, I asked, "What kind of drugs did you use?"

"They were just salts and sugars from my clairvoyant. I don't do nothing."

"Still wouldn't tell the truth. You lied about not being able to live with me in Moscow for three months after our marriage because of your eye operation, fixing up your apartment and transferring the house to your aunt, when the real reason was you wanted to continue your life style of partying and whoring with whomever you wished. You didn't want to live with your husband, because for you I was nothing more than a ticket to America where you could make lots of money in the sex industry. You pretended I was the one and only, even though I was more like 46<sup>th</sup> on your list."

I was on a roll and not about to stop, “Then after I found out about your adultery, you played on my compassion, which for you means suckering people into feeling sorry for you, so they will help you when you don’t deserve it. Interesting, you understand compassion as a weakness to be exploited in others. That’s probably why you never feel compassion for others for fear they will exploit you. You begged me to forgive you, promising that you would change and be faithful, but it was just another lie to trick me into bringing you to America. And I fell for it, thinking how could I abandon another human being to live a miserable existence in the hell of Russia. You knew I would fall for it, because as you once said I have a good heart. You must have laughed with your mother about how foolish I was to feel compassion for a whore like you. But now I realize some people like you and your mother deserve to live in the hell of Russia.”

“Don’t talk about my mum, and I not whore!” Dark Angel replied growing angry.

“But in America, you continued to chase after men to sell sexual favors. When I confronted you with this, you still played those old cards of ‘it my culture’ and ‘I will change, but it take time.’ Well you’ve had your time. There is no decency, nor shame in you.

I saw her insides seething with hate, although outwardly she just stared straight ahead wearing her mask of composure. She knew I was beyond her powers and feared that a divorce would ruin her chance to stay in America permanently so that she could continue raking in the cash from lap dancing and prostitution.

“I’m not your toy that you can use and if you don’t need—let fly. I will not move out and I will not get divorce because then I will not be able to get a green card.”

Dark Angel finally spoke the truth—amazing, but I was ready for it. “No, we can separate, then get a divorce and you may still get a permanent green card.” Dark Angel received a temporary green card when I brought her to America, which allowed her to live and work for two years. After the two years she needed to apply for a permanent green card, which, if successful, she could live and work here basically forever, even bring her mother over, which I’m sure she planned on doing. A separation and eventual divorce didn’t necessarily mean she’d be deported.

Dark Angel responded, “I don’t believe you. I talk to people who say that if divorce, I will have to go back.”

What I did next, I knew was a mistake, but I wanted this demon spawn out of my home. “Go see a lawyer. I’m sure some of the girls at Flash Dancers know immigration lawyers. You have the money, go ask one. I don’t expect you to believe me. See what a lawyer says.”

“I will do this and we will see.”

“One more thing, I want you to get your own bed to sleep in.”

“I don’t want to pay the money,” she objected.

“I’ll pay half, but you’re not going to sleep in my bed anymore.”

We picked up a bed for Dark Angel, and about a week later, she claimed to have talked to an attorney. Sticking to her old habits, Dark Angel reported the attorney told her that a divorce would prevent her from obtaining a permanent green card.

“If we divorce in America, the INS will find out and not let me stay,” Dark Angel claimed.

“So let’s get divorced in Krasnodar,” I countered.



“But ZAGS will tell the INS.” I ran the ZAGS part passed my Russian lawyer Dennis who said, “That’s a laugh. ZAGS can’t afford to contact the INS and doesn’t care.”

Dark Angel was lying and I demanded the two of us meet with this alleged attorney of hers. That forced her to go out and actually find one. She never talked to an attorney in the first place because she didn’t want to spend the money. So, as usual, she just lied about. Unfortunately, it took her until the end of October to find a lawyer. I wanted her gone by then, but the delay with the attorney meant the end of November. My tutor, my Moscow translators, my Slovakian female friends and the girls in Mark’s martial arts class told me to throw her out into the street immediately. They knew an alley cat like her could easily find another sucker, but once again my concept of civility and the way a gentlemen acts prevented me. Men from my generation clearly operate at a disadvantage. We have a strict code of behavior concerning girls; whereas, they have none towards us, which is probably why the Feminazis are so successful.

#### Come And Get These Memories

Dark Angel wanted to arrange her new bed so that the head of my bed pointed north with hers east while one side of her bed lay along a wall.

“What’s the difference?” I asked.

“It is important for the health.”

More magic I shook my head. “To do it your way will make the bedroom impossible to move around. Besides it is only for two months, I hope.”

“All right, but my bed must have one side pushed against a wall,” she firmly said.

“Afraid of falling out of bed?” I derisively asked.

She ignored that but came up with a suitable place for her bed, “Help me put it over there touching that wall.”

With the side of her bed flush against the wall, Dark Angel began sleeping with her face and the front of her body wedged into the ninety-degree angle the bed made with that side of the bedroom. From around 4:30 in the morning, when she returned from Flash Dancers, masturbated and showered, until one o’clock in the afternoon, she lay squeezed in that position without getting up and without moving, as though trying to disappear. It struck me as very bizarre. Maybe she had a childhood fear of mice crawling over her belly. One night, I decided to play a little joke by placing my hand under her pillow as though it were a mouse. She went ballistic, jumped out of bed, turned on the light.

“What do you do!” She shouted, picking up her pillow. “Did you put something in my bed?”

“No, it was just my hand. Take it easy. It was only a joke,” but apparently not to her.

Dark Angel tore off the sheets and the pillowcase pulled the mattress onto the floor and lifted the box spring searching for something she thought I put there. After putting her bed back together, she crawled in, slapped her pillow a couple of times in anger and warned, “Don’t ever, ever put anything in my bed or you’ll be sorry.” She rolled into her corner and I turned out the lights. Before traveling to my favorite part of life—sleep, I wondered about what kind of hell seethed below her calm exterior, which only intermittently erupted.

Around the house, Dark Angel wore her work clothes—tong panties. The next day after doing some mumbo jumbo in the bedroom in her tongs and before going off to exhibit herself in her tongs to strange men, she straddled my lap facing me while I sat on the couch

trying to read. Whenever I tried to work with her around, she seemed addicted to interrupting me with irrelevancies. This time her distraction differed, “Why are you afraid of me?”

Where did that question come from? She didn’t scare me, just disgusted me. But no reason to cause another quarrel, so I lied with the only response I could find, “Because you could kill me.”

She laughed and said, “That would be easy. Before I found the God it would have been easy for me to kill you.”

I didn’t expect that, thought it bravado but was intrigued enough to find out more, “How would you do it?”

“I could put some of the poison I have in the kitchen in your food.”

I already thought she was putting drugs in my food, which was why I dumped her dinners after she left for work, but never imagined she kept it or as she called it “poison” in the kitchen. This girl was sicker than I thought.

“What poison?” I asked.

“The green powder I keep on the counter.”

“I thought that was herbs you brought from Krasnodar?”

“It is from the Caucasuses, but you can buy it in Krasnodar.”

“What do you need poison for?”

“I use a pinch for nutritional purposes but too much will kill you!” She said with her Cheshire grin. “I cannot only poison you, but my Russian friends would kill you with pleasure if you interfere with me, so watch out!” And she got up to go prepare for work, which meant changing her tongs.

Her threats didn't bother me, they held no terror, but only made me feel comfortable, as though right at home in the bosom of my mother, which I'm sure I never got near as a baby. So why the homey feeling?

I went into the kitchen and looked at the greenish-brown powder she kept in a small bag that looked like it came from a Russian grocery store. The English translation of the print said "Ice cream or Freeze of the Caucasus." Didn't sound like poison or drugs to me unless she just used the bag as a cover for bringing it into the U.S. These alleged herbs were probably the same she used on me in Russia, put in my dinners here, fed to her wealthier customers and used to get her through the night. I didn't give a damn anymore, but for some unconscious reason, I took a sample and stored it away.

Dark Angel hated me finding out the truth about her because it made her scheme of growing rich in the American sex trade more difficult and costly. Now she needed to hire an attorney not just for the divorce but to do the paperwork to help her acquire a permanent green card. Had I stayed in the dark as she planned, the costs, time and work would have fallen on me. Her lust for revenge raged inside under a cool, calm and collected appearance. One day it burst into the open as we walked across Union Square.

"Look," I started. "You tricked me into marrying you with a little help from your 'salts and sugars' and conned me into bringing you to America with that 'I will change' routine. Those 'salts and sugars' were drugs, weren't they?"

"They only herbs that I use for nutritional purposes."

"Oh, like the herbs you used with Alfredo in Italy to heighten your sexual experience?"

"Stop it Hollander! You cause me nerves!"

“Then tell the truth, you took drugs with Alfredo in Italy to come better.”

“Yes, now leave me alone.”

“Not yet. This lawyer of yours that we’ll see will probably fulfill the scheme you had from the beginning of getting a permanent green card so that you can make lots of money in the sex industry here. Even bring over your mother. Naturally, the lawyer will charge you, but maybe you can trade some sex for his services. I’m sure you’ll try.” Dark Angel just looked straight ahead churning inside. “Don’t you think it would be fair to reimburse me for some of my expenses and time that I put into helping you pursue a legitimate career here? Not the stripping and prostitution but the modeling work. The people I introduced you to, the research, composing your letters, advise on how to deal with Americans, going to meetings with you and explaining them afterwards. When you accepted my marriage proposal and on other occasions, we did talk about my helping you with your legitimate career. So when you used my help, it was the same as a verbal acceptance of the offer. I might even have a lawsuit against you for breach of contract.”

“You son of a bitch!” She yelled, hauling off and slamming me with a haymaker to the back. She just missed my spine probably because my martial arts class taught me to keep my back erect at all times, so the muscles protected the backbone. Still, it hurt. Dark Angel was no weakling at 150 pounds of lap-dancing muscle. Rather than decking her, to my surprise, I just kept walking, assuming she meant “no.” Why didn’t I just punch that whore out? What decayed depths of my unconscious made a girl hitting me in anger seem natural and acceptable—more traditional gentlemanly programming or feminazi intimidation?

“You want me to pay you so I can stay in America,” she accused.

“I didn’t say that. You’re going to get what you started scheming for back when we first met in Moscow. Don’t you think you owe me a little for the hell you knowingly caused me and the time you cost me in your single minded drive for fortune and stripper glory.”

“I’m an artist—not a stripper. I owe you nothing!”

What did I expect from a Russian prostitute? Fairness, they just couldn’t understand. At least she would be out of my life—soon.

She reminded me of the joke where a prostitute accused a customer of rape. Judge to prostitute, “So when did you realize you were raped?” Prostitute to judge, “When the check bounced!” Judge, “Guilty!”

A few days later, I traveled to Washington D.C. for a convention on space exploration to start moving forward with the remainder of my life, since Dark Angel would soon take up residence in my dustbin of history. At four in the morning my hotel room telephone rings, it’s Dark Angel.

“Why are you calling me?” I asked.

“I didn’t mean to call you, just to see what your room number was, but the operator rang your room. I sorry, I wake you.”

“Goodnight,” and as I hung up, I knew she was checking that I was in D.C., so she could go out hoing one of her customers. This slut never stopped running a con.

On October 30<sup>th</sup>, Dark Angel and I made our way around the tickertape parade for the Championship Yankees to the office of the lawyer she found. Peter Petrovich was a Russian lawyer in his thirties working as a paralegal for the firm Kuba, Mundy and Associates, which specialized in immigration matters—largely for Russians. Both Kuba and

Mundy were descendants from Russian Jews. Petrovich told us he still needed to pass the New York Bar Exam before he could start practicing law here.

New York and other states require Russian lawyers to pass the bar exam before allowing them to practice in America. The states aren't worried about the Russian inability to tell right from wrong—few America lawyers are capable of that distinction, or if they are, they see it as a distinction without a difference when it concerns cash flow. The states are concerned that the legal education in Russia consists mainly of knowing who to pay and how much. In America, it still takes some knowledge of the law to effectively advise and fleece clients.

When Petrovich started giving us legal advice, it surprised me because he wasn't supposed to do that. But I didn't complain, he spoke fluent Russian, which helped Dark Angel understand, and I needed Dark Angel's belief in his advice to get her out of my apartment.

I told Petrovich, "We want to go our separate ways, but she still wants to work in America and be able to obtain a permanent green card in July 2002, when her temporary residency ends."

Dark Angel started to cry. I assumed she was trying to pull at Petrovich's heartstrings hoping for a reduction in fees. I was sure later she would pull another part of him for the same reason.

"There will be a problem, if she applies for a permanent residency after a divorce. The INS will likely require her to leave for Russia." Now, I knew why Dark Angel started crying, but she missed her cue and began before Petrovich delivered his rehearsed line. These two refugees from the Communist Block obviously worked out this routine to

convince me to keep Dark Angel in my apartment and the marriage in tact because it would save her money. I was sure she had already pulled that other part of Petrovich.

“No, no, no, no.” I said, “That’s not the law. We can divorce now, and she still can become a permanent resident under the marriage termination waiver [8 U.S.C. § 1186a(c)(4)(B)] or the hardship waiver [8 U.S.C. § 1186a(c)(4)(A)]. We both know that once an alien spouse is admitted to the country, it’s virtually impossible to deport her. It’ll just take more effort and money on her part.”

“Just a minute. Let me run that by Mr. Mundy to make sure, and if so, what we need to do.” Petrovich left to consult with Mundy.

When he returned, he said, “All right, Mr. Mundy says it shouldn’t be a problem if we do the following. You two can separate now, but it would look better to the Immigration Authorities to sign a legal separation agreement next year. Since you were married this year, a separation agreement dated next year creates the impression of a marriage that lasted at least a year. The authorities don’t look to close at these things.”

I laughed inside, typical dishonest Russian and crooked American lawyer. Clearly, Dark Angel and Mundy had discussed the marriage termination and hardship waivers but she vetoed both because of the cost. I saw why Dark Angel chose this firm. She, Petrovich and Mundy should get along well together. She’d probably also end up in bed with Mundy in return for free legal work.

Petrovich continued, “One year after signing the separation agreement, the divorce will become effective. Then we will need Roy’s help with immigration to file an affidavit in which he says that the marriage fell apart from cultural differences, incompatibility or some other reason. Is that fine with both of you?”



That part meant my lying to the INS, which I didn't like, so I played for time to do some more legal research and run it by a lawyer friend of mine from Harvard. For the moment, I agreed, not wanting Dark Angel to spend any more time in my apartment than necessary. We made an appointment for January to sign the legal separation agreement.

On our way home, Dark Angel said she would probably not have another boyfriend after we separated. I laughed.

"What is it with you? Do you really think I believe that? Do you think I care? I'll show you how much I care. I'm not going to Disney World with you." Back in August when I still hoped she'd change, we made reservations to go to Disney World in Florida for her twenty-fifth birthday on November 10, 2000.

She coldly insisted, "We make reservations to go and we go."

"Go with one of your customers. The plane and the hotel room are already paid for. Invite your favorite customer. Surprise him with the fantasy that you're spending money on him rather than the other way around."

"I have no one else to go with and I will not go alone. You promised."

Not this again, I'm bound by my promises, but she's not by hers. I was fed up with keeping my word to a harlot and vowed after Disney World—never again.

It turned out I enjoyed Disney World despite Dark Angel's presence, lots of decent entertainment far from her line of work.

After our Florida vacation, Dark Angel found an apartment in Astoria, Queens and arranged to move out December 4<sup>th</sup>—yes! She told me a few times that once she left there was no return. I hoped so, but on one occasion she added, "Once I am gone, something bad,

very bad, even death will happen to you. All I need do is get my Russian friends to hurt you.”

My mind instantly pulled up a scene from the movie *Casablanca*. After all, like Rick, I too owned a saloon, well, a tiny part of a saloon called the “Casablanca” in Cambridge, Massachusetts. Its main attraction consisted of paintings of scenes from the movie. My response to Dark Angel’s threat seemed appropriate, “Go ahead, you’ll be doing me a favor.” She didn’t get it. She just looked puzzled and went into the bedroom to do magic, which, despite my nihilism, caused my instinct for survival to give me pause to wonder what kind of black magic Dark Angel was now brewing.

I went to the bedroom, pounded on the door until she opened it and confronted her about the rituals she daily performed.

She laughed menacingly and denied doing anything but exercises, “Magic exists only in fairy tales for children, my darling husband.”

“Then why do you practice it with divination cards, candles and incense? Why do you believe in reading palms and in astrology?”

“I don’t believe in such nonsense and never did,” she claimed.

“Now that’s a Nixonian lie if I heard one. You’ve been an advocate of magic since I met you. Are you trying to rewrite history the way the Communists did in your country?”

“She said magic is for scared little children and I not child,” then promptly closed the door and locked it for another ritual.

### Do You Believe in Magic

I finally went to the law library to research what Mundy and Petrovich wanted me to do so that Dark Angel would receive a permanent green card. Their scheme scowled at me

from the law books. In order for Dark Angel to receive a permanent green card after our divorce, she needed to prove to Immigration that she entered into our marriage in “good faith.” That meant she married in order to establish a life with me and with the intention of fulfilling her marital obligations rather than just to obtain a green card. A crucial piece of evidence for proving her “good faith” was an affidavit sworn to by me that the marriage fell apart because of incompatibility or some other innocuous reason, and, as far as I knew, she didn’t marry me primarily to gain entry into the United States. All of that meant perjury, which for the ordinary citizen didn’t matter since the prosecutors rarely went after this type of perjury, but for me, a lawyer, subject to disciplinary actions by a special court committee, it meant the possible loss of my license to practice law. By signing such an affidavit, Dark Angel would always have a club over my head. True, a club that rationally would harm her as well by threatening her residence status in America, but still people don’t always make rational decisions. The thirst for vengeance leads many to desperate acts inconsistent with reason. It didn’t require a fortune teller to imagine Dark Angel’s involvement in the sex industry leading her into a situation where desperation or vindictiveness might overcome reason with her deciding to take both of us down or at least threatening to do so, unless I provided some type of favor—probably money.

My attorney friend Jeff gave me his take on the affidavit Mundy and Petrovich wanted. Jeff was probably the most intelligent guy I knew, a graduate of Harvard Law. We first met working on a state senate campaign of a mutual buddy in Boston. Over the next twenty-five years we kept in touch. I respected his advice.

“Don’t do it,” he said. “She’ll have something on you for the rest of your life. The INS doesn’t care if some alien lies to them, but if they learn that a lawyer did, they’ll lick

their lips from ear to ear and do everything they can to take away your license. It makes no sense to put your livelihood at risk for her. You've got what you wanted. She already paid the deposit and first month's rent on her apartment. From what you tell me about her cheapness, she wouldn't forego that money just because you refused to do what her lawyer wants. Tell her you won't perjure yourself for her. She's the criminal not you."

Jeff was right and I told Dark Angel.

"You told my lawyer you would help me with green card and you will!" She angrily demanded stomping her foot.

"I'm not going to lie to the INS for you. I'm not going to jeopardize my ability to practice law for a slut from the former Soviet Union!"

"You liar! I will not allow this!" She grabbed her purse on the dinning room, pulled the black handle steak knife she always carried, but I grabbed her arm before she could start flaying away. "You son of a bitch! You will pay for this!" She shouted, until I made her drop the knife. Then the tears and like a kid she ran into the bedroom slamming the door.

Early the following morning, shortly after Dark Angel crawled into her bed around 4:30 in the morning after a lucrative night of stripping, I awoke or thought I awoke. To this day, I am not sure whether what I saw was a nightmare, shadows in the dark or real. A small dark skin girl, maybe four feet high, wearing only a grass shirt with beads and charms strung around her neck, frantically whirled in a manic dance in the middle of the bedroom equal distance from the sleeping Dark Angel and me. The apparition, spirit or illusion looked around eight years old with its hair standing up like a bunch of straw tied in the middle. Its face, a black cloud with no features except two burning red coals for eyes. The left hand swung a tomahawk menacingly while the right drew symbols in the air. I assumed

it one of Dark Angel's minions either protecting her or casting a black magic spell to make me do something, keep me from doing something or help her get revenge. Unfamiliar with what to do in this situation, I decided or dreamed I decided to keep an eye on it. If it moved toward me, then I would attack; otherwise, wait for the sanity of the sun to arise. But my resolve failed, I immediately fell back to sleep or the nightmare ended—I don't know which.

When I got up later that morning, I realized Dark Angel had once again launched an offensive against me using her Russian magic and psychic powers to manipulate me into perjuring myself before the INS so that she could continue the nightly satiation of her feral lust for the money in America. My decision not to go along with her lawyer's fraud on the INS jeopardized an easy and cheap route to a permanent green card. She would use any means available to make me sign that affidavit. I needed to prepare a defense to Dark Angel's supernatural and female duplicitous influence, so I telephoned Carmen, but the soonest appointment was not until early December, three weeks away and just after Dark Angel moved out. Three weeks seemed years with all the lunacy swirling around me. I felt like an exiled mortal thrown into the mist of the underworld's celebration of Halloween in the "Night on Bald Mountain" section of the movie *Fantasia*. Dark Angel's eyes glaring hatred reminded me of the horned demon directing the madness in the movie. Then, as the fates willed, a longtime friend, Cheryl, called to see whether I wanted to go to Puerto Rico with her over the Thanksgiving holidays. I jumped at the chance. Before boarding the plane for a week in sunny, warm and friendly young girls with brown eyes Puerto Rico, I borrowed a book on Russian magic from my tutor. Time that I studied what the bane plaguing my life used against me.

Ironically—I'm getting tired of this word cropping up in my life—Cheryl and I met on my first trip to Russia at a nomenklatura conference in the Kremlin in 1991 when the allegedly former commie bureaucrats were still trying to figure out how to enrich themselves at the expense of Americans. On that trip, it seemed every one of those bureaucrats proclaimed himself a dedicated capitalist, but was more accurately an incorrigible con artist pushing some get-rich-quick scheme or another in which Americans would hand over cash to Russians who knew nothing about finance but guaranteed returns in the hundreds and even thousands of percent—right out of Abbot and Costello.

Cheryl attended the conference as a professor of accounting from a large university in New York. In her do-gooder way, she believed, as did all the Americans at the conference, including me, that the Communists wanted to learn about accounting, business, economics and law in order to change from state syndicalism to a fair and free market. The world, however, now knows these converts to capitalism just wanted to learn how to cover up their stealing from the scrutiny of foreign investors because they, unlike Westerners, knew Russia was a kleptocracy with them as the kleptomaniacs.

Cheryl actively championed feminists' causes while I considered feminists nothing more than modern-day Nazis out to destroy the freedoms guaranteed by the Constitution in order to impose their own self-serving brand of thought, speech and action on all Americans, whether they liked it or not. So to both our surprise, we became friends and hangout ever so often. I actually found Cheryl's feminazi tenet of taking charge of the logistics pleasing. Whenever we did something together, she assumed the burden of making the plans and executing all the little details. She made all the arrangements for our Puerto Rico trip while I just went along for the ride. In fact, I couldn't have picked a better hotel or time. When

we arrived, the Miss Teen Puerto Rico pageant filled the hotel with three days of photo opportunities of lovely young teenyboppers wearing swimsuits, miniskirts and comely smiles. I chatted up a few, what a delight. None tried to censure my speech or demean me for following my genes. They knew why I was talking to them and played their roles with a smile, grace and an attack of pheromones to put me under their spells. However, the curse of Dark Angel kept my heart from further pursuit, so I turned my attention to learning about the Russian occult.

My tutor's magic book explained a lot about Dark Angel:

- Witches must wear their hair long for making magic, which explained why Dark Angel refused to cut her hair even when model photographers advised her that short hair would increase her chances in finding jobs.
- To make a man a slave, a woman puts menstrual blood in his food. Dark Angel already told me about this trick, but now I wondered whether she used it along with the narcotics on me.
- To make a woman fall in love, it was necessary that a charm be secretly placed in her bed, and one type of charm placed under a woman's pillow would cause her to confess her adultery. That's why Dark Angel freaked when I playfully put my hand under her pillow one night. She feared my using magic to make her love me or confess her adulterous activities.
- To destroy a sex partner, bury a glove of the lover and he will pine away. I remembered the two pairs of gloves that vanished from my apartment in December 1999 after Dark Angel stayed with me. I guess she took them just in case, and now that the case occurred, one of my gloves, if not all, probably lay beneath the earth.
- Against the evil eye or sorcery witchcraft, wear braided hair—it will entangle the sorcerer's eyes. In the beginning of our relationship, Dark Angel's hair always hung loose, but after I told her about my visiting a voodoo priestess to protect me from her, she always wore her hair braided except at work where the men enjoyed long, perfumed hair falling over their faces and groins.
- A person who sleeps with his head to the north will soon die. What a lovely young lady, trying to dupe me into speeding my demise with the rearrangement of the bedroom to fit her bed.

- Words, numbers and symbols are identified with the forces of nature and of a person's own psyche. Through them the sorceress summons and controls the power of her mind and the forces of nature. Dark Angel always drew symbols and numbers on the letters she sent me, which I stupidly thought cute expressions of her inner child. I now knew the only thing inside her, besides numerous men, was a demon. And when she returned from her vacation to Krasnodar and Cyprus in September, she started using strange words, neither Russian nor English, whenever the conversation turned to her nefarious acts. Most likely casting a spell to muddle my thoughts.
- Two triangles symbolize the spirit that controls the physical body while the drawing of an eye represented the evil spirit. When Dark Angel first moved into my apartment, she put, half-hidden under an end table, a drawing with a huge eye inside of two triangles. Using evil spirits to control me for her evil ends.
- Rings are worn for protection, which explained the plethora of them on Dark Angel's fingers. I never saw anyone with so many rings. At least she didn't put any in her nose.
- Witches take the energy from living things to help fuel their personal magic. That explained why the plant I bought her died so quickly. She just sucked all the energy out of the little thing as she did with men.
- Witches charge candles with their magic that releases when burned, but if someone physically alters a candle then the magic might back fire on the witch. No wonder Dark Angel threw a fit when I removed wax from one of her candles to make it light easier. She feared I had reversed her magic to affect her instead of me.

Looked like I married a witch or someone who believed she was a witch. Drugs in my food, duplicity and infliction of emotional distress weren't enough for Dark Angel—she attacked on all levels. Except for the occult, I believed I could handle anymore assaults for I had grown up dealing with another malevolent female—my mother. But Dark Angel's use of satanic forces gave me pause. I still didn't fully believe in the power of the arcane arts in America, probably out of a premonition that if I did, I was doomed for certain. Assuming sorcery existed, Dark Angel must have studied and practiced it all her life while I knew next to nothing about witchcraft except for reading my tutor's book and a visit to the voodoo priestess Carmen. If Dark Angel could control forces that modern science didn't know



about or manipulate known forces in ways science couldn't explain, how could I defend myself? I couldn't.

On the other hand, if all this mumbo jumbo represented the ravings of a psychopath bent on power, then my believing would pull me into a dark, twisted realm where goblins, gremlins and ghosts ruled the oceans of the mind. The power of magic might lie not in the witch but the belief in the mind of the victim. I chose a schizophrenic course—belief and disbelief. I'd use Carmen and the book to try to protect me from the black arts, but my belief in empiricism to keep Dark Angel from sucking me into a medieval nightmare of the mind. My strategy allowed me to find solace in the warning at the end of my tutor's book in which the author talked about someone like Dark Angel: "If you practice magic to control someone, then someone else will control you. If you practice magic to satisfy your ego, something will come along to crush it." Following my both sides against the middle approach, I conducted a few self-protection rituals in the sand by the ocean as prescribed in the book.

Despite Dark Angel, I enjoyed Puerto Rico. Ever since my first trip to the Amazon ten years earlier, "south of the border" remained close to my heart with its leisurely place of life, friendly girls, sunny days and the jungle—the one place that flowed into my soul making me feel like I belonged there. I actually thought about moving to the Ecuadorian rain forests, but like an idiot ended up going to Russia instead. It was too late to go back. Thanks to the stock market's latest round of thievery, I no longer could afford to live in Latin America without working, and thanks to wasting years with Russia, I had reached an age prohibitive of my finding a job in South America. All employers worldwide discriminate against the middle-aged.

Cheryl and I traveled around the island in the balmy weather to sunny beaches, a tropical rain forest, a jungle farm of a friend of hers and to clubs. But ever present in my mood the unchangeable fact of the stupidity of my life as exemplified by my involvement with a tart like Dark Angel. All my life, I kept making dumb decisions. I went in this direction, then that, then changed again always throwing away opportunities until I reached the age where none apparently existed. Labor, politics, media, law and business management, what the devil caused me to go in all these directions that only resulted in more and more misery? Life was, after all, fundamentally simply. When young, everyone hits on an activity, an endeavor that thrills the heart, widens the eyes and intrigues the mind. All anyone need do then is to go after it and keep after it—simple. But parents, teachers, contemporaries and the mass media always assume the self-righteous, all-knowing mantle of foisting their own biases to turn people around and pressure them to pursue lives they otherwise would not. The social trend of the moment or the selfish designs of others often sidetracks most folk.

To me, since I lived it, one of the most deleterious external influences occurs when a child's primary care giver, usually the mother, uses fear tactics, anger, stinging criticism and pessimism to pummel the child into conduct that serves the image the mother wants to project to a particular community—traditional, as in my childhood, or political correctionalism, as today. Under such an assault of subjugation, the child internalizes a deadly trinity of traits—fear, hostility and negativity—that destroys from within any outward accomplishments the grown child subsequently seeks. All my life this trinity of gorgons kept me from exploring the mysteries of the universe through physics, literature and poetry until I reached the age when nothing more matter than to have spent the most

productive years of my life on the road of those activities, which, thanks to the irreversibility of time was now impossible. That realization tormented me every day.

In the tropical rain forest on Puerto Rico, I felt comfortable thinking about escaping the outrageous fortune of my life. Here, next to nature, the quick solution seemed inviting and easy. But I loathed benefiting the Russian whore with any irreversible acts by me that would allow her to inherit even a kopeck of my depleted wealth while she shed crocodile tears. I needed to sever all the legal bonds between us—then perhaps I could return to the jungle for its peace.

With our suitcases, Cheryl and I flew back to the reality—for me the hell—of our lives in New York.

### You Better Move On

A few more days and Dark Angel would at least be out of my apartment, but before that day of deliverance, I still had to deal with this nutcase.

“Roy,” she cooingly said with her innocent smile. “Why don’t you help me with the INS? I can do something for you, if you’ll help me.”

“There’s nothing you can do for me, nothing I want from you other than to move your sorry carcass out of here. I told you before. I’m not risking my license to practice law by perjuring myself before a government agency. Offer them sex for a permanent green card, that’s how you get everything else.”

Her eyes squinted in malice, “You better not interfere with me staying here or I will have you broken like your coffee cup!”

The eve of Dark Angel’s departure, her fellow lap dancer, Tatianna, stayed over to help with the move in the morning. I attended an apartment warming party at Mark and his

girlfriend's new abode and used the occasion to celebrate the imminent departure of Dark Angel. When I returned home, my wife and Tatianna were somewhat drunk watching the E! Television channel showing people prancing around with little clothing. It must have made the two feel normal. The show, *Wild On*, featured Italy and one segment showed a famous plaza in Venice.

Dark Angel turned to Tatianna and bragged, "I've been there."

I responded, "Yeah, she was there with one of her boyfriends, Alfredo from Mexico."

Tatianna chided me, "You shouldn't be jealous of Angelina's boyfriends before you went out with her."

That was my opening, "I'm not. Angel didn't go there with Alfredo before I met her. She went there with him two and a half months after I married her."

Tatianna looked surprised, "I don't believe it."

"It's true, ask her," I continued. "When Angel went to Italy with Alfredo for sex and money, we were already married—not just going out, but married! What would you do, if your husband did that?"

"Kill him!" Tatianna replied without a second thought.

I looked at Dark Angel. She didn't say anything, no protestations, no excuses and certainly no admissions, just the usual stony Russian silence when confronted with the truth. But her cheery mood clearly changed as she glowered at the TV set. I had humiliated her. Even though it was before a fellow Russian whore, it cracked the pretense that these sluts live by. I went to bed, disgusted as usual.

Before getting up the next morning on December 4, 2000, Dark Angel asked me to hold her while she lay in bed. I did, but I didn't buy this umpteenth attempted con to exploit my sympathy or make me think the truth false and her lies true. Her feigned affection was not going to con me into helping her obtain a permanent green card.

She said with a few manufactured tears glistening in her eyes, "I liked you in the beginning, but you became too aggressive to me."

"And I have grown weary of counting all your lies and all your alibis. I saw more in you than there was, and that was my only fault."

"When someone causes another harm it is the will of God to clear the victim's soul. The victim should be thankful that something worse did not happen and take a lesson from the injury."

"That's easy for you to say when you're the one causing the pain."

"You caused me pain too, Roy."

"Only when I threatened your scheme to get to America to make money selling your body. That's the only pain you ever felt—the fear you couldn't trick me, which would cost you money. So, according to your philosophy, what happens to the person who causes the pain?" I asked.

"The victim should not worry about it."

"Oh, I guess I should believe that you did something good for me, and now that your low life ways have gotten you what you want, I should not worry about you getting your comeuppance. Man, you're either worst or dumber than the Angel in the *Maltese Falcon*. Okay, goddess, will you ever answer for the pain you caused me?"

"I have enough pain."

She's was impossible, absolutely impossible, I thought. A truck should run over this slut. I went to the bathroom.

Just before the movers came, she went into her crying again.

"Now, what are you crying about?" I said laughing because her whole sympathy routine looked liked the tired old trick she would eventually turn into. To quote a Rolling Stones' song, "By the time you're thirty, gonna look fifty-five. You wouldn't look pretty, and your friends will have kissed you goodbye."

"Just emotions," she said.

"When you move into your new address, don't forget to send a change of address card to the Post Office."

"My lawyers said I should not. It better that Immigration think I still live here until we officially separate in January." Still running her fraud, but if the INS asks me when she moved out, I was telling the truth.

"How will you get your mail then?"

"You can bring it to me," she grinned.

I said to myself, no way baby, I don't want to see anymore of you and decided to put in a change of address card for her myself.

She continued smiling, "Once I have my apartment set up and before I go home for the holidays, I want you to visit me."

My antenna detected something amiss with that. Why did she want to see me in her apartment? It could only be for some scheming reason to further some interest of hers while harming me. Her heart harbored no fondness for me or any man.

"No," I said. "I hope I never seen you again."

No response, just more phony tears.

The movers, two guys, showed and I helped load the truck. I watched her drive away with them wondering how she would use her “charms” to reduce their fees.

### Black Magic Woman

Dark Angel was gone, but I knew I needed to cleanse my apartment of her curses and protect me from anymore of her black magic.

I saw Carmen four days later. “Welcome back,” she said. “I see you wish you had listened to me the first time.”

“That’s an understatement,” I replied.

“When did we last meet?”

“Back in June, before I made the dumb mistake of bringing my prostitute wife to America.”

“Ah, yes, the Russian,” Carmen said. “Now I remember all.”

I gave her another photo of Dark Angel and some of her hair. Carmen blew smoke from her cigar, just as she did the last time, to see the evil spirits Dark Angel sent to spy and harm me. She went into a trance shouting at the spirits and banging her wooden staff on the floor to exorcise them from our presence.

“Now we can talk without any prying eyes,” Carmen said coming out of her trance. She shuffled her tarot cards and started dealing them into three rows. “Yes, I see.... Your wife uses three different names to keep people from connecting the acts of one with the others.”

“I never thought about that, but you are right: Angel, Angelina and Alina. She also uses ‘we’ when writing about herself, but I assumed she referred to her and her mother.”

“No, not her mother, although I see great evil in the mother. There are older and fouler things from the depths of the earth. Your wife thinks of herself as three people: good, bad and psychic, which allows her to shift from one to another so as to accept whatever she does and feel self-righteous towards anyone who crosses her.”

“So she’s the good girl when someone accuses her of doing bad, the bad girl when she wants something she doesn’t deserve and the psychic to protect herself and harm others. How convenient,” I remarked.

“Right. She believes herself capable of destroying men while effectively pretending to be a naïve, innocent victim. She loves no man but is only out to get money—that is her love. She wants to make as much money as she can while still young and pretty. I’ve told you this before that she set the course for her life when sixteen to make money with her body, looks and personality. She promised herself that she would not be a good girl but a bitch and make money like crazy off of men. She generally chooses her victims based on their good heartedness and wealth because she knows a compassionate man is easier for her to trick out of his money. Usually her victims fall in love with the false image she creates, and when they do, when they are vulnerable, she springs her trap getting what she wants from them. She is greedy, grasping and duplicitous. Hates men and believes that she has created in herself a machine for destroying men. She likes girls, however. She will soon try to stop you in any way, to destroy you!”

“To stop me from what? I interrupted with surprise. “We’re separated. I’m not going to help her get a permanent green card, but I don’t intend to stop her either. I’d like to see her pursue a legitimate career, but that’s beyond my power. What does she want to stop me from doing?”



“You will do something you believe is just that threatens her getting the green card. But for now she wants vengeance. She wants to hurt you. You were the only one who tried to take her out of her bad life, tried to help her leave a depraved life that she had committed herself to as the realization of herself in this life. She wanted you to accept her in her life style as it was. She wanted you to accept everything she did, but you would not. She resented your efforts to help her put aside her life-long aim of making money from men and getting revenge on them. Your efforts forced her to look behind the mask where she hid from herself to at least glimpse the evil she became and the absurdity of pretending to be three different people. She wants revenge because you rejected her.”

Carmen continued, “She is lying to you. She will try to make you believe she is staying away from you. She will use magic to get into your mind, then approach you with tears and a phony story to get back into your life. Once back in, she will set off on her plan of revenge and try to weasel money out of you. Your wife and the spirit of your mother fight each other. Your mother is the guardian angel protecting you from your wife.”

I didn’t contradict Carmen about my mother this time. But if my “thank goodness she’s dead” caregiver was the only force protecting me, I was doomed.

“You must no longer feel sorry for your wife. She has no feelings of sympathy for you—only hate. She will try to force her mind into you. You must be stronger in mind than her. She will want you to pay her money. She will ask for money based on a phony story. Everything for her is money. “

“Your wife gets away with many things. Do not try to bring her to justice; just keep her away from you. You must be careful in the street because she may send someone to hurt you. Your wife blinded you from the beginning with her magic and fake personality, but

your guardian angel protects you. Let your wife be, stay away from her, or she will send someone to mug you to put you to the hospital. Be careful of a package coming to your door; it will blow up. Be careful of letters you do not expect. She has plans for you if you do not help her get a green card, so let her get it but do no more. Do not warn her about anything. She is now talking to two men about her 'life story' with tears in her eyes trying to get them after you. She is using black magic to get her way."

"Whew," I reacted. "She is one vindictive young lady, and after all I did for her. The guys are probably her lawyer and his Russian paralegal. I'll be honest with you, if justice demands I take her down, then I'm going to do it no matter what the threat or the cost." Carmen didn't realize that all the talk about danger took me back to when I did a little undercover work for the "Village Voice" against one of Roy Cohn's mob judges—the danger made it worth doing.

"Be careful then. As you know, she is not a weak American girl but ruthless and powerful. She has friends. It's better for you to let the past drift away with the water."

"So what do I do to protect against her magic?" I asked.

"Put this cross inside your pillow, read Psalms 23 and 62 in the morning and at night before bed. Take this plant. People who work bad magic kill living things."

"I know. She killed a plant I once gave her."

"But this plant will prevent your wife from doing bad things to you. Keep it near your bed and water it once a week and give it this medicine. For 21 days put in your bath this Cascarilla, scrap a little of this chalk into the water so there is a film on it and pour a little out of this bottle. Lie in the tub, pray and relax. Ask the universe to cleanse and protect you while pouring water over your head with your hands three times, then wash

yourself. As soon as you get home today, use some of this potion to wet the floor in front of your door and say, ‘This is to dispel any evil that tries to come into my house.’”

“Thanks Carmen.”

“I hope you follow my advice this time.”

“Maybe, we’ll see.”

### Talk To Me, Talk To Me

I followed Carmen’s procedures to block Dark Angel’s magic but not her advice to help my wife get a permanent green card.

One morning I awoke with a start. It hadn’t clicked earlier, but now the realization of another Dark Angel trick burst from my unconscious onto the surface. Perhaps Carmen’s warnings had released the bubble of danger, or the toll that living with Dark Angel had taken on my health, emotions and metaphysical well-being had so befuddled my consciousness that it no longer functioned effectively. Her trick looked so obvious, how did I miss it? Dark Angel probably found another way to slip me narcotics by putting them in some of the other food I ate that she didn’t prepare such as tea, coffee, creamer or snacks. It made sense; when it came to intrigue, this Commie was a pro. When I stopped eating her dinners in front of her and no longer displayed the subservient malleability of narcotic poisoning, she probably realized I threw her dinners away. Not to allow an obstacle to stand in her way, she found an alternate route for feeding me her “little helpers.” Maybe that’s why I didn’t kick her out right after she returned from Cyprus, waited for her to find a lawyer and even traveled to Disney World with her—yuck! I bolted out of bed to the kitchen—dumped every package, bag and bottle, including the alcohol, whether opened or not because if she

couldn't put drugs in it, she likely cast a spell on it. I also made an appointment with my doctor for drug testing.

The telephone and health insurance bills for November came in and Dark Angel owed me some money. I contacted her about the bills and expenses and suggested she send me a check.

"I don't like to use checks," she said. That's because the I.R.S. can subpoena them from a bank to estimate a taxpayers expenses and, in turn, income. "I have to go to a models show now. Can we meet to talk about this?" Red alert, red alert sounded; not only because of Carmen's warnings, but my own instinct. Still I agreed, hoping it the last time and we arranged to meet a few days later.

In the meantime, I visited my doctor for drug screening. I described my symptoms from when Dark Angel put "salts and sugars" in my food just before our wedding and the intermittent recurrences of these indications throughout the relationship.

"Clearly narcotics of some type," he said. "But I couldn't say which ones, and since she moved out a couple of weeks ago, I doubt the tests will show anything. Narcotics pass through the body's systems quickly." He was right; the tests came out negative.

Dark Angel and I met in front of "Today's Man" on Fifth Avenue—no greeting kisses between us.

"Here are the bills, so what do you want to talk about?" I asked.

"Not here in the street. It too noisy, is there some place to go and sit?" Like every female on this planet, she'd do anything to sit down. Even squeeze her butt into a space on a subway seat too small for a fat rat and then wonder why the people she uninvitingly wedged her ass against didn't welcome her familiarity.

I thought a little and said, “The Association of the Bar of the City of New York is down 44<sup>th</sup> Street. We can talk there.”

At the Bar, a stately building of marble and limestone built in the 19<sup>th</sup> Century, we walked up to the second floor and found an empty, large, sedate, front conference-room with twenty-foot ceilings.

When we sat down, I noticed Dark Angel put her purse in her lap, which I never saw her do before. She always put it on the floor. I immediately suspected the knife with which she once tried to stab me or a tape recorder. Both represented weapons. She might lose her temper, and, this time, succeed at stabbing me, or record our conversation that her crooked lawyers would threaten to twist against me unless I lied to the INS. They might even edit it to make me say something I didn’t.

“What’s in the purse Angel,” I asked accusingly.

“Nothing,” her tongue snaked over her lips.

“Let me see.”

“No!”

“Let me see!” I demanded.

“No, I don’t want you going through my purse.”

“Because you have something to hide, I’ll bet. Then put it over there by the wall.”

“I will not!” She carried something inside she wanted close to her.

“If you don’t then, I’m leaving.”

She got up and put the bag against the wall and I motioned for us to move to the other end of the conference table far away from the bag.

“Here are copies of the bills.” I said. “You can figure out what you owe me and send me a postal money order, since you don’t like checks.” She folded them up.

“Roy why you not keep your promise to help me with green card?”

Trying to play on a man’s honor again. “I told you. For me to sign the affidavit that Mundy and Petrovich want means I will have to lie.”

“But you lie before.”

“No Angel, it is you who lied before. I kept my promises but not this time. Don’t try to make me out as the bad guy here. I’ve had enough of that Commie reversal routine.”

“But you promised!”

“That was before I realized why you and your two lawyers wanted an affidavit from me.”

“They simply try to help me become permanent resident.”

“Oh, don’t give me that innocent young girl routine. You three knew that once I signed that affidavit you would always have something on me. I’m not going to lie to the INS for you Angel.”

“But I will help you in the future,” she replied.

“You’re real good at making promises, so long as the other person does something to benefit you first. Not this time Angel. I’ve had too much experience with your false promises. You’ll promise anything to get what you want because you have no intention of keeping it. You’re nothing but a pathological lying con artist. I’m not going to lie for you and that’s it!”

I got up to leave, but she lurched at me from her seat, I put up my hand to push her back when she stuck her sharpened pinky fingernail into my finger. Angel always kept the nail on her right pinky finger long and sharp as weapon.

“Damn it! You cut me,” I said as she stood up in front of me a good three inches taller in her street shoes, dressed all in black with her braided dyed blonde hair and glaring eyes of malice.

I shook some of the blood off and Dark Angel recoiled in horror looking to see whether any of my blood got on her. Weird, would she melt if some of my blood touched on her?

“I want you to help me!” she shouted with a stamp of her foot—that horse again.

“I’m not putting myself in a position where you can destroy my license to practice law.” I then tried to leave, but she grabbed my wrist. I could have easily slipped her hold, but then she might yell rape in the quiet, august halls of the Bar Association. If we were in Russia, she could scream her head off, people would come but no one would believe her—not so in Feminarchy America.

“Let go of me,” I said.

“Not until you listen.”

Then I raised my voice, “Let go, damn it!”

She did, I tried to move around her towards the door, but she kept positioning herself in front of me. How unfair of American society that a girl can use violence against a man to get what she wants, but for me to deck her in self defense meant going to jail. To think the Feminazis complain they are oppressed—what a joke. Not only can they use violence because they know the police, and especially judges, will laugh at any guy complaining

about a girl assaulting him, they don't even need to worry about the guy using force to defend himself because then the criminal system will swarm over him, bankrupting him with legal fees and destroying his occupation, which means his life. In addition, females can also resort with impunity to their weapon of choice—the intentional infliction of emotional distress because it leaves no marks, no evidence. Their tongues are their guns and they use them all the time.

“Roy, I can cause big trouble for you if you don't help me,” as her eyes narrowed and stared down into mine in the typical Soviet inquisitorial and threatening manner. “Are you going to go along with my lawyers' plan?”

In the typical America response to commie threats, I said, “Drop dead!”

Then the tears started and she hugs me as the tears fell on my face, “I really liked you in the beginning. It not my fault we didn't work out. I still want to get together with you before I leave for Christmas.”

“No way!” I broke away from her dissembling hug and left thinking what a revolting experience that was, and in the Bar Association of all places.

Just for a lark, I stopped in the Today's Man store to see whether Dark Angel walked out to Fifth Avenue—sure enough. She turned north, and as I watched, she kept looking behind her by pretending to look in store windows to see whether I followed her. Now that was one paranoid whore.

### All In My Mind

Confident that Carmen's rituals protected me from Dark Angel's black magic, I started seeing a therapist in the hope of washing out of my mind the harm caused by my



wife. I never thought much of therapists—I wanted solutions, not a sympathetic ear. So I found a therapist through the Viktor Frankel Institute in Vienna, Austria.

Frankel survived Hitler's concentration camps to establish a third school of psychotherapy called logotherapy, which differed from Freud's psychoanalysis and Adler's individual psychology. Frankel taught that the primary motivation of the individual was the search for the meaning of his life, for a reason or purpose that justified his existence given the present situation in which he found himself. The meaning of life differed from man to man and changed over time for any one man, but at any point in a man's life, he had a specific mission unique to him that demanded fulfillment. Each significant situation in life represented a challenge and presented a problem to solve, so the meaning of a man's life at that moment was meeting the challenge and solving the problem. In doing so, the reason or purpose for life could involve creating a work, doing a deed, undergoing an experience, becoming involved with someone or taking an attitude toward unavoidable suffering that allows a person to bear it with dignity.

Frankel's tenets appealed to me. I needed a new reason for living to help leave behind the emotional damage caused by my stupidly believing that rescuing Angel from the hell of Russia had been my most recent purpose. After a few sessions of filling in my therapist on the facts of my life and the lunacy of my marriage, the rest of the sessions until the end of January 2001 went to the core of my problem with the Dark Angel, provided a psychological explanation for why I married her and helped me focus on my present purpose in life by exploring what I needed to do to pursue it and why throughout my life I had always turned away from that purpose of using physics for acquiring knowledge of the mysteries of existence.

Throughout December, my therapist deduced the following:

“Just because your wife no longer lives with you doesn’t mean you are free of her.

She is still a tremendous distraction for you emotionally because of her past manipulation of you. She wanted power over you, and the way she obtained it was by making you feel as if you were the most important person in the world. She used negative means—lies, feigned emotions, pretenses and especially exploiting your sense of ethics and your good heartedness to get what she wanted from you. Spiritually when a person uses negative energy to get something, she is a thief. She stole your will and energy, so when you tried to focus on your own needs, you lacked the desire and power. To extricate yourself, you will have to go against your ethics not to help her anymore; otherwise, she will continue to have power over you. She will be back pleading for assistance again, but you have your own life to lead and cannot let others get in your way.”

“Your wife very effectively exploited the negativity programmed in you by your parents not to pursue your dreams of knowledge but to play it safe. She became your excuse not to go after what you wanted—exploring the mysteries of the universe either by working in the space exploration industry or going back to school to study physics. Your wife knew how to use that negativity. Sure, she told you to pursue the knowledge you desired, but when you look at her actions—not her words—she always drew you away from what you needed to do for yourself. She said go after your dream of learning about space and physics but distracted you with her demands and interruptions. She wanted you to take care of her, to sacrifice yourself to her. She knew those ingrained feelings of negativity from your parents only needed a little nudge to once again deter you, as they so often did, from going

after your dream. She manipulated and cajoled your energy to focus on helping her and not you.”

“She also adeptly used your human feeling of compassion to control you. There’s a Buddhist concept called ‘idiot compassion’ that refers to what happens when you feel compassion for sharks. You think that by acting above board, a shark will change, but it does not. People like your wife intentionally try to get others to feel sorry for them in order to take advantage. You needn’t worry anymore about your wife, she will replace you immediately because she must have a man or men to use. You mentioned that she once told you she could have any man she wanted. Well, she will quickly find another to feel ‘idiot compassion’ for her.”

“When your wife told you that your mother gave you an inferiority complex, she was actually right. Your mother, by repeatedly calling you a monster, wishing she never bore you and blaming you for her failure as a mother created feelings of unworthiness in you that caused you to believe that unless someone needed you, that person would not love you. Your mother made you believe that unless you performed well in school, made yourself useful or sacrificed yourself to her demands, you didn’t matter. Your father simply reinforced your mother because he left your rearing to her. The unconscious voices of your parents still tell you that your value exists in only what you have done that they approve of and that others will not like you unless you do something for them. Your wife clearly realized this and used it to get you to do things for her, which you confused for love when in reality it was merciless exploitation.”

“Your wife plots her every move, as do killers. Never discount her hidden motives. When she needs you, she is as sweet as can be, but beneath, she ruthlessly calculates the

path to her gain. To further her interests she can play the role of mother, wife, lover, nurse, partner and so on—she’s a chameleon. She has the versatility of geisha. Looking at the photographs of her, they appear to be of different women. She can change not just her act but physical appearance to fit the role. But underneath her false images, she doesn’t care what you feel about her, only that you give her what she wants. She takes positive images and imbues them with negative energy, so she can take advantage of someone. She frames a situation in positive terms, so a person will think he will benefit. Basically, she hides her evil behind her many masks. Just look at these photographs, the non-posed ones show the real her: she looks old, wiped out, her eyes empty, cold—no heart, no warmth, no empathy she just feeds off of others.”

“Think of your wife as a detour that took you far from yourself. Look at who you are, your values, beliefs and the things you have done in your life and compare them to your wife. Your wife would never join S.D.S. to oppose the Viet Nam War, never work in the McGovern Presidential campaign, never lead a workers’ strike at Columbia University, never use a position in the media to investigate corrupt politicians and businessmen, never quit a legal position in the U.S. Treasury Department in protest over the improper influence by a wealthy family on the I.R.S. and never travel to a backward country like Russia to try to help create a fair market economy by writing articles, making speeches and giving legal advice. Such deeds never enter your wife’s thoughts. She aspires to emulate the malevolence of those you fought against since your youth—those whom represented the arbitrary use of power and meanness of your parents. She conforms to evil because, perversely, it makes her feel good about herself, that she is in power, dominating and defeating others.”

“So that you understand, your wife is a psychopath. She is cold, cruel and ultimately a deception. She accurately perceives reality—except for her social and moral obligations—and pursues immediate gratification in criminal acts and sexual perversion and addiction. Her disregard for and violation of the rights of others probably began around the age of 15 years. Since then, she has believed herself above the code of civilized conduct. She walks away from situations without remorse by being indifferent to or rationalizing the hurt, mistreatment or theft she has done. Your wife reasons that since she suckered you—you deserved it. Because you got fooled, it was your fault—not hers. She doesn’t think herself responsible. By her rules, she can cheat anyone, harm anyone outside the circle of her and her mother. She deceives by repeated and often outrageous lying. She uses glibness, superficial charm and aliases to con others for personal profit, pleasure and to make them serve her. Her irritability, constant need for stimulation and parasitic lifestyle are overshadowed by her grandiose sense of self-worth. She may even think that her life is wonderful because she gets away with conduct that civilized people do not. Your involvement with this small time criminal made no sense given your life and standards.”

“Another way to understand the dynamic with your wife is to think about your life as having external and internal worlds. Your wants and needs exist in the internal—that’s where your dream of gaining knowledge about the secrets of the universe lies. A person’s internal world forms out of his home life. Too often in your life, you focused on the external by pursuing causes and work that didn’t satisfy your internal desire because for you the internal world is haunted by the discouragement and absence of warmth from your mother who raised you while your father pursued a public life in the external world. Whenever you enter the internal world now, you run into not one but two horrors—a

narcissistic, unfeeling mother and an equally narcissistic, psychopathic wife. To pursue your dream requires stepping back into the internal world that you naturally equate with the dread of experiencing another disaster like your mother or wife.”

“The similarities between your mother and wife help explain your recent behavior. Neither were there for you unless it served them in some way, and to them, you existed only at their pleasure and for their needs. Both did not respond normally to life’s events. Both accused you of doing what they were secretly doing—switching the guilt to you. Both refused to negotiate or compromise because in their arrogance they feared it might unmask feelings of inferiority. They always did the unexpected in order to psyche you out. As with your mother, the same with your wife: you never knew how they would react. This type of person represented real intimacy for you. Since your mother emotionally abused you, such abuse became equated with love, and the emotional abuse you suffered from your wife became confused with love in your eyes. Your psychologically astute wife stepped into the role of your mother to manipulate you, cause you pain and get rid of you when it suited her. Understand, she never would have moved out unless she wanted. She must sense men who were abused by their mothers knowing she can exploit their psychology not just for material gain but revenge. Your wife is seething inside against you and all men. Perhaps her true dream is not modeling but abusing men.”

“Naturally, after the awful impact of these two women, you now feel in your middle age tremendous sadness, not the utter hopelessness of depression, but an ever present melancholy—you’ve given up on your dream of knowledge and long for relief. The experience with your wife was especially traumatic and unfortunately came at a time when you were about to go after the knowledge you sought about space and physics. She is more

than a liar: she is a destroyer of dreams, and it is that which you must stay aware of.

Although she moved out, your anger towards her keeps you connected to her. Anger comes from a sense that the object of the anger, a person, can change, but your wife cannot. If a person is incapable of change, then continuing anger towards them turns into an obsession to bring them to justice. Do not let your anger keep her in your life. Unconsciously, you hope she will change and come back to you because there is still a love, a bond you feel with her. But she feels no such thing towards you and no remorse for her acts. When you decided to marry her, it took you away from your own life. You need to live your life now, instead of reacting to hers. You know how to react against someone or something but not how to move forward towards what you want. You need to eliminate your wife as the organizing principle of your life.”

During one session, I played a message for my therapist that Dark Angel left on my mobile as another New Millennium greeting. Some people thought New Year’s Eve 2000 marked the new millennium, others New Year’s Eve 2001, Dark Angel naturally used whichever gave her an advantage. On New Year’s Eve, December 31, 2000, while on my way to a party, I picked up a voicemail message from Dark Angel. It didn’t click why she bothered calling.

My therapist said, “Her crying sounds phony to me because real crying results in different breathing and makes it much more difficult to talk. But there is an artificial seductiveness in her voice, and I can understand how dangerous that voice could be. If you didn’t know the truth about her activities, it would be very easy to let her back into your life. She must want something, which I assume, based on what you told me, is help in getting her permanent green card.”

“That’s it,” I responded. “She and her lawyers are still trying to maneuver me into lying to the INS for her.”

“You should remove her from your life, not only so you can move on, but also because she will try to hurt you. She probably saw you as part father from whom she craved approval for her perverse life style. When you condemned her conduct, she most likely vowed vengeance.”

“I believe that and I’m not about to perjure myself for her.”

As the New Year unfolded, my therapist dug deeper into the demons assailing me:

“Like your wife, your mother lived in a fantasy world of self denial, self absorption and no concern for others. Your wife probably enters some fantasy realm when she strips. Both your mother and wife made sure no one outside the family saw whom they really were. They concentrated on appearances: your mother the successful homemaker, your wife the model and dancer. Neither ever showed real empathy, but only acted with a false concern to mask their feelings of irritation and annoyance. Both wanted power to call the shots. Both used negativity, arrogance, ignorance, meanness and fear to control you so as to sacrifice you in order to validate their power. When you initiated a need, your mother exercised her power by denying it and your wife by agreeing but never carrying through. Your mother and wife manipulated and coaxed you into doing things against your interest not just to satisfy their selfish ends but for the mere thrill of exercising power—to feel powerful and inflate their self-aggrandizement. They were power junkies. When either didn’t get their way, their rage exploded—your mother by turning hysterical, your wife violent.”

“Your wife’s blatant adultery denigrated you as effectively as did your mother’s verbal belittling. Your mother did it to keep you from growing up and leaving her. She



wanted to keep you within her power, so she never gave her blessing for you to pursue the activities you wanted. Activities such as sports, which she always tried to talk you into quitting, or learning an instrument, which she forbade. Both sports and playing an instrument teach self-reliance and confidence—two qualities necessary for an independent life. Your mother, however, criticized, demeaned and raged at you to thwart your maturing beyond her power. As a result, whenever you felt doubt about doing something later in life, it came from the internal tape of your mother's discouragement and hostility. In order to assuage the feeling of dread that this replaying of your mother's reactions caused, you usually decided to pursue status rather than what you wanted. You unconsciously believed status would legitimize you in your mother's eyes, since she obsessed over appearances, and would mitigate the internal furies she created inside you. But once you got the status, it didn't satisfy the internalized mother because your mother never approved of anything you did as a child; otherwise, it might encourage you to grow beyond her power. So the entire pattern replayed itself over and over with those internalized furies driving you to leave one position after another.”

“You feel dread about continuing your quest for knowledge by going back to college to pursue a PhD in physics because it involves a social situation that your mother would disapprove of if she were alive, since it would threaten to mitigate her power over you. The more you do what you want, the more dread will come up from your mother's programming that still functions in your unconscious. You fear standing on your own, doing what you and not your mother want. Also you do not have someone to support you in your efforts. You hoped your wife would be that emotional support, but she just played you

for her own benefit. As long as you do what your internalized mother wants, you don't feel alone—but you are.”

“The voice of negativity you hear about pursuing physics and the criticisms of your life come from your internalized mother. She was wrong when alive, and her negative coaching that continues to affect you is still wrong. An activity is not about an outcome of status, money or appearance but the process. Your mother convinced you that only easy activities were good and hard ones bad, but maybe something that is hard is okay. Maybe that's the only way to grow. You need to face the fact that now you have reached a dead end in life. Despite the harm of your mother, there burns inside of you a desire for knowledge. All your life you've been learning, taking courses and studying many different subjects. Despite your claim of not having a career, you do—knowledge. Not a vocation likely to yield fortune and glory, but it does satisfy an inner drive of yours and not your mother's. It's now time to go back to the core source of knowledge for you by trying to understand what makes the universe tick. Unless you pursue your dream in physics, you will probably continue as a satellite of your wife for you will have nothing else to do.”

The therapy sessions seemed to help a lot—much to my surprise. The process not only gave me knowledge of the parentally induced behavioral patterns that plagued my life, but, more importantly, the new realization that possibly my first-best destiny meant the pursuit of knowledge, a thirst to understand. Perhaps knowledge was my dream, and my purpose now is to pick up on studying physics. Clearly my internalized mother and the external Dark Angel disapproved of the pursuit of knowledge rather than money and status.

My therapist's analysis of learning as my career sent me back in time to the mid-sixties when, thanks to a female, high school English teacher, I first started to use my mind

to learn about the mysteries of life and the universe. Susan, very hot, twenty-two years old with great legs that her skirts revealed more of every time she shifted gears in her Corvette Sting Ray, used my unconscious attraction to Edgar Allan Poe's writings to pry open my mind to the wondrous ideas, theories, imaginings and perspectives pulsating behind the story lines in all great poetry and literature. She animated the previously dormant abilities in my mind to analyze and interpret authors' clues to the metaphysical realm they touched.

Her impact led me to write poetry, and, at one point, caused me to experience a revelation. I wanted to touch directly the metaphysical reality referred to by so many authors in order to glean my own philosophy, my own worldview. Late one rainy night while concentrating on this desire, I slipped into a trance in which my mind sped through darken clouds of manifested forms to the overwhelming abyss of darkness that pulsed with absolute power beyond the dualities that defined the empirical universe. There was no fear—just awe and jubilation at the invisible living realm that surely must generate the time-space continuum we perceive as the universe. Instantly, without words, I knew that I wanted knowledge; wanted to understand some of this fundamental nature of the universe that my mind tentatively touched. My best destiny sprang full-blown, filling me with joy and purpose. My mission in life meant acquiring knowledge in order to delve the transcendental mysteries; anything else would be a waste of material.

Spurred by my epiphany, I tried writing a fictional story with a Poe type tone about this fleeting experience beyond the world of shapes and forms. Susan thought it impressive for a seventeen year old.

'The mind is limited by environment and natural born ability.' That must be the most thoughtless statement ever printed. The horror of it all is that the world's populace accepts this theory as fact. Well, here is one person who doesn't believe the mind has boundaries. I believe the mind contains two realms: one with the abilities to accomplish

worldly tasks and the other, an unheard of realm, consisting of complete knowledge. Somehow, some way, I must enter that realm of ultimate knowledge to prove that the environment and genes do not chain people.

This marked the start of my unceasing quest for a dream like world. The finding of it will be my life's accomplishment. A place of ultimate knowledge must exist within the mind because the efforts of the mind created all knowledge that man now possesses. All knowledge gained through out history came from thought within the mind. Most people view the mind as part of the unknown, which causes them to shy away from the abilities that lie within. It is not a mystical force from outside that stirs the mind, but from within man come the thoughts that create knowledge. Ingenious thinking and concentration consistently create miracles never before dreamed. The mind produces imaginings beyond what exists, and men obsessed with such dreams have made the world.

Since all knowledge comes from thought, the mind must contain all knowledge. Beyond conscious thought there must exist a place that guards the universe's secrets. If this realm is entered, answers will undoubtedly overwhelm questions. But how can one achieve this realm? Perhaps one idealistic way requires freedom from all mortal needs and influences since ultimate thought and concentration can only exist without distractions. But such a method is impossible for the body lives mortally, which hinders the immortal mind. Without the body, the mind may achieve any idealistic goal, but such is not practical. Perhaps the exercising of one's will can lessen this obstacle, the physical body. There must exist a method in which the body poses only a superficial hindrance. But where within my own thoughts lurks this way. I need to learn more in order to stir my mind to perceive a route to knowledge.

I spent years studying in the hope of discovering new types of thought in order to achieve my theoretical realm. My courses bolstered my dream like ideas. Such subjects as Philosophy and English Literature developed my mind to better understand abstract ideas and taught me to search longer and deeper into a passing thought. I resolved that hypnosis might hold the key. Hypnosis provides a practical way of freeing the mind from the mortal body. It creates a medium of near complete concentration by blocking out all other disturbances. Here was a possible gateway to complete knowledge.

I set out on a crusade of knowledge about hypnosis. Eagerly attending lectures, reading and studying, I finally felt myself ready for the true test. Cautiously I progressed into deeper and deeper states. In a trance, my mind seemed to float above a confused and whirling wind. The feeling of immortality overcame me with the thought of being able to dive endlessly into the darkened sky above. But often my hesitation to peer beyond stopped me. I wondered what would I find there and should I a mortal be doing this? Was the body's sole purpose to prevent the acquiring of such knowledge or was it just an accident that kept the mind from such thoughts? Finally the agony of not knowing overcame my hesitancy, and I entered deeper and deeper into the darkened sky of these trances, but never reached the source of energy creating the dark. I concluded that hypnosis kept the mind enslaved to travel in an endless circle.

My quest for the realm of knowledge began to crumble. All seemed hopeless until one day while reading a book about Samuel Taylor Coleridge, the British poet, I came across the statement, “During a waking dream, he composed some three hundred lines on Kubla Khan. All the images arose up before him without any conscious effort.” Here was a man who during a twilight state of sleep and consciousness, composed in his mind and remembered 300 lines of magnificent poetry. The poem contained such hidden and mystical thoughts that Coleridge must have touched the world for which I searched somewhere between mental activity and the passivity of dreaming.

With this new spark of hope, I tried to analyze a way to duplicate Coleridge’s journey. Sleep creates dreams but wakefulness consciousness. The door to combining the two to reach beyond the unconscious must lie through the dream world. Most dreams seem nonsensical and uncontrollable, so the key required transforming some of the dream energy into probing thought to find the truths below the surface. The dream emitting from the unconscious was the medium for entering the universe’s vault of hidden secrets. But how was it possible to create a thoughtful dream to release the hidden secrets? Coleridge read the story of Kubla Khan before composing his poem, so by analogy, immersing my waking hours studying the processes of thinking and dreaming while analyzing my own theories might take my consciousness to the land of the hidden sun.

One night I slept half awake or half awake slept with my thoughts moving in the direction I willed and sensed they should go. Traveling upward through the dark clouds of forms, I burst upon a night of pulsating energy, terrible in its power and awe. I hesitated, but then willed my thoughts into the abyss. The darkness began retreating; I saw a glimmer of light, but an odd sort, neither bright nor dull—just perpetual. As I moved closer to my goal, the darkness continued to vanish. There appeared a hue of countless dimensional waves.

‘The scene is becoming clearer now, yes, I can see it. I can see it! This endless realm makes my wildest speculations seem puny. At first glance I perceive the most beautiful poetry ever written, countless mathematical equations, completely different and profound literature, and secrets on life, science and the entire universe all a part of me. Mankind must know of this realm of knowledge that can lead to immortality of the mind.’ I descended from this realm of beauty with my mind yearning to awake an ignorant world. ‘But something is wrong; I seem to be so free, yet my body refuses to move. It looks so cold and gray just lying there. Oh my God, No!’

A little sophomoric that story, but apparently the revelation that occasioned it decades ago had caused my unconscious to drive me over the landscape of knowledge in a seemingly random process of learning through out my entire life. However due to the obstacles programmed in me by my mother, I never consciously pursued a systematic approach to delving the mysteries of the universe, the abyss I originally had touched, with a

concerted study of physics augmented by philosophy, literature and the arts. Now, according to my therapist, events provided me with the opportunity to resume my studies of physics in an effort to focus on my first-best destiny.

Still, subtle wisps of feeling out of time wafted over my being bringing back a summer night in Moscow a few years earlier in 1998. After a weary day of looking for a job, I fell into a waking dream that took me to the same abyss of elemental power I visited thirty-three years earlier. Once again, I experienced the terrible awe without fear. But now a life crushing sadness of failure replaced the joy of promise offered by the first epiphany. In my inner being, I knew that I had wasted the most capable years of my conscious existence by skirting the edges but never going for the heart of my dream to use physics to bring back from the unknown an understanding of one small mystery of nature. Now the abyss just waited with eternal patience for my inevitable assimilation back into the darkness from where I originated.

### Last Kiss

As is true with all therapy patients, my troubles, especially with Dark Angel, consumed my conscious and unconscious minds that even at cocktail parties I babbled on about my travails to friends and strangers alike. They all must have thought me nuts but laughed at my punch lines while apparently empathizing with my plight. What surprised me, however, was that everyone to whom I told my tale, said I should write a book. I didn't think my experiences with Russia very interesting, but if the public wanted a book, I would give it a try. At first I thought of writing a Dashiell Hammett detective story to try to make some money off of my costly and revolting experiences. But then decided not to but rather to tell the truth, all of it, with the real names and words, as best I remembered them of

everyone involved. To hell with the political correctionalism malaise for euphemisms that delude people into thinking the world kind and gentle at the expense of the truth. I didn't care whose sensitivities I stepped on, if the truth hurt, then put up with the pain or sue me. At the suggestion of Pat, my rock 'n' roll guitar-playing friend, I also decided to include side stories and observations of my experiences in the lunatic asylum called Russia. Ironically, I started writing on the nine month anniversary, December 11, 2000, of one of my dumbest mistakes—marrying Dark Angel.

Between writing, I took in movies and social events such as Cindi and Keith's wedding anniversary. Cindi was my acting friend who had helped Dark Angel find modeling jobs. I updated both her and Keith on the situation with Dark Angel, which shocked Cindi but not Keith. Keith, also an actor, told us about a corporate event he worked with Dark Angel. He kept noticing Dark Angel giving out her number to strange men, so he asked her, "You're not giving your number to these guys are you?" Dark Angel responded with, "I give them a special number." I reacted that she obviously used these events to line up prostitution clients. Keith said it figured. When he first met Dark Angel, he thought of her as six feet three and all evil. How did I miss what he immediately saw? Perhaps it had to do with his Russian heritage.

At the movies, the young female antagonist in *Crouching Tiger, Hidden Dragon* reminded me in the arrogance and thirst for power of Dark Angel. The truly evil character in the movie, however, was the nanny to the young female antagonist. The nanny despised men for not rewarding her with what she didn't deserve. The nanny believed in the alleged divine right of females to get what they desired even though not qualified. When denied a position fit mainly for men, the nanny vowed vengeance on men, blaming them for an

accident of nature that made her a woman instead of a man. She sounded like a modern day Feminazis and Dark Angel's mother.

The nanny poisoned the young lady by burning into her soul a delusional conviction in the superiority of women over men in all aspects of life and instilled a maniacal drive to power, not for self-defense or to fight injustice, but to dominate men—make them cower at her wrath, tremble at her feet, to love her and despair. The young lady used her power in battle to injure many guys who never emotionally matured beyond adolescence. But the young lady could not overcome in combat or with sex the man her nanny most hated—a compassionate seasoned warrior. He saw great promise for good in the young lady—a hidden dragon, which means in the east a potent force for good fortune, happiness, immortality and transformation. However, the young lady's arrogance and hunger for misplaced revenge threatened to turn her into a poisoned dragon that uses its power for self-aggrandizement, power and barbaric purposes. Not unlike my wife, so from then on I referred to Dark Angel as Poisoned Dragon.

In the movie, the young lady's adamant refusal to change led her to causing harm to everyone who tried to help her, including the death of the compassionate warrior. After his destruction, she finally realized her goal of beating men in their own arenas turned her not into a superior person but into her own misconception of the nature of men. The young lady twisted men's role in evolution from provider and protector to exploiter and oppressor. She emulated her perception of men by transforming herself into a heartless, hate-filled engine of blind vengeance—not unlike Dark Angel. In the end, the decency of those she injured caused her to realize that neither of the sexes lords in superiority over the other. Each brings its own unique strengths that compliment rather than conflict with the other. Overcome by



remorse, realizing she cannot undo what she has done, she jumps into oblivion. A just ending as the movies usually provide, but real life rarely ends that way. I knew Poisoned Dragon, a.k.a. Dark Angel, could never admit to herself that she was anything but a victim acting in self-defense.

The end of January 2001 marked the beginning of the Year of the Snake in which life allegedly turns to discovering the reasons behind things and covert warfare, which relies on secrecy and infiltration, circumvents conventional defenses. The ending months of the Year of the Snake strike with a deadly bite, so to prevent such, the Snake must be beaten to death. Mythology warns that if evil is not eliminated completely, it will not rest until it has destroyed us.

Speaking of snakes, one last task remained in order to disentangle my affairs completely from Poisoned Dragon. When she came to America, I added her to my health insurance HMO policy. The HMO provider would allow me to cancel her from my policy, but that would leave her without coverage for a period of time. I decided to do the right thing and not cancel her from my policy until she had time to arrange for own coverage. After all the warnings from Carmen and my therapist, I had no desire to meet with her to explain the procedure and hand over the forms for setting up her own coverage, so I arranged for my friend Alan, whom she knew, to do it. Poisoned Dragon didn't refuse to meet with Alan, she just hung up the telephone on him or pretended not to understand his English—one of her favorite tactics when she wanted to play dumb or claim a premeditated act as an innocent mistake. I called her to ask what the problem was with meeting Alan.

“There's no need for Alan to call me. You can call me yourself. Why can't you bring the forms? Alan has trouble understanding me, and I don't want to make a mistake

because insurance is very important in America.” Now that was new for Poisoned Dragon. It originally took a lot of explaining to get her to agree to health insurance because of the cost.

“Okay, let’s meet at the Virgin Coffee shop on Union Square.” We set the date and time.

“Roy,” she said in her most seductive voice, which immediately told me to watch out, “Why wouldn’t you help me get green card. I will do something for you in the future.”

Déjà vu again, but looking back, I realize she and her lawyers were trying to set me up. All three of them were probably confident I would do what they would have done: demand money from her in return for my helping her. That meant extortion, and by recording the telephone conversation, they could use it as a club to force me to lie to the INS. But when I made the call, I didn’t even think of a trap and they hadn’t planned on my honesty. How could they? They didn’t know what the word meant.

“I’m not going to lie for you. I told you before. I will not lie for you.”

No response.

“One more thing Angel,” I suggested, following some of Cheryl’s advice. “Why don’t you try seeing a psychologist?”

She laughed, “You need one not me.”

“I’m already seeing one. Look Angel your life style is not healthy. A therapist could help you get out of it and make your life productive.”

“They will just give you information about me. That is why you want me to go to one.”

“That may be true in Russia but not here. The law requires therapists to keep a patient’s communications secret, or they will lose their license to practice. Even the courts can’t force a therapist to talk about his discussions with a patient.”

“Your laws mean nothing, just like in Russia.”

“Well then, go to the therapist of your choice.”

“They cost too much.”

“I’ll pay for the first few sessions. You can then decide whether it’s worth the cost to continue.”

“I will think about it,” which for her meant no.

“Okay, I will see you Sunday at the coffee shop.”

After our conversation, I again mistakenly wondered what to do with this girl, as though I was responsible, which I wasn’t. But idiot compassion still made me think she could do so much with her life in America, if she just got out of the sex industry, which only reinforced her paranoia towards people and confirmed in dollars the benefits of duplicity. There must exist a way to get her to concentrate on her legitimate modeling career. I had tried reason but it proved useless, maybe now I should try threatening. A threat worked before in getting a copy of her diary. I decided at our meeting to give her an ultimatum to leave lap dancing for a legitimate job, or I would have to decide whether to go to the Immigration Service to try to get her deported. I didn’t intend to go to Immigration, but hoped the threat might shake her up enough to get her life on a track with a future. If she refused, then I had done all I could to help her. It was Time to move on and leave her to her own sorted existence while I pursued my own dream of studying physics, which I had begun a week earlier at Columbia University.

Sunday, January 28, 2001, Poisoned Dragon and I met. Uncharacteristically, she was late. Another anomaly that I filed away in my mind knowing the reason would eventually reveal itself. Once again she sat down with her purse in her lap, probably with a knife or recording device in it but I didn't care.

She immediately kissed me full on the lips with an open mouth, long and hard. During her Judas' Kiss, intermittent but resigned concerns flashed through my mind expecting her to plunge a knife into my belly at any moment. The knife never came, but the sensation of kissing a sewer did and stayed throughout the ordeal. I couldn't help but wonder the sheer quantity of all the toilet related places that mouth visited. When she pulled those filthy lips away, I wanted to spit, but the absence of spittoons prevented me. She then proceeded to playfully pull the hair on my head while smiling her Cheshire grin.

"Don't do that!" I wasn't in the mood for her false pretenses to get me to drop my defenses.

"I will if I want," she arrogantly said.

"What if I started playing with your breasts?"

"I wouldn't mind."

Naturally, what else would a prostitute say, I thought.

She continued, "In the future you can call me yourself, you don't have to have someone else do it."

My suspicions sharpened at that statement. If anything, Poisoned Dragon never forgave a slight, and in her mind, I had slighted her plenty—so why the false pretense of wanting to hear my voice over her telephone? I dropped my misgiving and got down to

business, giving her the insurance forms and explaining what she needed to do to continue her health insurance.

With that done she asked, “Why did you send me the Sarah Brightman CD, writing on it that I should listen to “Time to Say Goodbye”?”

“Because it’s time for us to say ‘goodbye’! Part of me still loves you, but we will never have a romantic relationship again, assuming we had one in the past. It’s over. You go your way, and I’ll go mine.”

“But you promised to help me get a green card. You tricked me into coming to America with you by promising to get me a green card, now you want me to pay you money for your help.”

Now I knew she was carrying a tape recorder and her lawyers probably scripted that line for her. “Wait a minute. I never asked you for money in return for my help to get you a green card. I brought you to America because you were my wife and because I wanted to help you pursue your professed dream of modeling, not selling your body to strangers. It’s time you straighten your life out, stop stripping, stop going out with your customers and stop prostituting yourself!”

“What I do is art!”

“Taking off your clothes for \$20, so some guy can get a hard-on is not art! There’s nudity in works of art, but the purpose isn’t to sexually excite someone. The intent is to communicate a story, a theme or atmosphere, not to sexually arouse people for money, which is what you do.”

“How will I pay my bills now that I no longer live with you?”

“I told you back before you started working at Flash Dancers that you could make \$400 a night or more as a bartender, and my friend Tom would teach you bartending and suggest places to find a job.”

“Lifting the bottles will hurt my back,” she complained.

“You spend eight hours a night walking around on five-inch heels, contorting your body giving lap dances. Don’t tell me that doesn’t hurt your back. Remember you always wanted a back massage. Look, instead of working as a bartender, work as a lap dancer one week out of the month. That’s \$2,500 to \$3,000, enough to pay your bills. And get a temporary job as a waitress or something legitimate. That way you will have more time to pursue modeling and an entertainment career and will look a lot better by not working four weeks a month in a smoke filled pit.”

She didn’t respond, but went into the old Soviet tactic of looking down with false tears in her eyes in an effort to show contrition while probably cursing me and vowing vengeance the whole time.

“If you cut down on the stripping, stop prostituting yourself and get a legitimate job, I won’t contact the Immigration Service.”

“What will you tell them?” she asked, trying to fine out what I had on her.

“About you, of course,” I evaded. “If you don’t straighten out your life, then I will have to make a decision whether to tell them or not. I don’t know how I will decide and I don’t know when.”

She leaned close to my ear and whispered, “You son of a bitch, if you do not help me get a green card my Chechen friends will put you in the hospital or kill you or I will do it myself!”

Now its Chechens, before it was Russians, can't this girl keep anything straight. Anyway, did she actually believe a female could scare a man? Fed up as usual with this slut, I just got up and left thinking: goodbye, and no I am not glad I met you, and no I do not wish you luck although you are going to need it.

That Friday my stockbroker and I went to dinner. I updated her on the latest with Poisoned Dragon.

Maiya said, "You know, back during the summer she called me three times, but I never got back to her. I couldn't understand why she was calling me."

"I told her that if you believed she had changed, then I would give her another chance. But since I never heard anymore about it, I just assumed she never called you."

"I'm sorry now I didn't call her back. Maybe it would have made a difference."

"I doubt it. She would have tried to con you like she cons everyone. It wouldn't have mattered, she's beyond all hope."

"So tell me, what are going to do now? Do you believe her Chechen threat?"

"I don't know. She grew up in the capital Grozny. She has friends from Chechnya whom she hangs out with in Krasnodar. There's one Chechen guy she introduced me to twice as the man who helped her and her mother move from Grozny to Krasnodar. He's probably one of her prostitution clients. And she knows a lot of the rich and powerful in Krasnodar who, not surprisingly, are all criminals. I guess I believe her threat, but it doesn't bother me."

"Well, I would be careful. If you turn up missing, I'm going right to the police."

"Thanks, but what's troubling me now is what to do about her. Clearly she's not going to change, so do I go to Immigration and try to get them to deport her?"

“Why would they deport her?”

“She lied on her visa application when she said she never worked as a prostitute within the ten years before filing the application and lied about never being arrested or imprisoned. Her diary shows she worked as a prostitute in Cyprus and Mexico and was arrested and deported from Mexico for working without a visa.”

“You know she’ll just tell Immigration that you told her to lie and may even tell them that you brought her over here to pimp her out.”

“Ha, that’s her all right! But I doubt they’d believe her.”

“Don’t be so sure with bureaucrats.”

“Maybe, but I have to decide this not out of fear but what is right.”

Maiya advised, “I’d just forget her, and get on with your own dream of learning physics. Chalk Angel up to an adventure.”

“I’m leaning in that direction. The physics and math courses I’m taking require a lot of time, and I don’t want to be distracted with dealing with a government agency. Besides, I’ve put off going after my first-best destiny for most of my life. Now with what little time I have left, I might as well do what I want instead of what the ghosts of my parents or the media say I should do.”

“So do you like your courses?”

“Actually I do. I’m surprised at how much I remember from thirty-five years ago. I don’t understand how I could have let this go for such a long time? Anyway, I really enjoy learning the theory and applying it to problems. The students are all young enough to be my children, but they seem to accept me as another student. It’s fine, and since I don’t foresee



any major expenses looming in the future, I might make it to a PhD. Even if I don't, the knowledge will be worth it."

"What about a divorce?"

"She can have one whenever she wants. I don't care. I'm just not going to commit perjury for her."

"Given her ruthlessness that seems best. You don't want her to have something on you."

"Yeah, all I want is to let her drift into the past. Hmmm, if that's all I want, then it makes no sense to keep her in my life troubling my thoughts by trying to get her deported. She deserves to be bounced out of this country, but given the incompetence and laziness of our government bureaucrats, it would probably be a waste of my time. No, I'm tired of reacting to her primitive life form. She can live in whatever prison her delusions make for her, I'm going after my much delayed dream."

Maiya added, "I just hope she doesn't do something stupid. We both know Russians: sycophants, outlaws and hypocrites who just don't understand the civilized world."

"Ha, you're right."

Walking home that February 1<sup>st</sup> evening, I felt relieved of a burden I had carried since a warm July night over a year and a half ago. It seemed appropriate that on the eve of the first anniversary of Poisoned Dragon's acceptance of my marriage proposal, she was finally out of my life. Actually in Russia, it was now the first anniversary: Candlemas, February 2<sup>nd</sup>. Poisoned Dragon could do whatever she wanted, I didn't want anymore of

her. Perhaps the universe evolves in a beneficent manner, the Poisoned Dragon gets to pursue her heart's delight: money, while I pursue mine: knowledge.

## **Stupid Frigging Fool**

By Roy Den Hollander

### Part 3

#### War

*“Now is the time for all good men to fight for their rights before they have no rights left.”*

Minutes after I entered my apartment, someone knocked on my door. As usual I opened it without checking through the peephole, which always provided a minor thrill of the unexpected. Two overweight female cops, one standing off to the side of my door, the other peeking from around the corner as though she expected a shoot-out.

The one nearest me asked, “Are you Roy Den Hollander?”

“That’s right,” and she handed me some papers.”

“What are these?” I asked surprised.

“Your wife took out an order of protection against you. These are the complaint and summons to appear in court.”

The thought shuddered its way home. Dread, hurt and fear crushed me. I took the papers, closed the door and retreated into my apartment to enter a life changed forever. The furies quickly came wailing inside me, careening for a safety value that didn’t exist. My emotions hopscotched up and down the spectrum from rage to a mournful sinking of the heart—drinking misery to the dregs. How could she do this? All I ever did was try to help her. My soul felt blasted by betrayal. The great heel of fate had come down to destroy the remainder of my life.

I knew about Temporary Orders of Protection that the Feminazis ruthlessly used to intimidate men into doing their bidding. All a girl needed to do was go before a judge, pretend

to cry, tell a lie—a female’s favorite and most effective weapon—about some man threatening or harassing her, and the judge immediately issued a domestic Temporary Order of Protection. The law, a product of Feminazis lobbying, prevented the accused from appearing before the judge in order to counter the charges; that is, defend himself against the Temporary Order of Protection. The procedure violates due process rights, but the states’ legislatures and courts don’t care because females usually bring them against men. Public officials in America these days nearly always give girls preferential treatment because men are considered less-than human and the bureaucrats are scared of the Feminazis.

The Feminazis created domestic Temporary Orders of Protection out of the traditional temporary restraining orders, or TOPs, which were used to prevent an immediate harm before both parties could appear in court.

For example, assume the Feminazi next door is clearing trees from her property. Instead of cutting them down, she’s using dynamite to blow them up, and parts of the trees are raining down on a guy’s property. He politely asks her to stop, but she replies she will not be intimidated by a male chauvinist pig. The guy jumps in his car and goes to the local court. The clerk sends him before a judge that same day because he is asking for a TRO to put a stop to the immediate damage to his property until there can be a full hearing on the matter.

The judge tells his clerk to try to reach the Feminazi. In domestic dispute cases the judge doesn’t bother. The Feminazi doesn’t answer her telephone because she’s doing psychotropic drugs with her girlfriend and sticking pins in voodoo dolls of every man she ever knew.

The judge issues a TRO directing the Feminazi to stop dynamiting and to show up in court for a hearing, usually seven or ten days later to resolve the dispute. In domestic dispute cases, it’s often two months or more, and the man is usually thrown into the street because he is

no longer allowed to live in the same house, which he bought, with the lying female who got the domestic Temporary Order of Protection.

Under the traditional TRO, if the Feminazi keeps dynamiting during the time before the hearing, then the police, at their discretion, can arrest her, but usually a warning suffices. Under the domestic Temporary Order of Protection in 33 states and New York, the female can call the police, make up a lie that her husband or boyfriend violated the TRO and the police must throw him in jail. She essentially has a “send him to jail whenever I want” card. Or the guy can be stupid enough to send her flowers as a peace offering, and the police will throw him in jail for that. He should have saved the flowers for his early grave.

Once arrested, the man has an arrest record that goes into the FBI database and is available to all law enforcement agencies, to officials of state and local governments for employment and licensing purposes, and to private detective firms. He will never be able to have that record expunged.

On receiving a domestic Temporary Order of Protection, the man can appeal, which costs around \$10,000 and usually fails because an appeals’ court determines only whether the judge followed the law, not the accuracy of the alleged facts, or he can wait a few months when the court holds a hearing to decide whether the girl originally told the truth. At the hearing, the judges usually believe the girl over the guy and he ends up with a final Order of Protection, which, along with the Temporary Order, also goes into the FBI database.

Besides violating procedural due process, domestic orders of protection violate a man’s civil rights because before the hearing, the judge, based on unsubstantiated allegations from only one party, transferred to the female the state power to decide whether the man goes to jail. If the currents of fate accidentally bring a man within 500 feet of the girl, her home or place of

business, or she lies, she—not the state—determines that he goes to jail. The police have no discretion in 34 states. They must lock the man up if the girl says so. For the man, every move carries the specter of jail merely because of the claims of some vengeful, lying female. Stepping into a subway car, eating in a restaurant, going to a movie or merely walking down the street, if she's there, she can call the police and they will arrest him. Some girls also intentionally go to places they know a man frequents just to have him arrested. In New York City, an arrest means a day in close confinement with robbers, muggers, pushers and murderers, not to mention the cops.

A man can obtain a similar order against a girl. But in reality, guys generally don't bother, and if they do, often times they are denied. In New York City, where the Feminazis and their fellow travelers the Political Correctionalists control the domestic relations courts, a man rarely receives equal protection under their brand of injustice. The Feminazis' argue the necessity of such violations of men's rights in order to protect females from physical violence by men but overlook the increasing use of armed violence by women against men and females suckering some other guy to kill or injure their boyfriends, not to mention the traditional razor tongue emotional violence that females habitually assault men with. Orders of protection allow females to hide duplicity behind the modern day propaganda that females are more moral than men—the same type of bigoted thinking that determines the content of one's character by some physical trait.

In New York City, the most biased court against men, which even women lawyers admit, is the Family Court of Queens County. Feminazis run this institution like the Spanish Inquisition to stamp out any incipient heresy to feminazi tenets, which they hold as eternal truths. Beneath their delusional, crusading self-righteousness squirms the ugly truth—a band of hijackers using

state power to vent their vengeance on men for all the imagined wrongs they suffered. Rather than a system for retribution against guilty persons, whether male or female, the Family Court embodies a systematic torture chamber for all men because the Political Correctionalists running the institution seethe with the conviction in their lower parts that all men are guilty of not voluntarily enslaving themselves to females. Poisoned Dragon, following the advice of Mundy and Petrovich, went to this court to begin her war against me with a few of her lawyers' well-chosen and rehearsed lies accompanied by phony tears for the judge:

On or about January 28, 2001, at a music store in New York County at approximately 2:30 PM, Roy Den Hollander committed an act or acts which constitute aggravated harassment in the second degree, harassment in the first degree, harassment in the second degree, menacing in the second degree, menacing in the third degree, assault in the second degree, assault in the third degree, attempted assault, disorderly conduct, reckless endangerment, stalking in the first degree, stalking in the second degree, stalking in the third degree, stalking in the fourth degree toward Alina A. Shipilina who is the spouse of Mr. Den Hollander in that Mr. Den Hollander threatened Ms. Shipilina.

Ms. Shipilina states, 'My husband threatened to have me deported. He said that America was not for me and that it was his decision where I live. He makes me very afraid because he threatens to send me away without telling when. He tells me that he know people in the Embassy and Immigration, both here and in Moscow. Ms. Shipilina states that about a month ago her husband grabbed her by the arm and left a scratch on her arm. That her husband wants her to pay him between \$13,000 and \$25,000 to stay in the US. Ms. Shipilina states that her husband once showed her a gun and that he sleeps with a knife. She is afraid of her husband and seeks that husband stay away from her residence and stop threatening her.

Through my misery and grief, rage finally smashed aside any feelings of self-pity after reading and re-reading this concoction. The clarity of hate crushed the muddled proverbial plead of "Why me?" Poisoned Dragon used the traditional female powers—sex, emotion, duplicity, black magic and narcotics—to manipulate my compassion, to entice me into marriage and to bring her to America, home of her now allies in crimes against men—the Feminazis. With her feminazi-sycophant lawyers, she exploited a prejudiced legal system created by females who claimed they represented the "new woman," one who no longer used sex, feigned innocence or lied to get ahead, but who shown like a beacon of honesty, humanitarianism and equal justice for

all. The hypocrisy of Poisoned Dragon and the “new woman Feminazis” disgusted me. It’s always sex to attract and sex to attack wrapped inside deception for any female—ho or Feminazi. Both used the same tactics for the same end: power over men for use in an arbitrary and self-serving manner. Fairness, truth and self-respect meant nothing to them as they used sex and institutional intimidation in order to manipulate men. I wanted to nuke them all.

Poisoned Dragon’s use of Feminazism to force me into lying to the INS convinced me in the very fiber of my being what till then I only intellectually understood: she didn’t care whom she harmed, whom she stepped on to satisfy her greed. For her it was all about money—that was her only ethic. Instead of a misguided girl, I now saw a pathological predator with morals as debased as her lineage. The lust for money festered at the core of her soul driving her ruthlessly to squash anyone that dare interfere with her love of wealth. A line from the song “People Get Ready,” which Maria used to sing in Moscow, nailed Poisoned Dragon as the “hopeless sinner who would harm all mankind just to save her own.” She didn’t fight for survival, art or destiny but the base obsession for money and the status and power it bought.

The reason Poisoned Dragon wanted me to meet her about separating our HMO insurance policy was clear. Mundy, Petrovich and she knew I wouldn’t lie to the INS, so they needed a one-two punch to put me on the robes before knocking me into submission. Poisoned Dragon couldn’t threaten me with Chechen intervention over the telephone because I might record it, and not even the Feminazi Family Court would grant her a restraining order unless there was a recent meeting at which she could lie about me harassing, menacing, assaulting, stalking and endangering her preciousness. She couldn’t claim I did any those things two months ago when I last saw her because the court would want to know why she didn’t seek an order then. So her lawyers and she schemed for a face-to-face meeting. They probably recorded



the meeting, and the reason she was late was they were wiring her up. That must have been fun for all three. But at the meeting I didn't do what they expected, so the recording was no good. Can't go before a court claiming harassing, menacing, assaulting, stalking and endangering when the purpose of the meeting was to separate insurance policies and the husband showed only concern by trying to pressure his wife into giving up stripping and prostitution. So the trinity of evil, her lawyers and her, didn't use the recording but made up a few lies instead. In effect, the domestic Order of Protection said we are going to drag you through the Feminazi inquisition unless you do what we want.

I knew the dangers of fighting for justice against a female in a culture that considered every man guilty until he proves himself innocent and every girl innocent not only before but after she's proven guilty because some man or men made her do it. Justice doesn't exist as a law of the universe, but as a human creation that humans must enforce. Unfortunately, justice for a man in modern day America rarely wins in a conflict with a duplicitous whore or dissembling Feminazi. But unless I tried, she would not only get away with the harm she caused me but also the destruction she would wreck on guys yet to come. Perhaps my karma gave me the duty to stop her or perhaps not, whichever didn't matter.

My female friends and therapist, consistent with Carmen's warnings, advised me not to try to bring Poisoned Dragon to justice. They suggested that I only defend against the orders of protection, get a divorce but continue with my studies; otherwise, a personal jihad, or more accurately jihada, in the name of justice would destroy my last chance to pursue my dream in physics. I realized the price, but chose justice. Whether the fault lay in my stars or the behavioral pattern ingrained in me by my mother so many years ago didn't matter. I quit my

studies and said farewell to my therapist with the remark, “Not all lives work out.” My therapist did a good job, but I didn’t want her reasoning me out of my quest for justice.

Most people, as do I, long for anthropomorphic deities, an insight into life or a law of nature that assures the eventual victory of justice. I looked to find a reason to believe in Christianity, Hinduism, Buddhism, Tao, Zen, Islam, Shambalaism and Western philosophy but they only made me feel weak and helpless in counseling me to leave Poisoned Dragon’s much deserved punishment to the dynamics of ideas conjured up thousands and hundreds of years ago by men ignorant of all the knowledge gained since. I doubted anyone of these seers, given a modern day education, would believe what they wrote. The trinity of subjective musings—religion, philosophy and mysticism—seemed to exist merely to comfort those who could not achieve justice or were unwilling to pay the price. These belief systems offered as compensation only the twin illusions of forgiveness as the higher good and that somehow justice wins out eventually. I wasn’t drinking any of that Kool-Aide. When justice lies within reach, men must fight for it and pay the price or forever live the ignominy of the meek.

Ideally, the legal system of the modern state fairly executes the law to render justice when people premeditatedly and with malice violate another’s rights. But even under an effective system of laws, it takes a long road to reach retribution and justice. As I began to drag myself down that path, hurt and anger consumed my waking hours well into the night, when the only solace came in short periods of fitful nightmares. Through February and March, I slept little, plagued by emotions and a constant pain in my shoulder from either swimming or Poisoned Dragon plunging needles into a small doll with my resemblance. I continued to pay the price and worried that the people appointed to enforce the laws too lazy, complacent or uncaring to do their duty. If that proved true, then one has the right, even the obligation, to take back the

powers granted to government and use those powers to assure that justice wins out over timidity, the love of ease and the trendy feminine acceptance that values no longer matter.

Poisoned Dragon and her lawyers personified a Russian trinity of evil: perjury, intimidation and violation of the rights of anyone who dares not to cooperate with their nefarious schemes. Money flowed from the wellspring of their willingness to win by any means. For Poisoned Dragon it meant continuing to strip and trick in a county whose laws she violated to enter. For Mundy and Petrovich it meant an hourly fee to keep her in America regardless of the laws she violated—the lawyerly form of prostitution. To the trinity, any means, no matter how degrading to a civilized human being, no matter how harmful to others, was acceptable in their pursuit of money. I was not going to stand by and allow these low lives to benefit from trampling my rights. I vowed to have my justice, even if it took my last dollar, my last breath. For me, the war had begun.

Taking a page from business school, I formulated my objective, strategy and tactics. I knew my tactics would change with the fluidity of the situation as unforeseen opportunities arose or surprises broadsided my neatly arranged plans. Even my strategy might need modification in order to adopt to changing situations, but no matter what, I knew my objective must remain unshaken—justice. My strategy comprised three phases. First I'd give the law a shot; after all, I was a lawyer and sometimes, just sometimes, the courts do what they're suppose to, but if they don't, then mass publicity, followed by civil disobedience.

On the immediate legal front, I retained a female lawyer recommended by a friend who was a judicial delegate, which meant he, along with other delegates, chose judicial candidates for the Democratic Party in New York City. My friend knew lots of lawyers who wanted to become judges, so I figured anyone he recommended was competent. I didn't like using a female lawyer

because I feared their innate bias against men caused them to side, at least unconsciously, with women in divorce cases even when not their clients. Unfortunately, the reality of prejudice against husbands among the judges in the Family Court in Queens virtually demanded that a man use a female lawyer. The general incompetence of females and their abuse of positions of power by carrying out their own personal agendas put any man before them in a difficult position. Using a female lawyer allegedly sent the Feminazis on the bench the message that the husband held the same philosophical beliefs as they, so there existed no reason to legally cut his throat being he was an ally in their righteous struggle against the brute beast inside other men. I should have realized that hiring a devil to deal with a devil meant only that devils won.

Just days after the Temporary Order of Protection and before my first meeting with my female lawyer, I received a letter from Mundy, my wife's lead lawyer and Petrovich's boss.

This office has been retained by your wife, Alina Shipilina. Ms. Shipilina has requested that we commence divorce proceedings, but not before giving you the opportunity to contact us, or to have an attorney contact us on your behalf, to discuss the possibility of resolving this matter amicably.

Divorce proceedings can be difficult for both parties. Recognizing this, our client desires to discuss the issues with you in a mutually agreeable setting, in the hopes that reasonable solutions can be reached.

Nonetheless, if I do not receive a response from you or your attorney within seven days from the date of this letter, my client has instructed me to commence action without your cooperation.

Please be guided accordingly.

The letter just confirmed Mundy, Petrovich and Poisoned Dragon's strategy to pressure me into helping her obtain a permanent green card by perjuring myself. Those were the only "issues" they were interested in discussing. A logical, although underhanded, three-prong attack: first, the threat of harm from Poisoned Dragon's Chechen friends; second, the domestic Temporary Order of Protection; and now the not-so-subtle warning of the "difficult" public wringer her attorney intended to put me through in a divorce proceeding. The trinity obviously

assumed that when faced with these assaults, I would fold by agreeing to commit perjury before the Immigration Service.

Her lawyers' reasoning was that I'd concede in order to keep the orders of protection and a divorce preceding quiet. Lawyers don't like unfavorable publicity—it hurts business. They also find physical violence especially scary, since they are always hiding behind the law. I, however, used to play rugby, boxed a little, was taking martial arts courses and didn't have much of a legal business left after my wife.

Poisoned Dragon's reasoning was unmistakable. Russian girls believe American men softer and weaker than Russian guys because American men fawn over women and grow up in a comfortable society without the many hardships of the former Soviet Union. Russian girls also think of themselves as stronger than Russian men, since the Communists and Czars pretty much weeded out any man of courage. So to Poisoned Dragon, I inhabited the lowest level in the food chain with Russian men next up the ladder and her on the top—very logical, but very wrong. Too much of nothing breaks people as it has most Russians. Only a few of Poisoned Dragon's fellow citizens grow strong from an overdose of adversity and that strength lies not in the courage of standing up for what's right, but the cowardice of the criminal slinking around to harm anyone who gets in her way. Unlike with Americans, centuries of Kafkaesque fear liquidated the ability of most Russians to boldly act out of moral outrage in the face of the wrongdoings by the powerful. This middle-aged former member of Students for a Democratic Society wasn't yielding.

My attorney, Judith, bore a striking resemblance to the orlocks I read about as a kid—long kinky hair hanging well below her shoulder, round as a medicine ball, seriously ugly and highly obnoxious. The last part I liked. I figured she would easily take Poisoned Dragon apart

on the witness stand. We decided to initiate an annulment and divorce suit right away as answer to Mundy's letter, but to bring it in the New York State Supreme Court in Manhattan because the judges were slightly less biased against men than in the Queens Family Court. After beginning the annulment/divorce case, Judith suggested I try to obtain an order of protection in the Queens Family Court, always a long shot for a man, against my wife for threatening to have her Chechen friends put me six feet under.

Winning an annulment under New York State law required I prove that my wife lied about or failed to tell me something of such importance that had a reasonable man in my position known the truth, he would not have married her. Easy, since no man, reasonable or seriously deranged, would tie his life to hers knowing the full truth about the real Poisoned Dragon. Her misrepresentations and omissions included working as a prostitute, dancing completely naked for money while men touch parts of her body, pretending she loved me but actually marrying me only for a green card, secretly putting narcotics in my food to assure I went through with the marriage, planning before our marriage to commit prostitution with Alfredo in Italy after our marriage and being infected with the neuroses of congenital lying and cheating. Two obstacles lay in the path for an annulment. First, the defense of cohabitation, or in plain English, forgiveness, which meant that if after learning about Poisoned Dragon's lies and concealments, I engaged in sexual intercourse with her that meant I forgave her. My drive for the truth apparently doomed succeeding on the annulment charge unless after our last cohabitation of December 4, 2000, I found additional facts that occurred before our marriage that she had lied about or concealed in her scheme to induce me into marriage. I decided to go looking for those facts. The second problem amounted to ideology. The Political Correctionalist judges in Manhattan rarely granted annulments because the most likely spouse to engage in deception was

the wife. Finding lots of women guilty of fraud would contradict the modern day belief that possession of a vagina conclusively inferred an ethical character, rather than the opposite. Feminazi judges were unlikely to do that.

The two possible grounds for a divorce, adultery and cruel inhuman treatment, offered different chances of successfully showing Poisoned Dragon at fault for the break up of the marriage.

At first blush adultery seemed the easiest, since any near-sighted nitwit, other than me, knew by just looking at Poisoned Dragon that there slithered a slut, no more capable of fidelity than a female dog in heat. But a major problem in proving adultery came in the form of the defense called condonation, or in plain English: forgiveness once again. By sleeping with Poisoned Dragon until she moved out in December, I condoned all her previous adulterous escapades that I knew about. Unfortunately, once again my investigations gave her a complete defense unless other adulterous affairs occurred that I didn't know about. I assumed her diary, my key source of information, didn't fully detail all her infidelities. In her diary, Poisoned Dragon at times regaled in recounting her foul deeds but at others left information out. The only way to make an adultery case fly required further investigation in the hope of discovering any adulterous liaisons not fully detailed in her diary. Even with such new evidence, I still faced the Feminazi belief system that only men should receive punishment for adultery, since they are natural philanderers. Once again "new age women" got their facts wrong.

Over millions of years of evolution, natural selection favored promiscuous hominid females. Prior to ten thousand years ago, humans lived in tribes with the men providing the meat by hunting animals and women providing berries, roots, nuts and other staples from foraging. Survival required the protein from meat, which women generally could not acquire themselves

because evolution provided men with greater upper body strength and the spatial acuity that facilitated hunting wild animals. Men's more athletic bodies also enabled them to provide protection to women, especially during pregnancy and afterward when both the nursing mother and newborn were highly vulnerable to the dangers of the wilds. To assure their survival and that of the species, women and men entered into long-term relationships, generally four to five years, in which the man provided for and protected the woman and her offspring. The main occupation at the time for men, hunting wild animals or fishing, carried a high risk of death. A woman quickly realized that the man on which she depended, not just for her survival but the survival of her genes through her offspring, might one day end up as an animal's lunch or swim with the fishes. In order to assure a continual supply of protein and protection, many women simply used the currency of their bodies—sex, to make “special” or “good” friends with other men. Naturally, these women tried, with varying degrees of success, to hide their infidelity from their respective main man, but over time, men, initially at the disadvantage by willing to give someone the benefit of the doubt, eventually realized the slut-like nature of their trusted confidants. Men, just like women, wanted their genes to survive through their offspring, but unlike women, a man could not know for certain whether an offspring was his due to the promiscuity of the mother. So to compensate, men engage in sex with other women figuring one of them will bear a child with his genes. As the millennia passed, the genes of the more successful tramps survived while those of faithful women went extinct, which left us today with a whole lot of hos.

My best argument for a divorce based on Poisoned Dragon's inability to act as a wife was “cruel and inhuman treatment.” This catch all provision in the law allowed the court to base a divorce on any type of conduct by one spouse towards the other that the court deemed would



make their continued cohabitation physically or mentally harmful or just improper. Many of Poisoned Dragons acts fell into this category, including hitting me in the back, making threats, refusing to give up lap dancing after she made the \$50,000 she wanted, refusing to live with me right after our marriage so that she could party in Krasnodar and Italy, saying she didn't want me vacationing with her in Russia and Cyprus and afterward flaunting that she met with three of her former customers in Cyprus, and finally, her extensive sexual misconduct. Unlike annulment or adultery, cohabitation or forgiveness after an act of cruel and inhumane treatment didn't amount to a defense. Actually, I could use evidence of her adultery to obtain a divorce for cruel and inhuman treatment even though my cohabitating with her after learning about her sexual liaisons prevented a divorce for adultery. Weird, but that's New York law. Divorce for cruel and inhumane treatment amounted to New York's version of a no fault divorce, and the courts pushed for such divorces out of ideological and slothful reasons.

To officially start the annulment and divorce proceedings, I needed someone to physically hand Poisoned Dragon a court document that included a summons and notification of my reasons for seeking an annulment or, in the alternative, a divorce. My wife always carried a knife and under stress often lost her temper and control, so my main concern was assuring the person serving the papers didn't get hurt. Mark came up with the idea of having two of the women black belts in his martial arts class serve the papers. I knew either one of them could handle Poisoned Dragon if she turned violent, but the two of them together could take her apart in seconds without any injury to them. The two agreed, and I suggested they hand my wife the papers at her subway stop: 30<sup>th</sup> Avenue on the N line in Astoria, Queens. I assumed Poisoned Dragon probably entered the station some time between 6 and 6:30 PM in order to make it to Flash Dancers by 7 PM to put on her face and body makeup. Both of the black belts had met my

wife before, so they would easily recognize her. At around 6:15 PM, Poisoned Dragon galloped up the steps in a rush to catch the train, one of the black belts handed her an envelope saying, “You’ve been served!” My wife took it without question and without understanding and continued in a hurry to catch the train. A nice and smooth job for which I gave my friends boxes of Godiva Chocolate, a girl’s favorite.

With my first shot in the war fired, I joyfully imagined the sinking feeling Poisoned Dragon felt when she read the notice on the train. Her distress would come from realizing that her and her lawyers’ connivance and intimidation failed, that now, probably for the first time in her life, a man chose to hold her accountable for her conduct. She must have bounced from rage to fear and back again. Rage that a member of the sex of fools, on which she preyed with honey words of deceit, dared to fight back, and fear that a court proceeding would cost lots of money, which Poisoned Dragon was less willing to lose than her soul, and might also result with her back in Russia where she belonged. She probably already tried to pay Mundy and Petrovich with sex, but Mundy, the typical profit driven American lawyer, was not going to accept sex instead of the thousands of dollars a disputed case brings. She would have to shell out cash to Mundy, but sex would likely still payoff the Russian lawyer Petrovich.

The trinity of evil made the classic mistake that International Affairs’ courses refer to as “mirror image.” They assumed I would react the same way as they in a similar situation. Most lawyers and Russians value money above all else, which meant doing anything, no matter how revolting, to hold on to it. But I wasn’t like them. For me, when faced with a choice between money and justice, I chose justice, something they, especially my wife, would never understand.

The summons required a response in twenty days, but the domestic relations’ courts don’t enforce deadlines. Too bad because the failure of my wife’s attorney to respond within the

allotted time would have entitled me to an annulment or divorce by default. Historically, all New York State courts strictly enforced deadlines in order to prevent unscrupulous lawyers from denying justice by delaying it or intentionally inflicting emotional distress on an opposing party by not only dragging out the proceedings but also increasing the opposing party's costs by requiring him to make motions to force obedience to deadlines. Unfortunately, the take over by Feminazis and Political Correctionalists of the domestic relations courts resulted in making a joke of procedural deadlines. The courts generally deny motions for adherence to legal deadlines or fail to provide any meaningful sanctions against their violation, so the lawyers practicing in the field no longer bothered trying to enforce deadlines against their opponents. The deadlines remain on the books, but the judges in their arrogance ignore the laws. It's similar to a girl trying to show up on time; she can't, so she doesn't and thinks that's her right.

Behind the courts' failure to abide by legal procedures is incompetence, always the mother of sloth. Since the mid-seventies, females have flooded the domestic relations courts as judges and employees. Many domestic relations judges graduated from the bottom half of their law school class, which means the only reason they made it through was because the professors graded on a curve. Law school students with high grades earn them, the rest receive additional points they don't deserve on an exam just to push them through to graduation. A communistic type of mentality, which I also found in business school, that punishes high achievers while rewarding slackers in order not to offend the dumber half of our population. For example, a student who gets a 90 on an exam will not receive any additional points, but one who funks with a 50 might get another 20 points so she can pass. So in reality, often the failures end up as judges, and many of them are females. The courts, as with all traditionally male professions are now infested with females, hide behind the ludicrous depiction in the media and movies of

women as strong, smart and independent heroes in order to mask the reality of the pervasiveness of female incompetence, sloth and cowardice.

At a meeting with my lawyer to prepare my request for a temporary order of protection, I mentioned my plans to inform various law enforcement agencies of my wife's criminal conduct and to contact various people in order to authenticate her diary. Judith, always a disagreeable person, launched into her usual monologue, her idea of a conversation, but this time she turned it into tirade of hostility filled with venom and vituperation against me. Shouting, she railed I couldn't do that, and warned me to stay away from law enforcement agencies and anyone connected with the diary. She accused me of feeling anger towards my wife, as though that were a crime. Judith raged on with vindictive words of guilt and shame while insisting I see a psychiatrist because my anger wasn't natural but a sickness. Her vitriolic mouth spewed forth emotional hammers trying to pound me into submission by making me the criminal for wanting my wife to obey her vows, which for primitive life forms like Judith only men must obey—not females. She censured me with the female equivalent of the capital crime “controlling” in how I treated my wife. This lawyer let out all the anger inside of her at me, her client and the one who paid her, because she blindly hated men and wanted an easy case.

She tried to rationalize her rant by saying that because I was a man the judge would hold it against me for informing other authorities of my wife's violations of the law, and see my attempt to authenticate her diary as nothing more than an effort to harass her. That was most likely accurate, but not an excuse for her behavior. She also added that the diary couldn't be authenticated anyway because it required testimony from people outside the court's jurisdiction. I corrected her on that point because the law specifically allows for a number of different methods to obtain such testimony. Realizing I knew more about the law than her, she

combatively countered that the judge wouldn't allow it. I felt sick after this lambasting. I came to this woman for help, and all she provided was nastiness and emotional abuse. She wanted me to lie down so Poisoned Dragon could trample me while Judith collected thousands of dollars from me by sacrificing another man to the "goddess of womanhood."

After that emotional assault, I decided my lawyer more revolting than my wife. Besides Judith's personal obnoxiousness, she exhibited the greedy trait of filling in time on the telephone with non-legal conversation because she billed in fifteen-minute intervals—give me a break, even my wife danced for the whole song. With Judith, however, if it only took five minutes to give legal advice, she continued to talk for ten more minutes about non-legal matters for which she billed a total of \$75 when she only provided \$25 of attorney value. She even admitted doing this with all her clients. I guess her female brain couldn't work out the math for shorter time periods. For my emotional sanity and monetary reasons, I avoided as much as possible seeing her or talking to her over the telephone and decided to proceed with my plans for justice despite her repellent tirade. But first, Judith's suggestion of trying for a temporary order of protection against Poisoned Dragon seemed worth the shot.

On a dreary, rainy, cold afternoon I took the forty-five minute subway ride to the outer reaches of Queens where the Family Court occupied a dilapidated, ancient building that looked better suited for railroading than the rendering of justice. On crossing the threshold into that mean-spirited cavern of civil servants who cared about nothing except their extended coffee breaks and lunch hours, I knew my chances for justice slim but my humiliation assured. The process took about three hours, short by that court's standards. First, I wrote out my reasons for requesting a temporary order of protection then took it to the typist, a fat, greasy, clearly homosexual black man who clearly hated his job, himself and white heterosexual men. He

pounded the typewriter keys with oversized fingers swollen from too many Twinkies, every stroke an expression of his boiling hostility. From there I traversed filthy corridors to a waiting room filled with people from the lower economic levels of the uneducated who were doing a poor job of passing themselves off as sentient beings.

Finally my turn came. I entered a tiny room with low ceilings that made the judge's elevated bench look comical. She probably hit her head every time she adjusted her underwear. Behind the bench sat judge Fran Lubow and her female clerk filled with self-importance and few abilities; otherwise, they wouldn't be in such a dump. I could easily beat these enemies of men anywhere on an even playing field, but fairness and rules didn't reign in that closet of vindictiveness.

The clerk swore me in, I stated my name, but before I could present my argument for a temporary order of protection, Lubow cut me off accusing me of seeking one just because my wife obtained an order against me, and now I wanted one out of retribution. Typical lame female believing she could read men's minds. She and her clerk then laughed derisively. To them, men didn't deserve the protection of the law because orders of protection were only for women to bludgeon men into submission. I tried to interrupt the judge, to state my case, but this female cut me off again, telling me with a snicker to try the divorce court in Manhattan. She denied the temporary order of protection because the law allowed her sufficient discretion to abuse her public position of power for her own personal agenda against men, but it didn't allow her to refuse the issuance of a summons to serve on my wife with a complaint outlining Poisoned Dragons' threats.

Summons in hand, I left that joke of a court of justice, seething not only at Lubow, the kangaroo court system, and Feminazis in general but my own attorney for putting my through

another emotional wringer. So far, Judith had only caused my more distress, probably in an effort to make me give up without a fight. Many years ago, I told myself never hire a female for anything because they're probably either incompetent or, worst, will sell you down the river in order to win a victory for sisterhood. Yet I still ended up with them in my life, why? Well, I decided to fire Judith at the appropriate time and hire a man to represent me—enough with trying to placate the Feminazis, they're my enemies to the death.

The Temporary Order of Protection against me scheduled a hearing for April 6, 2001, in the same Feminazi infested court before another female, ax-grinding, male-hating judge in order to determine whether my wife should receive a permanent order of protection. The way these orders work, Poisoned Dragon could have decided not to show without notifying me while the law still required me to show or face arrest by the police. She could fail to appear a couple of times at no cost to her before the court dismissed the case, but I had to show every time and bear the cost of my lawyer, the lost time and the distress. Not a bad procedure for harassing me. However, with the summons I received from the Queens court, Poisoned Dragon would also have to appear in court on April 6<sup>th</sup>, or the judge would immediately dismiss her claims against me and might even enter a default judgment on my complaint against her for threatening me, which meant a permanent order of protection against her. I could then show up at Flash Dancers and have her arrested, ho, ho, ho. Poisoned Dragon couldn't chance not showing up in court without an attorney or without incurring the attorney fee necessary to prepare her testimony. The added expenses and public exposure should fuel her rage.

All I needed to do before the April 6<sup>th</sup> hearing was to have someone serve my wife with the Queens court summons and complaint concerning the threats she made against me. She was too savvy to be caught again at the same subway station or allow the same two lady black belts

to get near her. In New York State, serving a summons and complaint didn't require the target to actually accept the papers. If Poisoned Dragon refused to take the documents, a person could just drop them and walk away, but he needed to get close enough to offer the papers. If Poisoned Dragon saw a process server coming, she'd used those long legs of hers to bolt. After some brainstorming, a mischievous grin spread across my face—serve her at Flash Dancers, perfectly legal, a public place, no concerns about trespass violations and nowhere for her to run, unless she bounded out onto Broadway in her tong panties. The tourists would like that. All I needed now where a couple guys to do the job, since I didn't want to ask a couple of decent girls to descend into that sleaze pit.

During a Friday night martial arts class, Jesse and Moody, both black belts and in their early twenties, willingly agreed to serve the papers inside Flash Dancers. They thought the idea cool and a challenge. I warned that the bouncers might try to interfere, but that didn't phase them. They two guys together could probably take out every hood in the joint. Jesse met Poisoned Dragon before, so he would easily recognize her and give her the papers. Moody, the taller of the two at six-feet two-inches, would back him up. After class, Jesse and Moody went to visit my wife at work on March 14, 2001.

They descended the steps into the dim lower reaches of human aspirations, where Jesse spotted my wife giving some older guy a lap dance over in a corner and pointed her out to Moody.

With a laugh, Moody said, "Hey that old guy looks like Roy!"

"Yeah, he kind of does," Jesse agreed with a smile. "Let's wait 'til she's finished and walk up from behind so she doesn't see us coming."

"That should be easy," Moody remarked.



When Poisoned Dragon finished her lap dance, Jesse in the lead with Moody right behind him walked over while she put on her dress in front of the guy she had just sexually excited for \$20.

Still with her back to them, Jesse said, “Angelina, this is for you.” And extended his hand with the envelope containing the summons and complaint.

She turned around and focused on the envelope, probably thinking Jesse just another fool customer wanting to reward the goddess of beauty. She instinctively took what her greedy, green heart likely thought contained cash or something of value. But as her eyes shifted to Jesse’s face and narrowed on it, the recognition screamed her mistake through her diseased mind.

“This from Roy! You take back!” and punched her hand with the envelope into Jesse’s chest letting the envelope fall to the floor. Jesse didn’t flinch and wisely didn’t pick up the papers. Poisoned Dragon was legally served.

The “older guy” who had just paid for a lap dance apparently figured my wife was in need of assistance, so he started to get up remarking in an authoritative tone, “What’s going on here?”

“Sit down!” Moody ordered. The guy wisely complied.

Jesse and Moody turned to leave but Poisoned Dragon picked up the envelope, hooked her fingers into Jesse’s sleeve and stepped in front of the both on them blocking their exit.

Moody looked up at her, six-feet six-inches in her Flash Dancers heels, thinking damn she’s tall.

Holding onto Jesse, she threatened, “Take this back!” Others might have done so, but not these guys—no one intimidated them, especially some overly tall ho. Still, Jesse faced an interesting predicament, what to do with a girl using physical force against him. If it were a

man, he'd simply deck the guy, but in modern day America any physical force used against a girl, no matter how justified, gets the man, not the female into legal trouble. How unfair this hypocrisy of females hiding behind traditional beliefs of them as the weaker sex while asserting themselves as new age women using physical force. Just then a bouncer swaggered over with self-importance and illusions of rescuing the not-so-fair damsel.

"They try to give me papers I don't want." Poisoned Dragon angrily declared.

"You can't serve legal papers in here; it's against the law so take them back!"

Moody responded, "You don't look like a lawyer to me."

Jesse said, "She's been served. And now she's stopping us from leaving."

The bouncer realized he couldn't intimidate Jesse and Moody, so in a lame attempt to save face said, "Get out of here and don't come back—ever. I'll remember you guys!"

"Don't worry, we wouldn't remember you," Moody replied.

Poisoned Dragon released her grip, Jesse and Moody left laughing but banned for life from Flash Dancers.

When I heard what happened, I contacted a criminal lawyer friend of mine to see whether the district attorney would prosecute my wife for her assaulting Jesse. In serving the papers, Jesse and Moody were carrying out court business. Any interference with that task, not to mention assaulting the process server, is a crime. My attorney friend just laughed, "Maybe if the process server was a woman and the assaulting person a man; otherwise, forget it!" Once again I ran up against the dual standard that Poisoned Dragon so effectively exploited in America.

After the Flash Dancers service, my attorney received a letter from Poisoned Dragon's lawyer Mundy that was sent before Jesse and Moody's excellent night at the strip club.

It started:

Enclosed please find defendant's Demand for Complaint.

In the interest of sparing our respective clients embarrassment, time and expense, my client has asked that we attempt to resolve divorce and financial matters amicably. My letter to your client dated February 5, 2001 offered to proceed in that fashion, but was responded to with an Annulment and Divorce Complaint and Summons alleging, among other things, cruel and inhuman treatment.

How sensitive of Mundy to leave out the accusations of marriage fraud, something the INS frowned on, and adultery, something that humiliated Poisoned Dragon. The trinity of evil, now with the Order of Protection hanging over my head, must have reasoned it worth one more try to threaten me with embarrassment and costs in order to push me into lying before the INS.

They still didn't realize: no surrender and never give in to evil. Mundy's letter continued:

In a final effort to avoid public disclosure of certain familial facts and circumstances, which by their nature should remain private and personal, I am once again extending the opportunity to engage in non-formal discovery and exchange of financial disclosure and documentation pertinent to equitable distribution and maintenance issues, prior to draft and filing of a Complaint, Answer and Counterclaims in this matter.

Please be guided accordingly.

What "familial facts and circumstances" I wondered? My wife's hooking and defrauding the INS? Public disclosure of those acts didn't mean a damn to me. I married a ho; I admit it. Maybe the sentence came from part of a form letter that Mundy accidentally left in. The part I really liked, however, was the "non-formal discovery" in which they could manufacture any lie without court sanctions, since no oaths or authenticate documents would be involved. The "equitable distribution and maintenance" jargon was a childish attempt to panic me into believing my wife had a claim on my income and assets. The marriage was too short, and extrapolating out to a year from her arrival, she would net well over \$100,000—more than me. So if anyone deserved equitable distribution, it was me. The last part about drafting a Complaint made no sense. The plaintiff, me, serves a Complaint, and the defendant, Poisoned Dragon,

serves an Answer with Counterclaims. Defendants don't bother with Complaints unless there are third parties. More sloppy drafting by Mundy.

### The Mountain's High

With my court counterattack under way, I began prodding various law enforcement agencies to hold Poisoned Dragon responsible for the laws she disdainfully violated in her drive for money and kicks. I wanted to bring her to justice or justice to her. My female friends said let it go, arguing that in the end she will get her comeuppance. Their convictions were easy to hold. They sat on the sidelines in this war, and females always advocate that a man give in to a female, so long as it costs the guy and not them. But I had little faith in advice from females or "what goes around, comes around." Unless I brought her to justice, no one would. Sure anger drove me, but what a great motivation—look at the revolutions throughout history. Those guys raged for justice—no girly-men they. Who cared if today's Political Correctionalists demanded adherence by men to the emasculating belief that anger, acting as a human being when wronged, was evil. The only evil at work was girls and their sycophants tricking guys out of fighting for their rights. Poisoned Dragon and her lawyers were so self-absorbed with themselves and their greed that they willingly harmed others and broke the law to further their ends.

In my gut, I knew that the bizarre twists and turns of events that brought me into Poisoned Dragon's orbit meant the fate Atropos had condemned me to fight her, her allies and tie me to wherever that might. Back when we first met, Poisoned Dragon played the con that our meeting was preordained because of all the events that had to occur for us to actually run into each other. She used the fates to make me more susceptible to her schemes, but the fates really made me susceptible to their scheme.

In 1997, when I graduated business school, I made a few trips over the succeeding year in search of a finance job in Russia. On the last trip, when walking out of a Moscow fax center, I spotted an employment weekly written in English. I nearly kept going, but a whisper from my unconscious caused me to pause and actually debate with myself whether to pick up an issue. I grabbed a copy, which contained nothing concerning finance positions, but the lead article talked about a famous American investigating and security agency in Moscow—Kroll Associates. Many years earlier, when I worked on some undercover stories for the news media, I considered applying to Kroll for a job, so I could work on investigations full-time. Nothing like exposing crooked politicians and businessmen, but I remained in the media instead.

Kroll had nothing to do with finance, but investigations still excited me, so I sent off my resume, and the manager, Joe Serio, scheduled an interview. Before our meeting, the economy in Russia took a dive in the financial market melt down of 1998 as a result of the thievery and stupidity by both Westerners and Russians. All my scheduled interviews with financial institutions dried up because cutbacks, rather than expansion, became the order of the day. Kroll's manager, however, still wanted to meet even though the firm was not hiring at the moment. Joe and I hit it off. We both understood Russia as a lawless society where doing business required criminal activity ranging from bribes to murder. Joe's assistant was leaving, but before hiring a replacement, the firm needed to see how the financial crisis shook out. He asked me to keep in touch, just in case business picked up. I left Russia that summer certain never to return, but told myself that if one of the companies that interviewed me offered me a job, I'd take it.

Back in the states, pretty much fed up with this society and my life, I began making preparations to head for the jungles of South America again, but this time never to return. Fresh

with the memory of the second revelation in my life, I accepted the fact that I had missed my calling, which made my efforts on this planet a failure. Just before Christmas, Joe from Kroll Associates called to say the company had started looking for a new assistant manager in Russia and was I interested. I said sure and began the process of interviews. The key interview was with its Director of European Operations, Tiedemann. During the interview with this overly compensating, insecure half-pint, I kept thinking I'd never even consider this job if she were going to be my boss, but since I would report to Joe, it didn't matter. I did wonder, however, how Joe could put up with such a dumb nazi female for a boss.

Kroll ran me through their background check, offered me the job and I accepted. In order to obtain a Russian visa, the Moscow office needed a copy of my passport. One of the Russian guys in the office pointed out my age to Joe, who notified Tiedemann. Both Joe and the lesbian Tiedemann called to tell me they were surprised; they thought me ten years younger. So much for the infallibility of Kroll's background check—they couldn't even get my year of birth right. Tiedemann then withdrew Kroll's offer of a job, lying that the firm decided not to hire an assistant manager for economic reasons. Off went an angry letter from me to the President and founder of Kroll accusing his company of age discrimination. The letter should at least have the effect of teaching his two moronic employees a lesson in how not to treat people. At the same time, I began researching a possible suit against Kroll while debating whether to move on to the jungle. Proving age discrimination in court is very difficult, especially when the person does not already work for a company, but a suit against Kroll might prove fun.

Shortly thereafter, much to my surprise, Joe and Tiedemann offered me a six-month contract as assistant manager in Russia. My letter probably prodded the firm into buying legal peace with this short-term consultancy offer. They probably didn't think I'd take it, but I did.

Why not? One more adventure, then I could go lose myself in the jungle. Maybe I'd get lucky and aggravate some Russian organized crime figures as I did with the Gambino and Managano crime families that supported the Surrogate Judge Marie Lambert by providing Joe Conason of the Village Voice with evidence of her malfeasance.

Kroll wanted me to start work in Moscow as soon as possible, which didn't present a problem except for finding a place to live. My translators from previous trips usually knew friends or relatives that could rent me a room or an apartment whenever I traveled to Russia. I only needed accommodations for a couple of weeks or a month on my arrival, because once there, I could easily find something more long term. Surprisingly no one knew of any places for rent. Then one day while making arrangements with my broker, Maiya, for the wiring of Kroll's salary checks into my account, she suggested I contact a friend of hers in Moscow. Her friend found me a place on Kutusovsky Prospect, one of the more fancy parts of town.

As irony once again arranged, I arrived in Moscow on July 4, 1999, and moved into the very large apartment where Joseph Stalin's daughter once lived. To my surprise but not the fate Atropos, Joe told me he was leaving Kroll at the end of the month, and that I was now the acting manager for the company in Russia, still on a six-month contract to win new clients but with the added task of improving the firm's operations in what was left of the evil empire. It's always better as the boss than an underling, but now I had to deal directly with the Feminazi Tiedemann. But I was already in Moscow, and how bad could the next six months be?

Nineteen days later on a warm Friday evening, Joe and I went to hear Maria sing in her and her boyfriend's band. Joe sat in playing the harmonica on a few songs. The band finished before 11 PM, and I was ready to party some more, but Joe and everyone else went home. So I hurried back to the party at my apartment building that I had passed earlier in the evening.

Hopped the wrong Metro train, then flagged down a car and made my way back just in time to meet Poisoned Dragon, who, just before my appearance, had decided to call it a night and was leaving the hookers' ball for the apartment where Leo put up his out of town prostitutes and shot porn videos—what timing!

Twenty months later, my last adventure mercilessly drove me on, providing letters with accompanying exhibits about Poisoned Dragon's illegal activities for the Internal Revenue Service, New York State Department of Taxation, Krasnodar Tax Inspectorate, Immigration and Naturalization Service in New York City, the U.S. Embassy in Moscow, Immigration's Commissioner and Audit Office, Senators Hillary Clinton and Charles Schumer's offices, the Federal Bureau of Investigation, the Drug Enforcement Administration, U.S. Customs and the New York City Board of Elections Commission.

To the American, Russian and New York tax authorities, I provided information showing that Poisoned Dragon evaded paying taxes on over \$150,000 in net income that she earned in the U.S. from July 2000 to December 2001. That's factoring in the four months vacation she took during that year and a half, but not the amount she made on her back working as a prostitute. Not bad by any standard and virtually all tax-free. To each tax authority, I sent as exhibits Poisoned Dragon's diary in which she tells how much she made on various nights and the total for her first month and a half of \$18,000; an internet site created by lap dancers that published the average nightly income for strippers at Flash Dancers: \$500; the number of days she worked in 2000 and 2001, which I calculated using her work schedules and an undercover operative who befriended my wife at Flash Dancers; a copy of her bank contract for the safe deposit box in which she kept her cash before smuggling it to Russia and Cyprus; her U.S. bank accounts and credit card number; even the mutual fund account she set up in Cyprus to hide some of her loot,



which I found through Elaine White, a Canadian detective. When Poisoned Dragon traveled to Cyprus in September 2000, she met with a former customer from her Zygos Club days: Stephanos. He worked in a bank, so my wife likely enlisted him to help with smuggling her cash into Cyprus and then hiding it in various accounts she never reported to the I.R.S.

The divorce court eventually forced her to disclose her tax return for the year 2000. She first filed a return reporting an income of only \$7,600 but someone, probably her lawyers, had her amend it up to \$18,800, so as to explain her diary's statement of earning \$18,000 in a month and a half. Her amended filing still failed to include at least another \$40,000 she earned in 2000, mainly at Flash Dancers. My evidence to the I.R.S. and New York State Tax authorities included copies of her work schedules for 2000 that showed she worked four and a half months at Flash Dancers, so she obviously failed to report at least three months of income. The work schedules also showed she lied on her 2000 tax return about her occupation as bartender and listing herself as "single" rather than "married filing separately." The "married filing separately" category would have required her to pay more taxes.

Poisoned Dragon also violated Russian tax law because as a Russian citizen she was required to report all her income no matter where made. Consistent with her criminal nature, she didn't even report her fraudulently low earnings of \$18,800 in the U.S. for 2000 just as she had evaded reporting her Cyprus and Mexico income for 1999. The Krasnodar Tax Inspectorate was not about to do anything, since all Russians considered tax evasion a genetically given right with an estimate of over 90% of income earners evading taxes.

Another government agency through which I tried to bring Poisoned Dragon to justice was U.S. Customs. She usually worked for two or three months, saved up conservatively speaking twenty to thirty grand, then took the money to Russia or Cyprus without declaring any

of it—a federal felony, and her money from prostitution, an illegal act, made the transporting of those funds money laundering. My wife didn't take bundles of cash out of the country, but very sophisticatedly put the money on a debit or credit card, which was a lot easier to fit into her favorite hiding places, the heels of her shoes or her vagina. I thought the last hiding place might entice Customs to take a look, but it didn't—probably infested with too many females.

Once in Russia or Cyprus, she simply withdrew the money from the card at a bank or any number of ATMs that dispense dollars. Through an informant, I knew the approximate dates of my wife carrying cash out of the country, and because it was the cheapest, she always flew Aeroflot. On two occasions, I notified the Customs' agent at JFK who ended up with the case of approximately when she was departing, but nothing ever happened. The fault lay not in my information because my informants in Russia always pinpointed Poisoned Dragon in Krasnodar, Moscow, St. Petersburg or Cyprus at times consistent with when Customs knew she would be traveling. All Customs needed to do was check the Aeroflot manifests during a short window of time to find out the exact dates for her leaving the country.

Most of my hopes for justice from the executive branch, however, rested with the Immigration Service. By instituting the annulment and divorce proceedings, Poisoned Dragon's immigration attorney, Mundy, would file what Immigration called a Waiver of the Joint Petition. Whenever annulment or divorce proceedings begin, an alien spouse can go to Immigration to ask for a permanent green card, so long as the alien shows that she married the American in good faith, which meant she wanted a husband not just a visa to America, and the American refused to help her file papers showing they were married in good faith or the American abused her physically or mentally. Once the court terminates the marriage, Immigration will make a ruling on whether to grant a permanent green card.

My strategy was to provide immigration with the evidence from her diary that she married me just for a green card and committed perjury before Immigration by not admitting she worked as a prostitute in Russia, Cyprus and Mexico and was arrested in Mexico City. Immigration didn't really care whether an alien married an American in good faith because it was so difficult to prove the alien only wanted a green card. But lying under oath was another matter.

Initially, I only considered approaching the Immigration authorities in New York City because I assumed they had exclusive jurisdiction since my wife lived in the City. But the part in Poisoned Dragon's Temporary Order of Protection about me threatening to use contacts at the U.S. Embassy in Moscow to deport her remained highlighted in my mind. It didn't make any sense to me. Not only didn't I say it, I never even thought it and didn't have any contacts at the Embassy I could use. As so often happened throughout the revolting experiences with Poisoned Dragon, when a statement, event or piece of information didn't make sense at first blush, it always came around later to fit into fate's puzzle.

The lie concocted by my wife's lawyers germinated into an idea that jumped into my conscious early one morning. The Immigration Office at the Embassy approved her temporary green card, so it must have the power to initiate deportation proceedings when new information shows she violated Immigration procedures, such as lying under oath when she submitted her application to the Embassy. An end run around New York City's INS office would allow me to avoid the inundated, overworked, inaccessible, massive and uncaring employees of the local INS bureaucracy where most complaints against aliens went to die. The Immigration Service at the Moscow Embassy obviously received few, if any, complaints against immigrants already in the America. The small size of the operation and the camaraderie that Americans overseas generally

feel with other Americans should increase my chances of finding a sympathetic official willing to do his duty. The emphasis is “his,” since few American females, and even fewer Feminazis, worked at the U.S. Embassy, which reduced the chance of some malicious, ax-wheeling woman abusing her authority by denying another man justice.

For advice on how to notify the Embassy, I contacted my American lawyer in Moscow, Dennis, who had previously briefed me on Russian divorce proceedings. Dennis knew the Embassy’s Chief of the Department of State’s Visa Unit—bingo! Thank you Mundy, Petrovich and Poisoned Dragon for your suggestion.

It also finally dawned on me as to why the trinity of evil included in the Temporary Order of Protection the lie about my threatening to use Embassy contacts to deport her, which wasn’t needed to obtain the Order. In the former Soviet Union, getting officials, such as Russians who worked for foreign embassies, to do something meant bribing them. Mundy and Petrovich did Russian immigration work, so they probably bribed their Russian contacts at the Embassy to help their clients. Naturally these two lawyers figured that I would do the same to initiate deportation proceedings. So in order to deter me, they included the allegation in the Order of Protection under the misguided assumption that I functioned the way they did, and if they saw such an allegation they would refrain from their usual dishonesty.

Russians and most lawyers just don’t know how to live in a civilized world. The rule of law and honesty apparently still predominated in the U.S. because inside most Americans, except Feminazis and lawyers, lay a deep-seated hatred for injustice, scoundrels and cheats. Mundy, Petrovich and Poisoned Dragon didn’t understand this or chose to ignore it, so their using Russian ways against an American who hated lawyers backfired by leading me to the one

Immigration office most likely to initiate deportation proceedings for Poisoned Dragon's violation of U.S. law.

### What's Going On?

Under the Immigration and Nationality Act, a foreigner who marries an American can apply for a temporary green card that allows the alien spouse to travel to and from America and to work here. The Federal Government takes months to process an application for a temporary green card because, as Immigration claims, it carefully scrutinizes the applicant to make sure criminals, drug dealers, prostitutes, lunatics, terrorists and other unsavory characters don't immigrate to America. Actually, the U.S. General Accounting Office found the INS routinely failed to investigate fraudulent applications.

In order to initiate an investigation by Immigration into Poisoned Dragon fraudulently obtaining a temporary green card, I prepared the usual lawyerly letter for the New York City Immigration Office and for Dennis in Moscow. The letter detailed Poisoned Dragon's violation of the Immigration and Nationality Act and included documents that supported my accusations. Using mainly my wife's diary, the letter showed she married me with the primary purpose of first obtaining a temporary and then a permanent green card, lied about not working as a prostitute, lied that she was never arrested or imprisoned by conveniently forgetting about her deportation from Mexico and lied when she stated she worked as an artist in Cyprus unless prostitution and lap dancing are considered art. Under the law, any of the lies amounted to perjury that my wife used to intentionally trick—defraud—the State Department into issuing her a visa to enter America and Immigration into granting her a temporary green card. Each lie she made to defraud the Federal Government and marrying me just to obtain a green card were individually enough to bounce her back to Russia, or so I thought.

Before sending off the letter, I tried to obtain copies of the records of Poisoned Dragon's arrest and imprisonment in Mexico, but someone had gotten to the Mexican Police and Federale Immigration files and tore the pages out of the ledgers. My investigator said he could still see the jagged tops of the pages ripped out. He warned that my wife must have well-connected criminal friends in Mexico in order to eliminate these records of her arrest and imprisonment—so much for the integrity of Mexican law enforcement. Poisoned Dragon's friends, however, weren't too smart—they missed the Mexican immigration prison's visitor files. Alfredo visited her in prison a few times, and the records of those visits were not disappeared. The copies at least proved she was incarcerated for immigration reasons about which she lied on her green card application.

A former Lieutenant Colonel in the M.V.D. used his contacts in the Russian government to check on any possible criminal violations by her in her home country. They ran her name through the Ministry of Internal Affairs nationwide database—no arrests, no convictions and no ongoing investigations—rats! I married a criminal too small to show up in Russia's law enforcement files or smart enough to cultivate friends able to expunge her records, not uncommon in the former Soviet Union.

Dennis turned my case over to his partner, Xenia, a Russian lady lawyer in her thirties, who spoke English. Initially, I feared Xenia would sympathized with my wife, as did a few of my younger Russian translators, but she didn't. Poisoned Dragon's diary shocked her to the core. She saw my wife as an insult to all Russian women, the very worst that Russia possessed. Ironically, I found in this Russian woman the best of all the attorneys I had, a true advocate who believed in my cause and sought justice rather than just taking my money—unlike my American divorce lawyer, Judith.

Xenia prepared a letter based on mine and organized a package of documents, including a typed English translation of Poisoned Dragon's diary, for Dennis' contact at the Embassy. The contact personally turned the matter over to the Embassy's Chief of the INS office—bingo once again. Back then, INS did the law enforcement functions for violations of the Immigration Act that included fraudulently obtaining green cards from Immigration and visas from the State Department.

Access to government officials willing to take the time to consider a citizen's case always makes the difference. The hire up the official the better. The personal handing over of documents accompanied by a few words from one person on the inside to another helps immensely because a case no longer languishes out of sight and out of mind of the person responsible for handling it. There are, however, always exceptions, mostly with female American officials. Whether in Moscow or the states, females in institutional positions with even the smallest amount of power use it only to serve their own interests. They just don't understand how the America built by men works. And make no doubt about it—men, not women, built America.

When someone with a legitimate request is able to directly contact an American man in a position of influence, he usually takes the time to help because he understands the very structure of the institution in which he works often thwarts the purpose for its existence. He also knows the person he helps will owe him a favor. He may never collect on it, but it's always there. Girls, however, with their inbred selfishness and pedantic fears don't provide favors unless someone helps them first. In addition, females almost always refuse to make judgment calls in situations not specifically covered by an organization's rules. Their insecurities keep them from doing the right thing when to do so means circumventing some inane procedure. Like Russians,

most American girls just don't comprehend how societies are supposed to function. Fortunately for me, the small size of the American community, somewhat isolated in the alien outpost of Moscow, increased the chances of Dennis knowing a man high up in the bureaucracy, which allowed me to avoid the ubiquitous one-neuron bureaucratic-gatekeeper programmed only to bar admittance.

While Xenia lobbied the Moscow Embassy, I tried to prod the New York City Immigration Office into taking action. Unfortunately, I didn't know anyone in the New York City office, so my efforts to circumvent its intentional obfuscation and Neanderthal gatekeepers who bar access to sentient officials met with little success.

New York's Immigration did list a local telephone number for the Enforcement Division, but I knew it couldn't be that easy, and I was right. Human beings no longer answer telephones at the Federal Government, only answering machines. This frees up civil workers for less work. The answering machine at INS requested my name and number, which I left about five times, and promised to call me back, which the machine and INS never did. Immigration also published an 800 number that gave out only the street mailing address for the New York City Enforcement Division, no room number. Naturally, as with most Federal agencies that the taxpayer pays for, local Immigration officials wanted to minimize their work load and shift their responsibility for enforcing the laws into a bottomless pit of unanswered telephone calls and mail drops where legitimate complaints waited for the second coming. The safety of American citizens never came before the comfort and convenience of government bureaucrats. No personal interaction with the public meant no accountability, which freed the bureaucrats to put in their time with as little effort as possible until their pensions vested.



The vaunted Immigration service that struck fear in the hearts of aliens as a tough, no nonsense, professional outfit that tracked aliens within America's borders and summarily deported them for violations of U.S. law was nothing more than a "Club Fed": a bunch of bureaucrats busy shuffling papers, pretending to work and dodging the public who paid their salaries. Federal officials always claim their heavy workload requires such obstructionist procedures, and they are right. To them their workload must seem insurmountable because it requires more than a few hours of effort a day when they would rather spend their time stuffing their faces or running their mouths. Government employees work in government not to help the public but because it's the limit of what they can do. Government is the employer of last resort.

Scouring the INS web site, I found a room number for the New York City Enforcement Division at One Federal Plaza—their mistake. No way was I going to mail my complaint to some bottomless pit. I was going to visit them in person in my lawyer's suit and demand to see an officer. All I needed was to get to the right elevator banks in the building, which meant circumventing another commonly used obstacle by Federal agencies. The entrance to every agency sported pseudo-security persons in cheap uniforms asking visitors where they were going in order to channel them to overly crowded, sense-assaulting pens that processed any request into a bureaucratic nightmare in order to discourage the stoutest of hearts. But armed with a room number, the security officer pointed me to the appropriate elevator probably thinking I had an appointment.

When I walked through the Enforcement Division's door, the officer sitting behind a Plexiglas shield looked surprised. I doubted few of the public ever traversed this threshold, not because they weren't permitted, since the office clearly reflected a place for taxpayers to lodge complaints, but because Immigration tried to hide its location from the public. Well, I found it,

and now I wanted to see someone. A young guy with a gun politely took me into an interview room the size of a large closet, probably wired for sound, and I presented him the package of papers, explained the complaint and answered questions. I intentionally included in the documents Poisoned Dragon's modeling card that showed her in eye-catching lingerie outfits. I figured it would attract a government employee's attention whether a man or a lesbian of which many seem to gravitate to enforcement agencies. But it also provided an effective way of identifying her since lap dancers work in their underwear. The agent thanked me for filing the complaint, and told me what I expected: because of the Division's heavy workload, they would probably never get around to acting on the matter. Modern day American justice began to make Russia look inviting.

When I got back home, I was surprised to find a message on my voicemail from an Immigration agent, different from the one I just met, asking me to call him back. The message came in literally minutes after I left the Enforcement Division—now that's quick service. It must have been Poisoned Dragon's pictures. I returned the call to a young sounding agent named Gene Kazenko who said he read through the complaint, meaning he looked at the half-naked pictures of my wife, and decided to conduct an initial interview with Poisoned Dragon. Did he really intend to interview her or hustle her for a quickie? It just didn't make sense the Federal Government responding so fast. He wanted to know her daily routine, which I gave him, and suggested the best times and places to approach her were when she took the subway to work or at Flash Dancers. The later must clearly have appealed to him. I added that according to my wife, some of the other girls at Flash Dancers worked without visas, and warned him that she carried a knife. I don't know whether he ever dated her, but I doubt he ever considered the case

seriously since repeated telephone calls and letters to him with additional information uncovered in my continuing investigation never even elicited the courtesy of a response.

Months later, I contacted U.S. Senator Hillary Clinton's office to complain about INS' do nothing attitude. On a lark, I thought that one of her Feminazi storm troopers might see an opportunity of using my case against Poisoned Dragon to push Immigration to tighten up its procedures in order to reduce the female competition streaming into the country from Russia and other foreign nations. I based my attempt on a curious hypocrisy that while Feminazis regaled in castigating, criticizing, demeaning, defaming, demonizing, denigrating, dissing and blaming men for all the world's ills and the wrongs they may have suffered, the non-lesbian ones perpetually bawled like babies that they couldn't find a man.

To my amazement, these man-haters didn't comprehend that after decades under the Feminazi lash, men didn't want to date them. No guy desires some girl constantly insulting him who at the same time scolds him over what he thinks, says and does. American men aren't that masochistic. Instead, they set their sites on girls from South America, Asia and the former Soviet Union because those girls don't continually berate men for exercising their freedoms of speech and thought or challenge a man's right to exist as a man because some Amazon's sensitivities disapprove of him. Men find a lot of genetic behaviors in girls offensive, but so long as they don't harm anyone, emotionally or physically, most guys figure it's just part of life and let the annoyances go. But not so with the Feminazis who embarked on a 40 years war to bludgeon half of the population into a schizophrenic behavioral pattern that placated fickle female whims, which wanted men strong when danger threatened but submissive in competition with girls. The Feminazis' "new man," or "androgyny" had to be sexually faithful, but accepting of her infidelity; aggressive or submissive in bed, but only when she wanted it so and telepathic

enough to know which; willing to die in the wars to protect her and her children, but give her the best jobs even when not qualified; accepting of her every insecurity and irrationality while having none of his own; and willing to do exactly what a girl wanted, when she wanted and whether consistent or contradictory to her previous demands.

Clinton's office didn't bite. They weren't even interested in Poisoned Dragon's tax evasion; probably they considered her a victim of male oppression that gave her the right to violate the laws. I never even met anyone in person from the office, not even a receptionist. When I tried to drop off my letter and exhibits showing Immigration's inaction, they refused to allow me in their office for which my taxes paid part of the rent, and dismissively instructed me over the intercom to leave my complaint with the message desk in the lobby. Over the telephone, they were just plain rude as though it was always that time of the month for them.

A week later, I went to Senator Charles Schumer's office to complain about INS' inaction. The ladies there didn't spend their waking hours locked in some inaccessible vault sharpening their knives for use on men. The receptionist met me with a smile, tracked down the lady in charge of immigration matters who couldn't meet with me then but promised to look over my letter and exhibits and call me back. A couple of weeks later she called, politely asked some questions, but in the end, neither Schumer nor Clinton provided any help, although Schumer's office at least treated me like a person rather than garbage.

Still trying to get Immigration in New York City off its butt or perhaps my wife, I sent my complaint about its sloth to the INS Commissioner in Washington, might as well go to the top, and the Service's Internal Audit Department, which allegedly scrutinizes the operations of all the nation's Immigration offices. The Internal Audit Department referred my accusations of inaction against the New York office to, of course, the New York office and some unknown

person at that office. Why did I think my complaint would not receive an impartial review by some unknown, unaccountable person in the very office I was complaining about? The Commissioner referred my accusations to the Eastern Regional office that promptly whisked it off to some unknown official at, you guessed it, the New York office, probably the same Ms. Unknown, a.k.a. bottomless pit.

Obviously, no one cared and no one did his job. The non-Feminazi bureaucrats saw a middle-aged guy lusting after some pretty young thing and getting his fingers burnt. They figured I should have known better, had my fun and moved on; only an idiot would marry such a slut. The Feminists obviously thought I got what I deserved for violating one of their sacred commandments that condemned older guys pursuing pretty young ladies instead of mature, intelligent, strong and unattractive females like themselves. Whatever a person's ideology, the harm Poisoned Dragon caused me, the harm she would cause other men in the future and the U.S. laws she willingly violated didn't seem to matter because it all revolved around sex.

Since the ascendancy of political correctionalism in the 1970s, American culture has reduced the importance of relationships between guys and girls to the common denominator of sex. Guys and girls feel driven by a fear of missing out on something if they don't have sex with a lot of different people. Everywhere a person turns, the popular images foisted by the media, which knows better than any business that sex sells, depict people caught up in a frenzy of sex whether in real life or the land of make believe. Such public pervasiveness and mass profiteering off of sex make it about as significant as going to the movies. So when a President of the United States lies under oath to a grand jury or a Russian prostitute commits perjury to gain entry into America in order to sell her body for dollars, it doesn't matter, because it involves sex. Somewhere America lost the understanding that an act of such intimacy meant more than a

momentary kick. Beyond procreation, sex gave humans the ability to touch the underlying flow of life in both the separation from and union with the lives of others—combining the duality of our natures without losing either. I didn't understand why my society considered acceptable the conduct that exploited for selfish material gains the ability to reach to the very core of our existence. If anything constituted crime, that did.

My last attempt to pressure New York City Immigration involved using my status as a former associate of the Wall Street law firm Cravath, Swaine & Moore. The title “former associate” doesn't sound like much, but since Cravath is one of the best law firms in the country, my stint there usually helped open doors, especially with other lawyers who worked at the firm but subsequently left. A camaraderie of the “also-rans,” who nearly made it to the peak of the legal profession. Using the firm's alumni directory, I tracked down a middle-aged male alum working in one of the United States Attorney's offices in New York City. Whenever Immigration brought charges against an alien, the local U.S. Attorney's office generally prosecuted the case.

A call from an Assistant U.S. Attorney inquiring as to the status of Poisoned Dragon's case might prod the Immigration agent Kazenko into action. The Cravath alum graciously made the call to Kazenko who said he had conducted an interview of my wife at Flash Dancers right after I filed the complaint, but resolution of the investigation depended on whether Immigration could prove the Russian organized crime connections with my wife. That surprised both me and the Cravath alum. What did Russian organize crime have to do with anything? They weren't involved—the case was about a lying alien ho. My wife committed perjury when she applied for a temporary green card and an immigrant visa that defrauded both Immigration and the State Department. Immigration had the proof in the form of her diary and the Mexican immigration

visitor documents. The Government didn't need anything else! The stuff about establishing Russian mob connections was probably just a way out of doing his job. Kazenko also told the alum that he would contact me with the results of INS' investigation when it ended. I doubted Kazenko would ever inform me of anything. Needless to say, I never heard from New York City's Immigration office.

### Can I Get a Witness?

During the same period that my fight for justice traveled down the Federal Agency track, the second prong of my pincer counterattack focused on a costly effort to not only authenticate Poisoned Dragon's diary for use in court but to discover new information about her misdeeds that might lead to admissible evidence needed to show fraud for an annulment or adultery for a divorce. The diary, once authenticated, would provide more than enough evidence for a divorce on cruel and inhuman grounds, but I preferred an annulment or divorce for adultery because the INS could use either in a deportation hearing to show she married just for a green card or lied about not working as a prostitute. Although the annulment and adultery actions might not fly because of the defense that I cohabited with Poisoned Dragon after learning about the debased conduct described in her diary, my intuition and understanding of the energetic nature with which my wife pursued immoral activities convinced me I didn't know anywhere near the full extent of her lies and debauchery.

Gathering admissible evidence posed a daunting task since it lay strewn across a good portion of the globe: Moscow and Krasnodar in Russia; Limassol, Cyprus; Mexico City, Acapulco, Cancun and Puerto Vallarta in Mexico; Milan, Venice and Florence, Italy; New York City and who knew where else. How easily a girl using the currency between her legs can travel the world. Language also presented an obstacle because many useful documents were likely

written in a foreign language for which the New York State court required a written translation accompanied by an affidavit in which the translator swears he knows the language and accurately translated the document. Many potential witnesses probably didn't speak English and lived outside the reach of the New York court, so the court couldn't simply issue a summons requiring them to show up and testify. Nevertheless, the *Hague Convention on the Taking of Evidence Abroad in Civil or Commercial Matters* made it possible, but difficult, to obtain testimony in the countries of Poisoned Dragon's nefarious activities. First, however, I needed to discover the documents and people who might provide useful testimony for my annulment and divorce case. In trying to do that, I ran into a major obstacle in the New York court's procedural rules for terminating a marriage.

Generally when someone starts a court action, they do so to redress a wrong, like the wrong headedness of my marrying Poisoned Dragon. Initially, both sides know some facts but usually not enough to win at trial. The law, therefore, allows plaintiffs and defendants to use a court enforced process called "Discovery" in which both sides, or as the court calls them parties, try to find documents and locate witnesses that may help their respective sides. The court allows a number of techniques for Discovery, but the heart of the process that makes it work, requires each party to turn over relevant facts they possess that the other side requests. For example, many times only one party knows how to find a witness potentially useful to the other side, such as my wife's customers and other people mentioned in her dairy. Under Discovery, the opposing party must disclose that information if asked. Naturally, lots of parties don't, but if caught, the court will slam them with fines or give victory to the opposing side.

Unfortunately for me, New York State courts dramatically limit discovery in matrimonial proceedings because of the alleged fear that prying into personal affairs might exacerbate the



acrimony and strife between the parties, making any reconciliation impossible. The real reason, however, is to protect the wives from the embarrassment of the truth leaking out about their lascivious life style and other personal foibles. After all, both hos and Feminazis hide behind the visage of virtuousness to wreck their evil. It's tough to play the victim when the world knows the female is a two-face slut. Husbands generally don't give a damn over such false fronts; therefore, the limiting of Discovery into personal matters more often than not favors the wife. Why was I not surprised? The judges also fear the type of extensive Discovery used in every other type of civil litigation for getting at the truth might place unfair pressure on parties in a matrimonial case, unfair to whom—the wife. What about the strong and independent modern day female, or do those qualities only apply to when she wants a high paying job? What about all those females in the news, television shows, commercials and movies doing super deeds nearly everyday? Why should the courts go out of their way to protect them unless all the hype is just more lies that allow girls to take advantage—strong woman or fragile girl depending on which role serves their selfish interests.

So the courts limit discovery into personal matters because that's the realm females want to keep private, but when it comes to delving into personal financial affairs, the courts, incongruously, not only allow it but require extensive Discovery. Now, if anything will cause acrimony and strife and unfair pressure, it's tracking down a man's assets in order to loot them. But the courts don't see it that way. The not so subtle hand of the Feminazis created a system by which the wife, usually the financially dependent spouse, uses the power of the court to expose the husband's assets in order to expropriate an unjustified percentage. Meanwhile, the courts all but prevent husbands from laying bare the moral turpitude of their wives. And, just in case the husband manages to somehow prove his wife at fault, the courts say never mind and still reward

her a large chunk of the assets the husband earned while the wife lived off his largess and cheated behind his back.

A guy works hard during his marriage to save money for retirement, discovers his wife's a slut or a shrew, but the judge hamstringing him from proving it, and even when he does show his wife's revolting conduct destroyed the marriage, she still gets a lot of his money—a classic Feminazi Catch 22. The domestic relations courts, as with other government bureaucracies, simply believe females have the right to engage in whatever conduct they wish without paying the price—that's left to those they harm. The rules and the discretion given to the many man-hating judges in matrimonial courts result in those courts harming mainly men.

The odds were slim to none for a judge in the New York Supreme Court in Manhattan to direct my wife to provide me with names, telephone numbers and addresses for potential witnesses or documents to help prove my case. I'd have to find them myself and hope a jury would consider them. Using Poisoned Dragon's diary, my telephone logs, the Russian telephone recordings and other investigatory results; I drew up a list of people, many identified only by their first names, others by a description or when and where I met them, and next to each noted the issue or issues about which they might have information.

With an annulment, the court wiped the legal record clean, which was what I wanted to do with my memory. But to win an annulment, meant finding more revolting secrets about Poisoned Dragon of which I didn't know before we last cohabited together on December 4, 2000. Adultery ranked next in my choice for ending the marriage, but the New York courts make it difficult to prove. Neither spouse can testify against the other, so the evidence of adultery must come from other sources such as her sex partners—fat chance, but I had to try. Since her dairy chronicled her previous affairs before and after our marriage, by showing she

continued to associate with these lovers and clients, a jury could infer she also engaged in further sexual activity for which I didn't forgive her because I didn't know about it. But I needed testimony to support her continuing association with former lovers and customers. Even better would be testimony that she continued working as a prostitute throughout our marriage.

Even if I didn't win on annulment or adultery, I felt confident in obtaining a divorce for cruel and inhuman treatment no matter how biased the judge was against men. Under a claim of cruel and inhuman treatment, the adultery defense of cohabitation didn't apply. I could use the adulterous acts detailed in her diary to show she treated me in a despicable manner harmful to my emotional well-being for which the court should grant a divorce. Before the court, however, would admit the diary as evidence, I needed to authenticate it.

Authentication required a sample of her handwriting to show she wrote the diary and not someone else or testimony by people who could recognize her handwriting, preferably both. The letters she sent me wouldn't do to identify her handwriting because they were written in English, which uses a completely different alphabet than Russian. A writing sample in Russian by her was needed. I also needed testimony verifying a fair number of the events in the diary as accurate so that the court could conclude the writings expressed her thoughts and acts rather than just a girl's fantasies or the draft for a novel. Secretly making a copy and intimidating her into giving me part of the original didn't prevent its use as evidence.

My first step meant showing Poisoned Dragon's diary to various people she wrote about in order to confirm it mirrored her sorted reality. Showing Poisoned Dragon's diary to her friends and acquaintances meant endless humiliation for her, a pleasing prospect, and my traveling to Krasnodar to track down some of these people, not a pleasing prospect. Another way of showing she actually wrote the diary required taking her fingerprints off of the original

pages I forced my wife to give me in September 2000 when I surprised her on returning from Cyprus. Since Immigration had her prints on file, the presence of them all over those original pages implied she wrote those pages and the handwriting could then be compared with the rest of the diary of which I only had a copy. But could I get her prints from Immigration or convince a Feminazi judge to order Poisoned Dragon fingerprinted—all iffy bets. Better to try to find someone in Krasnodar who might recognize her handwriting or obtain a sample of her writing in Russian.

Looking for evidence in her backyard would likely stir up some trouble, so I wanted some Russian guys with clout to call on in case something stupid happened. Kroll won't do because by then my former boss, the Feminazi-lesbo, and her girlfriend had turned the firm in Russia into a timid, feminine operation to insecure to help me and that acted irrationally. I needed some guys with guts and honor, and I knew exactly where to turn.

During one of my prior trips to Russia in the early 1990s, I had met at a conference the boss of a Russian private eye firm that handled especially dangerous or difficult cases that other firms were too scared or incompetent to carry them off. The firm included former military intelligence (G.R.U.) agents, but in Russia, once a member of the G.R.U., always a member. During the cold war, the West knew about the K.G.B., which spied on Russians and foreigners, and the national police force the M.V.D., but few ever heard of the elite G.R.U., a secret group, independent from the K.G.B. and M.V.D. and beholdings only to the military's general staff. No one applied for a G.R.U. post—they were chosen. The G.R.U. held a more practical view of the world than the Communist xenophobes in the K.G.B. or M.V.D. After the Soviet Union collapsed, the G.R.U. continued to protect Russia's interests as seen from a global, long-term perspective within a civilized world order while the K.G.B., turned into the F.B.S., used its

crime-control functions largely to protect criminal syndicates that looted the nation. In the M.V.D., corruption ran rampant with some policemen acting as contract killers for the syndicates. The G.R.U. remained a cohesive, highly efficient and professional military intelligence agency trying to keep Russia from sinking to the level of a third world bandit country. G.R.U.'s symbol is identical to the one used by Batman.

My G.R.U. contacts provided me the name of a high-ranking law enforcement official in Krasnodar to contact in case the forces of destruction decided to pay me an unfortunate visit in Southern Russia. The official eventually sent a warning to Inessa in the form of a couple of police officers that the local M.V.D. knew about Poisoned Dragon's threats against me, her work as a prostitute and was keeping an eye on Inessa and her daughter's activities. The officers reported back that Inessa didn't appear intimidated but a rather hard woman who was not completely sane. Inessa's posture didn't faze me. I knew both her and Poisoned Dragon masters at appearing tough while inside the fear and hatred bubbled to borderline lunacy. Thanks to my G.R.U. guys, I didn't need to worry about Russian toughs waylaying me on a dark Krasnodar street.

As part of my home front offensive in New York City, I enlisted a young, good-looking Russian guy to work undercover for me by going to Flash Dancers periodically in an effort to befriend Poisoned Dragon to see what information she might unwittingly drop. A mission unlikely of success given Poisoned Dragon's propensity for secrecy but worth a try, since the young age of my agent and his ability to speak her native tongue might cause her in a moment of loneliness and weariness to drop her guard. In order to make her feel closer to him, it was better that he didn't appear as the usual customer, virtually all of whom she hated. I instructed him to

pay her money just to sit and talk and not for any lap dances, to try to create the image of a younger protective brother.

### Shape of Things To Come

Before my excursion to Indian territory in Krasnodar, I had to appear at the April 6, 2001 hearing in the Feminazi infested Queens Family Court for a determination of whether Poisoned Dragon, I or the both of us received Permanent Orders of Protection. About ten days prior to the hearing, the trinity of evil switched their objective. Finally realizing they couldn't bludgeon me into committing perjury before the INS, they tried to intimidate me into caving on the order of protection hearing and settling without a trial the annulment/divorce case. Poisoned Dragon and her lawyers didn't want to risk through the hearing or a trial the exposure of her fraud on the INS and State Department, tax evasion, smuggling money overseas and prostitution. So Mundy lied to Judith, still my lawyer, that he had obtained medical records proving I repeatedly beat my wife. Unfortunately for me I didn't, but should have. When I was a Kid, I quickly learned that if you are going to be blamed for something—you might as well do it.

Judith, as with most modern-day female cauldrons of hostility boiling with certainty in the perpetual guilt of men, grilled me over the telephoned in her loud, nasty voice trying to beat me, her own client, into confessing misdeeds for which she only had a two-bit opposing lawyer's accusation. It never occurred to her that maybe Mundy lied. Why she was doing Mundy's work for him by giving her own client the third degree? It didn't make sense. Did she want me to cut a deal, so Poisoned Dragon could avoid a hearing on the orders of protection and a trial in the annulment/divorce case? Or had the Feminazis turned my country into a land of mean-spirited twisted female gnomes yelling for the above-the-neck head of any man.

Angrily I said, “It never happened. The only person who ever got hit was me when my wife slugged me in the back. Did you ask Mundy for copies of the medical records?”

“No,” she curtly answered.

“Why not? How do you know he’s not lying?”

Silence. I continued, “Call Mundy and ask him for copies. Anything he produces will be a phony. He might get some Russian doctor to falsify documents but then we can subpoena my wife’s HMO records to show she never used it for any medical treatment and cross-examine her on why she paid a Russian doctor instead of using her HMO doctor for free.”

Having failed to make me cave, Judith changed the subject, “Let’s discuss the upcoming hearing.”

Like so many attorneys, Judith didn’t realize whom she worked for. She thought I should do whatever made her life easier, regardless of the truth or justice. Judith looked on me the way my wife saw the thousands of men for whom she stripped—suckers. I’d keep Judith through the hearing on the orders of protection, then dump her for a male lawyer.

We decided to request the female judge in the Queens Family Court to transfer both of the protection order cases to the Manhattan Supreme Court where the annulment/divorce proceeding was. Judith would argue that it made more sense for one court rather than two to deal with the disputes between my wife and me. All courts try to save time, money and energy by transferring cases between the same parties that have related issues to one judge.

Personally, I didn’t give a damn about making life easier for the troglodytes in the Queens court, I just wanted out of that den of male malevolence to a place where Judith told me the truth stood a better, although slim chance, of winning. In the Manhattan Supreme Court, we would proceed to a trial on the annulment, divorce and orders of protection before a jury. If the

Queens Family judge denied the request, then at the hearing, we would try to paint a picture of Poisoned Dragon as a ruthless professional prostitute willing to do anything to remain in America in order to make big bucks in the sex industry, which included lying to the court to obtain a Temporary and Permanent Order of Protection in a scheme to intimidate me into helping her acquire a permanent green card. I fully expected my wife's lawyers to oppose transferring the case to a slightly less biased court.

Before the hearing, I started searching for a male attorney. Unfortunately, in New York City in the new millennium, it's impossible to identify a man from his biological characteristics. One well-respected lawyer sporting a beard actually told me that the current generation of men must pay the price for thousands of years of treating women badly. This clown epitomized the Feminazis' "new man"—ignorant, emasculated in mind and soul. What a dope. He knew neither history nor how females work.

About 10,000 years ago when females controlled the technology of farming that had replaced hunting as the primary source of food, they brutally ruled over the fates of men's lives and deaths. Their drunkenness with power drove females to treat men no better than dogs as Frederick Engels described in *Origin of the Family*. As civilization grew in complexity, females relinquished to men the control of institutions for defense, the administration of public works and the functioning of the markets. Women no longer sat astride the levers of society's power because they realized it was easier to dupe men into doing the hard and dangerous work. Besides, guys were better at dealing with complexity. Mothers simply molded the pliable minds of their young boys into believing a man's purpose in life was to sacrifice himself for females. That allowed the little misses to greedily enjoy the fruits of men toiling their lives away or, as in



America since the 1970s, to use affirmative action to force men to step aside so that females could enjoy all of society's benefits while men shouldered most of the burdens.

Whether traditionalists or Feminazis, females created for themselves a privileged position out of an insidious false belief perpetuated by indoctrinating young children that women belonged on a pedestal whether as the weak, innocent, gentle girl in need of manly protection or the independent and strong super-heroine in need of obsequious worshippers. Consistent with female irrationality, the logical contradictions of the two pedestals don't prevent modern day females from alternating between the two whenever it serves their selfish aims. The traditional girl laughs as men go off to work in hazardous occupations to bring home enough money for her to purchase the useless bobbles, fashions and cosmetics that satisfy her vanity or secure the social status she desires. The Feminazi laughs as she claims the most desirable jobs for which she's not qualified. And they both laugh as war, the greatest of man's horrors, is still fought for land, riches and society's self-aggrandizement that the traditional girl yearns for and goads men into fighting for while the Feminazis relish the reduction in male competition for society's perks that war brings through death, injury and the lost of time.

A chief cause of war has always been stealing another tribe, city-state or country's natural resources so that females could enjoy a plusher life style. Most of the clothing stores and other retail shops on Fifth Avenue and lower Broadway, known since the 1800s as the ladies' mile, cater to females, since the average girl consumes more than the average guy. Fashion for females changes every year, so for a girl to stay fashionably attired in order to satiate her vanity requires buying the latest and dumping the old. In the end, the average girl causes not only the depletion of more natural resources, whether won by war of arms or business, but also causes

more pollution than the average guy—don't forget the tons of cosmetics and other girly products washed down the drain everyday.

For the Order of Protection hearing, a couple of pals, Jeff and Alan, accompanied me to the Queens Family Court to make sure Poisoned Dragon didn't corner me in some hallway or elevator so she could falsely yell rape or claim assaulted in order to once again exploit the modern American version of justice that all men are guilty when accused by a woman. By now, I understood why some men chose to circumvent the courts by just blowing some lying ho away—it was the only way they could get justice. Alan pointed out my wife as we entered the waiting room that looked like an early, retro motor vehicle office. She was dressed all in black, as usual, and her breasts looked bigger, most likely thanks to foam rubber. She probably hoped the judge was a lesbian—a good chance in New York City. She didn't look stressed and seemed rather confident, and so she should for American courts are the inquisitional engine used to destroy men who refuse to believe as do the Feminazis. The orc, my attorney, finally waddled in. Judith talked with Poisoned Dragon's attorney who wasn't Mundy but a girl lawyer from his office. Mundy ran the show, but for appearances, he used a girl lawyer as a front to appeal to the usual judges' biases against men. To my surprise, Poisoned Dragon's attorney agreed to move the case to the Supreme Court where the annulment and divorce proceeding was filed.

The bailiff called both sides into a large closet masquerading as a courtroom with a female judge, who was propped up behind a bench that couldn't weather a strong sneeze. The ever-present officer with a pistol stood off to the side in case a man decided he wanted justice instead of persecution. The bailiff directed Poisoned Dragon and me to sit in two chairs smack next to each other in front of the higher-seated, man-hating judge. Always wanting to be on top, Feminist judges usually positioned the chairs to further belittle the men whose rights they

violated on the say-so of a duplicitous female. I pulled my chair away from Poisoned Dragon's and sat down. Both our lawyers requested the transfer of the hearing to the annulment/divorce court, which the judge, seeing an opportunity for less work, quickly ordered.

Jeff, Alan and I couldn't figure out why Poisoned Dragon's attorney agreed to have the case transfer. Something wasn't right. The transfer did extend the Temporary Order of Protection against me to the end of July, but that meant next nothing, since the odds of my accidentally coming within 500 feet of my wife were slim to none. Perhaps Poisoned Dragon's lawyer thought that in opposing the transfer, the judge might go ahead and grant both sides a permanent order of protection, which would cause Poisoned Dragon problems with Immigration. In any event, although my wife didn't know it yet, a delay in the hearing helped me because now I could travel to Krasnodar, scheduled for the following week, without being under the cloud of a court finding that I had threatened my wife.

A permanent order of protection would reduce my credibility with potential witnesses while the Temporary Order provided a laughable example of how twisted America had become under political correctionalism. Russians, men and women, thought temporary orders of protection typical American hypocrisy for the world's alleged bastion of liberty and due process. Even Stalin allowed his purge victims their day in court before the judge inevitably condemned them, but in America, where the rest of the world knows women rule in order to destroy men, a man might end up in jail if a duplicitous woman decides to put him there—even without a show trial. Sure he may be exonerated later on, but he'll never get off of America's newest black list, more accurately called the "pink list" or the domestic relations offenders roll, which predominantly consists of men put there by lying hos and Feminazi judges. The government, media and business use the list to grind into the dust any man who dares go up against a

scheming female. All it takes is a temporary order of protection—no trial, no hearing, no right to defend to put a man into the F.B.I.'s data base.

## Help

The next day, Saturday, I met a friend arriving from Czechoslovakia. Traviesa, twenty-four and hot, needed a place to stay, for free naturally, and to hide from her former boyfriend, Bobby, a cousin of the deceased mobster Joey Gallo. The fall of the Soviet Union cried havoc to an unsuspecting world as it let loose a flood of pretty young girls bent on conniving their way into the good life in America.

Traviesa and I first met in my Russian language class at Hunter College in 1998. Right from the beginning, I knew she was trouble. She first arrived in New York City the same year at age nineteen to nanny the kids of Bobby and his wife, who was related to the mafia don John Gotti. Traviesa quickly replaced the wife as the apple of Bobby's thirty-something eyes, and over the next few years, he ended up broke, divorced and addicted to cocaine. During her adventures, she periodically hid out in my apartment from her jealous, and rightly so, boyfriend. As with all pretty, young things, she wanted to have fun and did. Some of her stories sounded more dangerous than fun, such as when her fellow Czechoslovakian girlfriend picked up a stranger at a disco and had unprotected sex with him just to get back at her boyfriend for some alleged slight while Traviesa laid awake in the same bed.

Traviesa's hoodlum associates didn't concern me because of my past encounters with goons during my media days. Like Russian gangsters, they're cowards at heart, but can be real annoying, like spoiled children.

One night, during her periodic hiding from Bobby, Traviesa and I took in the Old Blue Rugby Football Club's annual spring dinner. In younger days, I played mediocre rugby on one

of the lower squads for that very good team. After dinner, Traviesa asked me to take her to a bar in Bobby's neighborhood, not any bar, but Bobby's favorite. Traviesa hoped to find some wealthy guy she had previously met there.

"Get one of these 220 pound ruggers to take you. I only weigh 160. Both Bobby and his ex-con brother are bigger than me, but not these guys." I said motioning to the thirty odd guys at their physical peak after a year of rugby.

She chimes, "Oh Bobby won't be there. Besides, I'm too shy to ask one of these guys. You know I have a hard time meeting guys."

"Since when?"

"Stop," as she slapped my arm in knee jerk protestation.

"Look, not a problem, I'll get the coach to introduce you to whomever you wish, and have him say you're my niece. You're a good-looking babe Traviesa, and as I told you before, your breasts and ass are just right. You can have your pick of these guys. I'm sure one of them will take you to the bar, act the gentlemen and the rich guy will see you with him and become interested in you. Isn't that the way you girls think? "

Whispering in the chronic conspiratorial tone of her seductively husky voice, "No, anyway I'm too fat, and too shy to ask any of them. Wouldn't you take me to the bar? I'm really interested in this guy."

"I thought this guy was gay."

"I think so, but he's rich. Pleaseeeee."

Bored, I took her to the bar after the rugby dinner. Naturally the guy's not there, but within minutes of our arrival in walks Bobby and his ex-con bother Viny. Bobby and Viny came from the lower order of the intelligence scale and diligently worked their way down from there.

Traviesa, a smart, shrewd girl played Bobby because at this point in his life he still had money.

Traviesa and I never fooled around because I knew she was nothing but trouble. Just look at this fix she got me into without sex.

As Bobby and Viny approached, I went on red-alert and decided not to play the obsequious weasel to her Neanderthal boyfriend by explaining my relationship with Traviesa, which he wouldn't believe anyway thanks to Traviesa previously confessing to him that she was staying in my apartment. To my surprise, neither of these mob-related guys with over-active mouths came close to fighting or even verbally provoking it. They reserved their epithets for Traviesa, and I didn't care; she wasn't my girl. If she wanted to protect her honor, she could do it herself. The three of them moved to the sparsely occupied back of the bar to conduct prolonged negotiations while I sat with my drink in the crowded area, just in case. Traviesa decided to stay, and I with some relief immediately took my opportunity to escape this mafia domestic-relations dispute and went home to sleep.

Bobby, however, felt differently and telephoned me at two in the morning saying he was coming over to pick up Traviesa's belongings and that I'd better have them ready! This idiot apparently saw too many gangster movies.

I replied, "You can go wherever you want, but if you knock on my door, I'll have the police through you in jail, and if you breakdown my door, I'll take out both you and your jailbird brother."

That ended the calling for that night, but periodically throughout 1998, even after Traviesa moved out, he'd call around four in the morning after a night of shoveling coke up his nose looking for Traviesa. He became an annoying joke, so I had to call his third brother, the

older and smarter one, to tell Bobby to knock it off, or I'd go to the police. The calls stopped, and Traviesa returned to Europe in December 1998.

The next time I heard from her was September 1999. She telephoned me at Kroll in Moscow to say she was working and partying in Majorca, but had spent all her savings from work on clothes and now needed \$400 to get back home to the Austro-Hungarian Empire.

"Why don't you ask Bobby for the money, he's your boyfriend," I said.

"I can't ask Bobby because he thinks I'm working in the grape fields at home," she cajoled.

"So you lied to him about partying in Majorca?"

"No, I just didn't tell him. Besides Bobby is nearly broke anyway, except for his small loan sharking business and that money he uses to buy coke."

Begrudgingly, I sent her the money, which to her credit, she promptly repaid.

When I returned to America with Poisoned Dragon nearly a year later in 2000, Traviesa's was back in town legally working under a visa Bobby got her through his father's parking garage business. Bobby was off the coke and making some money again. The four of us went out to lunch together, which finally got Bobby off my case after he met my wife. The only benefit I ever received from marrying Poisoned Dragon.

In the fall, Traviesa dumped Bobby, again; he was completely broke, and she went back to Czechoslovakia for college. After a couple of semesters, she needed money, so with her visa about to expire, she flew back to New York in April 2001, and like the soft-hearted jerk I am, agreed to let her stay in my apartment for free.

At JFK, I spotted her coming out of the arrival gate. She looked better than last time I saw her nine months earlier. Back then, I still hoped Poisoned Dragon would metamorphose into a human being. I made my way over, we kissed hello on the cheeks.

“How was your flight?”

“I almost missed my connecting flight because the flight to Frankfurt was delayed.”

Frankfurt, I thought, the same place Poisoned Dragon flew into when returning from whoring in Mexico. Would reminders of her forever haunt me?

“Well, you’re looking good. Your breasts are bigger. What happened?”

In my middle age, I had discovered that young girls willingly talked to me about their most intimate and nefarious matters. They no longer saw me as belonging to the pool of eligible suckers whom they needed to deceive into thinking they were good girls of marriageable quality, and they likely wanted me to know of their availability for seduction by a middle-aged guy willing to spend money on them. These girls confided in me about their boyfriends, their one-night stands, guys who came to fast or were otherwise lousy in bed, guys they used, guys they conned drinks out of, girls they sexually played with, drugs and general stupidity, but the key themes were always boys and sex. It didn’t take me long to conclude that the pretty young things I idealized in my youth, regardless of nationality, were incapable of fidelity. They constantly deceived their main boyfriend into believing he was the one and only. They were all hos. The only difference, the degree of hoing and the form of compensation. My wife went for cold hard cash, while most conned favors and gifts. Not a one knew anything about morality; they firmly believed in survival of the sluttiest. Had I only known that when younger?

Traviesa answered, “My mom has been stuffing me with food and I got fat especially my rear.” She turned to show me her ass. It didn’t look fat to me.



“You’re not fat. You’re just the right size that guys want. So how much longer until you get your undergraduate degree?”

“Two semesters, I’m the oldest in my classes. I feel I’ve wasted so much time, and now I have to skip a semester to make some money. You said a friend of yours might teach me to tend bar?”

“I’m sure he’ll be happy to and try to sleep with you at the same time, but that’s up to you.”

“I can handle that.”

“I’m sure you can.”

“Stop it Roy. I’m not like your wife.”

“Well you do come from Eastern Europe, the former Soviet Union.”

“I’m not from Eastern Europe but Central Europe, and Czechoslovakia was not part of the Soviet Union. I despise those Russians. They destroyed my country’s economy and acted like pigs when they occupied my country. When I was a little girl, I had to walk past the Russian soldier barracks to get to school. I was so scared they’d rape me that every day I ran as fast as I could pass the barracks, praying no one grabbed me. When they finally left, we were so happy. We cheered them leaving.”

“I’ll cheer when the INS makes Poisoned Dragon leave America for good, if it does.”

“A new name for your loving wife. How appropriate, but I still like your original endearment of ‘Angel,’ she mockingly said.

“Be nice, or I won’t call my bartender friend Tom.”

“So tell me about you and Angel. What happened?” Young girls always liked to talk about relationships.

“I finally kicked her out of my apartment. She and her attorneys tried to get me to lie to Immigration to help her get a green card; I refused, so they had her take out a Temporary Order of Protection against me hoping it would pressure me into doing what they wanted. That’s when the war started. In response, I filed an annulment and divorce action that they’re trying to force me into settling so they can avoid a trial that will expose her having lied to the Government to get into the country.”

“Nice people. What happened with the Temporary Order of Protection?”

“The hearing was yesterday, but both sides agreed to transfer it to the annulment and divorce court.”

“Why didn’t you expose her at the hearing and use that with the INS.”

“My lawyer said I’d have a better chance in the other court, the divorce court.”

“Well, from what I saw with Bobby’s divorce, men don’t have a chance in any New York court.”

“You know, you’re right. Hmmm, so why then did my lawyer say I would?”

“To get you to agree to the transfer, of course. Even I can see that. Maybe your lawyer and Angel’s lawyer cut a deal?”

“Of course! Why didn’t I see it? Mundy calls my attorney with this lie about medical records showing I beat my wife; my lawyer uses that to try to hammer me into a settlement, but when I refuse, Mundy and my lawyer concoct a scheme to switch the Order of Protection hearing to another court. That way it buys Poisoned Dragon time to apply for a permanent green card without a court record of any criminal activities hanging over her head.”

“I think you need a new lawyer,” Traviesa advised.

“I’m already looking for one. But the INS takes months, sometimes years before deciding to grant a permanent green card, and by then the hearing and trial will have occurred, so the INS will end up with a court record anyway.”

“But in the meantime, Angel continues to make big bucks at Flash Dancers.”

“I should have used you for my lawyer instead. Looks like another goof on my part, or more accurately, another sellout by an American Feminazi! I’d like to nuke them all! But why would my lawyer conspire with Mundy? She’d make more money with a hearing. Maybe she just hates men so much; she uses every chance to knife them in the back.”

“Or something is going on that you don’t know about.”

“What do you mean?” I asked.

“In my country, when things happen that don’t appear to make sense, it’s because people behind the scenes are controlling peoples’ actions.”

“But this is America, not a former communist country. Who could possibly pressure my lawyer to sabotage her own client?”

“I don’t know. It’s your wife, not mine. Maybe she has powerful friends?”

“In Krasnodar yes, they’re all her Johns, but in New York City, I don’t think so. It’s probably just Feminazi dictates that require females to harm men at every chance. Well, I’ll just have to wait a little longer to expose my wife in court.”

“Are you sure you’ll get the chance?”

“My next attorney is going to be a man, no more relying on these scheming Feminazis. I’m not settling anything without a trial.”

“I hope you’re right.” Traviesa asked, “Is Angel still working as a prostitute?” .

“It looks that way.”

“What a slut, to her money is more important than another person’s feelings.”

It still hurt when people called my wife a slut, but it was the truth. “She’s quite adept in her scams. She can take your last dollar from between your teeth and then look at you like you stole it from her.”

“When I met her, she didn’t seem like a tramp or a crook, which, I guess, meant only that she could be both with more success than if she had.”

“You’re absolutely right. Her innocent face hides more than a lying tongue.”

“She seems very good at sizing up men accurately and quickly. Moving from one to another, using sex as both sword and shield and always leaving them poorer—just a shallow machine for making money.”

“Once when putting my fingers inside her, I was surprised at not being able to feel the walls of her vagina. That experience, more than any other, brought home to me the reality that she’s as hollow and empty as the spaces between the stars. There’s nothing inside her but cold malicious darkness.”

“She probably uses it to smuggle drugs and money.”

“Money, yes, and likely drugs. I don’t even want to think about what else she’s put inside her. How can a girl live like that?”

“Easy if she’s Russian and greedy, and she’s both.”

I changed the subject. “So is Bobby going to start waking me up at four in the morning with more annoying telephone calls?”

“No, he doesn’t know I’m here, and I want to keep it that way.”

“Well, I’m not about to tell him.”

Traviesa took up residence on my couch. That night alone in bed, I felt somewhat at ease for the first time in two months as though Traviesa's presence protected me from Poisoned Dragon's endless black magic curses aimed at destroying what was left of my life. Ever since the Temporary Order of Protection, I felt under assault, not just from the typical attorney exaggerations of imminent doom, but also from unnatural feelings of dread. Unnatural in that they didn't seem to originate from me. I'd experienced stress before, but never such feelings of hopelessness and powerlessness. My despair grew strongest near the full moon, which, according to Poisoned Dragon, her black magic powers were at their strongest. My tutor's magic book stated that Russian witches cast spells after the new moon so the spell will grow in power as the moon turns full, but after the full moon, the spell fades away as the moon wanes and needs repetition after the new moon. For two months, I had put up with this roller coaster of metaphysical assault on my psyche trying to push me into giving up. Many of my so-called friends didn't help either by advising I should let this Russian criminal get what she wants and move on with my life. But now, Traviesa's presence seemed to lessen the black magic turmoil.

Did the powers of pretty, young girls actually reached into the metaphysical realm to battle each other? Traviesa needed me alive, at least temporarily, to provide her a place to live while she learned bartending. Poisoned Dragon wanted me dead because under the Immigration law, a wife, even a separated one, with a dead husband was a shoe in for a permanent green card. And in our case, my death meant the elimination of the only person who cared enough to keep after the Government to enforce its laws by deporting her back to the medieval ages of Russia, where she belonged with all the other refuge of a failed civilization. Whatever magic Traviesa practiced or carried as her birthright staved off Poisoned Dragon's curses and allowed me to sleep normally once again, although my dreams still consisted solely of nightmares.

Through out my tribulations, I tried to understand how other people handled doomed situations. Years earlier a television reporter friend for whom I worked as a producer at WABC-TV News ran into a hopeless situation with death as the only way out. He contracted terminal cancer while at the same time a female writer in the newsroom falsely accused him of striking her. This girl writer, renowned for her incompetence, decided to use the modern day female weapon of combining the traditional view of women as the weaker sex in need of extra protection with the modern belief that all men were brutes, and, therefore, automatically guilty whenever accused by the alleged fairer sex. In order to avenge herself for my friend's frank reminders of her ineptitude and most likely against all the men who rebuffed her crude sexual advances, she lied about receiving a blow she most roundly deserved. Her false accusation required my friend to change jobs, pushed him into financial difficulty, aggravated his illness and caused him to die sooner than he would have. Leave it to a female to hit a man when he's down.

Not unlike the 1950s, when low-lives used false accusations about communism to destroy peoples' lives; today females use lies about assault or harassment to decimate men because then as now the accused are considered guilty until they prove themselves innocent. Feminazi-McCarthyism has destroyed more lives than Joseph McCarthy ever did. Such a tactic contradicts one of the primary reasons for the American Revolution: due process, a person is presumed innocent until proven guilty. The Kings and Queens of Europe and the Catholic Inquisition torched countless people because of the impossibility of proving a negative, that a person did not do what the state accused him of doing. America's founding fathers knew how humans tended to abuse power for selfish gains, how the powerful summarily eliminate their critics with witch-hunts, so they included in the Bill of Rights a guarantee of due process of law in which the crucial tenet held that the accused are presumed innocent until proven guilty, rather than the

other way around. But today that keystone of justice has crumbled for men, leaving them vulnerable to malicious females that make false accusations for vengeful, vain, monetary or other wrathful reasons.

In the case of my reporter friend, the girl writer said that when the two of them were alone in an editing room, he struck her. Funny how the acts that females falsely accuse men of always seem to take place without any witnesses other than the man and the girl. Her mere accusation made my friend guilty. Without a witness or big brother's all Seeing Eye, he couldn't possible prove himself innocent. It was a shame that his family obligations prevented him from taking matters into his own hands by bringing the swift sword of justice to that duplicitous, empty-hearted female. At the time, I sensed my friend's plight vaguely foreshadowed a similar situation awaiting me, and vowed that when my time came to battle feminine treachery, I would not find myself in a similar position where duty to others prevented me from exacting justice.

Now that my war had started, the full emotional travail became clear when all a person's joy dies with the termination of hope or pleasing thoughts for the future. On the other hand, everyday hammered my character a little bit meaner, especially toward the Feminazis.

### Image of a Girl

Leaving Traviesa in my apartment along with two other friends who needed a place to crash for a few weeks, I again arrived in Moscow to stay with my translators, Sasha and Anya, both twenty now. In return for the accommodations, I paid a reasonable rent in dollars, bought groceries, which they promptly ate, and gave them some Macy's silverware to replace their dysfunctional Soviet tin utensils. They were thrilled with the spoons that didn't bend and the knives that didn't need sharpening. Moscow still had "grinders" roving the streets putting cutting edges on kitchen knives.

Sasha and Anya, as with the vast majority of Russian college students, lived exceptionally poor, skirting the line of constant hunger. They really loved sweets, probably because sugar dulls the appetite. Their refrigerator often contained only cake and bread. Both came from middle-class families with the fathers and mothers working at what Americans consider respectable jobs. In Russia, however, such jobs didn't pay enough for parents to significantly help with college costs even with free or nominal tuition, a holdover from the Soviet era. The well-educated middle class in Russia was poor, so students often worked at full time jobs while in college just to make enough for survival. No wonder many pretty coeds went in for part time Banya orgy work under New Russians and foreign executives. Coeds also made ends meet by dating older, wealthier guys who favored them with material favors. I don't think Sasha or Anna went in for Banya work, but they did date older, more established men.

The night before my flight from Moscow to Krasnodar, my buddy Tony and I hit a disco with his latest non-pretty Russian concubine. Tony commiserated over the disaster of my marriage to Poisoned Dragon and, to my near shock, bought me a few drinks. Tony's reputation for frugality surpassed only his notoriety for hustling his buddies' girlfriends. Even at strip clubs, whether dating the stripper or not, Tony only paid the girls 40 rubles for a lap dance, which was about two dollars, when the going rate was 100 rubles. There had to be some ulterior motive for his largesse in buying me drinks. Sure enough, he wanted Anya's telephone number. Tony met Anya, the little red haired girl as I called her, when she and I were in a disco in Moscow. Ever since then, he badgered me for her telephone number. I agreed to give it to him, if she okayed it.

American executives in Moscow struck me as a sorry bunch of losers by American standards, whether on the girl or occupation fronts. Of course, who was I to talk? Anyway, they



couldn't compete in America, so they gravitated to Russia where they appeared as big shots, at least in their own heads.

In the evening on Easter Sunday, April, 15, 2001, I took the two-hour Aeroflot flight to Krasnodar. After landing at the same old airport out of the 1930s, I negotiated a taxi driver down from the usual astronomical fee they asked of Americans to about twice the going rate for natives. With Russian taxi drivers, or more accurately ordinary citizens freelancing as taxi drivers, the lone passenger always sits up front. Russians, especially outside of Moscow and St. Petersburg, seldom run into Americans, whom they hold in a mixture of awe, envy and dislike. Most Russians, given the opportunity, will launch into a lot of questions in the hope of salvaging some of the old pride that still lingers from the lies they once believed under the Soviets. As a guess in their land and not wanting to end up in a ditch, I always tried to accommodate them with a few criticisms about America of which I had plenty. Between my driver's poor English and my poor Russian, I explained my situation—he laughed, warning me, as if I didn't know, that the greatest evil on earth was Russian prostitutes, but that an honest Russian woman, which I doubted existed, was one of the greater goods. He advised I should find me one and forget about Poisoned Dragon.

Monday morning, April 16, 2001, consciously eager to start finding information and unconsciously to start causing trouble, I began to worry, as Natalya, the same translator I used the previous September, didn't show on time. Russians are notorious for backing out of an arrangement, when it suits them, or showing up late, when it suits them. I didn't know which was the case here and began to worry about finding another translator. Natalya finally appeared, two hours late, explaining she visited her parents out of town over the Easter weekend.

Normally, the Russian weekend unofficially starts on Thursday as everyone who can escape a city, as though from a sinking ship, bolts until late Monday morning, when they trudge back to the serious urban health hazards of all Russian population centers. On holidays, however, even religious ones in this previously atheistic country, all Russians become believers overnight in order to take advantage of an extra day off from work and leave the cities by starting, in this case the Easter weekend, on Wednesday.

In the lobby of the Moscow Hotel, Natalya beamed her smile as she greeted me, “So what is our mission this time?”

“I’m trying to gather information I can use in the divorce court back in America.” I went on to explain the legal reasons and methods for authenticating Poisoned Dragon’s diary and why I needed more information about her adultery, prostitution and the life she lived before our wedding.

“Well, let’s go. Where’s our first stop?”

“When I came to Krasnodar to marry Alina last March, she took me to a masseur to treat a martial arts injury to my shoulder. He worked in a one story building at a small old fashion stadium with a track and soccer field on Krasnaya Ulitsa.”

“I know where the stadium is. Do you know the name of the masseur?”

“No, my wife often didn’t introduce me to Russians we met in order to keep their names from me. She obviously feared I might run into them again or track them down and find out some of the truth about her. And I didn’t understand Russian well enough to follow any conversations she had in Russian. So, I don’t know his name, but I will recognize his face.”

“Well then all we have to do is look at each masseur,” Natalya concluded.

We walked out of the drab, dark, Soviet hotel lobby into a sun filled day where birds sang and a warm spring breeze touched the hearts of lovers with a joyful anticipation that I would never feel again. Natalya flagged a car.

At the stadium, I immediately recognized the squat building where the masseur worked. We went inside, no receptionist, so we wandered into the rooms where customers were receiving treatment. I didn't recognize anyone—rats! The receptionist magically appeared on our way out and said one of the masseurs was outside on the track.

Outside he recognized me at the same moment I did him. We shook hands while Natalya translated our greetings. His name was Andrey. At his suggestion we went back inside to his office where thirteen months earlier he miraculously did what American orthopedists couldn't—fixed my shoulder so that I could continue with the martial arts.

Inside, I slowly recounted my tale of woe with Natalya translating and explained why I came back to Krasnodar. Natalya and I pretty much ran through the same routine with all the other people we interviewed that week. People in Krasnodar knew Poisoned Dragon by her given name Alina, so I used that instead of Angelina. Didn't want them to become confused about which prostitute we were discussing. My narrative recounted Alina and I marrying the previous year in Krasnodar, my taking her to America where she made around \$14,000 in cash a month just as a stripper and more as a prostitute. It was important that people in Krasnodar knew the truth about the amount of money she made so that the lingering communistic belief in economic equality, coupled with envy for those better off, might motivate some of her associates into ratting-out a fellow citizen to an American. My narrative also mentioned in passing that she kept most of her money hidden in her apartment. Naturally gossipy Russians would hopefully spread the word until some criminal took it upon himself to relieve her of it. No half intelligent

Russian kept hard currency in a bank because the bankers were even bigger crooks than the average Russian.

The monologue recounted the discovery of her diary from which I eventually learned about her prostitution and that she married me for a green card. These revelations made me decide to obtain an annulment or a divorce, but in order to use her diary in court to prove my case, I needed to authenticate it, which meant people identifying her handwriting and stating that the events she wrote about actually happened. Most Russians didn't understand why I couldn't just get an annulment or divorce without all this trouble—like in Russia, but the New York courts thought differently. As I explained, when both sides disagreed on the reasons for ending a marriage, each had to present evidence at a trial to support its position in order for the jury to decide.

On finishing the story, I gave a copy of Alina's handwritten diary to each person, politely asked whether the person could recognize the handwriting and would that person take the time to read it. Natalya would contact him or her in a day or two to arrange another meeting depending on whether any of the events Alina wrote about rang a bell or by then her handwriting looked familiar. Before letting a potential witness go, I asked a number of questions about Alina in order to come away with something useful just in case the person decided not to meet with me again or not read the diary. Russians often say yes when they are in your presence while inside they're telling you to go to hell. The additional questions usually asked about Alina's reputation, what she did for a living, the names of other people who knew her and any other information they might have about her. During the first interviews, I assumed most people wouldn't bother to read the diary, but nearly everyone we approached did. Natalya later explained that Russians are always looking for interesting reading; especially about someone they know when it lifts the

false veil that everyone uses to deceive each other. Even in Russia there existed a thirst for the truth—about others at least.

After my spiel to the masseur, Andrey said he'd read the diary that night and try to help as much as he could, but added he didn't know Alina very well since he was only her masseur. Then he apologized to me.

"What for?" I asked through Natalya.

He said, "When you were here last year, Alina told me you two were getting married and I joked about it by saying ironically that I was sure she would be very happy. In Russia it is bad luck to joke about such important events."

"I doubt it had any effect. Any marriage to someone like Alina is doomed." Andrey's superstition didn't surprise me; it seemed to lurk in the hearts of all Russians, but that Alina told him she was getting married did. None of the other people I subsequently talked with knew or at least admitted they knew of Alina's marriage before it occurred, and most didn't even know about it until I told them. Obviously, Andrey knew Alina a lot better than he let on.

"What else do you know about Alina? I asked.

"She competed in various track and field jumps until she injured her foot, which was how I met her. After the injury, she started working for a model agency. She was around eighteen then. That's when she probably started working as a prostitute also."

"How do you know she worked as a prostitute?"

"Everybody knows Alina is a prostitute, including her mother Inessa who encourages her to make money that way."

"I thought as much. Could you tell me who some of these people are, and how I can contact them?"

“I will ask them if they want to talk to you. There’s one man, her trainer, who knows more about her than I. He is usually here early in the morning training his athletes of whom Alina was one. If you come by tomorrow morning, I will point him out to you. He is in his fifties. But be careful, he is a very influential and tricky man. Don’t tell him you talked to me.”

“Fine,” I said, and filed away in my mind the warning that applied to every person who had reached an influential position under the former communist government. Such persons still carried clout because membership in the good old boys and girls’ club that ruled Russia didn’t change just because the name given to the political system under which they abused their power did. Alina’s trainer must have made it up the ladder with other commies to where he still exercised significant power through his connections as a result of the former Soviet Union’s emphasis on athletics.

Andrey added, “Also, there is a beauty shop located in the stadium run by a man who may know her.”

“Thanks, we’ll check it out. Do you know which model agency Alina worked for?”

“No, but there aren’t that many in Krasnodar. I’m sure they’d recognize her picture.”

“Did Alina ever win any national track championships?” I asked as an after thought.

Andrey laughed, “No, not even any local titles. She wasn’t very good, always finished well back of the first three.”

She had even lied about her athletic accomplishments—always the phony. Once, while still living together, we went to the beach at Montauk Point on Long Island where she did some of her hop, skip and jump track routines. Her form looked lousy and the distance didn’t amount to much, but what did I know about Russian athletes. In her mind, however, I’m sure she envisioned herself flying like the X Man’s “Storm.”

“What about beauty contests?”

“In 1997 she took a runner up in the “Golden Hair” pageant here in Krasnodar.”

We agreed to meet the next morning, and he would point out Alina’s trainer, Yevgeny. I thanked him for his time.

Natalya and I stopped at the beauty salon in the stadium. The manager didn’t know my wife’s name, but the moment I showed him Alina’s New York City modeling card with her wearing only underwear, he immediately recognized her, saying he saw her around.

Saw her around, I said to myself, what, in her underwear walking the streets? Something strange here again—another red flag flying in the face of my intuition, so I filed it away knowing it would eventually make sense.

“Where next?” Natalya asked.

“I want to stop at her model agency.”

“What’s the address?”

“Don’t know.”

“Do you know the name?”

“No, but once when Alina and I walked past some buildings on Krasnaya Ulitsa, she pointed out one of the storefronts saying she used to work as model there. I remember asking if she wanted to go in and talk to her former employers, but she said the agency had moved. If we can find the building, we can ask the new tenants about the model agency. Maybe they’ll know its name or address.”

“But you don’t know the address. How can we find the building? Krasnaya is a very long street.” Natalya sounded a little hopeless. Most Russians generally give in to negativity.

When one avenue appears block, they just quit as though the fates interceded. Only the criminals seem to possess the American “can do” attitude.

“I remember the store front was on the opposite side of the street from where Alina and I often ate. That means it’s on the same side as the stadium, which is where we are now. And the place was not far from where the park that runs down the middle of Krasnaya ends with a statue. So which way is that?”

“North, right by the Intourist Hotel. Let’s go.”

Across the street from the Intourist Hotel, we began walking south on Krasnaya while I tried to pull up the faint memory of a nondescript storefront. We went a couple of blocks. I paused thinking a particular storefront looked vaguely familiar. There was no sign, no street number, and we couldn’t see inside because of the heavy curtains hanging in the window. The place looked deserted.

“I think this is the one.” I tried the door—locked. Rats, a dead end, but then Natalya, knowing Russian nature better than I, instinctively went to the next door that looked to me as part of a different store. To my surprise, that was the main entrance to the building’s entire storefront. I knew that Russians were masters of false impressions and illusions, but why the camouflage? Was the clientele for the business in this storefront that exclusive?

When we walked in a tall, very pretty girl in her twenties lazing away the time reading a magazine jumped up to greet us. Presumably her attentiveness resulted from immediately identifying me as an American, which usually excited the abacus in any Russian shopkeeper’s mind. Natalya told the girl we were looking for a model agency that previously occupied that store. To both our surprises, that shop was the model agency, in fact, the most famous one in Krasnodar founded by a well-known model named Tatyanna Vasilyeva. Guess its fame meant it



didn't need to advertise its location. Behind the curtained windows stood manikins wearing strange, dated apparel only visible from inside. We were asked to sit while the girl, easily six feet, fashionably walked into the adjoining room to announce our presence to the manager.

In seconds, an auburn haired, over the hill, overweight lady in her thirties, apparently still believing she was twenty, introduced herself as Anastasia Vasilyeva, the daughter of the founder. With Natalya translating, I said I was the husband of one of her former models and asked whether she remembered Alina Shipilina. Anastasia answered of course and invited us into a small office where she offered us the inevitable tea or coffee and cakes with which all Russians traditionally start off any meeting. A day of meetings meant an excessive infusion of caffeine that gave Russians their overly wired nervous look. Anastasia instructed the girl to ask her husband Dima to join us. Anastasia volunteered that the girl was a model, twenty-two years old, and didn't I think her very pretty. I concurred, but wondered why Anastasia pointed out the obvious, and why the girl just sat around the agency reading a magazine looking pretty.

Dima entered with the proverbial Russian grin that mentally made me grab my wallet. Short, a little chubby and looking much younger than Anastasia, he carried the self-confident air of a New Russian experienced at making money from one criminal scheme or another. Natalya and I went into our routine, me in English, she in Russian. At the end, I handed Anastasia a copy of the diary.

Anastasia responded in English, "I will read this tonight. You call me tomorrow and we will talk more about it."

I started to ask my other questions about Alina.

"We can talk more tomorrow," Anastasia interrupted. "But what I can tell you now is that Alina came to us when she was around fifteen. She was very fat. I told her to lose weight

and she did. She has a very strong will. She didn't have any money then, so we financed her training as a model, and she won some small contests plus a second place in the Miss Krasnodar contest in 1997. I can give you a photo of her from the contest tomorrow. All Alina ever wanted was money and the luxury life. We spent a lot on her, and she never paid us back. She just used us and moved on."

"Sounds familiar," I said grimacing through the reminder. "Alina said she regretted not having started modeling until she was 23 because that meant she missed the years in which she had the best chance for success."

Both Dima and Anastasia laughed, "No, she started young enough at fifteen. She had plenty of time and all the advantages for success. She just wasn't that good."

I kept pushing while I had them talking, "She also told me the only reason she didn't win the 1997 contest was because she was poor."

Again they laughed. "Alina was always full of excuses. She lost because the other girl was prettier and more talented. It had nothing to do with being poor or the girls playing around with the judges, for if it did, then Alina would have won! But we will talk more tomorrow."

That gave me pause. So, she tried sleeping with the judges to win the contest, but it only got her the runner up spot. Why did new examples of Poisoned Dragon's willingness to do anything to get ahead, so long as it wasn't honest, keep surprising me? One would think that by now I knew my wife lacked the ability to win at anything fairly, so she needed to cheat in any way possible—a true heir of the evil empire.

"Fine, but do you know any of her friends such as her old boy friend Alexei and a girl named Katya that she often picked up guys with?"

“We can give you Alexei and Katya’s numbers tomorrow.” Anastasia said. “Call me and we’ll arrange a meeting.”

Natalya and I left. I asked my interpreter what she thought of Andrey, Anastasia and Dima. Years ago, I learned that it took a Russian to read a Russian. Americans just can’t tell which Russians are relatively straight or the hard-core con artist. Natalya thought Andrey, the masseur, was hiding something, and that Dima and Anastasia, were only out for money. I gave Natalya a copy of Alina’s diary to read because it might help with further interviews and keep Natalya in my corner. My experiences in the former Soviet Union taught me not to count on any Russian’s continuing loyalty unless the person believed that by switching sides she would lose more than gain. Poisoned Dragon’s dairy clearly depicted a person who used and discarded others while always coming out on top. No one after reading it would ever trust her or believe her deserving of help.

“I’ll read it tonight before I go to sleep,” Natalya said.

“I hope it doesn’t give you nightmares. Also, do you know any reporters who might want to do a story on Alina and me?”

“Of course, I do. That was my profession before I started working for Millennium as a translator. I know one who I will try to contact tonight,” she enthusiastically answered.

We arranged to meet at eight the next morning at my hotel. I headed to a restaurant for dinner while Natalya went back to her office. Typical of Krasnodar, the waitresses were beautiful, young and all giggles when they heard my American accent. But I had walked down that road before, and no matter how enticing and flirtatious these girls acted, I knew only hearts of ice beat under those upright bosoms. The food stunk as in most of Russia, but an extra order of bread filled me up. Walking back to my minus five-star hotel along a crowded Krasnaya

boulevard, I wondered whether the people stuck in this dead-end town or me were the sorrier case.

Tuesday, April 17, 2001, Natalya and I started out on another beautiful spring day by going back to the stadium to talk with the masseur Andrey, and hopefully find Poisoned Dragon's trainer Yevgeny. Andrey said he read the diary but couldn't say whether any of the events depicted were true. He did, however, recognized her writing, which would help immensely assuming he was also willing to sign an affidavit to that effect. I planned not to raise the issue of affidavits with any of the people I interviewed until I exhausted their knowledge about Poisoned Dragon. Most people, Russians or Americans, don't want to get involved in any type of court case, not to mention a divorce proceeding in which they testify against a lucrative, vengeful prostitute. For Russians, such testimony actually posed some danger because prostitutes in their country service mainly the wealthy criminal elite; they're the guys with money, they run Krasnodar and other cities, and they don't want to risk any embarrassing publicity. Accuse a Russian hood of Hitler and Stalin type crimes and they'll puff with pride, but mock their need to pay a girl for sex, and they'll launch a vendetta. Many of the people we would interview would probably beg off signing any documents, but under the Hague Convention I could force them to appear at the local court house to testify. Assuming most would try to lie by saying they knew nothing about Poisoned Dragon's affairs, I could threaten them with perjury—thanks to a handy pocket tape recorder. But all that was farther down the road.

At the moment, I thought Andrey's recognition of Poisoned Dragon's handwriting as weird in that he claimed knowing her only as a masseur. Since when did a masseur gain such familiarity with his patient's handwriting? Didn't he spend his time with her massaging her

muscles and injured foot? Even if Poisoned Dragon paid him with massages of her own, where did familiarity with her handwriting come from? It didn't make sense.

In Andrey's office at the stadium, he said Alina's trainer Yevgeny was out on the track. On our way out, he added that Yevgeny was the man who visited Mexico City for a conference when Alina was working as a stripper and prostitute at The Men's Club. Alina had written in her diary that her mother, Inessa, warned her to keep a low profile while a man she knew from Krasnodar visited Mexico City. Andrey pointed out Yevgeny, I thanked him, and he went back inside.

We walked over to a man in his fifties, concentrating on a stopwatch, timing various athletes. Natalya made a brief introduction. Yevgeny asked us to wait a few minutes while he completed his timings. We sat in the shade and watched. Natalya told me the stadium belonged to the town government, which funded all the sports programs in Krasnodar in which Yevgeny held an important position. I couldn't help but smile, wondering what position my wife held with him. In Russia the main sporting competitions occurred between towns or districts within towns rather than universities or private professional teams, and government officials continued to run the show concerning athletics, just as they did under the Soviets.

After a few time trials, Yevgeny hustled his way over to us. Coaching clearly excited him—nice to enjoy the work one does. I began my monologue, paused for Natalya to translate my first few sentences, but she just kept going. She had the routine down pat by now, and for the rest of my trip, I let her give the monologue. It saved time and came out more coherent for the listeners.

Yevgeny knew how to turn on the charm, make people feel comfortable, disarm them and then provide no significant information while seeming to talk much with great earnest. He

expressed the sympathy of the consummate politician for my situation, promised to read the diary and suggested Natalya call him to arrange for us to meet later in the week. Before we left, he said his only involvement with Alina was that he trained her in the long jump until she injured her foot at eighteen and confirmed that Alina never won any championships, not even local ones, and was mediocre at best.

Next stop, the Krasnodar Academy of Physical Culture where Poisoned Dragon graduated college in 1996 and Inessa worked as an instructor of aerobics and calisthenics. Poisoned Dragon mentioned in her diary a woman named Vera Ivanovna who prevented Inessa from acquiring her master's thesis because Inessa failed to take a required credit. At the time it occurred, my wife bitterly criticized Vera. Presumably, Vera and Inessa were two implacable academic enemies. The inflated, infantile egos of people in academia likely made these two enemies until death, and after the death of one, the other will continue the defamations. Not even businessmen, lawyers or politicians, where so much more lay at stake, carried grudges as intensely as academicians. Hopefully, Vera would jump at the chance to deal a blow against Inessa.

The problem, however, was finding Vera since Ivanovna was not her last name but her patronymic or middle name. So we had to go to the academy and ask some students whether they knew a professor named Vera with the middle name Ivanovna. We couldn't contact the administration because the same old totalitarian tendencies and myopic secrecy of Soviet times still ruled in Russia. Although the Soviet Union sat on the ash heap of history, bureaucrats across the land continued to jealously protect their turfs with the added zest of a siege mentality since now power meant bribes—dollars to buy a lifeboat for escaping the lunacy of Russia. The

Academy's officers would never give out any information on Vera, and probably kick us off the campus unless I paid a substantial bribe.

The Academy occupied an entire block consisting of an ornate, but in need of repair, red brick building from Czarist times and a disharmonious stark, concrete slab addition built under Stalin. We decided to start in the Gymnastics' Department in the Stalin building where Inessa worked. The guard, a middle-aged woman, let us in without difficulty after Natalya told her I was an educator visiting from America, which overrode her desire to exercise the only power she and others like her would ever know—to deny access. Many university and office buildings outside of Moscow use petite bureaucrats for screening anyone entering, another hold over from the paranoid communist days and the Soviet desire to brag about full employment.

Inside, a low ceiling, dimly lit, aesthetically barren lobby oppressed the spirit as though Stalin's hand reached out from the grave. A couple of students told Natalya that Vera was a very popular and important professor in the Department of Gymnastics and directed us to her office. At her office, a student pointed out Vera talking to a group of her students in the hallway. We interrupted and Vera asked us to wait. Standing off to the side, I took in the sight of young, athletic Russian girls, pondering how many of them worked part-time as prostitutes. Also on my mind was what to do if Inessa blundered into the hallway to interfere with her craziness.

Vera finished with her students, and Natalya launched into the story as we stood in the hallway. Students, mostly girls, began to crowd around listening to the real life soap opera with looks of amused surprise and feigned shock. Good, let them hear the truth about one of their own, an alum and daughter of a current instructor. At Natalya's direction, I handed Vera the diary, she promised to read it, and said to call her in a couple of days. We left with Vera shooing

off a group of giggling, gossiping teenage girls. The story should spread through out the department in a matter of hours—yes!

Natalya and I went for lunch during which I asked her what she thought about Alina's diary?

“She is a lonely and cruel girl.”

“Succinct and insightful, but I never thought of her as alone. Only a Darth Vader pretending to be a Princess Leia.”

“Why did you marry her?”

“I guess I saw more in Alina than there was. She's a rather good actress you know, and it was the role she played, the image she created that I fell for. As you can see from the diary, the real her is a cold-blooded, soulless machine that wants only money. And, of course, there were the drugs she secretly fed me, so when she was around I felt good but after she left I felt lousy.”

Natalya asked, “What kind of drugs were they?”

“As you can see from her diary, she doesn't say which ones she used.”

“I don't think she is very smart keeping a diary and trying to fool you while she went to Italy. I don't understand how she thought she could keep that a secret, especially since you worked for an investigation firm.”

“I thought so too, but finally realized it was her arrogance. Alina is a predator who lives off of men, and all predators believe themselves superior to their victims. She naturally thought I was just another victim who would go sheepishly into the night. The irony is that if Alina had been faithful, I would've done anything for her. But she never intended to be. She just lied and used me. And her arrogance assumed she would get away with it. But I'm angry, hurt and will fight her until my last dollar, last breath and perhaps even after that.”



“I hope you win, but it will be difficult,” Natalya said. “This is the best chance for her to become a citizen of America, so she can make lots of money. She will fight with every lie she can make up.”

“You’re exactly right. It’s going to be a long, hard battle, and the truth has no guaranty of winning.”

“So who’s next on your list?”

“Let me call Anastasia at the modeling agency to see whether we can meet with her today.”

Anastasia was busy all day, so we arranged to meet the following morning. She asked me not to bring Natalya because Anastasia wanted to talk about things that were no business of “that little girl.” Anastasia and Dima obviously didn’t want any witnesses. Anastasia considered her own English good enough for us to understand each other. That was fine with Natalya; she didn’t think much of those two anyway.

Not wanting to waste the afternoon, I decided we’d try to find the manager of the movie theater and amusement rides at the end of Krasnaya Street. The previous year just before our marriage, Poisoned Dragon introduced me on two different occasions to a short swarthy man at the amusement complex as a very “good friend,” that euphemism again, who helped her and her mother move from Grozny, Chechnya to Krasnodar. At the time, the man didn’t charge Poisoned Dragon to ride the main attraction: a virtual space shuttle. It wasn’t clear whether the ride or the freebie thrilled her more.

Natalya said the place was called “Aurora” and Chechen criminals owned it—figured. Once again, I didn’t know the man’s name but would recognize him if I saw him. At the southern end of Krasnaya Street, we walked around the complex looking for the man but no luck.

We stopped at the manager's office, where some young tough refused to let us in claiming he didn't know where to find the manager or when he would come back—likely story. Before I left Krasnodar, we tried a few more times but never found the presumably Chechen manager of the Aurora. Apparently, Russia's ongoing war with Chechnya caused most, but, as I soon learned, not all Chechens to make themselves scarce.

On the way back to my hotel, we stopped at the disco "Club Imperio." Poisoned Dragon mentioned in her diary going to the club with its manager, another guy named Andrey. At four in the afternoon, the club was closed, but my American persona not only got us in, the staff immediately called the manager, who came right over to talk with us. At first, Andrey didn't recognize Alina's name, but like the beauty salon manager, when I showed him her modeling card with the semi-nude photos, it obviously rang a bell of more than just recognition.

"Yes, I know her," Andrey said. "She comes here once in a while, but that is all I can tell you." An obvious prevarication, but I didn't have anyway to make him more truthful.

Back in my dormitory-like hotel, I couldn't shake the feeling that despite all the information I had about Poisoned Dragon, the filth of her life ran deeper and wider than I imagined. Red flags were always popping up as though tied together with previous strange events recorded in my memory. The first time I saw her naked, her labia minora hung outside her genitals as though from over use, but at the time, I quickly dismissed the thought of her as a prostitute. Not anymore, Poisoned Dragon definitely works as a prostitute, secretly feeding drugs from the Caucasus's to her wealthier and more naïve customers, but how far back in time or varied did her criminal activities reach? So far the evidence indicated she started hooking at eighteen in Krasnodar. My intuition, however, sensed much more to her saga.

Wednesday, April 18, 2001, while walking down Krasnaya Ulitsa for my morning appointment with Anastasia and Dima, I passed the Academy of Physical Culture when a great idea flashed into my head. Why not try to find some students who remembered my wife? Although Poisoned Dragon graduated from the Academy in 1996, five years ago, she continued to pursue graduate studies and even worked as an instructor in 1997 and 1998 in the Department of Gymnastics. While thousands of students went to the Academy, based on what I saw from our search for Vera, relatively few attended the Gymnastics Department. Those students remained somewhat isolated in their own little fiefdom on the first two floors of a separate building where apparently everyone knew everybody else. Some of these students must still remember my wife, the daughter of an instructor. By randomly stopping students in the Gymnastics building, we might find some who could tell us more. They might even be able to authenticate some of the events in her diary or provide us with useful leads—yeah, great idea!

Anastasia and Dima offered me the obligatory tea or coffee and cakes. Russian cakes looked like fat cookies but tasted much better than the overly processed American fare. But the consumer of American cookies didn't have to worry about the ingredients including traces of heavy metals, radioactive isotopes or other toxic substances.

Anastasia said, "You understand why we didn't want to talk in front of that girl, your interrupter. These matters don't concern her."

"Okay," I diplomatically agreed, anticipating what they didn't want me to have a witness to. Anastasia did virtually all the talking.

"Here's the photograph of Alina when she came in second in the 1997 Miss Krasnodar contest." She handed me a Krasnodar newspaper. "It's on the back as part of an interview with

my mother who founded our agency. Please don't mention anything about our discussions with my mother. She handles only the creative and fashion part of our business."

"Fine with me," I said thinking her request somewhat strange since the founder of any Russian business not only knew the details of the operation but most likely initiated all its activities. The back page contained a picture of a beautiful, virginal looking blonde. It didn't look like the Poisoned Dragon I knew. What a pretty prostitute, I thought.

"So is the dairy accurate as far as you know?"

"I only know about her working in Cyprus, and her boyfriend back then was the Alexei she talks about. The Katya she mentions worked as a model for us, and the two of them often partied together. They looked alike with the same build only Katya was younger." Just what I needed: a Poisoned Dragon clone to track down.

"Can you tell me how to find them?"

At this point Dima interjected, "We can sell you their addresses for \$100 each."

The typical New Russian, the only important things in life: money and sex. "I'll give you \$50 for each."

Dima agreed. Anastasia said, "I can call Alexei right now, and you can meet him here if he can come by." Anastasia made the call and Alexei arranged to stop by in an hour. Dima gave me Alexei and Katya's home addresses, work addresses and telephone numbers. I handed him a hundred that he put in his pocket with a smile.

"How did Alina end up in Cyprus?" I asked.

Anastasia answered, "Alina wanted money above everything else, and girls could make a lot more in Cyprus than in Krasnodar. She wanted to go to Cyprus, so at the end of 1998, I sent

her and a girl named Nadya. But Nadya came back two days later saying the work included prostitution, which surprised me.”

To myself I thought: I’ll bet it didn’t. Anastasia, Dima and the Fashion House of Vasilyeva obviously made money, probably a lot, from sending girls to whore in foreign countries just like Leo’s agency in Moscow did. Only these folks did it from a camouflaged storefront rather than hiding in the basement of an apartment building like Leo.

“Did Alina work as a prostitute in Krasnodar?”

“No, she didn’t start doing that until Cyprus. Alina came back six months later and told Dima and me that part of the work included prostitution, which she did voluntarily. She was not forced into it. We sent another model, Elvira, who only worked as a dancer—no prostitution. Alina’s mother, Inessa, came to us while Alina was in Cyprus and said she knew all the details of the work her daughter did there. She asked us not to tell anyone about Alina’s prostitution, which was the only way they could make enough money to buy an apartment. You can understand it’s important I know what kind of work my models do there and that it is legal.”

I nodded my head in feigned agreement and asked, “Alina and Inessa already had a house. Why the need for an apartment?”

“The house was outside the city in a bad neighborhood. They wanted a place in the center where it is safer and the neighborhoods more luxurious by our standards. I told you, Alina always wanted the luxury life.”

“I’m now sure of that—anything for money. I wish I had met you two before I married her. She even pointed out your agency to me but said you had moved. I see why now. She was probably afraid you might tell me something she didn’t want me to hear since you can speak English. The few people she did introduced me to only spoke Russian. Now I understand why

she didn't bother to introduce me to others; they probably spoke English. It all fits, what a master of deception. Can you tell me how to find Nadya, for another \$50 of course?" As I looked at Dima

His answer surprised me, "You can give me the questions and I will ask her."

"I'd rather talk to her myself."

"Unfortunately, she is very nervous around strangers and just had a baby. She is not very well, but I will call her now to ask if she will talk to you."

That was baloney. I had heard that excuse about nerves before when Poisoned Dragon wanted me to wait in the street while she visited some mysterious person, probably the clairvoyant who provided her with drugs for her customers, including me. Even if Dima told the truth, I doubted his mercenary soul included a heart that cared about his models. He must fear my contacting Nadya directly; maybe she will tell me things he wants to keep hidden. Dima went to call Nadya, but came back saying she didn't want to talk directly with me. I'm sure Dima didn't even bother dialing her number.

I continued with Anastasia, asking, "Can you give me the names of any of Alina's friends?"

Anastasia answered, "Alina has no friends. She used to socialize with some of the models, but there is no one else we could refer you to."

"Did she associate with any criminals?"

"One of our models, a guy, saw her with some local mafia guys last September. He said she was acting very friendly with them."

"Do you know where he saw her?"

"At the bowling club called 'Strike'. A lot of the bandits go there."

“Could I talk with this guy?”

“I don’t think he can tell you anymore. Besides no one in Krasnodar wants to talk openly, especially to strangers, about mafia. But I will ask him and call you at your hotel.”

“Where do you think she keeps her money from America?”

“She probably buys jewelry and hides it in her apartment. Most Russians with money do that.”

“Have you been in touch with Alina or Inessa recently?”

“Inessa called a few weeks ago asking for a paper from us saying that we forced Alina to go to Cyprus. We refused. Alina went there because she wanted money, not because we told her.”

Most likely Poisoned Dragon’s attorney Mundy wanted the paper so that he could argue in court or to the Immigration Service that my wife was forced into prostitution rather than volunteering for it. Immigration would not deport an innocent, teary-eyed Russian girl enslaved as a prostitute, and no jury, if it believed such garbage, would award me an annulment because she did not disclose her sexual servitude. Inessa’s request for the paper also indicated Mundy and my wife knew for certain that I had information about her activities in Cyprus. And the only way they could have found out was from the INS agent Kazenko to whom I gave a copy of her diary. Immigration agents aren’t supposed to leak evidence to aliens during an investigation. Mundy or Poisoned Dragon must have gotten to Kazenko somehow. No surprise there, since INS like most Government agencies is institutionally corrupt.

“Did Inessa ever say anything about me?”

“She said she had doubts about Alina marrying you because you weren’t materially generous enough.”

“I see where Alina’s greed comes from,” I laughed. “What kind of reputation does Alina have?”

“Melios is the owner of the Club in Cyprus where Alina worked, and he said she was a good worker but had two faces.”

“A very accurate description.”

“In Cyprus, everyone in the dance club business are mafia, including Melios and Marios. Marios managed the club. The two come to Krasnodar regularly looking for girls. We and other modeling agencies worked with them, but now that we know their business, we will stay away. We don’t need their money.”

These Russians never give up trying to paint themselves as virtuous.

“Here’s an early photo of Alina you might want,” Anastasia said as she handed it over the desk.

It showed Alina with her natural hair color, chestnut, and heavy, unshaved legs. What had I seen in this oinker?

Poisoned Dragon’s old boy friend Alexei finally showed. I saw why she went out with him, not only tall, broad shoulder and good looking, but, after talking with him, an obviously decent guy whom she could take advantage of as she did me. He spoke fair English and showed no malice toward me or, to my surprise, Alina. Just a little sadness over the soulless creature he planned to build his life around years before. I gave him a copy of her diary, and he told me to call him in a day or two, which should give him time to read it. I thank Anastasia and Dima for their help, and told them I would probably be back in another month or two.

“We may not be here then,” Anastasia said. “We are moving to America very soon.”

“Where are you going?” I asked surprised.



“We’re going to live in Wisconsin and start up a fashion business.”

“But you run, from what I hear, the top model agency in Krasnodar.”

“We want to expand to America.”

“Good luck,” I insincerely said thinking that a fashion business in Wisconsin made no sense—Chicago, New York, L.A., yes, but Wisconsin? More likely, they were going to Wisconsin to smuggle some Russian models across the Canadian border for prostitution and lap dancing in Milwaukee.

Alexei and I left the Vasilyeva agency together making small talk.

“Your English is very good,” I said.

“Yes, I even taught Alina your language.”

“She told me that she had learned to speak English in Cyprus.”

“No,” Alexei laughed. “She learned it from me. I didn’t understand at the time why she wanted to learn, but now I do.”

I warned him that he might find the diary painful to which he replied, “Alina always brought pain.”

I agreed and left him to meet Natalya.

The meeting with Anastasia and Dima made clear that the Russian terms “models” and “beauty contestants” translated into “prostitutes” for the civilized world. The sex industry of Russia operated through modeling agencies sending greedy, young, amoral girls all over the world to sell their tails. I laughed about the stupid American media stories depicting these Russian whores as victims of ruthless male pimps. These media lies always showed some Russian ho claiming some man took her passport away until she made enough money as a prostitute to return home—typical female duplicity that the politically correct idiots in America

bought. Russian sluts knew how to elicit sympathy and play the U.S. Feminazi game by alleging themselves innocent victims while raking in tens of thousands of dollars happily selling sex. The U.S. media also never reported that the Russian pimps for these money hungry tarts were just as likely female as male, driven to make what nearly every Russian valued most—dollars.

Natalya was in the park that ran down the middle of Krasnaya Ulitsa near the Vasilyeva House of Fashion or more accurately “House of Hos”.

“Was your meeting successful?” she asked.

“Yes, Alina confessed to them that she voluntarily worked as a prostitute in Cyprus, which, if I can get them to say that under oath, will help immensely in court.”

“I doubt they will.”

“So do I, since they make their money finding so-called models willing to work as prostitutes overseas. But they are moving to America, and I don’t think they’ll want U.S. Immigration to learn about their business practices. I’ll have to figure something out that will convince them to testify, which they might, since proceedings in domestic relations cases are kept confidential and INS would not find out about it. I also met Alina’s old boy friend, Alexei, the one she went out with while prostituting herself in Cyprus and Mexico.”

“I remember. She kept saying in her diary that she didn’t think she was cheating on Alexei by having sex with other men, but blamed him for finally leaving her for another woman.”

“That’s right. Once Alexei wised up that Alina wasn’t about to forego the money she made from whoring, he moved on to an older woman and seems happy with her. Alina always blames someone else. She just can’t accept responsibility for the results of her wicked ways.”

“Now where?” Natalya asked.

“I want to try to talk to the wife that lives with her husband and child in the apartment next door to Alina’s. When I stayed at Alina’s before our marriage, the two families were always running into each other because their apartments opened on to a common area where they kept boots, coats and other outdoors’ stuff. The wife also talked with Inessa and Alina a fair amount, so I assume she may have some useful information.”

“Isn’t there a chance we’ll run into Inessa?” Natalya asked.

“Maybe, but its three o’clock now, and as I remember, Inessa didn’t return home from the Academy until around five. But in any case, be ready for a confrontation in which she will try to distract us while gaining some information that she can twist into a lie later on. Oh, and here’s the newspaper with Alina’s photo. Would you translate the article for me when you get a chance?”

“No problem. Let’s hail a car.”

Like most apartment buildings in post-communist Russia, the main entrance to Poisoned Dragon’s was locked with a massive steel door to keep criminals out of the building while inside each apartment had its own reinforced metal door, sometimes even two, to keep criminals out of one’s apartment. In Russia, the word “trust” like “truth” means “sucker.” The building’s entrance didn’t have apartment buzzers, so we waited until someone opened the door on his way out and slipped in behind him—so much for Russian building security.

We made our way through the dark, foul smelling, filthy hallway and up a flight of stairs to the second floor where Poisoned Dragon and her mother lived. The hallways and stairs in apartment buildings throughout Russia looked and smelled pretty much the same because no one cleaned them. After the fall of communism, local governments, which owned all residential buildings, sold the apartments to the tenants for a minimal sum but retained ownership of the rest

of the building and the land. Maintenance responsibilities still fell to the local government, but because the bureaucrats, no longer in fear of the Communist Party, preferred pocketing the budget for building upkeep, filth and darkness commonly enveloped the hallways of even the most prestigious buildings.

When we rang the neighbors' bell, I assumed only the wife was at home with the husband still at work. To my surprise, both husband and wife answered the door. Rats! I knew the husband's presence would inhibit the wife from running off at the mouth as most women do whenever they get the chance, especially if it concerns sex and someone they know. Both recognized me and invited us to sit in their kitchen.

These two people were poor, the inside of their apartment dilapidated, and their eyes betrayed a landscape that hope no longer walked. I felt sorry for both, the wife with her dead fantasies and the husband trying to salvage his pride in the middle of their mind-numbing poverty. In the old days before the fall of communism, working hard and keeping his mouth shut assured his family a decent life style and some pride that no one did better other than the Party bosses. But under today's criminal economy, only the worst traits of human nature prosper, as they did next door. Corrupt officials, racketeers, prostitutes and the like were the sole people with enough money to make apartments livable and avoid hunger.

Natalya told them the story. The wife expressed surprise, probably out of feigned social propriety. The husband stood leaning against the wall with an expression of I knew it all along. As I feared, the wife told us nothing useful because of the presence of her husband. I gave her a copy of the diary, and through Natalya said we would contact her later to see whether she could recall any events mentioned or any other helpful information. Perhaps, if Natalya got her on the

telephone when the husband was not around, the wife would unleash the bounty of her inevitable spying and gossiping with other neighbors in the building.

On our way out, Natalya approached two older ladies standing in front of the building. She figured it worth a try since older Russian women know everything about everybody in their apartment building. The two said they remembered me from when I helped Alina and her mother move into the building. They added they didn't need to hear my story or read the diary because from the minute they saw Alina, they knew she worked as a prostitute, and that I was the foolish American man who didn't realize the hell awaiting him. To which I joking asked, "Why didn't you warn me?" They laughed, but didn't want to get involved in a marital dispute by providing me any specific information or leads, so we left.

Back at my hotel, a hunch told me to compare the telephone numbers and addresses that Alexei gave me for contacting him against the one my wife gave me when we first met in July 1999. The number for Alexei's mother was the same that Poisoned Dragon told me to call her in Krasnodar. So the woman I talked with for a few minutes was Alexei's mother. My extended conversation violated Poisoned Dragon's instruction not to talk to anyone but her and threaten exposing her two-timing of Alexei, so she told me never to call that number again. Poisoned Dragon must have done that a lot: using the telephone of her boyfriend's mother to make arrangements with her customers of whom I unknowingly at the time was one. But whose number was the one she told me to use after canceling the number for Alexei's mother, and whose address did my first letters go to, which I knew now wasn't that of Alexei's mother? Both would have to wait for the turning of more cogwheels, maybe.

Thursday, April 18, 2001, Natalya and I met with her reporter friend, Victoria, young and pretty, who wrote for the newspaper *Ulitsa Krasnaya*, which meant Red Street. After an hour or

so interview in the dreary lobby of my hotel, Victoria, said her paper would print my tale of misery. I assumed Victoria would at least try to talk to Alina by telephone to get her side, so that, in the true tabloid tradition, the paper could use our real names without getting sued for libel. But she told me the press worked differently in Russia. In stories of this sort, the press did a Jonathan Swift type satire, accurate in every detail except the names, which are made up. The reason was another hold over from Soviet times of a law against harming the honor or dignity of an individual.

The law didn't require, as with libel, that the paper report falsehoods about a person, rather the law aims at keeping the press from reporting the truth when the truth would harm a person's existing reputation. A nice Catch 22: report a lie, get sued for libel; report the truth, get sued anyway. The law originally prevented media exposes about lying and thieving communist officials but now protects all sorts of criminals, including my wife. All the Russian press can do is publish a story with the names changed to protect the guilty and hope the public guesses their true identities. Victoria apologized for the restraints. It was a minor disappointment, since I originally hoped the article with Alina's name in it would stir up the situation, put pressure on Alina and bring letters from readers with potential leads who knew her, but now I doubted anyone would even recognize the characters. Still, how many girls in Alina's circle of models, beauty contestants and sellers of sex worked in Cyprus, Mexico City and New York City, so it was worth the shot.

After the interview, Natalya and I went to the Academy to put into operation my idea of handing out copies of the dairy to students who remembered Alina in the hope her autobiographical exploits might jog loose some useful information. The same middle-aged woman guard didn't even bother to ask our business this time, not too many American men in

suits visited the Gymnastics' Department, but if they saw what I was about to, they would. Natalya stopped one student after another, most didn't remember Alina but a few did. We wound our way down the hallways accosting any student in sight. Natalya and I turned a corner and nirvana. We were standing at the entrance to the showers of the girls' swim team as its members walked in and out adjusting their suits, not even noticing this guy in a business suit with fogging glasses whom they almost bumped into. I expected any minute for these girls with firm, young, glistening bodies stuffed in skintight suits to start screaming for the Feminazi police, but those that noticed me handled my presence as a normal daily event. As far as I knew, maybe it was. Natalya interrogated some of the dripping wet girls who showed no aggravation at all by our interruption. One of them even remembered Alina and took a copy of the diary back to her locker. A land without political correctness is a wonder to behold.

After exhausting the swim team, we headed back toward the building's entrance to leave but never made it before two, young, muscular Russian guys in suits stopped us. They were from the administration office, and blocked our exit. The two reminded me of the typical New Russian goon, pumped up with weights, scowling face and always trying to stare somebody down. I wasn't impressed. The fools didn't realize that the last place you look is in your opponent's eyes. I thought of going through them, just like on the rugby field, but what would I do with Natalya. Then an older, gray haired man showed up, clearly the boss. He insisted we talk in his office while the two goons stood behind him emanating their below 80 I.Q. They were lucky Moody and Jesse from my martial arts class weren't with me. They'd take out these commie clowns in seconds. The older guy grabbed Natalya's arm, I started to move on him, but she said there was no problem and we should go along. I followed her lead but felt frustrated that my inability to speak Russian prevented me from engaging in some vituperative remarks.

In his office, the older man, Vice Rector Vladimir Gavrilovich Minchenko, sat down on one side of a table beaming his commie smile of extreme insincerity while the goons sat on the side ninety degrees from him pretending they were incarnates of the Spanish Inquisition. Natalya and I sat with our backs against the wall, a not very subtle psychological attempt to deflate a Russian's will to fight. For me, it just increased my anger. If only I knew this language, I had a few connections I could bandy about in this intimidation game, such as the local official who sent the police to interview Inessa.

Natalya went into the usual routine explaining my presence in Krasnodar and at the Academy. The three started asking Natalya questions that she answered without translating for me, which only added to my frustration. I could handle any questions put to me, but wasn't so confident about a twenty-two year old Russian girl answering for me. The Vice Rector stopped the third degree of Natalya and got on the telephone. Natalya said he was trying to reach Inessa, and it sounded as though the two worked closely together. The goons started the questioning again, and I watched Natalya's demeanor change to one of fear. The situation was spiraling out of control because Natalya thought she could finesse these guys. I put a stop to the interrogation right there with a few belligerent gestures, and demanded Natalya translate what the goons said. They claimed we had violated the law and could go to jail for handing out Alina's diaries. That was it. I launched into English, figuring the Vice Rector probably understood it, demanding to make a call my G.R.U. contact. At the sound of the individual's name and G.R.U., the Vice Rector put his phone down and calmed everyone with a smile.

He said in English, "We can probably work this matter out. Would a notarized copy of some of Alina's handwriting samples out of her school file help?"

"Most definitely," I responded.



“Okay, we will provide them, but you must stop spreading information among the students about the sorted affairs concerning the daughter of one of the Academy’s instructors.”

“I can live with that. It was a long shot anyway,” I answered. Clearly he wanted to prevent a scandal that might lead to accusations that his administration trained prostitutes rather than athletes.

“Good the papers will be ready tomorrow. Have your translator call us then to pick them up.”

I thanked him and we left.

Outside the Academy, Natalya gave out a sigh of relief. She actually thought they might have us arrested.

“These people belong to the criminal class that runs Krasnodar,” she whined. “They can do whatever they want; no matter what the law says. We were lucky that you are an American. That kept us out of jail.”

“Perhaps, but I also think my mentioning my contact’s name made the Vice Rector at least realize I had some connections. Anyway look on it as an adventure.”

“Well, it’s not an adventure I want to have again very soon.”

An American couldn’t really imagine what it was like to live in constant fear that some criminal or crooked politician with the power of a feudal baron would arbitrarily set his sites on you. There was nothing a Russian could do but to submit because the institutions of that country served only the rich and powerful. Society gave the average citizen no power to fight back. What a horror!

Back to the investigation, I asked Natalya to try to set up a meeting with Katya, the girl with whom Alina picked up the guys from St. Petersburg a few months after our marriage.

Once again to my surprise, another Russian, this time Katya, agreed to talk about Alina. Why, I wondered? Did all these people dislike Alina because she used them too? Natalya arranged for us to meet Katya in a couple of hours at my hotel. I went for a late lunch while Natalya returned to her office.

During lunch, I happened to glance out the restaurant's open door and saw, just for a fraction of a second, what looked like Poisoned Dragon. Could it be? I rushed to the door, saw overly burnt blonde hair and an ass similar to hers turn to enter the next shop down, a jewelry store. The quick glimpse of the facial profile as she entered the store sure looked like my wife. I debated whether to go make sure it was she, but concluded it would just prematurely alert her to my activities and returned to my lunch pondering the irony.

Katya showed at my hotel with her husband, a Greek, at least twenty-five years her senior who for some unknown reason lived in Russia. She looked a lot like Poisoned Dragon, but was younger, twenty-two and just as tall. After hearing the story from Natalya, I told Katya without stating any specifics given the presence of her husband that Alina referred to her in the diary. Her face momentarily turned to fear. Obviously she didn't want to talk in front of him, so I held off on any further questions until Saturday when we agreed to meet again. Her husband wouldn't be with her then.

The diary showed that Katya regularly cheated on him. Once she took one of the guys from St. Petersburg home for an evening, presumably when hubby was out of town. Her Greek spouse wouldn't take kindly to his darling young wife hooking up with some young guy in their marital bed. These Russian girls were like the Lincoln Tunnel: opened twenty-four hours a day and thought nothing wrong with it.

In the evening, Natalya called to say she contacted Alina's neighbors, but the husband answered the phone and turned it over to the wife. He obviously listened to his wife's every word to make sure she didn't say something that might come back to haunt them. The wife only confirmed the part in the dairy about when Alina and her mother moved into the building. Natalya also said, Yevgeny, the trainer, could meet us the next morning, but so far no luck on reaching Vera, the professor at the Academy.

Friday, April 20, 2001, as usual I ate breakfast in the hotel café on the same floor as my room. Old style Russian hotels religiously shunned efficiency and economies of scale by operating a café on every other floor rather than one large restaurant in the lobby. Usually the café was empty early in the morning, but today three men in their thirties sat with one of the hotel's prostitutes. Nearly all Russian hotels allow a select number of hookers to keep the residents entertained. They even come around knocking on your door plying their wares. It provides employment for the local sluts and a few extra rubles for the floor matrons and hotel administrator. During the decades of communist control, only the sex industry kept the spirit of capitalism alive.

I sat down near these folks, not out of choice, but because the café fitted only three tables. As soon as I ordered my breakfast in broken Russian, the man nearest me turned to ask in broken English whether I came from England. "No, America," and got the usual reaction of a con artist spotting a hundred dollar bill.

The guy struck up a conversation, introduced the other two as businessmen from Turkey and himself as a Chechen gangster. The girl, mere furniture, he didn't bother to introduce. His admission of criminality was believable because the twisted standards prevalent in present day Russia made stars out of hoodlums. Guys like him did the dirty work for the real bosses behind

the scenes—high-level government officials. In return, the hoods sped around in Mercedes Benzes, bought the girls they wanted, pushed people out of the way and enjoyed immunity from prosecution. Many of these goons even moonlighted as cops.

He asked what I was doing in Krasnodar and I recounted my tale of woe about Poisoned Dragon. The prostitute gave me that stereotypical Russian female look of understanding that reminded me of all the lying faces my wife ever wore. These Russian hos must all go to the same school to learn how to play foreign men. Showed them a photograph of Alina on the odd chance that one of them might recognize her, but no one did, or, at least, that's what they said. The picture included in Russian information on her address and the amount I estimated she made up to that point in America, \$100,000. The Chechen looked at the picture, turned to me, made a cutting motion with a hand across his throat and then another cutting movement through the dollar figure. "I will kill her for you for \$50,000," he said in front of his friends. I thanked him, but declined the offer.

In the lobby, I met Natalya and we went to meet Poisoned Dragon's trainer again.

Yevgeny, true to the Russian habit of pretense, said, "The dairy is shocking. How very sad that this once decent girl has descended so low. But these are troubled times in Russia. Many people now chase the dollar while forgetting the old traditions that fell by the way side with the end of the Soviet Union."

Older Russians often yearn for the "good old days" of the Soviet Union, even the Stalin era, because back then power depended solely on a person's position in the government hierarchy. Today power depended on the amount of money that such a position in the hierarchy enabled its occupant to steal from the country, but not every high-level position enables large-scale theft. For example, one of my translators, twenty-two years old, made more than her father

who was the head of Russia's wire services, the equivalent of Associated Press and Reuters combined. Some Russians who spent their lives climbing the communist ladder ended up in positions that didn't translate into dollars, which left them understandably bitter as well as powerless and poor. Some young people, like Alina, relished the change because they quickly adapted to the new game by ambitiously setting out to make as much money as they could free from any ethical restraints.

Yevgeny couldn't or wouldn't provide any useful information. He claimed not to recognize any of the events Alina wrote about, nor did he ever travel to Mexico City for a conference during the time Alina worked in The Men's Club. He did confirm that Alina stopped competing as an athlete after hurting her foot and added a side note that he had helped Inessa obtain a job at the Academy when she and Alina moved to Krasnodar from Grozny. Yevgeny asked me not to tell anyone about our conversation but volunteered his assistance if the need arose. Neither his offer or answers were likely truthful, but at least he acted the gentleman.

Alexei, Alina's old boyfriend, met us at the hotel early in the afternoon. He didn't seem hurt by the diary's confessions. Perhaps they just confirmed his suspicions or he maintained the traditional Russian mask that hid his true feelings. Alexei said he knew Alina kept a diary since before they started dating in 1996. That confirmed there were earlier volumes than the one from which I copied the years 1999 and 2000. Alexei recognized her handwriting and confirmed the events she recorded concerning him but added that the interpretations were hers. One incident was when I left a message on her pager in August 1999 closing with "Love Roy." Alexei saw the message and demanded to know who was this guy "Roy." Alina said I was just a "good friend", which for her meant customer.

Alexei told us that

- before Alina went to Cyprus she advertised herself on an Internet site but didn't recall which one. She used to receive mail at Alexei's address instead of her own, and one day a letter came that Alexei opened. A man in the Ukraine sent it in response to the site where Alina offered to meet any man for \$20;
- when Alina returned from Cyprus, she was so upset at being back in Russia that she wanted to return to working in the club there immediately;
- when she traveled to Mexico, it was suppose to be for only three weeks, but she decided to stay three months; and
- Alina always had one aim: to leave Russia.

In response to my question about other people mentioned in the diary, Alexei said, "She auditioned to dance at the Imperio Club. She knew Andrey very well." So, Andrey had lied to me about only vaguely knowing Alina.

Alexei continued, "Toward the the end of our relationship, I realized that the many auditions Alina went to in Krasnodar weren't for modeling but striptease—dancing totally nude dancing."

More likely for prostitution I thought but didn't mention that to Alexei. He believed Alina didn't start selling her body until she went to Cyprus where the easy money corrupted her. Never underestimate the power of denial.

"As for the 'Alexey' she tried to seduce after you married her, he was the manager of the Joy disco."

"Ha," I laughed, "the same guy she introduced me to before the wedding."

"Also, Alina's professional photographer in Krasnodar is Dmitri. He took the nude pictures of Alina that Inessa tried to hide from her cousin staying in their apartment."

Both Alexey and Dmitri were added to my list of people to contact.

Alina never mentioned to Alexei her marriage but did finally tell his mother in September 2000. During that same month, Alexei saw Alina walking with a short man with his arm around Alina's waist toward the Moscow Hotel. Presumably, the same day she woke me up in that hotel after I confronted her at the airport on her return from Cyprus. Her arrogance likely drove her to bring a client to the same hotel in which I stayed. And that's probably how she got passed security and the floor matron to show up at my door, which I thought strange at the time since she was able to reach my door unannounced.

On Alina's move from Grozny, she told Alexei that her neighbors in Chechnya helped her and her mother. Alexei didn't know the man who managed the Aurora, who was obviously another of Alina's clients.

Alexei recalled that Alina always used this one "witch" for advice and "herbs," but he never met her because Alina made him wait in the street while she went inside the apartment building. The exact same thing happened to me just before the marriage, Alina went to visit someone for whom she said I would have to wait outside in the street because the individual was "sensitive to strangers." Following that visit, I began experiencing the symptoms of drowsiness, euphoria, befuddled thinking and constipation that my doctor believed had resulted from narcotic-poisoning.

This witch must have been the "clairvoyant" from whom, according to Alina's diary, she purchased the "salts and sugars" to slip into my meals so that I wouldn't call off the wedding. If I found this witch, I had a chance of obtaining admissible evidence that Alina put narcotics in my food, and that would assure an annulment. Alexei, however, only knew the street and the building. Alina never told him the apartment number. I doubted that staking out the building for

someone with a pointed hat and a broom would work, so I hoped some of the other people I still intended to interview might know the apartment number for this witch of Krasnodar.

When we finished, I thanked Alexei for his time, and said I would probably contact him with more questions in the future. He agreed to help me in any way he could, and I believed his offer genuine.

Natalya remarked that Alexei surprised her by not sounding bitter about his four-year ordeal with Alina. It surprised me too, and made me realize that there walked a better man than me. Alina cut Alexei more deeply than she did me. We were together for only a year, December 1999 to December 2000, during which she cheated on me with around five guys of whom I knew, but while dating Alexei, her prostitution hoed a path through Krasnodar, Moscow, Cyprus and Mexico.

Alina clearly missed her chance at happiness by not marrying Alexei. Even after her whoring in Cyprus, he still wanted to build a life with her, raise children and tried to convince her to go back to graduate school for the training she needed to teach Gymnastics. But by then her greed, promiscuity and lust for the glamorous life had so ensnared her life that even the Graces probably gave up all hope for her. So where did the fault lie for the time wasted and a life gone wrong? Did Alina or her mother push her into prostitution? Probably the two of them reinforced each other's greed—what fools.

With no more interviews scheduled for that sun lit afternoon, I went for a walk in the park running down the middle of Krasnaya Ulitsa while Natalya went to her office to make some follow-up telephone calls. Before Poisoned Dragon, the stirrings of spring always buoyed my spirits—but no more. Strolling in the warm weather, I concluded that never in my life had I meet anyone as evil as my wife. The Tao defined evil as a state of self-absorption that was in



disharmony with the universal process. Like a dirty window, and my wife was plenty dirty, evil kept the light of life from shining through to touch the person within. In the darkness of her soul, Poisoned Dragon only thought of herself without any concern for the people she harmed in her single-minded quest for money and domination.

Girls like her existed in the 1940s film noir detective movies, but I thought them just caricatures. Never imagined such depraved females actually walked the earth, or that I might meet one, not to mention marry one. But exist they do and often succeed with the treachery behind their innocent smiles. In the movies, the bad girl always got her just deserts, but on that sunny April day in Krasnodar, the future whispered that no court or government agency would ever hold Poisoned Dragon accountable for the laws she violated or the frauds she perpetrated. She had enough money to buy justice in Russia, and her sex made it virtually impossible for any man to convince an American court or executive agency to enforce the laws that she flauntingly violated. Thanks to the Political Correctionalists, American governmental officials, many now females, considered men evil and women, no matter how revolting their conduct, deserving of sympathy and forgiveness because, as the ridiculous argument went, it was really men who caused girls to commit reprehensible acts, such as drowning their children, usually boys, or killing their husbands or boyfriends whom they cuckolded for years. No, all the advantages lay with Poisoned Dragon. Although tempted, it did me no good to implore or curse the gods, whether they existed or not. Justice wasn't a law of nature or gods, man and man alone created it. In the end, I and I alone would have to bring justice to her, no matter the cost. But for now, I played the lawyer's delusional game that the executive agencies and the courts really carried out the laws passed by the legislative branch.

Anastasia called in the evening to say the model of hers that saw Alina with Russian mobsters at the club Strike didn't want to talk with me—too dangerous. For him, it probably was.

Natalya then telephoned to say that she still couldn't reach Vera for comments on the diary or Vice Rector Minchenko of the Academy for the notarized copies of Alina's handwriting. Apparently, Vera didn't care to become involved, and the Vice Rector lied hoping I'd go away. Typical commie con artist that Vice Rector. In order to avoid any scandal resulting from further confrontations between an American lawyer and the Academy that would inevitably result if I pressed my investigation among the students, Minchenko appeased me with promises he never intended to keep. When was I going to learn to never, ever, ever rely on a Russian's promise? It was now Friday night, no classes, no students and my flight for Moscow left Sunday evening.

The Vice Rector obviously figured it unlikely I would return to Krasnodar to cause him any trouble, and even if I did, he probably felt certain that his goons had sufficiently intimidated me not to trouble his Academy again. I made a mental note to figure out a way to cause this liar some grief, hopefully when I came back. Natalya did have some good news, however: Katya agreed to meet with us the next day, Saturday.

Saturday, April 21, 2001, we again met Katya in the hotel lobby, but this time she left her husband at home. Smart move, considering the carnal secrets exposed about her in Poisoned Dragon's dairy. Katya, however, claimed she didn't get a chance to read the diary because she needed to study for college exams, but she did have some information about Alina that she didn't want to mention in front of her husband because, as she said, "He wouldn't understand." These Russian girls all used the same specious excuse for cheating on their boyfriends: men are too

immature to understand us women. Her husband would not only understand but also probably box her ears.

If I had decked Poisoned Dragon—just once, when I first found out about her adultery in Italy, the relationship would have ended there or turned out dramatically different. But no, I had to act the gentleman, even when dealing with a slut. Why do men have to relinquish the strengths that evolution gave them while females ruthlessly use every weapon in their arsenal against them?

Katya told us she first met Alina in 1994 or 1995 at the Vasilyeva House of Fashion where the two of them worked as models. Since they had the same figure, they often shared clothes and started hanging out together. Poisoned Dragon obviously schemed to use Katya for clothes because Katya's parents were better off. In 1998, Anastasia sent Alina along with another model, named Nadya, to work at the Zygos Club in Cyprus. Nadya returned just two days later saying the work involved prostitution with which Nadya wanted nothing to do. Alina, however, decided to stay for six months.

I asked, "Do you know how I can reach Nadya?"

"I'll look through my papers. I think I still have her number. If I do, I'll call her to see whether she's willing to meet with you."

"When do you think Alina first start working as a prostitute?"

"Probably when she first went to Cyprus, but I can't be sure. Alina traveled to Moscow a lot before Cyprus. She said she worked as an English translator, which didn't make sense because she could barely speak it."

Alina was really working as a prostitute for Leo. Katya didn't know how many years she traveled to Moscow before Cyprus.

Katya continued, “The last time I saw Alina was in September 2000 here in Krasnodar. She told me she was going to Italy.”

“She probably lied,” I replied, “since she went to Cyprus, but then again, she may have spent some time in Italy for another lucrative weekend of prostitution. I’ll be back in a month or two and would like to talk to you some more, especially after you read the diary.”

Katya agreed, and my final interview for this trip to Krasnodar ended.

In the evening, I read Natalya’s translation of the newspaper article Anastasia gave me with Alina’s picture from the 1997 Miss Krasnodar contest. The reporter had interviewed Anastasia’s mother Tatyanna Vasilyeva, a “world famous” designer of lady’s fashion. That was surprising, since I had assumed her fashion agency and exporter of loose girls mainly a local operation—but it wasn’t. Like Alina, Tatyanna, in her youth, did track and field. Tatyanna extolled the virtues of athletes, which made them excellent models, and used as an example Alina. According to Tatyanna, Alina worked hard to “become a beauty with a true model figure” and was, at the time of the interview, working in the West. Tatyanna didn’t specify the work: stripping and hoing at The Men’s Club in Mexico City. Tatyanna also had a school, run by Anastasia, for turning young “fresh” girls into models—more likely hos. The rest of the article just wasted the resources of paper and ink with empty-headed ditz concerns.

The next day, I flew back to Moscow to meet with Leo before leaving for New York. In March, I had sent him a copy of Poisoned Dragon’s diary and highlighted the section where she recounted cheating him out of part of his commission, around \$1400, for the “work” she did at The Men’s Club in Mexico City. Hopefully, that would at least move Leo out of my wife’s camp.

Early Monday evening with the sun still in the sky, I walked down the speakeasy steps to the bolted door of Leo's establishment that I first had entered nearly two years earlier on my way to the hell I now inhabited. As always, a pretty young whore opened the door and escorted me to Leo's office with the chair that seated his guests about a foot below his desk.

Leo thanked me for the information about the money Alina owed him.

He asked to my surprise, "Is this all of her dairy that you have?"

Why was he asking that I wondered unless the earlier sections of her diary referred to her prostitution activities with him? I now wished I had force Poisoned Dragon to give me all of her diary.

"That's all of her diary that I have," I answered. "Are you going to collect on the money she owes you?"

"I called her up, but she denied owing me the money and said that you forced her to write the diary."

"The whole diary?" I asked and we both laughed.

"It is the way some Russians think, but no sane person would believe her. Anyway, I don't see how I can make her pay since she lives in Krasnodar and New York." This remark didn't ring true to me. Once I had met Leo's mafia connection, and that guy could easily wring the money out of Poisoned Dragon.

Leo continued, "How much does she make now?"

"Around \$14,000 a month, not counting prostitution."

"She is very rich. I read the diary, and the events she talks about when I took her and my girlfriend to Mexico are all true along with the times she talks about visiting my office here."

"That's helpful. Did she ever tell you about what she did in Cyprus?"

“I knew she worked as a stripper and sold sex. She did send me a couple of letters.”

I jumped at the mention of evidence of her handwriting, “Do you still have them?”

“Sure, let’s see, here they are.” Leo kept a file of information and correspondence for all his girls. Russians keep files on everything.

“She sent one just before she left for Cyprus and the other after working there for a month. In one she asked that I send her copies of the nude pictures I made of her. I think she wanted to sell them to a customer. She liked the work in Cyprus.”

“That’s the grandfather she masturbated. She sold him the pictures for ten pounds. Besides the nude pictures, why did she keep in touch with you from Cyprus?”

“Alina always called or wrote to see if I had any work up her alley.” I knew what alley Leo meant. He continued, “She was always interested in meeting foreigners and working overseas. That’s why I sent her over to you when you first walked into my party.”

“She knew where the money was, but I wish you had sent someone else.”

“These girls are all the same Roy.”

“Now I know that. Can I have copies of the letters?”

“Here,” he said handing them to me across the desk. “You can keep them. Do you want the pictures?”

“Sure.”

Leo got up from his desk and turned around to the bookcase of notebooks against the wall in which he kept photographs of his girls. The notebooks showed girls from fifteen years old into their thirties usually wearing underwear or a bathing suit and all looking for money. He had shown me some of the notebooks before when I had stopped by while living in Moscow. He always pointed out shots of girls just added to his stable, asking whether any of them could make

it as a model in America—as if I knew. But this time Leo did something I never saw before; he moved a lever and part of the bookcase vanished leaving an opening into a dark, hidden room behind a false wall at the back of his desk. So that was why his office seemed so small. These Russians keep secrets within secrets.

Leo stepped inside and pulled out a notebook that he handed to me. This book, one of many that I could glimpse in that secret room, contained completely naked photographs of the girls whose names fell under that part of the alphabet. Clearly, he used these books for selling his models to prospective clients for prostitution. Why was I surprised? He showed me my wife's page. Four shots of Poisoned Dragon, completely naked with her crotch shaved, standing in black high heels, trying to look demure and holding the same pose she used in the Miss Krasnodar contest, only there she wore clothes. I felt disgusted.

“Here keep them,” Leo said

“When were they taken?”

“I think in 1996.”

So, Poisoned Dragon worked as a prostitute at least in Moscow since she graduated college and probably before. The letters and nude photos would help my case if I could trick Poisoned Dragon into admitting in court that she wrote the letters and Leo took the pictures. No way Leo would swear to taking the photos or receiving the letters. The court, however, could at least force my wife to provide a handwriting sample, but her proficiency at calligraphy allowed her to disguise her writing to some degree. I still needed more evidence. After thanking Leo for his help, I went back to my translators' apartment.

Anya was out on a date while Sasha sat in the kitchen eating sweets. I joined her and showed her my wife's pictures.

“I don’t understand how I could marry such filth. What the hell was wrong with me?”

“You were lonely and picked the wrong girl,” Sasha empathized.

“I sure picked the wrong girl! But I’ve been lonely my whole life. Even when I was a kid, I learned early on to avoid my parents, especially mother, as much as possible. What a couple of self-righteous, cold-hearted frauds they were. Mother always complained when as a child I wanted to sit on her lap, so at five I gave up trying. Guess her narcissism forbid children parking themselves on her since it detracted from the image of feminine beauty she pictured herself projecting to the world. She was all surface and no substance other than a mean and nasty nature and lust for material goods.”

“Sounds like your wife,” Sasha wisely observed.

“Think so?”

“I read the copy of her diary that you left with Anya. Your wife sounds infantile. By that I mean she never psychologically developed beyond the infant stage in which a person’s own body is the main object of their interest. That’s narcissism. Coupled with Alina’s cruelty and greed, she seems like the same type of person you just described as your mother.”

“Yeah, I considered that before. What a curse!”

“Maybe in your unconscious mind you saw Alina as a way to relieve the loneliness you always felt because your mother never gave you any affection.”

“But how could loneliness drive a man to such stupidity. Every time I learn something new about her—it’s foul. I don’t think this girl ever did anything decent in her life or ever allowed a centesimal of truth to cross her lips. She lies about being a track star, about not being a successful model because she started late, about her mother not knowing the truth about her work and nearly everything else to create an image that doesn’t exist.”



“And you fell in love with that image,” Sasha replied.

“Ah, you’re right, I did, but I should have seen it was all a mirage.”

“But you did see it as a mirage at least your rational mind did. I remember you telling me before you found her diary that you were certain she was playing around in Krasnodar while you waited in Moscow for her visa to come through. You suspected all along the type of girl she was, but your unconscious yearned for the affection your mother never gave you and that’s why you bought into her illusion.”

“You’re losing me.”

“Roy, the moment you sensed that Alina and your mother were similar, and by that I don’t mean you logical analyzed the two of them, but something in you told you they were alike. At that moment, you were doomed to overlook all the warning signs because she represented your last chance of receiving the affection your mother never gave, of alleviating that loneliness you’ve lived with since a child. I mean look at what you did with Alina compared to your other relationships. You went out with girls from Russia and South America. You always told me that they were probably interested in you just to get a green card, and your vanity while dating them temporarily blinded you to that. But you never got serious with any of them probably because they didn’t remind you of your mother. Still, you knew the score with, as you call them, third-world girls, and yet you unconsciously used the attraction of a green card to win over Alina. First you take her to America and the city where she dreamed of working, Las Vegas. Then when you are back in Moscow, you ask her to marry you and move to New York. Of course, she’s going to agree. What girl living in this country wouldn’t?”

“So I’m to blame for the mess I’m in?”

“Don’t be so defensive. Your mother’s failure to be a mother left you vulnerable for a con artist like Alina. I’m not justifying Alina’s actions. She’s a scheming ambitious girl who saw your weakness and took advantage of it—not caring how badly she hurt you. You were nothing but a toy for her to play with. An evil person if there ever was one.”

“So was my mother, but there’s nothing I can do to her since she’s dead, but I can do something to Alina.”

“And what will you do?”

“Try to get justice.”

The next day I flew back to New York, miserable as ever.

## **Stupid Frigging Fool**

By Roy Den Hollander

### Part 4

#### Mother-in-law

During my fact finding in Krasnodar, two other friends stayed with Traviesa in my apartment. Jesse, one of the black belts who had served the Family Court summons on Poisoned Dragon at Flash Dancers, needed a place to live while he looked for an apartment. With Traviesa's okay, I let him camp out at my place, and wherever Jesse went, so did his girl Kristi, another pretty young babe from the former Communist Block, this time Hungary. Perhaps I should have opened a hostel to finance my war against Poisoned Dragon.

On returning home, I expected to find my three adopted children in residence, but Jesse and Kristi no longer slept there. Traviesa greeted me with a smile and what she considered a home cooked Czechoslovakian meal: spaghetti, still a step up from the boiled rice, hot dogs and drugs that Poisoned Dragon served as dinner. Apparently, in the former Soviet Union, the route to influencing a man isn't through cooking.

As I ate, Traviesa recounted a bizarre event in the apartment concerning Kristi, which caused her and Jesse at her insistence to leave.

My apartment is on the tenth floor and faces north. At night, you can easily see the Chrysler Building and other brightly lit skyscrapers. On one night while in the bathroom brushing her teeth, Kristi felt something strange. She turned and saw outside a jet-black form slowly moving toward the opened bathroom window until it completely blacked out the lights of the New York City skyscrapers. The shape, according to Kristi, stopped without entering and uttered unintelligible words in a guttural, menacing voice that froze her heart. Kristi freaked,

bolted into the living room for Jesse's arms, and through stammering words explained what had happened. Jesse ran into bathroom ready to take apart whatever it was that frightened Kristi, but he found nothing, looked out the window—nothing. Whatever it was, if it was anything, it didn't want to deal with Jesse.

Kristi refused to ever set foot in my apartment again. She believed a demon tried to enter through the bathroom window that night to steal hers and the souls of everyone in the apartment. If Kristi was right, we all knew that the only person malicious and arrogant enough to summon up demons was Poisoned Dragon. It was easy for all of us to imagine my wife gnashing her teeth, contorting her face in hate as she spewed out the evil in her to animate the long forgotten nightmares buried in the unconscious mind of modern humans.

The incident didn't particularly bother me because by then I had accepted my grasp on reality as tenuous at best. Poisoned Dragon had so crippled my view of reality that the image of demons cavorting outside my windows seemed like business as usual. Traviesa found the episode amusing; probably because she believed in her own supernatural power that she confidently thought more than a match for some retarded Russian's.

The tentacles of the unearthly, at least from my degenerating view of reality, continued to slither out of the darkness, where logic and proportion failed to tread. Natalya mailed me a copy of the Krasnaya Ulitsa newspaper article about Alina and me that hit the streets on April 30<sup>th</sup>, Walpurgis Nacht: the medieval European witches Sabbath in which the forces of darkness run rampant in nightmarish abandon. A fitting representation of Poisoned Dragon's life, but of all the days, why did it come out on April 30<sup>th</sup>? Were the forces of evil that Poisoned Dragon allied with tapping into my childhood fears of Walt Disney's *Night On Bald Mountain* with its elemental music of the Russian composer Mussorgsky pulling me into the insane world that my

wife ruled as a Goblin queen? Given the lunacy of those days, any thing irrational seemed likely.

The article included a picture of a stripper covering her breasts with a hat, wearing panties and her facial features partly disguised, but it sure looked a lot like my wife. I appreciated the subtle mockery that a stripper and prostitute's only value was her body. Poisoned Dragon clearly saw her body as the source of all her material wealth.

The article used fictitious names for Poisoned Dragon, once again because of a holdover in Soviet law that protected a person's honor even though the truth showed her to have no honor. The article called my wife Svetlana Bondarchuk and me Michael Lamer—lame for marrying her, I guess. The following is a translation:

### **The Spouse for Common Use.**

I would like to divorce my wife, who instead of performing her marital duties, is working at the strip club, and after work is a prostitute. She is also involved in with bandits. I took her to the U.S. from Krasnodar in hopes of creating a nice family, but it turned out to be an illusion. For the last four months, she managed to earn \$ 60,000 as a prostitute.

Don't think that this is a confession of one of the Americans online, even though there is plenty of information like that. This information was taken to "Krasnaya Street" by the U.S. citizen Michael Lamer. In the big folder he had copies of documents, detective reports, and his wife's diary. Mr. Lamer did not speak Russian, but the documents were in Russian. The heroine of this half-detective and half-love story is also Russian. And maybe this explains everything.

Svetlana Bondarchuk used to work in a modeling business in Krasnodar. Having good looks and a nice figure she could have become the next "face" of the local advertisements. But she did not.

With the rest of the girls she went to Cyprus to work in a strip club. The work is harmless: the client could look at the dancer all he wants; however, he does not have a right to touch her, unless he orders a private dance- especially for him in a closed room. The work is hard: both physically and morally. Sometimes they had to dance 20 times in a row and still stay attractive and desired. Apparently Svetlana was good at it.

But the main income of Svetlana was from prostitution. She worked as a prostitute at night and on weekends. "I went to his hotel, gave him a massage (40 pounds, if sex- 100 pounds). I got 100 pounds and the money for the taxi... Help G-d this man!" Essentially that was

written all over in Svetlana's diary. Reading someone's diary – that is not a fine-looking thing, but in order to get a full view of the picture, we looked at its copies. Its surprising and amazing how this naïve girl from a Russian high school, in whose head everything is messed up, is so confused with virtues and vices, right and wrong....

“.... Last week these businessmen came from Kuwait, filled with money. Marios sold me, Regina, Julia and Nadya (40 pounds each). We went to an expensive restaurant. Mine said that he does not want sex. With the good news, I got drunk from wine and by mistake gave myself to him (before I received \$100, let G-d be his judge!)....”

“We have some weird clients. Yesterday one took off shoes from my left foot, spilled some orange juice on it and kissed it. Then he put on my shoes and took me to dance on the stage. But he didn't pay for the dance. There is a God's will for everything!!!)

Despite the costs of her profession, Svetlana was satisfied with it. Her clients gave her presents – jewelry, clothes, home equipment, lotion from cellulite, perfumes. One affluent Arab “bought” her for three days and took her to Egypt. Through her life in Cyprus went “amazing man: 100 pounds sterling for sexual intercourse; Andrew: 60 pounds plus 10 pounds for two nude pictures; Dr. Brown: perfume, 50 pounds sterling, watch, alarm, earrings and a necklace, 100 pounds, bracelet and a gold ring” (from the detective's report). In short, she came home with a lot of money and presents. But she did not stop with this; she went to Mexico.

Mexican prices turned out to be better- for the day club- \$250, night-\$300; table-dance- \$140. In Mexico, Sveta earned \$28,000. But she had to go to jail, when a lot of strippers were taken after a police round-up. But she didn't have to worry about anyone learning the truth about her in faraway Krasnodar.

She got acquainted with Michael in Moscow, before she went to Mexico. Everything started out very romantically. An affluent lawyer, tired of pragmatic American women fell in love with a young woman who could have been his daughter. And for Sveta, it could have been the next step to success. After her return, the “Hollywood” courtship started: flowers, acquaintances with families, trip to Sochi before the wedding. Michael had never been that generous and his heart had never beaten that fast...

After a visit to New York City and Las Vegas, U.S. citizen Michael Lamer and Russian citizen Svetlana Bondarchuk got married in Krasnodar. After that Michael went to Moscow to prepare a visa for Svetlana. His wife went to Italy, where she had a honeymoon with a Mexican lover, who had not forgotten about the dancer at the Mexican strip club. Don Pedro [Alfredo Ibarra Sotelo] took the unfaithful wife to Florence, Milan and Venice, gave her a diamond ring, \$ 1,000... and returned the wife.

In America, Mrs. Lamer liked New York City. But her husband was not as generous as before. Americans are very pragmatic, and after the romance, Michael decided to find his wife a job. They went to a couple of model agencies, but Sveta knew how to dance next to a pole really well. But prostitution was her secret. Therefore, she found such jobs through a strip-club surreptitiously.

Her husband became very suspicious of her constant absences. And then he found her diary where she listed all her clients and her profit from prostitution. What would a Russian man do in his place? Well, you know yourself. But not the American man! When Sveta told her husband that she wants to go on a vacation with her mother, Michael did not protest, but rather hired a detective and translated the diary that had all of his wife's experiences. A visit to a doctor cleared the head of Michael – the doctor gave him a reason of his malaise after dinner: his young wife added some opium substances in his food...

Michael met his wife at the airport in Krasnodar after her vacation. He threatened a divorce, but Mrs. Lamer did not want to leave a comfortable life in New York and go to a provincial Paris. She followed her husband to New York, begging him to give her another chance....

What would a Russian husband do? Beat her up and let her in again. But the American man kicked her out of the house. Later on, he regretted it because dangerous people started to threaten him. Then Mr. Lamer became nervous; on his death the widow would receive citizenship in America, and he wanted her deported, so he began a divorce case.

That's how after looking for the arguments against his unfaithful wife he turned up in Krasnodar. How this story will end- only God knows. Maybe some day we will tell you about it. But now there is an excerpt from Mr. Lamer's letter to us: "I hope you liked the story of how a very talented young woman went after the money, and how a stupid American man fell for a feminine Russian beauty, trying to escape from the American girls." P.S. All the names were changed in the article.

Besides changing the names, it was too bad the reporter couldn't change my role in this stupidity to a member of the audience.

While I was in Russia, my undercover operative started visiting Flash Dancers in the hope of befriending Poisoned Dragon, but he didn't find her working until the middle of May. That meant she took a month's vacation starting the middle of April, which supported my belief that the girl I saw entering a jewelry store in Krasnodar was she.

My operative made first contact sitting at the bar when Poisoned Dragon came up and said, "I know you." He thought his cover blown, but it turned out to be just one of her lines. She told him she was twenty-two—a lie, she lived in Sochi—a lie, said Russian men didn't realize how good Russian girls were—another lie, until they met American girls—a half-lie. My agent

thought she appeared troubled. For me that was great and probably meant she knew about my investigation in Krasnodar. My operative would continue visiting Flash Dancers periodically to try to gather information from her.

Xenia, my Moscow attorney, delivered to Dennis' contact at the U.S. Embassy a letter with exhibits detailing Poisoned Dragon's violation of U.S. Immigration law.

Judith, my New York divorce attorney, a.k.a. the Orc, actually sounded surprised when I gave her the boot. Just another delusional female believing she had a god given license to treat men like garbage and that they should thank her for it. Not much different than Poisoned Dragon except for looks and about two feet in height. No more American female attorneys for me; they all conceitedly thought they understood men but didn't.

After finishing my interviews with a handful of male lawyers, I hired my second annulment/divorce attorney, Steve Silpe. He seemed obnoxious and sharp enough: both good qualities in a litigator, assuming they are used against the opponent. His handlebar mustache and baldhead displayed the self-tailored image of a gunslinger, albeit a short one.

At our first meeting, I noticed he used the same type of seat for his guests as did Leo in Moscow. Maybe they were related. The deceptively normal chair in front of Silpe's desk sank its occupant well below the level of Silpe who sat throne-like behind his desk. A tactic my instincts told me he used to make himself appear more authoritative and imposing in order to browbeat clients into doing what he told them so as to make his job easier rather than serving his client's interests. Many lawyers manipulate their clients in order to fit cases into a cookie-cutter mold that permits the attorney to run an assembly line operation that maximizes revenue without the distraction of dealing with unfamiliar issues. Once again, I should have listen to my instincts, but didn't.



Silpe listened to my story and said the first step was to draft a complaint that listed my wife's worst deeds by showing she tricked me into marriage, committed adultery and treated me cruelly. Judith never got around to drafting a complaint, since she was likely trying to bludgeon me into a settlement. After Silpe served the complaint on my wife's attorney, he would request a Preliminary Conference before a judge. The court would choose the judge, not us. The alleged purpose of the Preliminary Conference was to simplify the issues, set a schedule for obtaining evidence and determine a trial date, but as I found out, the real reason was for the judge to hammer both sides into not going to trial. Bureaucrats, especially the judges in the Supreme Court in Manhattan, around 60% female, don't like work.

While continuing my investigation into Poisoned Dragon's nefarious life, I tracked down Azul, who had worked as a hooker and stripper at The Men's Club in Mexico City and double-hoed on weekend trips with my wife. Azul and my wife whored around Mexico together, so she clearly knew a lot that might help my case, although I doubted she'd tell the truth, but it was worth a shot. After tracking her from Lithuania, her native country, to Holland, I reached her by telephone. She was living with her boyfriend, meaning latest customer.

After politely listening to my narrative, Azul said she wanted to read Poisoned Dragon's diary first before answering any questions. She gave me her address and a date to call her back. To my surprise, she was at home when I called back on the appointed date. Probably didn't want me talking with her new chump. Azul couldn't remember any useful details about my wife's open-to-all-comers' days in Mexico, even though she was with her most of the time, apparently another slut with selective Alzheimer's.

"Alina didn't sell herself and none of the girls at the Men's Club did. We just danced," Azul smoothly said.

“What did Alina do when not working at the club?” I asked.

“All her spare time she was alone.”

That technically meant when not stripping or hoing, which were her chosen professions. These commie prostitutes could manipulate words as well as Billy Bob Clinton. They know the truth a man thinks he hears is not always the truth that is said.

“If she was alone, how did you know that?”

“I just knew!” I like Angelina very much and cannot say anything wrong about her.”

Azul, however, did admit that the episodes in the dairy mentioning her were correct. She probably wanted to placate me enough so as not to have a long talk with her latest mark, but refused to provide me with a sworn statement.

Azul claimed she more or less kept in touch with Poisoned Dragon with whom she had talked recently, but couldn't remember that conversation except for the prepared text on which only my wife could have briefed her. Azul repeated the exact same garbage Poisoned Dragon told me right after we separated in a con to make me lie to the INS for her:

“Alina liked you in the beginning. She did not marry you for a green card, but the marriage just did not work out. You shouldn't waste your time and money in fighting her. Just let her have what she wants.”

This obvious connivance of my wife and Azul confirmed these two whores stayed in close contact with each other. To make Poisoned Dragon realize she made a mistake, I told Azul about the night I received the Temporary Order of Protection. Poisoned Dragon would learn from Azul that had she not listened to her cocky lawyers and hatred of men to strike at me with the Temporary Order of Protection based on lies, none of what will happen would have happened

because before receiving the Order I had decided to forget about her—let her go her crooked way. Azul would tell her that the Order of Protection had started a total war.

“What does this fat Mexican named Alfredo do?” I asked

“I don’t know what he does, but I went with him and Alina on a few trips around Mexico.”

“Who else went along?”

“It was just the three of us. We were good friends. Alfredo even visited me and my boyfriend here in Holland last year.”

Probably on his way to meet my wife in Italy, I concluded.

Azul repeated the same excuse Poisoned Dragon used for breaking up with Alexei in Krasnodar—that he cheated on her. These sluts, just like Feminazis, can’t accept any responsibility.

Azul also puppeted my wife’s tired, old ploy for sympathy: that Alina and Inessa had a hard life. Who doesn’t? As for what my wife mentioned about Cyprus, Azul only commented the work was hard and Poisoned Dragon didn’t like it. I had heard all these lines before and no longer believed any of them.

Azul then launches into her own sympathy ploy by telling me that when she returned home to Lithuania, she discovered her husband had cheated on her, which hurt her so bad that she started divorce proceedings. The hypocrisy of this prostitute was astounding. She spent seven years whoring around the world, lying to her husband and still had the audacity to fault him for finding another girl—give me a break! These hos went beyond self-delusion. Next she told me she was now working in a bed and breakfast, probably as an expensive mattress, and invited me to visit her. I politely declined and said goodbye.

After Azul, I telephoned Alfredo to try to pressure him into giving me a sworn statement about Poisoned Dragon's adulterous liaison with him in Italy and any place else he might admit. My hand held only two cards.

Technically, under international law, I could subpoena Alfredo for a deposition in Mexico to grill him about playing around with my wife. To avoid such, he might provide a sworn statement, but I doubted it. If he refused, then papers noticing a deposition and including the annulment/divorce complaint could be served at his home when he wasn't there, so his wife, assuming he had one, would receive them. Being a female, she would read them, leading to lots of trouble for Alfredo. It was likely Alfredo was married because once when I called to confront him about Poisoned Dragon, I heard children in the background.

My second card depended on psychology. I had sent Alfredo at his work address my wife's diary with the hope that after reading the insults she wrote about him, he would want revenge. In order to entice him into reading the diary, I sent it under Azul's name. If it came from me, his suspicious Mexican mind would likely cause him to either not read it or dismiss Poisoned Dragon's insults as my creations. The cover letter purportedly from Azul stated, "I believe you will find the enclosed bed time reading interesting. Love Azul," and listed the pages recounting his escapades with my wife and her mockery of him but not the pages about their fling in Italy.

When he received the diary, Alfredo would eagerly flip to the cited pages certain in his ego that Poisoned Dragon praised his sexual prowess and confessed her love for him. But on reading her remarks, such as "I wanted to laugh" or "Oh god, that night was such a torture to me" or she needed a stiff drink before screwing him or his pawing and smell revolted her would send his ego crashing. He'd search through every page listed in Azul's cover letter hoping for

redemption from the fair skinned, blonde hair girl he fell for but would find none. Struggling to salvage his manly pride, he'd realize that the pages Azul referred him to didn't include the trip to Italy where Alfredo surely believed his performance, both in and out of bed, exemplified the legendary Latin lover that won him forever a hot place in Poisoned Dragon's groin and a tender place in her heart no matter what she said about him earlier. It just took her some time to appreciate his outstanding qualities.

Wondering whether the dairy he clasped in his hands even included the Italy affair, Alfredo would hurriedly flip through the pages praying to find salvation from the mental torment of Poisoned Dragon's derision. Once he found the Italy section, he'd immediately suspect a vicious plot by Azul to hurt him by referring only to the sections where my wife ridiculed him. His ego on the upswing would fancy Azul jealous of Poisoned Dragon; that Azul really wanted the knightly Alfredo and this was her way of getting back at him for not banging her. But while reading about the Italian fling, his vaulted hopes would dash utterly because I rewrote my wife's dairy to heap even worse insults on him than in the earlier sections. That fatso Mexican deserved the pain and worse, but more importantly, it might convince him to seek a little vengeance and make a statement against my wife.

On the telephone, Alfredo sounded very bitter about Poisoned Dragon, so my scheme had caused the intended emotional distress, but he wasn't willing to give a sworn statement. Apparently he was use to girls walking all over him. I played my second card and threatened to subpoena him to appear at a deposition for questioning, but he didn't change his mind.

Okay, time to involve his wife, assuming he had one. My private detective in Mexico City set out to find Alfredo's home address and, thereby, his wife's. The detective tried following Alfredo after work but lost him every time because of Alfredo speeding down

alleyways, quickly changing lanes and making hairpin turns to shake any tails. My detective found Alfredo's paranoid driving bizarre, so he looked a little further into Alfredo and found a narcotics trafficker. No wonder he didn't want anyone following him.

Alfredo's real business as a trafficker fit. Poisoned Dragon said Alfredo exported dried fruit, which sounded strange to me at the time, so I noted it even though I did not understand it. Also, during the Italy affair, my wife wrote about taking some substance with Alfredo that heightened the sexual thrill. Apparently, he exported the dried fruit of the coca plant.

My detective found Alfredo's home address and paid it a visit while Alfredo was at work, but unfortunately no current wife since according to the housekeeper Alfredo had recently divorced—rats.

The next day an email from Natalya brought troubles concerning my investigation in Krasnodar. The week after I left Krasnodar, Poisoned Dragon's mother, Inessa, burst into Natalya's office ranting and raving, threatening and intimidating:

She told me very bad things, also she told you are criminal, crazy, etc... In addition, she told me that you'll never visit Russia again, 'cause you are criminal and our police know it. I saw that she had some copies of Alina's diary in her bag. I can't tell you how many exactly. She told me that everybody who were given of these copies didn't believe in such "trouble things". I'm sure she told them that you are crazy and criminal. She forced me to say with whom you met in Krasnodar. Inessa told that Vera, the masseur, Anastasia and the trainer called her and said, "It is impossible!! We don't believe in it." She told about her "her beautiful and kind girl."

After this she tried to force me to write a paper with number of my passport and current address for Court with detailed describing of your last visit into Krasnodar: each meeting, with whom, when, who else has a copy of the diary... I said, "O.k., see you tomorrow, I'll make this paper."

When she left our office I call my lawyer, and she refused to make any paper without special request from Court. When Alina's mother came again, I told her: "Fuck you, I agreed to help to show the real matter of justice but you haven't any possibilities for this." She was very angry, she promised to locate me at the prison very soon.

Yes, it was very unpleasantly, you know. Also she told that you forced Alina to write this diary. Of course, I didn't tell anything about newspaper, she could kill me! Also she told me that she has a strong connections in Police and with criminals and I believed her because she has a money and she can buy any friends, you know and she once lived in Chechnya. Yes I was scared.

Natalya's email came at least three weeks after Inessa's lie-filled intimidation. Why so late? Anyway, I saw the hidden hands of Poisoned Dragon's attorneys, Mundy and his Russian assistant, behind Inessa's actions. Someone to whom I gave a copy of the dairy spilled the beans to Inessa and Alina, who was likely in Krasnodar at the time of my visit.

The cabal of forces arrayed against my quest for justice now knew I possessed a copy of my wife's dairy going back to December 1998 and that I was looking for people to authenticate the record of her sordid existence. Poisoned Dragon and her attorneys needed to prevent the Russians I interviewed from providing the necessary sworn statements about the validity and accuracy of her diary; otherwise, it would be admitted as evidence in the divorce court. Sure the INS had a copy of her diary, but before using it in a deportation hearing, the Government would also have to authenticate it, which meant work for bureaucrats that didn't work. However, if all the INS needed to do was subpoena court records that included an already authenticate diary used as evidence, then that much less work would look attractive to the bureaucrats.

Poisoned Dragon and her attorneys may have also suspected that I had acquired a copy of the dairy while still living with her, which gave her the defense of cohabitation—meaning I legally forgave the events in the diary. In order to prevent an annulment or divorce based on adultery from prostitution, they would have to raise the cohabitation defense. Such proof would attract the attention of the INS because it meant showing that I had “forgiven” the acts of marriage fraud and prostitution.

If Poisoned Dragon's attorneys couldn't prevent the authentication of the diary and didn't use the cohabitation defense, then they would face making the ludicrous argument that I forced her to write it or that all the nefarious scenes were id inspired fantasies. In addition, they would have to stop me from acquiring any additional information not in the diary that might help prove

my allegations and provide the INS with additional court evidence of marriage fraud and prostitution, both of which even Immigration didn't look kindly upon.

So the trinity of evil needed a strategy. Easy enough, just tell my Russian witnesses I was crazy and a criminal, which, if they believed it, would keep them from helping me. If they didn't believe it, then just threaten to send the police and prosecutors after them. Everyone knew the Russian criminal-justice system went to the highest bidder and nobody, especially Russians, wanted the police and prosecutors looking into their affairs. Whether poor or wealthy, all Russians try to keep a low profile. The poor because the laws protecting individual rights are useless, and the rich because their money comes from criminal activities. Not that the wealthy fear prosecution, but they would rather avoid the bribes demanded by the police and prosecutors to leave them alone. If threats of police and prosecutors didn't work, then Poisoned Dragon could easily hire some hoodlums with sex or money to use more vigorous intimidation.

Poisoned Dragon couldn't arrange the intimidation of potential witnesses herself because she was under the jurisdiction of the New York Supreme Court and such conduct, even by a wife, didn't go down easily with the court. So her attorneys likely instructed her to find someone else over whom New York laws held no power to obstruct my investigation. Naturally, she turned to her mother.

Even though Poisoned Dragon's mother didn't fall under the court's authority, I still thought the divorce court wouldn't look kindly on the mother of a party to the proceedings going around intimidating and threatening potential witnesses. So I telephoned my new attorney Silpe to determine what we could do to deter Inessa's interference. He sounded like he didn't want to be bothered, and said I couldn't do anything at all because my wife's mother was outside the court's jurisdiction. Silpe's attitude made me feel that I, the man paying him, was disturbing



him. Was my new lawyer hoing my wife or just a wimp from a younger generation suckled on Feminazi propaganda? White men in their twenties and thirties are generally incapable of holding their own in an argument with some loud mouth, usually ugly, female zealot. It's as if the Chinese brain washers from the Korean War passed on their techniques to American mothers of the late 20<sup>th</sup> century who vowed to turn their sons into pseudo pussies.

Okay, if my modern-day, emasculated American lawyer wouldn't help me, maybe my Russian woman attorney would. I telephoned Xenia about obtaining a restraining order, or whatever they called it in Russia, to stop Inessa from interfering in my investigation. Xenia told me the Russian courts couldn't restrain anybody from saying what they wanted regardless of the consequences. Threats, intimidation and harassment, as long as such consisted only of words could not be prevented beforehand. An interesting freedom of speech concept for a country that recently sent people to the Gulag for the mildest of political criticisms. For example, my former maid in Moscow, the one with the PhD in public health, told me that her grandfather ended up in the Gulag for saying that Americans built better cars than the Soviets. He never returned.

Xenia explained my only recourse was to use the law of defamation against Inessa in Krasnodar once she defamed me to others—not much of a deterrent. Even winning a monetary judgment, which in Russia would amount to peanuts, I would still have to collect from a Russian adept, like most Russians, at hiding assets. But, I decided to go ahead anyway. It's always impossible to tell where a court action may lead.

Xenia suggested a Krasnodar lawyer she worked with, Svetlana, but before she could represent me, I needed to fill out and get notarized the Russian form for hiring an attorney. Since, I planned to return to Krasnodar in mid-June to continue my investigation; I'd meet Svetlana then to complete the forms.

I contacted Natalya to tell her of my hiring a lawyer in Krasnodar to deal with Inessa. It allayed some of the doubts Inessa had put into Natalya's head about me and calmed some of her fears that I would leave her to face the wraith of Inessa and Poisoned Dragon alone. My wife and Inessa clearly intended to sow doubt and fear in Natalya because they knew my investigation would stop in its tracks without a translator. Still, Natalya remained upset from the experience, not only because my wife made lots of money, but, as Natalya said, my wife and Inessa had lived in Chechnya for over fifteen years, which to Russians meant connections with some of the most brutal criminals on the planet.

Chechnya lay only four hundred miles from Krasnodar, so many Chechen gangsters set up business in the city to ply their savagery. To make matters scarier, Poisoned Dragon's apparent prostituting in Krasnodar probably meant she also associated with local criminals and officials capable of causing much trouble for the average Russian. As a result, Natalya stopped following up on the people I originally contacted, and even tried to dissuade me from continuing my investigation. Time for another translator for my next trip thanks to the fear my wife and her attorneys heartlessly caused a twenty-two year old girl trying to eek out a living.

#### Telstar

The most troubling development of Inessa terrorizing Natalya was the copies of the diary in Inessa's bag. My wife's mother must have convinced or threatened some of my potential witnesses into giving up the very document that they needed to recognize the events recorded. This cut to the heart of my efforts. Without a copy of the diary, any potential witness still willing to help me had nothing with which to refer. I'd have to fly back and forth to Krasnodar or set up shop there for weeks to handhold each potential witness while we went through the diary, composed their sworn statement and obtained notarization. If I let the witnesses out of my

presence, my wife's mother, the corrupt police or hired hoodlums might pounce, eliminating my chances to authenticate the diary.

Poisoned Dragon and Inessa could easily keep track of my visits and activities in Krasnodar. Two planes a day flew into the city from Moscow and only two hotels permitted foreigners as guest. A few dollars to an airline official and hotel employee or tens of dollars to an F.S.B. agent and my nemeses would know of my arrivals, departures and local residence. Once I landed in Krasnodar, they could use some of Inessa's students or former students, such as the guys who helped the two move into their apartment, to stake out the hotel and follow me around Krasnodar. These guys won't cost much, probably a few bottles of vodka and maybe some sex from Poisoned Dragon. Some of them were policemen who could easily keep me under surveillance the entire time. After I talked to a witness, Inessa would show up to expropriate the diary by smilingly suggesting the witness shouldn't get involved with a crazy, criminal American. If her ingratiating con didn't work, then she'd turn to her Janus face of rage, threatening the person with the police or gangsters.

Without sworn statements from witnesses to authenticate the diary, not to mention any new evidence, my wife could resort to her strong point before the court—lie. She wouldn't have to claim the absurdity that I forced her to write the diary, just that the diary represented the draft of a novel and all the evidence in it would go down the drain.

In addition to stopping the intimidation, which a defamation action might do, I also needed a way to circumvent Inessa's ability to confiscate copies of the diary from my witnesses. Neither American nor Russian law could prevent Inessa's expropriations, but modern technology could make them useless by putting the diary on the Internet. Let's see Inessa expropriate that.

Natalya told me that Krasnodar had a couple of Internet Cafes used mostly by students and younger folk while Russians with money, criminals and old-line bureaucrats, owned their own computers. That comprised the pool of my potential witnesses: Poisoned Dragon's fellow models, students and disco crowd probably all used the Internet Cafes while her prostitution clients made enough money to buy their own computers. Anyone of them could go online to check out which events in the diary they recognized. An added benefit was reducing the number of copies of the diary I planned to lug from New York to Krasnodar on my next trip. Just twenty copies really weigh me down, but with a website, I could replace most copies with flyers.

The flyers would provide the web site address, introductory information that showed I knew Poisoned Dragon and answers to questions that people usually asked about her, such as what she did in America, how much she made and where she lived in Krasnodar. An Internet site also gave me the opportunity to reach more people by following up on leads. My first trip to Krasnodar taught me that I needed a longer presence on the ground in order to track down others with useful information. By leaving a number of flyers with my new translator, whomever she ended up being, she could follow up the leads to other potential witnesses, give them a flyer and I could interview them by email. The public nature of an Internet site might even turn up people I didn't know about.

An Internet site also allowed me to counter, to some extent, Inessa's lie that the diary was false by including the naked photos that Leo gave me. The staged nature of the photos showing front and back fit the modern-day trend in Russia for promoting commercial goods. One look and any Russian would know the pictures showed a prostitute advertising her services. Since the diary recounted much of Poisoned Dragon's sex work, the photos showing an obvious prostitute made the entire sorted tale credible.

An added benefit came from showing my wife in one of her work uniforms—no clothes at all. As a result of my interviews with the two guys who didn't recognize her name but did her photos, I realized pictures were the only way some people could identify her. Poisoned Dragon worked retail selling her body, so her customers, those that might provide some useful information, were more likely to recognize her in her birthday suit as opposed to a real suit. The naked photos on the Internet, as well as on the flyers, might catch the eyes of those who knew her body but not her name.

The Internet site would make public private facts that made me look like a fool, but then again, I was. It would also publicize many doings and schemes that my wife wanted to keep secret—good. She and her attorneys had plotted and used threats to intimidate me into assisting them in defrauding the Immigration Service, had obtained a spurious Temporary Order of Protection, had lied about possessing medical records of battery, had threatened a “difficult” divorce proceeding and were now using Inessa to threaten my witnesses in order to subvert the workings of the New York Supreme Court. By engaging in such acts, they “assumed the risk” that unflattering facts about Poison Dragon would become public. Just because she was a girl didn't mean the truth about her should remain locked away while they engaged in criminal acts to gain her permanent residency.

The real beauty of my plan was that she couldn't sue me for defamation because then all the facts would come out in court since truth is an absolute defense to defamation. Although, some man-hating judge might convict me of harassment based on the lame belief that alien sluts can do what they want so long as it harms men, but I doubted it. Even the naked pictures didn't amount to harassment because they simply re-publicized my wife's advertisements for the services she sold through Leo—sex.

My Flash Dancers' undercover operative kept reporting back to me, but nothing of much use. Poisoned Dragon kept playing her sympathy card with him by saying she has to support herself, nobody helps her, she lives alone, wants to become a model but has to work at Flash Dancers so much to pay her bills, sometimes there's not enough customers to make money, the club sometimes raises the fees she has to pay management to dance—boo hoo hoo. The consummate deceiver, raking in easily \$3500 a week but still trying to weasel money out of others with her “pity me” routine.

A couple of side comments, however, illustrated either the extent of her self-delusion or capacity to tell outrageous lies: she cooked great meals and stripping was glamorous, which particularly amazed my operative as he looked around the seedy, dark basement full of men emotionally drooling over the flesh of whores. Poisoned Dragon also repeated her lie about winning the long jump championship of Russia three times and added a new one about reaching the finals in the Miss Commonwealth of Independent States pageant—a type of Miss Universe contest but only for the countries of the former Soviet Union. She told my agent that often customers wanted to take her to a hotel after work. A subtle way of informing a customer that he had to make the proposition. She probably used that approach to avoid breaking the law on soliciting prostitution in case a customer happened to be a cop. Poisoned Dragon also emphasized to my agent that she wanted to stay in America. During her plying tactics with my agent, Poisoned Dragon always situated herself to keep a sharp eye on Flash Dancers entrance to spot any new suckers entering—the real reason for her laser eye operation the previous year.

On the legal front, Silpe had me meet with his associate to go over the annulment/divorce complaint. Why wasn't I meeting with him? Okay, I rationalized: it'll cost me less money, and I'll see whether this associate is competent. After a few minutes into the

meeting, a sinking feeling of dread swamped me. The associate, a middle-aged female, must have been in the beginning stages of Alzheimer's. Her mind was like a Swiss-cheese trap. She mixed up facts, couldn't remember important points, confused the law, passed on making any decisions, overflowed with negativity, implied I should give up without a fight and didn't know the status of the Temporary Order of Protection, which meant if it wasn't transferred to the Supreme Court and I missed a hearing in the Family Court, the police would arrest me. My instinct told me to dump this law firm, but then, like a chronic fool, I rationalized that Silpe, who had a good reputation, would oversee her work.

Before the meeting ended, Silpe came in the office to tell me the name of the judge for my case, a female of course, since only one male judge heard domestic relations cases for all of Manhattan. Silpe also lobbied against pursuing alimony or some of my wife's assets, both of which he originally suggested we go for and I thought I deserved. After all the help I gave Poisoned Dragon, after the hell she put me through, I deserved some of the money she was making. It wasn't fair that this duplicitous whore should benefit from defrauding me, the Immigration Service, the Department of State, the Internal Revenue Service and Customs while I ended up losing money, time and opportunities: first in bringing her to America and then in finding out the truth. Where was the justice now that my good heartedness ruined my business, my time wasted by her selfish schemes, my emotional health traumatized by her secretly feeding me drugs and treating me as though I were some animal with which to toy or destroy at will and all the while my money evaporated on useless lawyers? Silpe argued that the judge wouldn't grant me any financial assistance from my wife because of the shortness of the marriage. What about the degree of harm she caused me, I countered? It didn't matter how much I suffered only

how long. If I had been dumb enough to stay married to her longer, then I might have a chance of some reward for long-term stupidity but not short term egregious injury.

After the meeting, I contacted my friend Alan who helps select nominees for judicial office in Manhattan to see whether he knew anything about Judge Joan B. Lobis. Lobis was in her fifties and had campaigned for her judicial office as an out-of-closet lesbian. I was doomed! All Poisoned Dragon needed to do was smile, cross and uncross her legs a few times and the judge would droolingly give her what she wanted.

The evil that lurked in the female soul since creation surrounded me. Personified in my wife as the unscrupulous vamp who uses her charms to exploit men while assuming the role of victim violated by the men she exploited, and in the judge as the she-male who abuses power to carry out a personal agenda of punishing men for crimes they didn't commit because they are what she'll never be—a man. Naturally, Lobis, as do other she-males or Feminazis, justifies her vendetta against men through bigotry: anyone belonging to or sympathizing with the group labeled “men” is malevolent and barbaric. Such generalized dehumanization makes it easy to deny the rights of any man, even one who never hit a girl, although now wishes he had, and who always try to judge people by the content of their character and abilities, not by their sex, although that will never happen again when it comes to females. Actually, my only crime was trying to help a girl out. So I didn't expect any justice from the divorce court but would try to put up a fight anyway.

Besides the courts, the Feminazi infested media also propagated this psychological sea change of the past forty years whereby men only brought brutality while women graced the world with “clean love.” Today, American institutions assume nearly all female wrongdoings result from a man making her do it, or just as absurd, from a man not stopping her before she



does it. The mainstream media paints females as the hapless victims of male depravity. For instance, the TV show 60 Minutes aired a story, reported by a female—naturally, about “innocent” Russian girls falling into the clutches of villainous male pimps who sent them abroad to work as “artists.” Once out of Russia, these “naïve” girls, to their alleged surprise, found themselves “forced” into prostitution when their male employers, always men—no women pimps, confiscated their passports and wouldn’t return them until they spent the requisite amount of time selling sex. The Russian girls interviewed adeptly played the role of the wronged woman complete with tears and sobs for the female reporter who was too ignorant to know or too zealous a feminist to care about the truth.

Every Russian, as did I, knew 60 Minutes missed the real story, so I sent a letter with my wife’s dairy to the President of CBS News for whom I had worked twenty-five years earlier at WNEW TV, now FOX News. The letter explained that most Russian girls know they can simply walk into a Russian consulate or embassy overseas to obtain a new passport. The case at Kroll in Moscow, which involved Miss Russia of 1991, had her obtaining a second passport at the Russian Embassy in London by claiming she lost her original, which she hadn’t. My letter continued that these pretty young Russian girls, like my wife, aren’t naïve but masters at the art of deception. They know the return that their assets can bring not only in Russia but also in other parts of the world because there exists a worldwide subculture of hos sharing information, experiences and tips on where to make the most, how to cheat employers and customers, dealing with the police and anything else a successful international prostitute and stripper needs to succeed. Most of the Russian hos started hooking in their hometown as teenagers for the easy money from the ever-present criminals and corrupt governmental officials. The cream of the ho crop eventually goes overseas for better money. The modeling agencies that arrange for the

visas and transportation don't need to force any girls into prostitution because there are so many volunteers. But when caught at prostitution or lap dancing, these girls, true to their genes, blame men for forcing them into such dirty work. They lie in order to avoid the humiliation of the truth, con the media and trick the Government into allowing them to stay here so that they can find some fool-hearted western guy to relieve of his money. The one time Russian Presidential Candidate Vladimir Zhirinovsky spoke the truth when he said, "The women of Russia are populating the brothels of Europe" and now the world.

In suggesting a story closer to the truth, I volunteered to introduce a CBS producer undercover to both male and female Russian procurers and tell the producer how to gain an inside look at the Russian sex industry. My old boss thanked me for the information and said he referred the diary and story angle to Betsy West the vice president who oversaw 60 minutes. Not surprisingly, nothing came of it in these times of "women can do no wrong."

Before my flight back to Krasnodar, I put together a flyer for potential witnesses but didn't finish up the web site. That would only take a day or two when I returned, so I planned to tell the Krasnodar recipients to wait a week before accessing the site. The flyer, a two-sided, displayed both sides of my wife the way her Moscow pimp advertised her. The text on the front and back aimed at attracting the reader's attention, as if the photos didn't already do that, and making him or her want to learn more while providing enough information about my wife so that most with some acquaintanceship could identify her. The topside, graced by Poisoned Dragon's naked front with a black box covering her crotch, stated:

This New Site Will Tell You All the Truth About a Girl from Krasnodar Who Lives Luxuriously in New York

Alina Alexandrovna Shipilina, daughter of Inessa Alexandrovna Shipilina, who teaches at the Academy of Physical Culture in the Department of Gymnastics, is making big money in New York City using her naked body. Visit Alina's web site [www.AlinaShipilina.com](http://www.AlinaShipilina.com) and read her

intimate Russian diary on how she succeeded in using her body to earn 15,000 U.S. dollars a month.

On the bottom-side, the flyer showed her derriere while holding her hair up to provide any admirers an unobstructed view of her back:

Alina Alexandrovna Shipilina graduate from the Academy of Physical Culture in 1996 and after working as a prostitute and stripper in Limassol, Cyprus, and Mexico City, Mexico, moved on to New York City. She made enough money in Mexico to buy her apartment at Rashpilevskaya Ulitsa in Krasnodar. In New York City, she has earned over 100,000 US dollars in less than a year. Read how she did it on her Internet site [www.AlinaShipilina.com](http://www.AlinaShipilina.com).

If you have any information about Alina, please email to [alinashipilina@hotmail.com](mailto:alinashipilina@hotmail.com). All sources will be kept confidential.

### Traveling Man

The trip to Krasnodar in mid-June took me first to Moscow for a convention of international Private Detective firms—how appropriate. Unlike the days of Spade and Archer when most P.I. firms worked pretty much on their own, modern day detectives formed worldwide associations to keep pace with the global economy, global crime and lobby governments, mainly in the West, for less restrictions on acquiring information. While managing Kroll in Moscow, I often wondered how the managers of the European and American branches stayed out of jail. Some of the methods they used to obtain information on private bank accounts or from law enforcement agencies didn't sound legal to me, and they weren't. Kroll always warned its clients which information not to use in court. In Russia and the rest of the third world, however, anything went because the laws on privacy and confidentiality of government information didn't exist or weren't enforced.

The convention proved useful for it led me to Elaine, the Canadian detective who found one of my wife's secret financial accounts at the Bank of Cyprus. Before the war, Poisoned Dragon told me that when she had worked in Cyprus, she had set up a bank account, and after

her visit there last September, had met with Stephanos, one of her old customers, who worked in a bank. Both pieces of information inferred she still kept the account, but I had no idea at which bank. When Elaine found the bank, the mutual fund account only contained \$20,000. What did Poisoned Dragon do with the other \$130,000 that I knew she had made from stripping and who knew how much from prostitution? Elaine checked the other banks on Cyprus but no luck. I didn't think my wife stupid enough to keep over \$100,000 in her apartment in Krasnodar, especially after me blabbing to Russians that she did, and I knew she didn't keep it in her safe deposit box at Citibank on Fifth Avenue. Wherever she hid the rest of her money smuggled out of the U.S. still remains a mystery.

In Moscow, I once again stayed with Sasha and Anya. Since my last trip, Anya began dating my buddy Tony, but she kept complaining that he only thought about himself. No argument there, but then again, Anya only thought about herself as well. Both dated other people in their search for better opportunities while lying to each other about it. Clearly a match made in third world heaven: Tony whose parents came from China and Anya a Russian.

Before flying to Krasnodar, I met Xenia, my Moscow lawyer, at an English style pub not far from Moscow's most famous den of prostitutes "Night Flight." More irony, and I understood that no matter where I went in Russia, reminders of Poisoned Dragon would haunt me because that land was awash with hos. Xenia gave me the name and number for Svetlana, the Krasnodar lawyer who was willing to help me battle Poisoned Dragon and Inessa on their home turf. Xenia also mentioned an interesting fact about my wife's birth certificate that escaped my attention.

"The certificate lists Alina's last name as that of her mother, Shipilina, not that of the father who is also listed on the certificate. In Russia, many single mothers list the name of the father while giving their out-of-wedlock children their own last names."

“So my wife’s a bastard,” I laughed. “Both technically and in the broader sense.”

“Well yes.” Xenia politely responded. “It is not uncommon, and I am sure Inessa raised Alina by herself, since she obviously didn’t have a legal husband. But the man on the birth certificate is probably Alina’s father or believed himself to be, and he probably supported the two until Alina went to university in Krasnodar or even later.”

“To do that, he would have had money, right?”

“Remember, when Alina grew up from 1975 to 1991 in Grozny, all the important officials were Russian and belonged to the Communist Party. These guys had mistresses and usually took care of the woman and their illegitimate children.”

“That makes sense. Both Alina and Inessa talked about Alina’s father as an official in the M.V.D. in Grozny. Alina even said he was the chief. I wonder if he’s still there and would talk to me?”

“It’s not possible that he is still there. After the Soviet Union fell apart in 1991, the Chechens displaced the Russian elite that ran the country and took over all the positions of power, which eventually led to the first Chechen war. Many Russians, like your wife, left the country in the early 1990s. And don’t even think about going there to track him down, all records have been destroyed by the two wars, and you’ll end up with your head in a basket,” Xenia kindly warned.

“I believe that. So, Alina and Inessa didn’t leave Grozny because her father beat her or molested her or treated her mother badly, which Alina claimed caused her parents to divorce.”

“There couldn’t have been a divorce because there was no marriage. They left because all the Russians left. Those on top were now on the bottom.”

“So Alina probably lived the good life as a kid in Grozny?”

“If the man on her birth certificate is the natural father or believed himself to be and was Russian—yes. But maybe Alina’s father wasn’t Russian.”

“What do you mean?”

“Alina has some of the Chechen facial features, so perhaps her real father was Chechen. There was a lot of intermingling between the Russians in Chechnya and the Chechens, and many Russians continue to work with Chechen gangsters even today making lots of money from the two wars and running various criminal activities in Russia.”

“So, greedy little Inessa probably mistreated herself out to a number of guys, Russian and Chechen, didn’t know who was Alina’s real father but probably told all of them that they were in order to shake them down.”

“Such things do happen.”

“I wonder whether any of her stories about Chechen guys grabbing her on the bus and her father, whoever he was, smothering her with a pillow or starving her were true, or just to make men feel sorry for her?”

“Or delusions,” Xenia added.

“No one can be that blind,” I responded.

“Maybe Alina really believes the fairy tales she tells. It gives her an excuse for her actions. She can blame men for everything she doesn’t like about her life, which justifies her using them like she did you.”

“She sounds like an American Feminist. Both create the false image of a decent girl victimized by evil men in order to get preferential treatment, and both believe they shouldn’t be held responsible for their acts. For the Feminists that means abusing their positions in the government, media and education, murdering their husbands and even their children for which

they blame their hormones. In the case of my wife, it means prostitution, defrauding Immigration, evading taxes and any evil act that serves her purposes. Both believe they deserve compensation for the fantasized harm done to them and members of their group. The Feminists steal jobs from men and give them to incompetents, while my wife sucks money out of men. Both seek to gratify their desire to wreck vengeance on men. Damn, these young Russian prostitutes are every bit as mean, nasty and hateful of men as American Feminists. They just package it differently.”

“Well I don’t know about that,” Xenia diplomatically said. “What’s going on in America seems strange to us Russians and a little childish. But Alina most likely never had a father in the traditional sense, and both mother and daughter live off of men.”

“Right, and the absence of a father supports my belief that Inessa started pimping Alina out when she reached puberty. It all fits. Alina was very tall, so her mother passed her off as older than she really was. Alina always complained that being taller than everybody else in school kept boys from dating her while the girls taunted her. But in truth, she was complaining that her height turned her into a prostitute, which destroyed her ever having a chance at a normal life. You know in a twisted sense, she rightfully blamed her height, but in reality it was her mother. The molestation stories she probably used to cover the reality of male strangers entering her bed by making them all the father that never existed. The puzzle is falling into place. She always slept as though cowering with her body pinned between the bed and the wall in order to ward off the childhood terror of customers coming for sex. She told me to never touch her while she slept, probably because it would bring back memories of the past and she always wore panties to bed, most likely as another unconscious protection from her past. What a sad little girl. I almost feel sorry for her, but I’m not going to make that mistake again. Alina should hate

her mother for destroying her life, but I guess she can't allow herself to see the truth, since her mother is the only person with whom she ever had close emotional ties. The only one she believes she can trust is the one who utterly betrayed her."

Xenia added, "That would explain the infantile nature of her dairy. It's as if she stopped her emotional development at puberty. Emotionally, she sounds like a little girl, thrilled by childish amusements, upset by trivial matters, superstitious, unable to feel for others and extremely nasty when she doesn't get what she wants. She's an adult intelligence ruled by a hurt and angry little girl—very dangerous. I'd be careful."

"I've been told that before, but to tell you the truth, for some reason she just doesn't scare me. I know she'll do anything she can get away with to get a permanent green card and afterward probably have one of her hoodlum friends try to liquidate me, but it just doesn't bother me. What I'm really afraid of is her winning. Her getting what she wants: lots of money and to stay in America. It's too bad she didn't take my suggestion to see a psychologist. She could have straighten her life out, pursued a legitimate career and saw her mother for what she really was—a pimp. Perhaps, if I had been more patient, she would have eventually changed, but somehow I doubt it. Why did I end up involved with such a person?"

"There's nothing you can do, it's Russia," Xenia empathized.

On Sunday, June 10<sup>th</sup>, feeling like a commuter, I boarded the packed flight to Krasnodar hoping one of the innumerable fat, deodorant-less Russian businessman, a.k.a. crook, didn't shoe horn himself into the matchbox sized seat next to me causing an overflow of blubber into my space. But a more pleasant, although more dangerous, type of Russian sat next to me: a pretty English speaking Russian girl from a family that owned a classy Moscow restaurant, that is, money-laundering operation. In between our chatting, which did not include my hitting on her, I



reviewed my “To Do” list that included the names of people mentioned in Poisoned Dragon’s diary whom I especially wanted to track down. At the top was the witch who provided the drugs for my meals before and during the marriage, followed by the manager of the Aurora movie theater, the photographer Dmitri, the girl who went to Cyprus with Poisoned Dragon but came back after two days—Nadya the Good and Alexey the manager of the Joy Disco. Also on my list were some of the people interviewed in April for additional questioning, determine the extent of Poisoned Dragon and her mother’s interference in my investigation, try and interest the Krasnaya Ulitsa reporter into doing a follow-up story and meet my Krasnodar attorney Svetlana.

On landing in Krasnodar, I said goodbye to my pretty, young flight-companion for whom I had no interest in looking up back in Moscow. Ever since I separated from my wife, pretty girls no longer held the promise of kindness and understanding. Behind all the bubble bath and dewy morning and moonlight, I now saw only vicious predators. Whenever one of these engines of destruction turned her lights on me, I wanted to run down the block screaming. My genes still lusted for those soft, nubile bodies but my reason feared the seduction of their whispered lies turning me once again into a fool. What if some pretty young thing with her soft, smooth flesh, perfumed hair and honey dripping lies put my heart back together just to rip it apart again? I was better off alone. Marrying a prostitute made clear that romance was nothing more than a feminine con to make men suffer body and soul and deplete their bank accounts. The incongruous conclusion of my new understanding meant that the only girls left for me were hos, amateur, not professional like my wife. Still, the amateurs cost money to date and required feigning empathy to collect on the enjoyment produced by the drugs they caused the brain to pump out. Such looked too much like the traditional matting pattern, so out of the fear of falling

into another snake pit laid by a slut or a good girl, which I knew didn't exist, I chose celibacy and put away for the time-being the illusions of love as a verb and forever as a noun.

As I walked out the airport gate, the same taxi driver who took me to the hotel in April greeted me like an old friend. How did he know I was coming? He didn't, he just picked up extra money every weekend using his car as a taxi. As we drove to the hotel communicating in his broken English and my broken Russian, he again laughed about the trouble this Russian prostitute was putting me through but didn't offer any advice this time. He likely assumed it too late to do any good.

The staff at Krasnodar's Moscow Hotel greeted me as though I were a regular: smiling rather than frowning this time. The moment I entered my room, the telephone rang. Natalya, my translator from April, welcomed me to Krasnodar, and said she had a new translator for me named Nadya Sanchez. At first, I assumed the incidents at the Academy and with Inessa's mother scared Natalya off, but the real reason for her not doing my translating again was her promotion to manager of the firm that provided translators. Apparently, this girl had more guts than she let on.

The next morning, Monday, June 11, 2001, I met Nadya in the still dim and still dreary hotel lobby. She had just graduated college, very pretty, petite and nice legs. I buried my impulse to flirt. Nadya had already contacted Svetlana, the attorney recommended by Xenia, but Svetlana could only meet me at the end of the week on Friday morning. I had wanted to meet my Krasnodar counsel sooner so that we could at least start the defamation court proceeding against Inessa in the hope it would put an immediate stop to the obstructing of my investigation engineered by Poisoned Dragon, her attorneys and Inessa. But my purgatory in Russia taught me not to push my own scheduling desires because virtually all human efforts in that disorganized

society evolve in a direction and at a speed independent of individual will or frustration.

Whether caused by the bureaucracies of the Czars and Communists or resignation emanating from the minds of a people accustomed to not making their will felt, the fabric of reality in that savage land laughed derisively while thwarting the attempts of men, especially Westerners, to impose their wishes on it. Only patience and acceptance worked once a decision crossed into action; otherwise, all goals eluded realization and the sense of powerlessness spiraled one into madness. I went with the flow.

Nadya and I first stopped at the stadium on Krasnaya Ulitsa to follow up on my first interview with Andrey, the masseur. When Andrey saw me, his face dropped into a distinct expression of displeasure. Lawyers are used to that, and I never let the displeasure of others deter my aims. In this situation, it only confirmed my suspicions that he knew more about Poisoned Dragon than he cared to say. Andrey claimed he contacted some of the guys who knew Alina but none of them were willing to talk with me. He last saw Alina in Krasnodar, running around the track, in late April or early May, which fit with her absence from Flash Dancers during the same time and my sighting of her in Krasnodar in April. Assuming Andrey was truthful, she was at least in town when her and her lawyers embarked on their plan to obstruct my investigation.

Andrey continued that neither Alina nor Inessa contacted him after we talked in April, which was clearly false because his willingness to cooperate had turned to reluctance. Inessa's ranting to Natalya that Andrey and the other interviewees had called Inessa to proclaim their allegiance by not believing the diary was also clearly false. Andrey wasn't the type to go looking for trouble. More likely that after Inessa tricked the names of my informants out of Natalya, Inessa, Poisoned Dragon or others contacted Andrey and successfully intimidated him

into keeping his mouth shut. This looked like the beginning of a pattern where my wife, mother-in-law or hired hoods successfully tricked or threatened my witnesses into silence about not only Alina but also Inessa's defamation of me. I gave Andrey a copy of the Krasnaya Ulitsa newspaper article as I did everyone on that trip to convince them, if they needed any, that I told the truth.

We went outside and on the track found Yevgeny still dedicatedly timing his athletes. He greeted us with his warm, insincere smile and asked that we wait while he finished with his athletic protégés. Nadya and I sat down on the same bench, beneath the same tree as I did in April, but now the calendar read summertime. Russians believe the seasons change with the beginning of the month, so summer begins the first of June instead on the summer solstice, June 21, as it does in most countries that follow modern science.

More enjoyable than the warmth and humidity in Krasnodar was the peacefulness of a different time as I looked out on a green field of grass, not plastic, and a dirt track, not some synthetic polymer. New York City's noise, drive and psychic bustle no longer attracted me, maybe because my thirty years of involvement with that place had left me with a failed and useless life, although most the blame lay not in the City but in my stars. Krasnodar attracted me then, as did most places out of a past era or away from the centers of worldly hustling. If I could find something to do in that town, and the crooks in the stock market hadn't pushed me to the edge of bankruptcy, I'd consider living for a while in that southern region of the physically largest country in the world and one of the few nations with a negative population growth.

After timing one heat of sprinters, Yevgeny hurried over to talk. "About four or five days after I saw you in April, Inessa called me to say that she knew I met with you. I told her that she was wrong that I never met you. She kept talking anyway and asked whether you showed me

some papers. I assumed she meant the diary. I told her again I never met you. It's a very old trick for someone looking for information in Russia to pretend they know something when they do not in the hope that someone will be intimidated into telling everything."

I laughed, the old whore Inessa couldn't trick and dared not try to intimidate the old fox Yevgeny. "Did she say anything else about me?" I asked looking for evidence of defamation.

"She said you were a crazy person, not normal, and if I hear from you, I should contact her right away."

Yevgeny's account made more sense than what Inessa told Natalya. It was clear now that Inessa's confrontation with Natalya was nothing more than a fishing expedition to scare Natalya into giving up the names of the people I met. Mother and daughter were quite the tricksters. We gave Yevgeny a copy of the newspaper article, and he responded telling me to contact him if I needed help of any kind, which I still didn't believe.

Nadya and I then took a ride to the Aurora Theater at the end of Krasnaya Ulitsa looking for the Chechen manager who allegedly helped Poisoned Dragon and her mother move from Grozny. The same young hood answered the door. He told us to wait, closed the door and came back handing me the diary copy I had left in April for the manager as though diligently returning a borrowed book to a friend. Nadya asked about the manager, did he read the diary. Yes, but he was not in, no surprise, and the young man didn't know where he was or when he would be back.

We walked around the place and ate a late lunch in its restaurant looking, unsuccessfully, for the short, swarthy Chechen who gave my wife free amusement rides. We checked the place a couple of more times that week but no luck. In Russia, criminals live very well but usually for a short time because of the tough and literally deadly competition. Maybe the manager met his just rewards and presently comprised part of the cement foundation of some new building.

On a hunch, I asked Nadya to track down the home address for Andrey, the masseur, before we met the next morning and took a car back to the hotel.

On this trip, I came prepared for the boring evenings by bringing a few detective novels by Chandler and Hammett. Krasnodar didn't offer much to do at night except pick up some ho at a disco, which I could do without at present. Besides, maybe I'd learn some useful tricks from these authors for my own detective story, although in theirs someone always ended up dead. Well, mine still had a ways to run yet.

Detective and other stories of human tragedies never even partially convey the internal torment of the characters. It's just impossible for the reader or observer to comprehend the horror, hate and despair swirling within the people involved. For me the hell not only tore at my mind but also made my entire body feel under assault every second, every minute of the day. Even at night my dreams screamed hopelessness.

Tuesday, June 12, 2001, Nadya handed me Andrey's address.

"Well, well, well, so this is what Andrey was hiding."

"What?" Nadya asked.

"One of the addresses Alina gave me back in 1999 for mailing her letters is also the address of Andrey the masseur. So there relationship was a little closer than he let on, and it explains how he could recognize her handwriting."

We went to the Academy of Physical Culture to find the professor Vera: another one of the people Inessa claimed called her to declare disbelief in the diary. Natalya had never reached Vera after I gave the professor a copy of the dairy in April. The confrontation with the administrative goon squad on my last visit made me anxious to interview Vera and leave before the intruder alert alarms went off.

At the entrance, the guard booth was empty this time, probably cutbacks or an extended coffee break. We walked through the still bleak lobby to the Gymnastics Department where Nadya boldly started opening the doors of classes in session while asking me if I recognized Vera. The teachers and students all looked quizzically at us but without protest as an obviously American in a suit turned to a Russian girl with a “no” and the door closed. I kept expecting the goons to come racing around the corner at any minute. How could girls so adept at keeping secrets from their boyfriends act so brazenly? Well, I was in Russia, so I followed Nadya’s lead. We finally found Vera in the gym teaching a class. At least Nadya didn’t go storming in as I half expected demanding immediate answers to my questions. We waited for the bell. Nadya was blissfully naïve while I expected the heavies any second. When class ended, Vera told us to meet her in the lobby.

Vera showed within minutes and requested, “Let’s stand over there away from the students so that no one can over hear us.” We walked over to one of the many dark corners. “When you were here last time, some of the students overheard us talking and began gossiping.”

Great, I thought, just what I hoped. Without prodding, Vera launched into her story.

“About a week after we met, Inessa came to my office very agitated. We had never been on good terms. She threatened to have the police arrest me and take me to court for defaming her daughter by distributing around the Academy Alina’s diary. Inessa claimed the diary false because you forced her daughter to write it. She also accused me of taking money from you to hand the diary out.”

“I’m sorry for causing you such trouble,” I sincerely said. “I didn’t think my wife and Inessa would go to such lengths. But you should know that I’ll be taking Inessa to court soon for defaming me. Did she say anything about me?”

Vera hesitated, “She said some very negative things, but I don’t want to repeat them in front of you.”

I chose not to press Vera on this point and leave it up to my attorney, another woman, to get the specifics.

Vera continued, “Inessa then went around the Gymnastics Department telling everyone that you paid me lots of money to hand out the diary. But other teachers found out that Inessa was lying. The Vice Rector told them that you had handed the diary to various students yourself. The teachers then made Inessa apologize to me in front of the entire department. It caused a big scandal.”

Yes! That must have flipped mama Ho and baby Ho out. Now the entire academy knew about the slut. “Did you recognize any parts of the diary?”

“Yes, I recognized the part that described Inessa’s failure to obtain a Masters because she did not complete a required course. Also Alina’s descriptions of events at the academy are also accurate.”

“Did Inessa ask for the copy of the diary I gave you?”

“I gave it back to her telling her to keep such private filth out of the academy.”

“Do you know anything about Alina except from what you read in her diary?”

“I only knew her as a daughter of another teacher. I never had her in any of my classes. And I want you to know that I am willing to help you because Inessa and Alina are not decent people.”

Now this was a tough lady willing to go up against Inessa and her daughter knowing the influence that Poisoned Dragon’s money could buy and their probable connections from living in Chechnya. I admired her, thanked her for the offer of help and apologized again for the



difficulty I caused. Silently, I also thanked Inessa for reversing Vera's initial desire not to become involved.

Next, we stopped at the Vasilyeva House of Fashion looking for Anastasia. Nadya waited in the park because the purveyors of fashion didn't like witnesses to our conversations. This time, another even taller and more beautiful model than the one that greeted me in April languidly stood displaying her wares with a smile and said Anastasia and Dima were out of town until tomorrow.

After lunch, Nadya and I went to the Joy Disco looking for the manager Alexey whom Poisoned Dragon introduced me to before our marriage. She auditioned for him back then as a dancer, no stripping, for a troop of dancers my wife said he was taking to Italy. At the time, it made no sense for her to work in Italy with our marriage just around the corner and plans to live in New York. But now I realized she was laying the foundation for a cover story to hide her already planned prostitution trip to Italy with Alfredo. In my wife's diary, it appeared she played around with Alexey after our marriage, but the wording made the connection a little ambiguous. I hoped for more specifics from her tango partner because any new information wouldn't fall under the cohabitation defense for adultery. It was a long shot that Alexey would fess up, but worth a try anyway.

The disco didn't open for business until the evening, but someone was inside setting up the bar. He told us Alexey no longer managed the club; he was fired months ago and now ran another dance hall called City Club. We took a cab to a different part of town that let us off at a government building that housed the disco. Strange spot for a club but then again entrepreneurial corruption in Russia often created strange locations for moneymaking ventures. By occupying space in a building that housed a department of the local government, the disco's

owners, most likely city officials, didn't pay rent and received a cash flow ostensibly slated for the department but channeled into their very private pockets.

The disco was closed, but Nadya tracked down someone in one of the government offices who knew about the club's personnel. Once again, Alexey got bounced from his management job and left no forwarding address. Perhaps he was unemployed because his management skills needed improving, or, more accurately, his skimming skills, which virtually all Russian managers practiced.

It looked like a dead end on Alexey with the search eating up the entire afternoon—rats. Nadya and I bade each other a good evening with me heading back to the isolation of my dorm-like hotel room with a three-inch thick mattress from the 1950s and a detective story from the 1940s about a double-crossing, murderous female. Was this what my childhood dreams wanted for me when grown?

Wednesday, June 13, 2001, I walked into Vasilyeva's agency without Nadya. The same pretty young girl with the same enticing smile showed me into the small office where I met only Anastasia. I detected a distinct chill as soon as she saw me. Gone were the grins masking greedy schemes to separate an American from his money along with offers of tea or coffee and cakes.

According to Anastasia, the week after I left Krasnodar in April, Alina called her wanting to come over to the agency to talk with Anastasia about her meeting me the previous week. Now it was certain that Poisoned Dragon was in Krasnodar during the last half of April. Anastasia refused to meet her, but then Inessa telephoned ranting that I was a criminal and demanding to know what Anastasia and Dima told me. Anastasia said Dima then took the telephone but she wouldn't tell me what he told Inessa. Later, Alina sent a message on Anastasia's pager that she

knew Anastasia had sold me information and Alina would take them to court for defaming her. Anastasia claimed the incident scared her but angered Dima and said they could not help me anymore.

Dima and Anastasia couldn't actually believe that Alina would risk publicizing her prostituting ways by going to court. She was as much a criminal as they. Rather these two pimps probably feared U.S. Immigration receiving an anonymous tip about their business of sending girls overseas for prostitution—a sure fire killer to their efforts to immigrate to America. Nothing for me to do but thank Anastasia for her time and leave.

Walking over to the park to meet Nadya, I felt the absurdity of my case going down the drain because some young girl, my April translator Natalya, had allowed an old whore like Inessa to trick her into identifying my informants and potential witnesses. The chain of events began with Inessa learning about my visit to the Academy from that lying pig the Vice Rector Minchenko. He didn't want a scandal about an alumnus and daughter of an instructor working as a prostitute—what would the parents of other students think? Or, he didn't want to risk the exposure of a lucrative side business of recruiting Academy coeds for banya orgies and other aspects of the sex trade in Russia. Minchenko, as did Poisoned Dragon, her lawyers, and whore mother, stood to benefit by putting a stop to my investigation.

On hearing from Minchenko, Inessa naturally scurried back to report to her daughter, who was in town. Poisoned Dragon then calls her attorneys in New York City, and over the telephone, the trinity devises a plan of witness intimidation against the Russians and character assassination against me, but first they needed the names of whom I interviewed. For that, Inessa paid her surprise visit to Natalya.

Vice Rector Minchenko likely gave Inessa the office address for Natalya along with a few copies of the diary he expropriated from people at the Academy. At that point, Inessa still didn't know anyone I had talked with other than Minchenko; otherwise, she wouldn't have demanded from Natalya the names of everyone I had met. Inessa intentionally allowed Natalya to see the few diary copies in her bag in order to convince Natalya they were from people that had called Inessa to say they didn't believe such things about Alina. Thinking that my witnesses had turned against her and me, Natalya spilled her guts.

Armed with the list of my informants and potential witnesses, Inessa executed the planned intimidation and defamation. At the Academy, however, it spiraled out of Minchenko and Inessa's control because the grapevine, those cute teenage girls listening to my first conversation with Vera, spread the stories of Alina hoing throughout the Academy. Inessa countered, probably also seeing an opportunity to attack an old foe, by going public with the falsehood that Vera had distributed the copies in return for money from me. Inessa's lie backfired because instead quenching the scandal, as Vice Rector Minchenko wanted, it only fueled the controversy. So Minchenko forced Inessa to apologize to Vera in order to end the matter.

Poisoned Dragon and Inessa's accusations about my paying people for information struck me as ironic, since it likely came from the mercenary characters of those two and my wife's attorneys. They just couldn't conceive of anyone helping another person except for cold hard cash.

Nadya asked, "How'd it go with Anastasia?"

“Not very well,” I answered. “As I assume you’ve guessed, Alina and Inessa have been very busy discrediting me and intimidating people with threats of arrest, court suits and criminal hoodlums.”

“Everyone knows they lived in Chechnya and Russians fear Chechen bandits.”

“But they were Russians living in Chechnya. What would they have to do with Chechen bandits now?”

“You don’t know for certain they are Russian. The pictures of Alina look like some of the people from the Caucasus. Besides, some Russians will ally with anyone if it means money, and from what I’ve heard that’s the driving force of Alina and Inessa. As for people fearing the police and procurators, everyone knows that the money Alina makes can buy her what she wants from our police and courts.”

My efforts looked bleak, but there was no alternative than to keep trying to find potential witnesses. Maybe when I met Svetlana, the Krasnodar lawyer, she might have some ideas for stopping my wife and mother-in-law’s obstruction of justice.

Nadya asked, “So where do you go from here?”

I wanted to say oblivion but instead, “I’ve been trying to find this girl Natasha who lives in Alina’s building. When I stayed with my wife before our wedding, Alina visited her a number of times and said she lived upstairs, or at least that’s where she told me she went often for an hour or more. Alina said Natasha and her had similar souls. Once I asked to go along, Alina refused. My wife also wrote in her dairy about keeping ‘all her things’ with Natasha, so I figure the girl probably knows a lot about Alina.”

“Does Alina like girls?”

“I’ve thought about that. Maybe Natasha is the girl lover my voodoo priestess in America told me about.”

“You went to a voodoo doctor?”

“Fight fire with fire, I figured. Actually, the priestess turned out to be right. She told me not to bring Alina to America or she would consume my life and that’s what has happened.”

“I could have told you that. Girls like Alina use their filthy red lips to whisper lies, to kiss a man and make him suffer. They treat men like slaves; make them suffer body and soul.”

“Why didn’t you tell me this before I married her?” I jokingly asked.

“Apparently many people did, but you didn’t listen.”

“I know, and I’m not sure I regret it. My life was never this bad except for childhood. Even dodging the draft, hiding out in California while the female head of my draft board searched the country for me, trying to send me half way around the world to use my life to protect some rubber tree owned by Firestone in Vietnam wasn’t as bad as this. Somehow this latest horror seems fated. Despite all the warning signs, I went ahead. It makes no sense, unless the fates really exist.”

“I believe there are people who can see the future like this old lady who lives outside of town, but people make their own decisions.”

“You mean free will?”

“No, I don’t think anyone has free will, at least about important matters. People make decisions out of their own psychology. Look at Alina, her mother probably raised her to lie and cheat and sell herself to men. If what she told everyone is true about living in Chechnya, then the environment she grew up in also lacked civilized conduct, modern day morality. So when

Alina was faced with a decision to trick you or be honest with you, she chose deception because her psychology dictated it.”

“So in the end, it’s still fate only not the fate of the gods but of the parents and place someone ends up in by sheer coincidence.”

“Sure, you could say that.”

“I guess both Alina and I are doomed then.”

“Don’t be too discouraged. You never know what’s going to happen, especially in Russia.”

“You mean Alina might get run over by a truck?”

“Stop it!” Nadya scolded and changed the subject. “I remember reading that part of Alina’s dairy about Natasha. Maybe that’s where she keeps her money.”

“Good point. I never thought about that. If we find her, we can advertise her apartment as the Krasnodar Fort Knox.”

“Be serious, what does she look like?”

“The voodoo doctor said she is young, tall, with dark hair. I thought we could stand outside Alina’s apartment building and ask people going in and out whether they know a girl named Natasha.”

“Lots of girls are named Natasha. In fact Natalya is a nick name for Natasha.”

“No she’s not the one,” I joked. “Well I can’t think of any other way to find her. It’s mid-afternoon, so I doubt we’ll run into Inessa who generally doesn’t come home until around five.”

We stood in the front of Alina’s building with Nadya asking a few residents whether they knew Natasha—no luck. Then a short middle-aged lady rounded one corner of the building

whom I told Nadya to ask. No sooner did I speak, than I realized it was Inessa—time for new glasses. Without any hesitation, she walked straight for us.

At close range, she looked like an old prostitute trying to compensate for her faded glory with heavy purple eye shadow and gaudy clothes. But what really stood out was her surprisingly deep tan for so early in the summer. Inessa didn't display any anger at first; she just tried to pump Nadya for information, such as her name and telephone number. I stepped in telling Nadya not to say anything. I knew Inessa's tactic all too well from Alina's technique of gathering ammunition by asking in a priestly, confessional tone for information that she planned to knife me in the back with later. When Nadya followed my directions not to answer Inessa's questions, Inessa got angry and threatened, "If you work for Roy, you will get into a big mess." She turned and quickly walked into her building. Nadya thought Inessa a big joke, but I decided to leave assuming my mother-in-law was probably calling her militia students with some concocted story about an American gangster casing her apartment building.

As we left, I asked Nadya, "Did you notice anything strange about Inessa?"

"Nothing except the purple eye make up."

"Her tan stood out as too dark for this time of year in Russia. Look at other people in the street; no one has a tan like that. It's as though she just returned from a resort."

"Maybe she went to the Black Sea. Many people from here do."

"Could be, but there's a more interesting point that might help you in assisting me. Since this war began, I noticed that by staying alert, which means taking notice of rather than dismissing observations, events, comments or anything that doesn't make sense or appears out of whack, I eventually learn something new. At such moments, the universe opens up to tell me



something, but I don't know what it is because my perspective needs to change or I need more information. So I file the incident away, knowing that at some point I will understand."

"I never experienced that. Where does it come from?"

"Perhaps the martial arts develops the ability. My instructor always told me to stay alert, and now I keep seeing these occurrences that jump out at me as incongruous and strange, so I purposely remember them and wait."

"So what do you think Inessa's deep tan means?"

"Don't know yet, but I will. What time do we meet Alexei, Alina's old boy friend tomorrow?"

"During his lunch hour at your hotel. So I get to sleep late, see you manyana."

My nightly dose of boredom, detective stories and a sleeping pill brought Thursday, June 14, 2001. Nadya and Alexei appeared in the lobby at the same time with Alexei wearing what I believed a sincere smile. Russians are so adept at acting that even the ones I thought I understood, I often didn't.

After a few pleasantries, I started my questions, "Has Alina or Inessa been in touch with you since we last talked in April?"

"Inessa called me just after you left last time to ask whether a man had contacted me about Alina. Inessa said an old admirer of Alina had sent a message on her daughter's pager expressing his strong feelings that he wanted her back again. Inessa said he was a criminal and crazy, and I should never talk to that man. I told her it was my own business whom I talked with."

Alexei clearly knew about Alina and Inessa's addiction to lies and intimidation for manipulating people but was no longer swayed by them. Alina surely told Inessa exactly what to tell Alexei, and probably listened in on the conversation. "Did Inessa mention my name?"

"No, and she didn't mention the man was Alina's husband, just an admirer. Whenever Inessa calls, and I also noticed this for about a year now, she always uses Alina's mobile. I checked it on my phone that keeps a list of all my calls. Before, they always used their home phone because it was cheaper."

"Obviously they expect a tap on their home phone," I innocently replied.

"That's not all," Alexei laughed. "Inessa saw enemies around her all the time. She always suspected someone, and people generally did not like her. It caused many unnecessary fights. In the village she thought that one neighbor, a grandmother, put a curse on her and Alina."

"I remember passing that lady walking with a cane near Alina's house in the village. Alina denounced this frail old woman for defaming her and Inessa by calling them prostitutes. I should have realized the truth in her statement. Sorry, please continue Alexei."

"Inessa complained that another neighbor allowed the leaves of his tree to fall on her house. She also accused that neighbor of stealing from her house and went to the police to get them to give the neighbor a lie detector test. The police laughed at her. She then got some of her bigger students who were connected with the military and militia to threaten the neighbor. Alina and Inessa also believed a neighbor had poisoned their dog, but the dog was only sick."

"Looks like paranoia runs in the family. Do you know whether Alina or Inessa talked with anyone else about my trip in April?"

“Dima told me that the two of them had threatened him and Anastasia with court action. Dima was very angry. He doesn’t want anything threatening their move to America or their business.”

“What about the girls mentioned in Alina’s diary? I’d like to find them while still in Krasnodar or have Nadya track them down after I leave. Maybe I should have arranged for a lengthier stay, but too long in the enemy’s home territory didn’t seem wise.”

Alexie laughed. “Lena was one of Alina’s clairvoyants.”

“Was she the one whom Alina made you wait in the street while she visited?”

“No, Lena was a different one whom she hung around with a lot.”

“Do you know how I can reach Lena?”

“I will try to find a number for her. Alina also subscribed to a paper that advertised witches, healers and clairvoyants called “Krasnodar Healing.” She was always using such people. She quickly became dissatisfied with one and switched to another. As I told you last time, a couple of years ago, I went with her to an herbalist or clairvoyant woman on Krasnoarmeiskaya Ulitsa. Alina told me to wait outside. I asked why and she said, ‘I can’t tell you now. I will later. You have got to trust me.’ She often used that excuse. I can find the building number for you, but Alina never told me the clairvoyant’s name. I assumed it was just one of many she used.”

“If you can come up with the building number, please do. Maybe I can figure out a way to find this witch. It would be very helpful in proving Alina secretly fed me narcotics after I told her one evening that I was thinking about canceling the wedding because she wasn’t telling me the truth about her past. Putting the narcotics or herbs from this witch into my food made me forget my doubts and feel stupidly euphoric about our upcoming wedding. A statement from the

witch as to what she sold and when to Alina will make a jury take notice, and might overcome the American bias in favor of females.”

“Do you know a Natasha who lives in Alina’s apartment building?” I added.

“We visited her once. She used to work as a model in Anastasia’s agency. I remember she lived on one of the top floors, maybe seven or eight. She is tall, young with black hair.”

Damn, my voodoo priestess was right. How did she do that? Now jungle drums, headless chickens and sweaty buxom black babes with grass anklets cavorting around bond fires invaded the depths of my mind.

“I know this is a little offensive, but do you think Alina and Natasha were lovers?”

“Towards the end of our relationship, I suspected that Alina played around with girls because once in a while she’d say how much she liked the touch of girls because it was more caressing than men. But maybe she was just trying to make me jealous. I don’t know for sure.”

“Do you know Natasha’s apartment number or telephone?”

“No, I only was there once. I’m sure Anastasia knows it.”

“Anastasia is no longer cooperating, would you see whether you might have Natasha’s number?”

“Sure.”

“Ever here of Larissa who worked in Cyprus with Alina? She brought some money from Cyprus for Alina’s mother.”

“I remember. She tried to give me some money from Alina, but I refused and told her to give it to Inessa. I believe she is a girl friend of Marios one of the managers of the club where Alina worked in Cyprus. I actually met Marios once when he came to Krasnodar. Alina asked

me to pick him up at the airport, which I did and took him to the Intourist Hotel. I will try to find her number.”

“Is there anything else about Alina that you can tell me?”

“There was one funny thing. When I started dating Alina in 1996, she said she was a virgin, but six months later when we first had sex, it was clear she was no virgin. I told her so, she got annoyed and then blamed me for causing her to lose her virginity earlier in our relationship through her clothes because up until the time we had sex, she always kept her panties on. She also insisted she previously dated only two men and nothing happened. They were just good friends.”

“That’s Alina all right. Why tell a small lie when you can tell a big one.” So Alina’s claim to me in Moscow and again in New York that her first love was Alexei amounted to just another scam to make me believe her a good girl—not exactly a surprise.

“It’s not in her diary, but I learned she first started meeting Volodya for sex in 1997, about a year after we started dating.”

“That’s how she operates—cheat on everybody. Do you know who runs the Aurora Theater?” I asked.

“I don’t know any of their names, but I believe they are Arabs.”

“I thought Chechens.”

“No, I’m sure they are Arabs.”

“Did she tell you anything about her life in Grozny?”

“Only about men grabbing her on the bus, but nothing else.”

“Yeah, I heard that story too, but don’t believe it. Too bad Grozny is nothing but rubble now and ruled by warlords, or I’d go there to see what I could find out about her. What did she say about her father?”

“That he was a military man, beat her, drank a lot and her mother divorced him.”

“She told me he was the Chief of the M.V.D.”

Alexei laughed, “I doubt anyone with such power would marry someone like Inessa, although he might use her for a mistress.”

“Do you know Alexey who used to manage the Joy Disco and his last name?”

“Don’t know his last name, but he now runs the City Club Disco.”

“We tried there, but he’s moved on.”

“I don’t know where to find him then.”

“What about Dmitri, a photographer who took nude pictures of Alina?”

“That’s Dmitri Morosov. He’s a very famous photographer in Krasnodar who takes all the models’ pictures.”

“How can I find him?”

“Just ask any model agency; they all know him.”

“If you think about anything else that might help me in my case, please call Nadya. I very much appreciate your helping me. I know it must be difficult for you as it is for me.”

“I wish you luck, and I will look for those phone numbers.”

We said our farewells. Nadya and I went looking for a model agency that knew Dmitri Morosov. A few blocks from the hotel we walked into this agency where a stunning, tall blonde greeted us. I almost made a move on her, Nadya encouraged me to, but something told me to

abstain. The model willingly gave us Morosov's number and address. Nadya called him from a public phone across the street.

After a short conversation, Nadya hung up. "Whew! Was he nasty! Morosov says he's heard all the lies that you are spreading about Alina, and he doesn't believe any of them. He refuses to talk with you. A very unpleasant man."

"Interesting, that means Alina and Inessa are not only contacting the people they learned about from Natalya but are also going around to people they think I might find. It's an interesting strategy that risks spreading some of the truth about Alina, but for them, protecting Alina's future cash flow must be worth it. And it does give them the advantage of first impression. Too bad they didn't do this in America, the court would hold them both in contempt. That is, a court from thirty years ago before the Feminazis took control in America. Back then a judge would slam Alina with hefty finds for this type of conduct. Apparently, obstruction of justice now pays in America just like Russia, even our former President, Clinton, got away with it. What a fool I am to rely on the law. I knew I never should have bothered with law school. Perhaps Alina is right, money and only money matters. What a world!"

"Maybe Svetlana can help. We meet her tomorrow at the courthouse."

"Okay, what time do I meet you at the hotel?"

"Eight thirty."

Friday, June 15, 2001, Nadya and I stood outside the courthouse in the sunny humid weather waiting for my Krasnodar attorney. The scene reminded me of a small town in the south—south Russia. A flashy red car pulled into a parking spot. With fashion model poise, out stepped the driver sporting hot blonde hair and a lustful figure. She walked toward us with the

ease of a girl assured of her good looks. Now in her thirties, Svetlana must have broken many hearts in her time; wish I had known her ten years ago. Nadya did the introductions.

We went into the courthouse and sat down at a table in a hallway near a window with the sun blinding my eyes and warming me like an oven, as though any heat other than that radiated by Svetlana was needed. Apparently lawyers all over the world use one or another tactic to gain some advantage over not only their opponents but also their clients. If it's not low sinking chairs, it's sunlight straight into the eyes. This time I preferred the low sinking chair so as to improve my view of Svetlana's short skirt.

With Nadya translating, I explained Alina, her attorneys and Inessa's efforts to keep witnesses for the annulment/divorce case from helping me. Svetlana told me the same thing Xenia did that Russian courts couldn't prevent such interference because in involved speech.

The laws in Russian rewarded the most despicable. No surprise there. In America, with the Feminazis in power, it was the same.

Svetlana said, "You only recourse against Inessa is for defamation."

"That's not much of a recourse," I responded. "A protracted civil suit that might, assuming Alina and Inessa don't fix the judge with money, sex or both, give me a judgment in rubles that is for all purposes uncollectible because who knew where they kept their assets in Russia. Of course, I could garnish Inessa's paltry salary from the Academy. Big deal, that's a couple of lap dances for Alina."

"No, no, you don't understand," Svetlana emphatically replied. "Defamation in Russia is an indictable crime—a felony!" That stopped my inward cursing of the Russian legal system—put both those whores in jail my mind yelled.

"You can do that?"



“All we need do is interest a prosecutor in bringing an indictment, and I can handle that.”

Looking at Svetlana, I was sure she could.

“Great, let’s do it.”

Svetlana also agreed to contact the lying Vice Rector Minchenko at the Academy who promised me samples from Alina’s file so that I could authenticate her diary. But before doing anything, she needed my signature notarized on a document that granted her the power to represent me. Since it was Friday, I needed to get the document notarized that day because my flight back to Moscow left Sunday evening. Sounded simple enough, pop down to the local notary for the form and sign it. Boy was I wrong.

After leaving Svetlana, Nadya and I spent the rest of the day caught in a Russian bureaucratic nightmare. Finding the form took us to the other side of town, but since it was in Russian and I was American, we needed a translation, not just any translation, but a translation by a certified translator of which Nadya was not one and only a few existed in Krasnodar. Nadya told the notary I spoke Russian, but that didn’t matter because I was still an American. So we hustle off to the office of one certified translator, but she was out of town, then another office but they didn’t work during the Soviet lunch hour normally from Noon to 3 PM but on Friday until 5 PM, which meant they were gone for the weekend. Finally, we found the number and telephoned a certified translator back on the side of town from where we started. We hopped a cab to his house, but Nadya had the wrong building number, so in true Russian fashion she starts walking around assuming the guy will appear out of nowhere, time’s ticking away and just before I explode, the translator pops up, saying he thought we might be lost.

He’s a strange but personable guy who spends most his time translating arcane scientific papers. Perhaps he also delved into supernatural papers, since he did appear out of nowhere. He

translated the document, and we all hoofed it over to a notary before their witching hour of 4 PM when all the notaries in Krasnodar close. Russian rules require the translator to sign before a notary a statement saying his translation is accurate. At last, I sign, the translator signs and the notary signs twice. Nadya and I drop the document at Svetlana's office along with a list of witnesses to Inessa's defamation and what we knew she said to them about me.

At five in the afternoon at the end of a hot, exhausting day, we meet Katya, the friend with whom Alina partied around Krasnodar. Back in April, Katya was too busy to read the diary before I left town. But in the intervening months, she had, and we all sat down on a park bench. I gave Katya a flyer for the web site and the Krasnaya Ulitsa newspaper articles.

To my surprise, she insisted she was not the Katya that Alina wrote about whoring around with. I didn't believe that for a minute. When I met Katya and her husband in April, I knew she needed some kind of story to explain away Alina's chronicle of their tawdry partying; otherwise, her husband would exact some Russian justice in punching her out. The kind of justice America once had. I expected her to use the same line on me, but didn't expect such an ingenious, yet simple fiction: she wasn't the same Katya. These Russian models knew how to deceive, but in their fabrications they always missed an important point that showed them up for liars.

In Katya's case, she said the last time she saw Alina was July 6, 2000, when my wife visited her house with Valodya and Vanya, the boys from St. Petersburg, but she added in a third girl from the village where my wife used to live. Katya said that what Alina wrote in her diary about the visit was accurate but the other girl was also named Katya—the bad Katya. What a nice coincidence of names and artful lie. The episode from Alina's diary stated:

“We met once more those boys on Monday. We persuaded them to stay and go the next day. We ate salad, drank some wine and for the first time in my life I was drunk and kind. In the

evening we went to Katya's. We bought shrimps and wine. We kissed with Valodya, and I myself began it. That moment all my hatred to men came to the surface – I was like a tiger. In the morning I went home and Volodya and Vanya went to see me off. I stopped a car and the driver tried to accost to me. I let him touch a little my knees but saved some money. It was 5:30 in the morning.”

It made no sense that Katya would allow four lovers to stay in her house until the next morning while she had no one but herself to play with, and she failed to realize that Alina's use of the pronoun “we” only meant Alina, not Alina and another girl. Katya naturally saw “we” as her way out by saying two girls visited her house with the two guys from St. Petersburg when in actuality only Alina accompanied them to her house because Katya was Vanya's girl. Despite her skill at dissembling, I didn't understand why she even bothered to confirm this part of the diary in the first place. She simply could have claimed that all the events concerning Katya were about some other whoring Katya. Maybe she feared I had independent confirmation about the visit to her house. Who knows? Ignoring her cover-up, I asked some questions.

“What did Alina and Valodya do until 5:30 in the morning?”

“They used my kitchen table for sex. I was upset about that; it's not the proper place.”

For some strange reason, I wanted to laugh.

Katya continued, “Alina and I hung around together before she went to Cyprus and during that time she was loyal to Alexei.”

Most unlikely I thought, but I didn't have Alina's diary from before Cyprus, so Katya could easily lie about events back then without any contradiction from me.

“When Alina and I worked at the Vasilyeva House of Fashion, I'm sure Alina didn't do any prostitution in Krasnodar.”

“How do you know?” I asked.

“We were very close and I would have heard something. Alina was very ambitious and offended easily.”

Katya thought the Volodya from Krasnodar with whom my wife committed adultery right after our marriage, in an apartment where a woman previously hung herself, might be a sculptor in his mid-thirties who had a wife. That made sense because on my first visit to Krasnodar, Poisoned Dragon pointed out some sculptures in a store window boasting that she modeled for various parts. Katya agreed to look for a telephone number for the sculptor.

“Do you know a Lena who gave Alina advice or acted as a clairvoyant for her?”

“The only Lena I know that Alina went around with is a nurse with a strange character who lives by men. She’s around 32 and has a baby. I will try to find her telephone number also.”

“Do you know of any other clairvoyants Alina used?”

“I know she used them but don’t know who they were.”

“Did Alina have any other friends?”

“Alina didn’t have friends, just people she partied with or used.”

“That’s consistent.”

“There is one girl who knows Alina well, Yulya. They both lived in the village where Alina and her mother owned a small house. Alina’s mother knew Yulya’s parents and Alina and Yulya spent a lot of time together. Yulya and her parents often joked about how Alina earned money. They knew she was lying about earning money as a translator in Moscow. Yulya also worked at Anastasia’s. I can give you Yulya’s number but don’t mention that I gave it to you.”

“No problem. The last time we talked, you told me about a girl who went to Cyprus with Alina but returned after two days because the work involved prostitution. Do you have a telephone number for her?”

“I’ll have to look for Nadya’s number. Have your translator call me tomorrow. The boy who dated Nadya at the time told me that Alina was working as a prostitute in Cyprus and we both laughed. Nadya also had a friend named Inessa who was also a model at Vasilyeva’s; she may have some information for you. I will look for her number also.”

“Do you know a girl named Natasha who lives in Alina’s apartment building, tall, dark hair?”

“No, I don’t.”

“Is there anything else you can tell me about Alina?”

“Not that I can think of right now, but if I remember something, I’ll call your translator.”

“Thanks for your help. I’ll probably return to Krasnodar in a couple of months to follow up with some more interviews.”

Nadya and I walked over to Krasnaya Ulitsa on what was now a summer evening in a dead end town, in a dead end country with me carrying the remnants of a dead end life. After decades, I had reached the point of feeling in my bones that every second, every minute, every day of my life was a waste that I couldn’t change. But that wasn’t going to keep me from finishing with Poisoned Dragon.

Nadya said, “I’m going to the Black Sea for the weekend, so Natalya would try to arrange a meeting with Yulya, if she can locate her.”

“Find. I’ll wait for her call. Going with your boyfriend?”

“Yes, he wants to spend as much time with me as he can before I go to South America in September to visit my father for a couple of months.”

“That’s nice.” I knew I’d never feel that way about a girl again.

“He’s worried I won’t come back, but I will. I could leave Krasnodar, but I don’t want to without him.” I also knew a girl would never feel that way about me.

“What does he do?”

“He’s a driver for Krasnodar’s member in the Duma. He’ll take you to the airport Sunday evening with me.”

“Sounds like he has some good connections.” I made a mental note, recalling that former President Yeltsin’s driver ended up as his chief aide with lots of power and money. In Russia what mattered most was who you knew and money. We said good night, and I retired to my detective novels and hopelessness.

Saturday, June 16, 2001, Natalya, with me in tow, tracked down Yulya to Krasnodar’s preeminent theater, renamed after Anastasia’s mother, still alive from when I last saw her, and the founder of the Vasilyeva House of Fashion. The ancient playhouse was packed with people wearing the brain-dead, enthralled look of zealots. Our usher pointed out Yulya standing center stage, tall, imposing with long black hair in a black leather suit revving-up the crowd of believers. Yulya acted as master of ceremonies for what looked like an old-time religious revival meeting. Natalya started laughing and it took a few minutes for her to finally tell me that it wasn’t religious fervor on the audience faces but greed. Yulya directed a motivational meeting for making money. What else would stir Russians the way religion stirs the rest of the world? Maybe my wife would show to teach a few easy bunko lessons.

After about ten minutes of manipulating the crowd, Yulya introduced the main attraction, the inspirational, female founder of the “VIP Group.” Yulya exited into the wings at which point Natalya sprang up motioning me to follow her. Natalya had no intention of sitting through anymore of this trash, waiting for the end. She led me through phantom of the opera stairwells and hallways looking for the backstage while the harangue of the group’s leader reverberated through the theater. I was sure the organizers would bounce us into the street when we trespassed into their sanctum backstage, but no one even questioned our presence.

We walked up to Yulya standing just out of sight of the audience behind the curtains while the founder proselytized the suckers out front. Yulya turned with the ever-present smile that masked the steely ambitions of all beauties as she looked down on me from a height of at least six feet four inches in her low pump shoes. She was even taller than Poisoned Dragon and carried nice size breasts, unlike the lemons of my wife. After Natalya made a few introductory remarks, Yulya, to my surprise, suggested we sit down in the back by some scenery to talk more privately. She still needed to stay in sight of the stage for her cues to make the next introduction and keep the audience excited. This was one cool, calm and collected babe willing to conduct an interview while in the middle of a performance.

As Yulya led the way, I checked out her body more closely, perfectly shaped ass, not fat and apparently nice legs, although somewhat hard to tell through the tight leather pants. Why didn’t I meet her instead of Poisoned Dragon? Probably because it didn’t matter, since I would have ended up in the same hell anyway. Beyond the outer layer of a Russian beauty, only fire and brimstone existed. We found a few chairs and sat down. Yulya sat like a man with her legs spread wider than any man capable of and her body leaning forward with her left elbow resting on one thigh and her right hand capping her right knee. Was this intentional? Whatever, all I

could think about during the entire conversation was burying my face in the angle between her thighs. I gave her a copy of the diary, a flyer for the web site and the Krasnaya Ulitsa newspaper article. Natalya recounted my tale to Yulya, who looked at me periodically with understanding in her eyes, or was it the predator's stare. I tried to act the gentlemanly by keeping my eyes off her crotch, but it was hopeless. Every time she glanced at me, I was looking between her legs. It probably made her feel powerful, which she was. When Natalya finished explaining the situation, Yulya launched into a monologue about Alina, her fellow model and acquaintance.

“Alina always thought about money and how to get it. She was a pit bull in her pursuit of dollars. She used all her connections and a lot of men to get money. She always had a lot of men. I remember when she didn't have money to start a career as a model; she used men to get it. Because her boyfriend Alexei didn't have money, she started to hate him. They had a good relationship but no money, so Alina left him. Alina tried to hide what she did in Cyprus from Alexei, but he knew—we all knew. Alina told Alexei it was his fault that they broke up and even threatened Alexei with harm if he told people about her real activities and character. She has two faces. She keeps her secret life to herself and confides in no one. Alina went to Moscow a lot after graduating from the Academy in 1996. Alina said she worked as a translator for a wealthy English man there. Her mother Inessa told Alexei that Alina was a high specialist in English, and Alina told everyone that she made the money for her new apartment translating in Moscow and from the sale of her mother's tiny house in the village. But people knew how she really made money.”

Yulya left momentarily for her audience, and my focus switched from living between her legs to follow-up questions.



When she returned, sitting in the same position again, I summoned the remainder of my will to focus on the questions, “What about prostitution?”

“I don’t think she worked as a prostitute from 1995 to 1998 when we were both close and working as models at Vasilyeva.”

Hmmm, I reflected, pretty much what Katya and Anastasia said. The people connected with the Vasilyeva House of Fashion contradicted the masseur who thought Poisoned Dragon started working as a prostitute in Krasnodar when she joined Vasilyeva’s models. Maybe in Krasnodar Alina didn’t engage in prostitution, although I doubted it, but in Moscow, working for Leo, she definitely sold her body.

Yulya continued, “But my boyfriend called her a prostitute back then. He didn’t like her. She was always criticizing him.”

“Would he talk to me?” I wanted to learn why he thought Alina a prostitute during those years. It could help for an annulment.

“I’ll ask him, but I doubt it.”

“Who else knew her?”

“Lena, a very poor nurse and Olga. All three of them went around together. I will try to find their numbers for you. And there was a girl who Alina went to Cyprus with named Nadya who recently had a child, but her first husband divorced her. She came back because the work involved prostitution.”

“The Good Nadya,” I remarked. “If you can find a telephone number for her or her husband it would help?” Yulya nodded in consent.

“Did you know the clairvoyant that Alina used?”

“I knew she used one but don’t remember her name. I will try to recall.”

“Did you know a model at Vasilyeva’s named Natasha, tall, dark hair who lives in Alina’s apartment building?”

“No”

“What about a young guy named Alexey who managed Joy and then the City Club and do you know his last name?”

“Alexey Smolin, he now runs the Troika Restaurant on Mir Street.”

Yulya’s day job called her away again to the apostles of greed finale with a live band and singing. “Money” by the Kingsmen would have been an appropriate closer.

She returned with the smile of a used car salesman, who had just sold a clunker, to resume our talk and the same open-legged position.

“When was the last time you saw Alina?”

“June 2000, Alina visited me along with a younger girl from the village. The girl was not a model and Alina wanted to sell her overseas.”

“Probably a recruit for her pimp in Moscow to send to Mexico,” I said. “Was her name Katya?”

“No. Her name was the same as mine, Yulya.”

This was probably my wife’s friend from Chechnya whom she claimed to have visited as a cover for her prostitution with Alfredo in Italy.

“Do you know a Katya?”

“Yes, she modeled for the Vasilyeva house and looked a lot like Alina. The two were always going out together.”

“Anyone else that she hung around with?”

Yulya continued, “Two years ago in Sochi, she was with some Chechen gangsters.”

My eyes left Yulya's crotch at this news. "How do you know they were Chechen gangsters?"

"It's easy to recognize a Chechen. They are darker with different shaped faces and talk with an accent. Besides the bandits in this part of Russia are famous like your American pop stars. They have money, fast cars and political connections. They live outside the law and everybody except their own kind avoids them. I had seen those guys before and everyone knows they are Chechen criminals."

"I guess it makes sense, Alina grew up in Chechnya and is a criminal."

"I think you should be careful. This is not America," Yulya warned.

I replied with the expected words that I would be careful, but I didn't really care at this point in the descent of my life.

Yulya promised to read the diary and contact my translator afterward with what she recognized and any of the telephone numbers she found. I told her I'd probably return in a couple of months to continue my investigation since any trial most likely wouldn't occur until late in the year. She said she'd be pleased to meet with me again, and my foolish heart skipped a beat.

Natalya and I left the imminent millionaires still milling around the theater to visit the Troika Restaurant. Given Alexey Smolin's recent employment history, we expected to find the premises under new management. To our surprise, he still managed the restaurant, although wasn't in when we arrived. The assistant manager obligingly called Smolin who said he'd come right over to meet us. He probably thought me a potential mark for investing in some con or another. We waited over a complementary glass of juice. Saturday dinnertime and the upscale, moderately sized place contained only two customers sipping juice—us.

Smolin eventually bustled in brimming with business airs and New Russian self-importance and carrying a black leather memo and telephone number organizer straight out of the pre Palm Pilot era. He apologized for keeping us waiting and asked what he could do for us. Natalya did her routine, and I handed him a copy of Alina's diary along with the Internet flyer and the newspaper article. He only cursorily looked at them with arrogant Russian boredom. But when Natalya mentioned that Alina was making \$15,000 a month in New York as a lap dancer and prostitute, Alexey suddenly responded in English, "I'm shock, I'm shock. How is that possible? She was fat, a fat girl! Here," as he pointed to the flyer, "look at that fat ass. How can she make so much money? What is wrong with you Americans?"

"A lot, especially with me. I brought her to New York. But believe me she makes that much and probably even more."

"But why do you Americans pay for such a fat girl?"

"Compared to American Feminists, she looks good."

"Ah," Alexey said, "now I understand." Apparently the whole world knew about the Feminazis hijacking the land of liberty to turn it into a prison of unisex.

We talked a while. Smolin in his late twenties was born in East Germany but came to Krasnodar as a teenager when the Soviet Union collapsed. He possessed a similar charm as Alina's trainer but more untrustworthy—a rouge but a likable one. The restaurant he managed clearly laundered money for the owner, a former high-ranking official of Krasnodar. An easy managerial position, one he shouldn't blow like his previous disco stints since the purpose of such a restaurant was not to make money but conceal the source of the owner's cash flows from criminal enterprises. It also, I assumed, delivered Smolin from the temptation to skim because the establishment's cash flows were purely fictional.

“What do you know about Alina?”

“She was a loose girl with lots of boys and worked around as a stripper.” So that’s how the beauty salon manager from my previous trip was able to recognize her lingerie picture.

“If I wanted her, I could have had her. Last summer she offered herself to me, but she was fat. Why bother with her when there are so many prettier girls in Krasnodar.”

No argument with that assessment.

Alexey continued, “Yulya’s boyfriend hated Alina. Something happened between those two but I don’t know what.”

Then he focused on the flyer and said somewhat upset, “Her diary is on the Internet where anyone can read it!”

“Not yet, but as soon as I get back to New York, it will be.”

“That’s going to cause a lot of trouble here. None of the people I assumed she talked about in here will like that. Alina played with a lot of people and this will cause a scandal.”

Good, I said to myself, you low-life hoods deserve it. “Why do you think it will cause trouble?” I gratuitously asked.

“Listen, my friend. Alina ran in the circle of people who run this town. I think you know whom I mean. That’s all I will say about it.”

I got the message. Alina apparently whored herself, as I expected, to the criminals and corrupt politicians who controlled Krasnodar. Maybe that was why some of my wife’s other acquaintances didn’t or pretended they didn’t know about her prostitution in Krasnodar.

I thanked Smolin for the information and said one of my translators or I would contact him again to see whether he recognized any of the events in Alina’s diary.

We left the darkness of the Troika Restaurant for the remaining daylight of a warm summer's eve in the land instigated by Marx and Engels where now only the almighty dollar ruled. My investigation was at an end for this trip, but not the troubles it had stirred. It turned up more information and leads to potential witnesses that Nadya could follow up on, but my wife's attorneys, her and her mother's interference might make it all for nothing. Without sworn documents, my information was useless in court, and no Russian wanted to risk troubles with a couple of ruthless whores who had both the money and criminal connections to push around most people in town. Perhaps the criminal defamation case would subdue Poisoned Dragon and Inessa's threats, but that still left the reality that most people who dealt with a prostitute don't want their names involved out of embarrassment or the fear it might expose some of their own extra-legal activities.

Back in my hotel room, I received a call from Alexei, Alina's old boyfriend. He said Inessa just telephoned him saying I was in Krasnodar looking for dirt on Alina. Inessa wanted the telephone number of Alexei's brother whose friend worked for the F.S.B. Alexei refused to give her the number but thought I should know. We laughed at her childishness; I thanked him and said good night. Inessa apparently called Alexei hoping he would call me, which to her delusional way of thinking would cause me to panic, drop everything and run because the F.S.B. was on my trail. That might work with Russians who over centuries of inbred fear of the secret police quake at the mere mention of them, but not an America whose key contacts worked for the G.R.U. No, I slept well that night.

In the morning, my translator in Moscow, Sasha, called. She said that my driver received a call from Inessa, who did not identify herself, but my driver recognized her voice having met her before. Inessa told him not to pick me up at the Moscow airport later that night because

“Roy doesn’t want to deal with you anymore.” My driver knew better and hung up the phone on her, but called Sasha to find out whether I had any problems in Krasnodar other than a lunatic mother-in-law. Sasha laughed at the stupidity of Inessa, but I knew the real infantile mind behind the harassment was Poisoned Dragon because only she knew my driver’s telephone number. My wife was most likely not in town but gave directions to Inessa from New York City. Inessa easily found out my departure date by contacting the hotel at which I always stayed. The hotel probably also told her the time I planned to leave since Russian hotels require guests to pay in advance up to the hour they intend to depart. No mandatory twelve-noon checkout time there. My checkout time also told Inessa on which of the two flights to Moscow I held a reservation.

Sunday evening, June 17, 2001, under cloudy skies, Nadya and her boyfriend drove me to the airport. In the car, I briefed her on the people she needed to contact for the telephone numbers of other potential witnesses and left her some flyers for anyone else from whom Inessa confiscated the diary and for any new witnesses Nadya tracked down. As for Smolin, I’d telephone him from New York for his remarks on the diary, since he spoke English. Nadya had already followed up with a few of my interviewees: Alexei, Alina’s old boyfriend, could not find a number for Larissa, the girlfriend of the Zygos Club manager Marios. Katya said the sculptor Volodya, with whom Alina likely committed adultery, didn’t have a phone and Katya didn’t know his address, but she did provide the Good Nadya’s number—the girl who left Cyprus after just two days. Yulya said her old boyfriend didn’t know any specifics about Alina’s prostitution, so he saw no reason to talk with me, but Yulya did produce the numbers for Lena, the poor nurse who lived by men, and Olga with whom Alina and Lena hung out with. Yulya,

however, couldn't recall the name of Alina's clairvoyant. Okay, we still had some new people for Nadya to contact on my behalf.

"Keep after Katya for the number of the model Inessa," I added, very impressed with Nadya's efforts so far.

At the airport, Nadya and I headed inside to check on any delays. Walking through the entrance we breezed passed a militia guard talking with some woman. Nadya motioned for me to turn around, and there with the guard I saw Inessa in her purple eye make-up wearing the smile of a retard. The militiaman looked amused with the lunacy that Inessa poured in his ear. I had completely missed her on the way in and ignored her now as I kept going to find out the departure time. The flight would leave on time, so we exited through the same door to wait outside. Inessa, still playing the loon, said a "picture has been taken." I now knew where Poisoned Dragon got her infantile behavior. Then Inessa followed us towards the car and stood nearby talking into her mobile telephone—like a kid pretending with a milk carton walkie-talkie. Nadya and her boyfriend couldn't understand why Inessa was acting so weird. She was trying to intimidate us, but they couldn't understand how—neither could I. After a short wait, I boarded my plane, flopped down in my seat to choke on the cloud of dust that arose from the impact, and felt every much like a regular.

In Moscow, my driver picked me up, and we laughed about Inessa on the way to Sasha and Anya's apartment. As I walked in at midnight, Sasha greeted me with dinner. I mused, why couldn't I have this girl to come home to every night? Because of your age stupid as I wrenched myself from such revelry: plain and simple, her life laid before her, mine behind me—in ruins.

The next morning, I called Valodya in St. Petersburg, the guy my wife played around with at Katya's house, just to see whether I might glean anything useful. He claimed not to have



talked with Alina recently. Fat chance! But his business had taken him to Krasnodar from May 10<sup>th</sup> to the 14<sup>th</sup>; around the time Alina and Inessa were threatening people to keep their mouths shut. He said Alina had already left for America when he arrived in Krasnodar, but her mother gave him one of her modeling photo cards and her telephone number in New York. Inessa asked Valodya to write his opinion that the events in the diary concerning him were false. He refused, or so he said. To me, he confirmed that the events written about in the diary with respect to him were true, but wasn't willing to provide a sworn statement. Valodya added that he believed Inessa not normal, a crazy person with whom he did not like talking. He emphasized not wanting to get between Alina and me to which I replied he already did by going out with her shortly after our marriage. After the call, I wondered how Inessa knew that Valodya was in Krasnodar. Alina must have told her, which meant Valodya lied about not having any recent communication with my wife.

So far, Poisoned Dragon and her attorneys' efforts to prevent me from authenticating the dairy and obtaining useable information for court began looking successful. No one wanted to provide sworn testimony of the truth.

My flight back to New York left Tuesday morning, so I stopped at Leo's Monday evening with a few follow-up questions. Sitting virtually on the floor again in front of his desk, he asked whether I minded him giving Alina's diary to an author to create a fictionalize book about a Russian whore from which Leo hoped to make some money. In order to keep Leo on my side in this war, I said, go ahead.

Leo then replied with something that floored me, if that was possible given my already close proximity to it. My wife had made a masturbation video for a California medical doctor, Marc L. Paulsen, who regularly visited Moscow.

What was with this girl? Whenever I thought I knew all about her filthy life, some new revelation slithered to the surface. Would I ever reach the bottom of her trashy existence, did I want to?

Leo offered me the promotional clips from the video thinking they might help in court. They could, so I accepted. Leo didn't recall exactly when Poisoned Dragon made the tape but it was before I met her. Since she kept this part of her video career hidden from her future husband, I could use this new information for an annulment. No problem with the defense that I forgave her video porn through cohabitation because I never knew about it. I did know about another video from her diary, which she made in July 1999, but as described in the diary, that one only involved "undressing," not masturbating.

In order to maximize the use of the masturbation video in court, I wanted a statement from the California doctor Paulsen that he paid her for the performance. Otherwise, her attorneys would argue that it was a personal, not a pornographic, video that she made for one of her boyfriends. Asking Leo, the producer, for a statement was a waste of time, since it would blow his cover as just a model agency. Leo gave me Paulsen's telephone numbers and email addresses and I would try him when back New York. According to Leo, the good doctor had also married one of Leo's whores, took her to America where after obtaining a permanent green card, she promptly divorced him and stole, with the help of the court, \$70,000 of his money. Where there was one porno video, there were probably others, but Leo denied knowing of any others. I thanked him for a CD of the clips and left.

On the Metro back to Sasha's apartment, the idea flashed into my mind to put the video promo on the web site because it made Alina's claims that I forced her to write the diary appear even more absurd. She'd have to claim I forced her to pose nude the way Russian prostitutes

typically do in order to advertise their wares and also forced her to make a masturbation video, both of which I allegedly did before I even met her. At some point, people would wonder how this good girl always ends up with her clothes off. The video also might help find some of her former customers, since cavorting around rubbing her crotch was what she did when “dancing” all nude.

### Searchin

At JFK airport, the ever-diligent U.S. Customs detained me for questioning. What the hell was going on with these government idiots? Customs’ computer had a red flag by my name ordering them to stop and question me when I crossed into the U.S., the country in which I was born. The reason for the red flag was the Temporary Order of Protection that my wife had lied about to the Queens Family Court, which issued it without allowing me to rebut her accusations and then at a hearing punted the Order to the Supreme Court. Customs, which did nothing to stop an illegal alien prostitute, my wife, from smuggling money out of the country and drugs into it, detained me: an American lawyer and citizen. What possible threat was I to the U.S.? Where was this moronic organization’s priorities? Criminal aliens had more rights than an American citizen. Customs’ computers couldn’t even red flag the illegal Mexican Angel Resendiz for whom arrest warrants were issued for murdering a number of Americans, but their database contained a temporary order of protection against me from a Queens Family Court. Later, after 911, it became clear to the American public the incompetence of the bureaucrats who pretended to protect our borders when they allowed hijacker Mohammed Atta into the country on an expired visa.

Back at my apartment, no home cooked meal this time for Traviesa had found an investment banker to take her to the Hamptons for the week. What a life these girls have, a few minutes on their backs and they're enjoying what it took some guy years of hard work to achieve.

I finished the Internet site, [www.alinashipilina.com](http://www.alinashipilina.com), complete with Leo's contributions of the nude photos and masturbation clips. At the end of Poisoned Dragon's dairy, I explained the purpose for the web site to my limited audience:

This site was set up to prevent Alina Shipilina and her mother's efforts to intimidate into silence potential witnesses in an annulment/divorce proceeding in New York City, to convince potential witnesses that the diary states the truth and to find people who may have additional information about Alina who recognize her name, her face and for some her naked body.

If you have any information about Alina, please email to [alinashipilina@hotmail.com](mailto:alinashipilina@hotmail.com). All sources will be kept confidential.

A hundred flyers, updated with the caption, "Watch Alina masturbate for dollars" went to my contacts in Krasnodar with instructions to distribute the flyers in Poisoned Dragon's apartment building, in the slim hope that Natasha on seeing one might contact me. Academy students and professors would also receive the flyer, which would surely infuriate Vice Rector Minchenko and instill fear in his amateur goons if they were unlucky enough to run into the guys doing the leafleting. Lastly, the discos where management knew my wife or were frequented by her crowd of outwardly beautiful but inwardly repellent people would receive a distribution.

Turning to the California doctor Paulsen, who paid Poisoned Dragon to masturbate for the camera, it took me a few telephone calls before reaching him. Dropping Leo's name by way of introduction, I briefly told him my Poisoned Dragon story and asked about her starring role. He didn't sound pleased talking with me, and I sensed he hid some facts, but at least he didn't hang up. Paulsen claimed he threw the complete video away along with all the other

pornography tapes he shot in Russia after U.S. Customs gave him a “hard time” about importing his personal collection into the country. No way he destroyed his collection, but I went along with his pretended reformation to see what information he might drop.

“My business now is making only music videos with models from the Red Star agency.” That was Russia’s most notorious model agency for hos.

“Leo introduced Alina to me and said she was as a personal friend of his who wanted to marry a foreigner. We shot the video in the apartment Leo keeps for his girls who come from out of town.”

Paulsen’s memory wasn’t too good, whether intentional or not, but apparently Paulsen shot the video and had sex with Poisoned Dragon in the fall of 1998. Paulsen recalled she was reluctant to have sex after shooting the video even though Paulsen had also paid Leo her fee for sex.

“That’s my wife, always trying to welsh on a deal,” I commented.

Paulsen refused to provide me with a sworn statement to any of this, claiming he didn’t want to get involved in a divorce case. An understandable position, but I decided if I needed his statement for trial, I’d threaten to drag him into a deposition and make sure the California Board of Medical Licensing heard about his run in with Customs.

Next, I telephoned Smolin, the Troika Restaurant manager.

“I’ve read the diary and the events concerning me are true.” He said without hesitation. “I’ve also talked to a few people that Alina mentioned in the diary, and they confirmed some of the events. But they are unwilling to talk about them and do not want any of that information to become widespread.”

Sounded like the Russian euphemism for a threat, I asked. “What do they care about a Krasnodar whore? Besides the information will only be used in America.”

“Just a whore, yes, but one with money and connections. And no one likes the embarrassment of their private lives being made public, even if in the U.S.”

“You know, I also have clips of a masturbation video she made in Moscow.”

Smolin paused and then changed tack completely, “Right now I think that all you told me is false.”

“You just said that some of the events in her dairy are true. What’s going on Smolin, is there someone there listening in, did someone just talk to you?”

“There’s no one here and no one has talked to me. I just think this is all a fantasy, but if you could send me proof about what you said, then I will help you with information. Why don’t you start by sending me a copy of the video?”

“Fine, I’ll Express Mail it to you,” and hung up.

Why did Smolin abruptly change from belief to disbelief at my mentioning the video. And why did he want proof or was it really money? From his response to the Internet flyer, I knew that Smolin didn’t like drawing attention to himself, no criminal did. So, I concluded in the first part of the conversation he was telling me to back off since any further investigation into my wife’s background might open up part of the seamy hidden world of Krasnodar’s elite, whom Smolin served. But when I mentioned the video, he started trying to pump me for information. Maybe he thought that I knew a lot more about nefarious doings in Krasnodar than mentioned in the section of Poisoned Dragon’s dairy that he read. The part of her dairy in my possession started with Cyprus, but what about her life and activities in Krasnodar before 1999? Smolin probably figured I also had her dairy for those years. By asking for proof, Smolin, and whoever

else feared exposure, wanted to find out just how much I knew. Then again, maybe Smolin just cut a deal with Poisoned Dragon for money to find out the evidence I had for my annulment/divorce case. I sent him the video, but nothing more. Let Smolin and whoever stood behind him wonder how much I knew.

The masturbation video clips also went out to Yulya, Katya, and Yevgeny, the trainer, in order to counter my wife and her attorneys' efforts to convince potential witnesses that the diary or, at least, the filthy sections were false. All three claimed they believed the diary true, but Yulya and Yevgeny claimed not to recognize any of its events, and Katya refused to provide a sworn statement about the accuracy of any incidents or of my wife engaging in adultery with Valodya on Katya's kitchen table. In addition, the clips went to Anastasia as a long shot at winning her and Dima back to my side by illustrating that my ability to obtain information on Russians reached further than they suspected and hoping they would believe it wiser to help me. They didn't. The photographer Morosov received a copy in an attempt to convince him that it was not I who told lies about Poisoned Dragon but her and Inessa. He didn't bite, either. Valodya in St. Petersburg got a copy to make sure he knew just what kind of a girl he dated. But he still refused to provide a statement as to the accuracy of the diary's events concerning him and kept going out with Poisoned Dragon anyway, probably because of her money.

When I told Alexei, Alina's old boyfriend, about the video, his cheerful demeanor changed to silence. The revelation must have cut through him like all the sordid truths about Alina did so many times before. She just didn't give a damn whom she harmed in her drive for money. Another person's feelings meant nothing to her. All she cared about was how she could use someone—a parasite on the compassion of others. When I offered to send him a copy, he stumbled, not knowing what to say. Finally he said in a sad voice, "What would I do with it?" I

regretted telling him about the video, but he did agree to a statement identifying her handwriting and the accuracy of the diary's events concerning him. That would help my case somewhat, but I knew Poisoned Dragon's attorneys would attack his credibility by portraying Alexei as a spurned lover out for revenge.

The last mailing of the video went to the editor of the Krasnaya Ulitsa newspaper. When in Krasnodar, I tried to meet with the reporter Victoria about doing a follow up story, but she was out of town. Natalya finally reached her after I left only to learn that the newspaper's editor directed Victoria to never write about "that girl" again. Inessa had invaded the editor's office, pulling a similar routine as she did with Natalya, shouting and threatening police arrests and lawsuits for every imaginable offense of which there were none, except in the eyes of a true commie—that of reporting the truth. The editor, a woman, immediately folded promising not to print anymore of the dirty facts about Inessa's angelic daughter. Natalya told me the editor also personally feared Inessa's Chechen connections—so much for freedom of the press in Russia. Sending the editor the video clips with a letter wouldn't alter her surrender to censorship, cowards rarely change, but I wanted to irritate whatever miniscule conscious the editor possessed over allowing two mendacious females to beat her into suppressing the truth.

Shortly after sending the videos out, a letter post marked Krasnodar with no return address arrived. It contained cutouts from Russian newspapers of semi-naked girls—no one I recognized. It must have been some kind of message, but I couldn't figure it out. The only loon who would waste the time and effort was Inessa, so I forwarded the letter to my wife. Maybe Inessa sent it to her daughter's old address by mistake. Who knew what lunacy haunted that two-kilo byte mind.



Even with the Internet site and masturbation clips, Poisoned Dragon's counter offensive in Russia and apparently the fates continued to obstruct my case preparations. My translator Nadya kept running into dead ends, thanks to both. The number Yulya gave for Lena, the nurse who lived by men, was wrong, and Nadya never could find her. Olga who played around with Alina and Lena refused to provide any information, saying, "What Alina did was her own business." The new husband of Nadya the Good, the girl who went to Cyprus with Alina, refused to let her talk with my translator. Katya came through with the model Inessa's number, but Inessa claimed she only knew Alina from Vasilyeva's agency and nothing about her involvement in prostitution in Krasnodar. Katya did say in a follow up call I had with her from New York that Alina used to work with a guy name Rey who procured models for "dirty work" with New Russians, but she didn't know how to contact him. My Nadya snooped around but couldn't find any leads to Rey.

She did recognize the name of a girl, Masha, from my wife's diary who also previously worked as a model for Vasilyeva's firm. Poisoned Dragon had attended Masha's bridal shower. Nadya couldn't find Masha until she accidentally saw the 23-year-old model on television. Nadya telephoned the station and got Masha on the line, but she refused to talk about Alina or her days with the Vasilyeva agency because, as she said, she was now happily married. Masha's reluctance made sense since she had also worked as a call girl, and I doubted her husband wanted to hear that. Were all the models from the famous Vasilyeva House of Fashion prostitutes?

Nadya also ran down some addresses and telephone numbers I previously copied from some of my wife's papers before we separated. These people either didn't know Poisoned Dragon or refused to talk about her. Then my other translator, Natalya, received at her home a forged summons to appear in court, which was sent by Poisoned Dragon and her mother to

intimidate Natalya into no longer working for me. By sending the forgery to her home address, they were in effect saying, “we know where you live so watch out.” The two probably tracked down her address from the internal passport information that the Academy’s Vice Rector Minchenko took down when holding us in his office in April. Nixon could have used Alina and Inessa in his 1972 campaign.

The doors in Krasnodar kept closing and to make matters worst my lawyer, Svetlana, came down with some serious ailment that she refused to admit. She disappeared for weeks at a time but kept reassuring Xenia and Nadya that the prosecutor would soon indict my wife’s mother for defamation. The other tasks assigned to Svetlana also stood in limbo during her on-again, off-again illness, such as suing Vice Rector Minchenko and the Academy for samples of Poisoned Dragon’s handwriting and obtaining sworn statements from Alexei and Vera, the Academy professor, for authenticating the diary. Nadya said Svetlana’s illness was not uncommon for people in Krasnodar who often fell ill to strange diseases, and that many girls can’t even give birth or an usually high number of those who do have sickly children—an ecological nightmare added to the economic disaster of modern day Russia.

My focus shifted to Cyprus with a call to Irina, the wife of Melios Athanasiou. Their firm recruited the prostitutes for the clubs Zygos and Tramps that they owned and Melios’ brother, Marios, managed. All three had received the diary from me. Irina claimed she didn’t read it and didn’t know anything about the goings on in the clubs—fat chance! A Russian herself, Irina did admit to specializing in recruiting girls from the former Soviet Union for the clubs. She also said that Poisoned Dragon and Inessa had visited their office in Cyprus in May. That’s how Inessa got the dark tan I noticed during the confrontation with her in Krasnodar in June. Irina, Melios and Marios had met with my wife and her mother both of whom complained

about me. Irina refused to specify, but admitted turning over to Poisoned Dragon and Inessa the letter and diary I sent her. She thought my wife was a good girl, so I left Irina with the story of the masturbation video knowing any further discussion with her was useless. In a call to Marios at one of the clubs, he admitted to reading the dairy, men are always more honest than women, and said it accurately reported the events as he remembered them. He also praised Poisoned Dragon as a “very professional worker” to which I agreed—she was a pro. Marios, however, politely declined to make a sworn statement as to the accuracy of my wife’s dairy.

My investigation and trial preparation efforts kept stumbling over criminals not about to jeopardize their own rackets or people too scared to help. One of the advantages for Poisoned Dragon and her attorneys that I didn’t at first understand came from her working in the sleazy underside of the world’s societies. No witnesses inhabiting or frequenting those denizens would provide evidence to a court. Running out of leads, I turned to the reports from my undercover informant at Flash Dancers in the hope of finding some useful information. Anything Poisoned Dragon told him was admissible as an admission by an opposing party.

Poisoned Dragon complained to my agent about everything while I was in Krasnodar in June. She appeared irritated, restless, distracted and often glazed over with faraway looks. Her mother had likely told her of my snooping around again in her hometown. She did, however, brag about breaking the rules of the club, which momentarily made her feel good. Getting away with cheating always lifted her spirits, which reminded me with a laugh of her repeatedly saying she had to fight for everything she had, but in reality she cheated, lied and sold her body for it.

She told my agent about her modeling portfolio, which she needed shot every year because at twenty-six each birthday chiseled away some of the beauty nature had mistakenly bestowed. The new portfolio included her dressed as Xenia the Warrior, which brought another

laugh. Poisoned Dragon always watched that female chauvinistic television show. She obviously thought of herself as a modern day Warrior Princess avenging all women in the name of female arrogance against men. Such delusions, my wife's breasts didn't compare in size to Xenia's.

In the undercover reports for the end of June into July, Poisoned Dragon boasted about going to a party at Tavern on the Green where she "played mind games" with four guys lusting to bed her—typical bimbo ploy for boosting her ego, especially in New York City. Young girls in this town—no one wants the over thirty ones—are notorious for playing such games. They come on to a guy, and when he shows some interest, they immediately dump him for the next sacrifice to their sexual allure. It probably makes the sluts feel powerful.

On some nights talking with my agent, Poisoned Dragon waxed, perhaps waned is a better word, philosophical about a Russian behavioral psychologist named Lazarev who taught that by repeating a statement many times a person would eventually believe it. Every morning, my wife said she repeated over and over, "I am beautiful, I love myself and I love everybody." Poisoned Dragon had once told me that this guy changed her life when she was a teen, but I knew nothing about him, so I put down the reports and telephoned my agent to ask if he knew anything about this Lazarev guy.

"Sergei Nikolaevich Lazarev is a modern day Russian philosopher or religious advocate. He believes in using witchcraft, magic, natural healing, Hinduism and Christianity to eventually unite with God or to receive divine love. For him any act is justified in order to receive divine love. One of his prays goes, 'God, for the sake of my love for You, I am ready to decline the ethics and morality, ideals, spirituality, conscience, desires and life.' Fidelity and morality mean nothing to Lazarev."

“He sounds like a Communist,” I remarked.

“Actually, many consider him an anti-Christ figure—one of the false prophets about whom God warns in the Bible. He claims that penitence will not only absolve the sinner of the evil she has done but will benefit her in some worldly fashion. It’s an anti-Angel perspective.”

“I get the play on words and the concept: gain from an evil deed, then repent and gain some more. Not exactly a deterrent.”

“Right, it’s a win-win situation for his believers. To them evil is the uncontrollable good that God created, so they want to unite with it as well as the controllable good. Their life goal is to let both shine through.”

“Sounds like a rational for hypocrisy and the means justifies the ends.”

“Exactly, do good if it serves your ends, do evil if it serves your ends, but when others harm you, condemn them for not doing good. The perfect belief system for the consummate American politician and businessman, or in your wife’s case—business girl.”

“Thanks much,” I said and hung up.

No wonder Poisoned Dragon believed in Lazarev’s twisted philosophy. It allowed her to do whatever she wanted without committing a sin before her God, the anti-Christ. Good grief! I hadn’t stumbled into the Middle Ages but Revelations!

Back to my agent’s reports, which stated that Poisoned Dragon believed Lazarev’s teachings helped her deal with stressful situations, such as the turmoil she was going through because of “serious problems with her former boyfriend.” Naturally she didn’t mention the former boyfriend was her husband, but did add with boiling hostility, “He is such an asshole! He is trying to use any means possible to destroy me. He talked to my friends in my hometown. He went to the college that I attended. He is trying to spread rumors that I am a prostitute—do you

believe that! There are no grounds for those rumors. He is just trying to destroy me. I want something bad to happen to him.” I was sure she did, but this statement sounded more like a request for assistance than a wish upon a star. How many of the other thousands of men she met at Flash Dancers or criminals she hung out with in America and Russia did she make that not so subtle request to, and how many fell for it?

She continued to ply my agent with her victim routine, but unlike with me, upped the ante by claiming that her father had raped her a number of times. When I first met her, she convinced me that her father, whom she may never have known, only molested and beat her. That’s because the inquisitorial accusations of the rape happy Feminazis only work in America, not Russia. Using another typical female manipulating ploy, she demonized me with attributes of her own, “To him money means everything. Money is more important than a person’s feelings.” The guilty always accuse others of what they are guilty of. In psychology it’s called “projection,” in international relations “mirror image” and in politics “politics.” Along with her role as victim and her father and husband, a.k.a boyfriend, as violators, she threw in a couple of the usual exotic ingredients to her emotional brew for manipulating men. Poisoned Dragon claimed she possessed magical powers and enjoyed receiving lap dances from other girls at the club for which one of her male customers actually paid. Most guys fantasize about two girls. My wife was one dame who knew how to psychologically play men.

Toward the end of July, my agent reported that Poisoned Dragon planned to take a vacation to Las Vegas. This sounded suspicious—a statement intentionally directed at me in order to cause emotionally pain. Before we married, I took her to Las Vegas, now another man was apparently taking her there. It appeared too much like the usual bimbo attempt of cutting into a man’s heart with jealousy. Even Traviesa told me she often got back at a boyfriend by

going out with another guy and making sure her boyfriend knew it. If Poisoned Dragon went to Las Vegas, she knew that I knew she wouldn't go alone. Damn, either my wife suspected my agent of working for me or she had turned him.

Recalling the discussions with my agent since I had returned from Russia, he had asked questions a number of times that made my ears ring in alarm. They always seemed to smack of entrapment. In reviewing his reports, they showed no progress at winning her confidence and nothing of value for the court case. My intuition told me he now worked as a double agent, receiving money from me and sex from her while passing along useless information to me, and who knew what to her. When was I going to learn never to trust a Russian? Okay, I can play this game by using him to provide Poisoned Dragon false information and trying to glean kernels of truth from the deceptive information she provided him. For instant, he still provided me accurate information on when Poisoned Dragon took vacations from Flash Dancers because both he and my wife knew I could easily check this by telephoning the club and asking whether she worked that week. For my wife not to work for an entire week meant she had taken a vacation of at least a month to smuggle her cash back to Krasnodar and then to Cyprus. So my agent still provided me a window of time on her violating U.S. and Russian money laundering and reporting statutes. But for Russian Customs to catch her bringing in unreported dollars, I needed the exact flight. She wasn't about to give a newly turned agent that information.

The indifference of the New York City Immigration office was not repeated by Immigration at the Moscow Embassy, which had taken seriously the information from my attorney Xenia about Poisoned Dragon lying on her applications for a temporary green card and visa. The immigration officer assigned the case, thank goodness a man, said he needed a divorce or annulment judgment from the court before they could begin removal proceedings against

her—at last, an agency willing to do its job, apparently. Immigration didn't want to start the deportation process without a court judgment because a reconciliation between husband and wife would cost them a key source of information—me, not to mention time and effort. Immigration at the Embassy sounded eager to start proceedings by telling me to send the court's judgment as soon as it occurred. They didn't particularly care whether the court granted an annulment or a divorce, nor on what grounds. Apparently, they just wanted to go ahead to begin an investigation.

The Violence Against Women's Act ("VAWA") created section 8 U.S.C. § 1367(a)(1)(A) of the Immigration Act that forbid the Government from making any decision to find an alien wife inadmissible or deportable solely from information provided by her citizen husband if he abused her. The Act, written by the National Organization of Witches and the Feminazi Majority and sponsored by then Senator Joe Biden turned mainly American men into semi-nonpersons by preventing INS from relying only on evidence and testimony from the one person most likely to know about an alien spouse's violations. INS could still use the American spouse's evidence, but it would have to go to the trouble of conducting its own investigation and marshal additional evidence to confirm that provided by the American spouse.

Going for an annulment or divorce on adultery grounds still looked like the best chance for getting Poisoned Dragon bounced out of the country. An annulment would turn evidence from me into a court judgment with findings of fact that my wife committed fraud in marrying me. As for a divorce based on adultery because of her prostitution, that evidence from me would also become a court judgment with findings of fact. In both cases, the evidence no longer rested on the credibility of me, the American man, but that of a court of law and jury that had made the fact-findings. That I thought would surely help INS.



Despite the Embassy's advice , I pushed forward for the day of the righteous in court.

### Liar. Liar Pants On Fire

In early July, a couple of weeks before a preliminary conference in the Supreme Court on my annulment/divorce case, I received a nasty telephone conference call from my lawyer Silpe and his brain dead associate Amy. Poisoned Dragon's attorney Mundy had telephoned Amy and claimed to have a tape recording of me trying to extort money from my wife in return for not reporting her to Immigration.

Silpe accusingly said, "Extortion is a crime. I don't want you talking with your wife on the telephone or otherwise."

"I'm not talking with her." I replied and asked his assistant, "Did Mundy play the tape for you?"

"No, he said he could if I wanted, but I declined."

Dumbfounded by her stupidity, I said, "Then how do you know such a tape exists?"

Silence.

Silpe jumped to the aid of his nitwit associate by continuing to badger me about the seriousness of Mundy's charge to which I responded, "No such tape exists because it never happened. That's it!" But they chose to believe the opposing attorney over their own client without any evidence. Worst, my supposedly astute attorneys didn't even realize that what Mundy had done constituted the crime of attempted coercion.

It's against the law to try to pressure someone into settling a civil suit by threatening to expose an alleged criminal wrongdoing. But my attorneys were blind to the law. Apparently, Silpe and his bimbat associate considered me automatically guilty because I qualified for America's latest group of generic scapegoats. I was a man, not an androgyny, hermaphrodite nor

girlie man, but a man, and should give my wife what she wanted to make up for all the times in history that some self-indulgent female thought herself wronged. Silpe's assistant naturally believed in such affirmative punishment because it provided her opportunities beyond her abilities. And Silpe followed the Feminazi line because he came from the generation after mine where many mothers brainwashed their sons into believing only women told the truth, and even if they lied, men were the reason—a modern American adaptation of original sin. My attorneys, the judges and most of the Americans I had so far come into contact with in my quest for justice followed that same trendy thought pattern, which had spread across America like locust since the 1970s. Doublethink infected legions of weak minded males and females alike to create a feminine mystique touting the superiority of female decency while excusing the murdering of husbands for allegedly using physical violence against wives that relentlessly shredded the emotional health of men with barbed tongues or excusing the murdering of unborn children—incipient humans—because women wanted to satiate their lust without accepting the responsibility for their acts or excusing the murdering of already born children with explanations by biased feminist doctors and lawyers of chemical imbalances for which the female bore no responsibility because the husband's precognition should have warned him in time to stop his wife's butchery. Truth and fairness meant as much in feminarchy America as to the Soviets—nothing!

At the end of July, Lobis, the lesbo judge, held a conference between both sides in order to narrow the areas of contention and determine a schedule for discovering additional evidence. The Supreme Courthouse in Manhattan was built in a circle to symbolize the quest for justice within it: running around in circles, getting nowhere while attorneys exacted fat fees and the judges made an easy living rendering expediency rather than justice.

My Harvard educated lawyer friend Jeff accompanied me again to make sure Poisoned Dragon didn't pull a fast one by cornering me out of the sight of witnesses and yelling rape. Silpe showed in court with his space cadet associate and told me that on the divorce cause of action I needed to choose between the allegation of adultery and cruel-inhuman treatment. I didn't see why I couldn't try to prove both at trial. Any civil litigation always allowed for proving multiple allegations so long as not inconsistent, which adultery and cruel-inhuman weren't. In fact, adultery could be used to show cruel-inhuman treatment. The only difference between the two was that going for cruel-inhuman would prevent me from using various judicial procedures to obtain evidence. I didn't want that. Silpe, however, pushed for dropping the adultery charge, probably because he wanted a settlement in my case so as to concentrate on more lucrative clients or to avoid interrupting his vacation scheduled for the following week. Naturally he didn't mention these factors at the time, but argued that the judge didn't like trying adultery cases, which made sense since all the judges in the divorce court except one were females and the persons in modern day American most likely guilty of dropping their underpants for casual acquaintances were wives.

"Too bad," I responded. "I still have rights under the law no matter what the judge wants. If I have to choose, I'll go with the adultery."

He switched his argument to the difficulty of proving adultery since the witnesses lived overseas.

"I know the difficulty, especially with my wife and her attorneys' efforts to intimidate potential witnesses into silence, but I want to give it a shot anyway. So let's go with the annulment and the adultery causes of action. I don't give a damn about the cruel and inhuman allegation. I want the truth about the slut I married made public, so the only logical dissolution

of the marriage means either annulment or a divorce on the grounds of adultery. She's the one at fault, not me. She married me for a green card and then betrayed me by whoring herself to other guys as though I never existed, as though I wasn't even human. No way I'm going to give her a way out where she could dissemble to others and herself that I, the man, was at fault for the marriage's failure. I want justice."

"Okay, you're the client," Silpe replied.

My wife and her female attorney, an associate in Mundy's firm, arrived late, probably on purpose in order to increase my costs since I needed to pay my attorneys for just sitting and waiting. While we waited, Silpe told me something that to me didn't fit. During the upcoming conferences, first with the judge's secretary and later with the judge, both might ask my wife and me to step away from the table so that the court and the attorneys could discuss the case. Silpe added that some less astute clients become upset and suspicious that something is going on behind their backs, which there isn't. That wasn't a problem, since judges do it all the time to keep the parties from interrupting with some emotional irrelevancy or another, but I couldn't figure out why he was bothering to tell me an attorney about it. I trusted he'd report back to me the content of the discussions because if he tried to pull a fast one, I'd simply file a complaint with the lawyer's disciplinary committee and he knew that.

Due to the lateness of my wife and her attorney, we were last in line. The lesbian judge's secretary called us to the conference table in the middle of the courtroom. Silpe had told me to keep my mouth shut, so like an idiot I went along with my attorney's advice.

Silpe said, "My client is suing for an annulment and in the alternative a divorce on the grounds of adultery."

"Why does he want an annulment?" The secretary asked.

“Because he doesn’t want his imprimatur on a marriage to a woman he later learned works as a prostitute and stripper.”

Poisoned Dragon’s lawyer, an ardent Feminazi, quickly interrupted. Females always try to throw guys off by interrupting. “Well the Plaintiff has gone so far as to put naked pictures of my client on the Internet.” I felt like chiming in, don’t forget the masturbation porno video, but remembered Silpe’s instructions. Besides, the secretary immediately stopped everything and told both my wife and me to leave the table.

After a short discussion among the attorneys and the secretary, Silpe came back to tell me, “Your wife’s attorney said she still loves you and doesn’t want a divorce.”

“What!” I said shocked. “I don’t believe that for a minute. She’s up to something. Probably trying to make the secretary see her as the victim.”

Silpe said, “At that point the secretary said there will be a trial in two weeks.”

“Two weeks! I won’t be able to have any statements from any Russian witnesses ready in two weeks,” I complained. “But if it’s two weeks then let’s go.”

“Don’t worry her lawyer realized she made a mistake by saying your wife didn’t want a divorce, so they’re talking it over now and in order to avoid a trial in two weeks, your wife will likely say she too wants a divorce.”

“You mean the only reason for a trial in two weeks was my wife not wanting a divorce?”

“Yes.”

None of this made any sense, but neither did much of domestic relation’s law, a course I never took in law school. I turned to Jeff who had already gone through a divorce and was witnessing my discussion with Silpe.

He said, “My wife and I never went to trial because we both wanted a divorce and weren’t trying to prove anyone at fault, so we got one on consensual cruel-inhuman treatment grounds. The real issues in our case were child support and visitation rights, which have continued ever since. The court never stops from telling us what to do until both our daughters are 21.”

I asked Silpe, “If my wife changes her mind and says she also wants a divorce will I still get a trial on annulment and adultery?”

“Yes, you will and probably by the end of the year.”

“Good, that will give me plenty of time to prepare my case.”

Silpe and my wife’s attorney met with the secretary again, after which Silpe said, “Your wife changed her mind as I said she would and now wants a divorce, so you will have your trial.”

“So that’s it?”

“No, we still need to meet with the judge. It’s just pro forma. The judge likes to meet the people appearing before her.”

This also seemed strange to me. Why did a busy judge want to waste her time just to say hello? Maybe the modern wave of smiley, feel good, euphemistic social interactions infiltrated the mean and nasty denizen of the female controlled judiciary? But I doubted it.

During the wait while Jeff and I sat in the front rows talking, I sensed something menacing, as though the line from the movie *Murder My Sweet* had come to life, “I felt as if I was a toad on a wet rock and a snake was looking at the back of my neck.” Quickly I turned around to see my wife, a few rows back, her face skewed with malice, glaring at Jeff and me, casting one of her black magic spells with her patented “evil eye.” I nudged Jeff who turned to

catch her stare which suddenly changed into what he called, “The diamond hard eyes of a prostitute.” She immediately got up and left the courtroom.

“What was she doing?” Jeff asked.

“Casting an evil spell.” To which Jeff shook his head in disdain and continued reading his New York Times.

A little later, both sides entered Judge Lobis’ chambers—a bureaucratic office in the back of a seedy court.

Silpe said, “My client is suing for annulment and in the alternative divorce on adultery because his wife works as a prostitute and stripper.”

Poisoned Dragon’s attorney said, “My client opposes an annulment.”

The judge jumped in, “Because it will affect her immigration status, right?”

“No, it will not have any impact on her status,” her attorney lied.

The judge took the advantage, “If it wouldn’t have an effect on her ability to stay in America, then why not agree to an annulment settlement?”

“My client doesn’t think an annulment is appropriate. She wants a divorce on the grounds of cruel-inhuman treatment. Her husband has put naked pictures of her on the Internet.”

To which I wanted to reply “And I obtained the rights to those photographs from her Moscow pimp and the copyrights to the porn video she consensually starred in were abandoned,” but stupidly kept my mouth shut as per Silpe’s instructions. Although it probably didn’t matter since Feminazis like the judge consider prostitutes astute businesswomen and euphemize them as “sex workers,” or is it “gender workers.”

What my wife's attorney didn't say was more interesting: no claims of extortion by me, which was a crime that could easily sway a jury against me. Guess the tape recording didn't exist.

At this point Poisoned Dragon and I were asked to leave again. If the judge just wanted to meet us, why all the same questions? A short time later, Silpe came out with a document that he explained to me while Jeff should be listening.

"The court requires you and your wife's signatures on this order for the case to proceed. I need to hurry to another appointment, so sign it here," Silpe pointed. He had been antsy to leave for the last hour. Once again, I felt as though my lawyer was giving me the bum's rush.

"Wait a minute, explain this to me."

"I don't have the time. I really need to leave."

"Was there a settlement?"

"No!"

"Will there be a trial in December for proving my annulment and adultery cases against her?"

"Yes, and you can now spend all the time you want in Russia gathering evidence. This document merely sets the discovery schedule and trial date."

I signed the document and we left. On our way out, Silpe once again confirmed that I would have a trial to prove annulment or, in the alternative, adultery.

When I arrived back home, I read the document through. To my horror, it stated there was "no issue of fault," which to me meant that I wouldn't get my day in court to prove annulment or adultery. Immediately, I called Silpe for an explanation. He assured me my interpretation was wrong.



“That doesn’t mean what you think. I didn’t make any deal to forgo a trial on fault. It only means that both of you want to end the marriage. You’ll still have your trial. Go to Russia and continue your investigation.”

Feeling reassured, I began planning one more trip to Krasnodar to obtain the sworn statements Alexei, my wife’s old boy friend, and Vera agreed to provide; prod my lawyer Svetlana into action or find a new one; and bring my presence to bear in approaching the witnesses that refused to talk with Nadya and, perhaps, find some others. My travel was set for September, since during August Russia closed up shop with most people on vacation or a month-long bender.

Silpe’s associate, the former Captain Video Ranger Amy, later told me that Poisoned Dragon’s attorneys never served an Answer to my Complaint of her threatening me with her criminal associates. Technically, that meant a default, and in any other type of case a likely victory for me, but with domestic relations, the courts require a lot more before declaring a default. Still, making a motion for default would keep the pressure on Poisoned Dragon. After discussing the matter with Silpe, he thought the motion worth pursuing, so he had his highly incompetent associate file one.

During the same conversation with Amy, I asked about the status of the Temporary Order of Protection against me. Not surprisingly, she didn’t know whether the Order had been transferred from the Queens Family Court to the Manhattan Supreme Court, and, if not, whether my failure to show for another hearing meant an arrest warrant was out for me. What an idiot this girl! Not willing to rely on her comatose skills, I contacted the Queens Court. The Order was dismissed on July 31 because neither side had shown for the hearing on that date. I hadn’t shown because I didn’t know about it, thanks to the absence of short term memory in the head of

Silpe's associate. But why didn't my wife and her attorney appear? Silpe had told me at the preliminary conference in the Manhattan court that Poisoned Dragon refused to withdraw the Temporary Order of Protection, yet a few days later she lets the Queens' court dismiss it. It didn't make any sense.

Also not making sense was Silpe's associate telling me that the only type of information the court would allow me to dig up before trial was about my wife's finances and not about annulment or adultery. Silpe, however, had previously told me to draft discovery requests for not only the fault issues of annulment and adultery but also financial issues, and his okay on filing for a default motion would make no sense if the issue of fault was in dispute. At the time, I concluded Silpe's associate, as usual, missed something in the severely small space between her ears. The judge had instructed both sides to file statements listing their income, expenses, assets and other financially related information by August 10th. Apparently, the mono-track mind of Silpe's associate could focus only on the money issues, which weren't as important to me as the annulment and adultery allegations.

As a lawyer, I had to file the truth or face possible suspension or disbarment by the State's Committee on Professional Conduct for committing perjury. Poisoned Dragon, on the other hand, could lie like a ho and get away with it—which she did. The domestic relations judges just don't care whether parties commit perjury unless a lawyer does it. Wives, of course, are expected to lie in order to get more from their husbands, usually the one required to work his entire life so that his wife can choose among a career, child rearing or bedding the golf pro at the country club. My wife, with I'm sure the connivance of her lawyers, lied under oath about virtually everything in her finance statement. As of the end of July 2001, she had lived and worked in America for one year for which she claimed an income of \$19,000 when in actuality

she made around \$130,000 in cash from Flash Dancers alone. Add in her sometime modeling and regular prostitution and the gross easily topped \$150,000. The low income she claimed also meant lying about her expenses and working at Flash Dancers. She couldn't admit to lap dancing because Flash Dancers charges each girl around \$140 a night to bare her flesh, which amounted to \$26,600 for Poisoned Dragon for the year—more than her income. Even the Feminazi judge won't buy that type of creative accounting. Instead my wife stated her profession as modeling on the document filed with the court, but that document also included as an exhibit her tax return for 2000 on which she claimed to work as a bartender.

Jury-rigging her expenses to fit within her bogus income for the court led to some lame results. She listed her beauty expenses as zero, which for a female in her twenties only a moron would believe, and laundry at zero, which I also doubted even though her business suit consisted only of tong panties. Although, during the last two months we lived together, she slept in her own bed and didn't change the sheets once. Still, the amount of zero smelled phony. Liquor expenses were also listed at zero, no way, she's Russian, and telephone expenses of \$100 a month for two phones and her call girl business, get real. She also lied about her assets, not the bodily kind, which she would if she could. She didn't report her 50 % ownership of the apartment in Krasnodar or her mutual fund at the Bank of Cyprus.

Poisoned Dragon's perjury before the court wasn't in order to prevent me from obtaining some of her money; everyone knew the lesbian judge would never award me anything from my wife. The perjury was to cover up her tax evasion in the year 2000 and her plan to evade taxes in the future. She and her lawyers didn't want a document signed under oath with figures that admitted to her defrauding the Internal Revenue Service. Mundy's senior law partner, Ronald J. Kuba, knew the consequences of cheating Uncle Sam. In 1982 he mislaid over \$100,000 in

income by reporting only \$24,000 instead of \$126,000. The Federal judge sentenced Kuba to six months probation and community service, and the State's Disciplinary Committee suspended him from practicing law for six months. If Poisoned Dragon got caught evading taxes the way Mundy's partner did, the Government would bounce her back to Russia. So my wife and her lawyers chose the route of perjury assuming it wouldn't matter even if caught by a court system skewed to favor the duplicitous sex.

My wife's 2000 tax return also lied that her filing status was "single," which allowed her to pay less tax than under her real status: "married filing a separate return." An obvious falsehood to the court since I was suing for an annulment or divorce that hadn't yet occurred. But the court didn't give a damn. And the I.R.S.'s high level of incompetence and sloth assured it wouldn't do anything about the false filing status or the evasion of more taxes than Mundy's partner because it would require a little work and involved a female. This alien prostitute had all the advantages America could offer.

My now "not so secret agent man" visited Flash Dancers a couple of more times to report back that Poisoned Dragon planned to take a vacation to Florida from the first week in August to September 7<sup>th</sup>. The Florida trip was another piece of misinformation meant as a knife into my heart by a girl who deluded herself into believing that all men burned for her love. By now, only vengeance burned in my chest for her. She, not so subtly, used Florida to playoff the trip we took to Disney World before we separated. My wife did have a client in Miami, a married middle-aged Russian, who also kept an apartment in Moscow. I doubted he'd pay for her trip to Miami, but if she was in Moscow, he'd take her out for a night—sex with her just wasn't that good. So, most likely her vacation itinerary included the usual: Moscow, Krasnodar and Cyprus where she deposited her hoing money.

Assured she'd try to transport her earnings out of the country without reporting them, I visited the U.S. Customs Service at Six World Trade Center. They politely took my information, but as with Russian Customs, they also wanted the exact flight, which I couldn't understand since they had access to all the airline reservation lists, including Aeroflot, which Poisoned Dragon always flew. U.S. Customs agents probably didn't want to do the work of going through the lists because it interrupted their daylong "Dunkin Donuts" break. The agents said they'd look into the matter and promptly did nothing, except shuffled the papers to JFK. Another useless Government agency, but this one's New York City office would soon lie in rubble as a fitting symbol to Federal sloth and incompetence thanks to Usama Bin Laden.

The next agency I tried to interest in Poisoned Dragon's illegal activities was the Federal Bureau of Incompetence, a.k.a. Investigation. I never thought about going to the F.B.I., but, while training me at Gleason's Gym, my boxing coach threw it out as a suggestion. A cascade of seemingly unconnected events flowed into a conclusion even I never imagined about Poisoned Dragon—spying. Another Mata Hari slut who met men from all walks of life, business and government, pumping them for information while they humped her or got erections during her lap dances. Once again, it all seemed to fit together.

The parent company of the firm I worked for in Moscow employed many former F.B.I. and C.I.A. agents who in turn provided useful contacts with these agencies. The company's top man in London spent nearly thirty years with the C.I.A. In some ways my international employer operated as a C.I.A. and F.B.I. proprietary in which the Federal Government and the firm assisted each other in intelligence gathering and sharing. Sometimes the Federal Government even hired the firm to secret-out specific information overseas, an "I Spy Inc." operating under the cover of a private detective agency rather than tennis pros. Who controlled

whom, I never knew or cared, perhaps it was a symbiotic relationship that evolved over time, which the end of the cold war quickened when a large portion of intelligence gathering began to emphasize business information. Looking back with hindsight my wife, however, clearly cared. She always asked about the firm's clients, contacts with the Russian F.S.B. and Ministry of Internal Affairs and F.B.I. activities in Russia. The time I walked in on her using my office computer, she was probably roaming through the files rather than, as she said, trying to learn how computers work. Obviously she not only sold her body but information as well. Her mercenary soul would willingly sell anyone down the river.

A couple of F.B.I. agents interviewed me. I had hoped them more amenable or more scared than Customs not to follow up on a tip of possible espionage after recent blunders by the agency in the 1990s. But this was still before 911, although if it were after, it probably wouldn't have made any difference. I told them what I knew of her connections with the F.S.B. but never heard back from them. My tips, if they amounted that, are probably lost in the F.B.I.'s computer from the 1950s. Where was J. Edgar when I needed him—he hated Commies and would have despised the Feminazis.

Unlike Customs, the Bureau's offices still stand in lower Manhattan in the same building as Immigration's offices but the reputations of both agencies didn't escape the disaster. All of America quickly learned what I already knew: the INS and F.B.I. were cruel jokes that repeatedly failed to carry out their duties. As a result, thousands of taxpayers lay dead in part because of those agencies' Club Fed mentality. But that was still in the future.

Trying to hold on to what sanity remained in my life, I continued with my martial arts classes that my friend Mark now held in a park in Astoria, Queens. Three times a week five to ten adults, including the ones who had served Poisoned Dragon court papers, and lots of kids

showed to build their self-confidence in living the duality of the crass physical with the sublime metaphysical realms of life while trying to weave a fabric of dreams and reality in which people cared about each other. For me, it was the only activity I still enjoyed. One night after working out, Moody drove some of us to Mark's apartment where we usually went afterward for drinks and snacks. Moody says to me, "I got this new song I want you to hear."

He hits the button and his car speakers' blast my brain with rapper Ludacris' tale of female truth called "Ho." Ludacris clearly had my wife in mind when he wrote this song. Could he have met her at Flash Dancers?

"There's Hos in the room, There's Hos in the car, There's Hos on stage, There's Hos by the bar, There's Hos by near and There's Hos by far."

This guy knew the truth about Poisoned Dragon, "You's Hos are horrible, horrendous, our tax dollars underwrite Ho independence."

Man I needed to get this album and memorize the lyrics, "You can't turn a Ho into a housewife, Hos don't act right."

Everybody in the car was laughing. They all had met Poisoned Dragon and knew she fit the lyrics perfectly, "Ho, You's a Ho, I'd said that you's a Ho," "Why do you think you take a Ho to a hotel," "Hos never close, they're always open like hallways," "Once a Ho always a Ho."

From that night on, Alina, a.k.a. Angelina, a.k.a. Angel, a.k.a. Dark Angel, a.k.a. Poisoned Dragon became known to all my friends, including the ladies, as "the Ho."

After hearing that song, I realized that in this emasculated, milk-toast culture of domineering females only the rappers dare speak the truth. Time to buy some baggy pants.

At the end of August, I tried to interest a newspaper in Cyprus in doing a story on the Ho in the hope of stirring the situation up because out of turmoil anything might happen. The Chief

Editor, a Russian woman, for the Russian language monthly *Abzats* responded to a package of information I sent with “Our magazine is paying attention to the problem of Russian prostitution on Cyprus and we are very interested in such stories you told about. We are preparing the article about Ms. Shipilina’s life story for our November issue.” Sounded good, but the article never saw the light of day. The gangsters that pretty much run the Greek part of the island likely made it clear to the editor that she shouldn’t publicize the bare essentials of the Cypriot tourism industry. Russians aren’t known for courage unless drunk, and even then the chances are small.

Around the same time, I received an email from Alexei, the Ho’s old boy friend in Krasnodar. He said that while bowling with his friends at “Strike,” he saw the Ho, her mother and a young hoodlum playing pool. The Ho said hello, and he asked where she was working to which she replied in Moscow as a translator. Alexei asked her how her translations went. She said the most difficulties arise with terms of the law. From his conversation with her, Alexei believed the law was the most important theme in her life at the time. For a criminal, it’s always the most important. The Ho returned to her young beau and mother and all three went into a room to watch a male strip show. Alexei’s the email confirmed that her vacation took her to Russia, not Florida, and that Customs ignored my information about her smuggling large amounts of money out of the country, since she made it to Russia.

Summer ended but I didn’t notice. Traviesa had moved out after I told her it was time to start paying rent. Typical, these pretty young girls only hang around so long as you can do something for them. Previously, I thought it a curse of the former Soviet Union, but all young girls see men as objects to use and toys with which to play in order to gratify their egos and enrich themselves.



Just after Labor Day, I received a call from Silpe's associate. She needed to withdraw the motion for default because it turned out the Ho's attorneys had filed an Answer back in July before the preliminary conference. This refugee from the bottom of her class in a bottom tier law school claimed she never received the Answer.

I asked the logical question, "Didn't you contact my wife's attorney before starting work on the motion to ask why they hadn't filed an Answer?"

"No"

"I don't understand this. You've been in contact with her attorney on a number of times and never raised the issue about them not filing an Answer?"

"We didn't receive the Answer, so there was no point."

"Oh, I see, you didn't receive the Answer, so it made no sense to ask where it was, but if you had received it, then it would make sense to ask where it was because then you'd know where it was." Typical female logic used to cover up feminine stupidities.

That was the last straw with this bozo and her boss. I fired Silpe and demanded a refund for the cost of the motion for default, which he provided, but not completely. Early morning, September 11, 2001, I hired my third attorney. I began to think I should have represented myself all along. Justice does not exist as a law of nature but must be created by men—not Feminazis or their sycophants.

### It's Too Late

Shortly after arranging to meet my new attorney at the end of the week, a friend called. "The World Trade Towers are no more," he said almost matter-of-factly.

"What are you talking about?" My friend did not play practical jokes, and I knew I heard him right, but my mind found difficulty grasping the meaning of his words.

“They’re gone. I was looking out my window at work. One tower was on fire and then all of a sudden the other tower caught fire. Then one tower just collapsed and a little later the other.”

In suspended belief, I headed downstairs from my apartment. I live about a mile north of the two towers that always loomed over the rest of the skyline in my part of town. When I hit the street, sure enough they were gone, only gray smoke billowed from where they once stood. I walked across town past avenues filled with thousands of people evacuating lower Manhattan. The subways, buses and taxis no longer ran, so everyone walked north: no panic, no screaming, no rushing—just the slow quiet trudge of refugees with the constant wail of sirens in the background. The usual hectic, self-absorbed, hustle of New York City had vanished, replaced by an almost tangible numbness permeating its streets and people. A subdued, blank-stare feeling fell over the City as though we all decided to worry about what happened tomorrow.

Looking south towards the smoke from that massive crematorium, which filled the air with a distinct sickly smell and bitter taste, my problem with the Ho paled to insignificance. Thousands of people full of hopes and dreams just died at the hands of persons willing to do anything to have their way. They reminded me of the Feminazis who have destroyed more than a few thousand men.

Some shopkeepers and firehouses set up television sets on the sidewalks around which people gathered. Watching, I tried to imagine what emotions gripped the people who jumped or fell from the towers to escape the inferno. What was going through the mind of one businessman with clinched fists as he fell to certain death? Just a couple of hours earlier, he probably left his family in suburbia in a hurry to catch the train to New York while going over in his mind what he needed to do that day and looking forward to plans for the weekend. A normal life with all

the tribulations and joys that suddenly ended in one uncontrollably nightmarish plunge to his death. Or what went through the minds of the people in the business meeting at the Windows On the World restaurant as they felt the floor beneath them fall away when that tower collapsed. And what of the relatives and friends of the dead: the pain, rage and powerlessness they must feel. What could any of these people do to settle the score, to avenge the murder of someone close? Take up arms and go to Afghanistan—unlikely. They had to rely on the bureaucrats in our Government to win justice—the same incompetents who let the terrorists into the country in the first place, promptly lost track of them and then blithely ignored the warnings of plans to massacre Americans. My misery was miniscule in comparison. At least I had the power without any help from the government to avenge the injustices done me.

Responsibility for the World Trade Center disaster rests with the effete, eastern, quasi-intellectual, white-trash elite that through their poster boy for perversity, Billy-Bob Clinton, emasculated Federal law enforcement agencies in the name of respecting the sensitivities of the huddle masses of criminals entering and living in the U.S. After the disaster, the intellectual elite's blind devotion to their arrogant, unrealistic ideology showed them up as nothing more than pussyfooting, pansy cowards when they opted for talking through the disaster rather than taking action, as though handholding, teary-eye therapy techniques can win a war. Such endless discussions would no doubt allow our white-trash snobs to feel morally superior while making money and scoring ego points by writing useless papers and appearing on vainglorious talk shows. They could also receive gold stars from their analysts for instituting a national trend of wringing one's hands in self-indulgence while people died. If only those purveyors of wimpdom, most of whom are ensconce in upper-middle class neighborhoods safe from the real

evils of the world, would move to places like Afghanistan or Russia where the barbaric reality of life would benefit the rest of us by liquidating them.

Over the years, the self-professed elite's political correctionalism praised too much and went too far in idolizing the feminine tenet that nothing is worth dying for, especially if the ones doing the dying were former lefties, while at the same time grinding into near oblivion the male principle of honor. When was the last time anyone heard of a Political Correctionalist choosing honor over some sophistic excuse for behaving atrociously? The totalitarian leftists don't understand that honor distinguishes humans from mere organisms of procreation that scurry about fearfully whining and begging to live another day or that the Sunday New York Times arrives on schedule. Their cowardice forces them to dismiss honor as a viable trait in the post-modern world; otherwise, Political Correctionalists would end up face to face with their own lack of courage, not good for supreme egotists. Honor demands courage—no honor, no need for courage. So they conveniently rationalize that evil, which takes courage to oppose, doesn't exist, just shades of misunderstanding. But demons do walk among us. Not the type depicted in Hollywood horror films, but humans who care not the least about others except to the extent of using people to further their selfish ends.

I put my name on a few volunteer lists to help. Even tried to get to ground zero to help dig through the rubble by lying about having construction work experience, but they were only taking volunteers from the unions. Never ended up doing much more than waiting around to lend a hand. After a couple of weeks, I turned back to my own little war for justice starting with an outline of my case for my new attorney Robert. The outline listed a number of facts to prove at trial that separately or together supported an annulment. The new facts about the Ho's nude photos used to advertise her prostitution services and the porno masturbation video that Leo and

Paulsen sold were so far the crucial pieces of evidence. Each supported a finding of annulment since a reasonable man knowing about such activities by his fiancé wouldn't marry her, and each wasn't subject to the defense of cohabitation since I learned about them after our separation. But to help a jury understand the pattern of my wife's fraud, I needed to paint a picture that included information known to me before the separation.

To show that the Ho married me to obtain a green card so she could make hard currency in America's sex industry meant using statements from her diary, assuming it was authenticated, or remarks she made to other people willing to testify, such as:

"I want very much to find a foreigner and live abroad; I want to buy a flat and marry a foreigner, but I do not want to live in Krasnodar."

"Roy says that I am the only happiness of his. He wants me to be near him...."

"Lena said as well that the business with Roy is very advantageous to me"

"And on Saturday, March 11, 2000, we registered our marriage. It was merry! I did not accept it very seriously; for me it was only business."

"He wrote me a letter saying how it was difficult for him to be alone.... Frankly speaking, I cannot imagine what I will do with him in Moscow.... On one hand I would like that we remained friends, but he would not hinder my meetings with friends and I would give him freedom."

Three days after that diary entry, she wrote in a post card: "My love husband! I'm so miss on you but I must help my mother.... I send you this spring flowers from all my heart. I kiss and hold you."

Back to the diary:

"What will happen if I will not receive a visa to America? I will go—with Leo's help—to Greece or Venezuela. In June I am sure to go somewhere!"

"Then, when we went to the disco "Joy", Alexey told me that he wanted me and that I was driving him mad. He bought a bottle of Champaign. I was near to going with him.... I tried to seduce Alexey, to get him...."

A couple of weeks after that entry, she wrote me another postcard, “My dear husband! Only come back and start to be alone again. It difficult, but I must to do a lot of things here.... But you in my heart. A lot of kisses to you.”

The diary again:

“The problem is in his real feelings to me. I am a stimulus for him. He sees me as a real wife, but it is absurd.... I will never see him as a real husband.”

“I decided to go to America for now and make some money and to get a divorce from him.”

“God be praised!!! I am in America.”

“I began working (Flash Dancers Topless Club) on Sunday and earned 400 dollars, then 540 and yesterday, on Wednesday, I earned 650 dollars. God be praised!!!

“In total I earned 17-18 thousand dollars in 1.5 months, including everything – expenses, meals and presents.”

Alexei, her old boyfriend who was willing to provide a statement, said, “Alina had one aim, to go outside of Russia.”

Along with such statements, her refusal to show a wife’s normal affection for me would help show her real intent in marrying me. Even the most avant-garde Political Correctionalist wouldn’t consider the Ho’s extensive promiscuity and partying after our marriage and her refusal to live with me in Moscow, as expressing normal spousal affection. For example, from her diary:

“Katya and me walked.... On the way from disco Katya got acquainted with Andrei in white Mercedes. I went with Andrei and Katya to the same place I tried to seduce Alexey Smolin. When Andrei made me ready for sex and I said I was ready, it turned out that what Andrei wanted was a surprise. He wanted sex with Katya and me at the same time. My friend Katya was against this and this upset Andrei and Andrei was left with nothing.

“Ma went away and this time I did not bring anybody home with me although I wish I had. So I came to Volodya. I told him that I want to go to a picnic out of the city. He began to refuse; he said that he had already gone out of the city with Vladik. I insisted and he admitted

that he is married, he has a child (2 years old), and he had married in 1998. His wife is from Kazakhstan but she is Russian. He lied, he wanted me and continued to lie. I was shocked.”

Another piece of the annulment picture was that the Ho had lied to me about her love in order to induce me into marriage. This meant juxtaposing her egregious promiscuity and statements in her diary with the lies she told me.

While in Mexico, the Ho sent me a fax on the stationary of the Acapulco Westin Hotel in which she wrote, “It your love—Angelina. Here I visit many beautiful places but I was alon, I’m think about you. It will be nice to be together. I hold you a lot, kiss a lot and miss.” But that same night, according to her diary, she kissed Alfredo a lot during intercourse with him.

Another fax from Mexico stated, “I kiss you! I hold you! Your Angelina.” But during that day from her diary she held one of her customer’s penis until he came.

Specific quotes standing alone also showed she hid from me her true feelings:

“He is not the person I need.”

“He is a fool...”

“How much nerves took and how many troubles gave to me Mr. Hollander!”

“For the first time he finished in me. Oh, my God, whom I allowed to do it....”

“We went with Roy to the forest, he wanted to have sex with me, but I refused because sometimes there were people passing by. The most important was that his age might be clearly seen. If he were a young boy we would do it with pleasure for people to watch.”

A third piece of the Ho’s scheme that supported an annulment was the Ho secretly putting substances into my meals just before our marriage, and the resulting narcotic poisoning symptoms that so befuddled my mind that I could no longer summon the will to cancel the wedding as I had previously threatened.

Fourth, my wife secretly planned well before we married to meet her regular customer, Alfredo, after our wedding for a fun filled time of sex, jewelry, money and a drug that

heightened her sexual pleasure. The wedding occurred on March 11, 2000, and she received her second passport on April 5, which she needed to keep the Italian custom stamps out of the passport she would use to enter the U.S. It takes the Russian bureaucracy more than four weeks to issue a passport, which infers she applied for it before our marriage, meaning she planned the tête-à-tête before the wedding. According to her dairy: “It took a long time to make my second passport. But thanks to God, I have now 2 passports. May be I will go for a week ... and meet Alfredo to earn some money.” The week was a long weekend in Italy and she picked up the Italian tourist visa in Moscow when she visited me in the middle of April. What a darling wife!

After the Italy trip, she wrote: “And now it is very important to me to extinguish all evidence. I closed package with adhesive tape and tried to hide gold and money. I hope so Roy did not learn anything. Amen! I thank God for everything; bless me!”

Russia permits two international passports so that its citizens can hide from Arab authorities that they traveled to Israel, no entry stamp in that passport, and hide from Israeli authorities their trips to Arab countries. The Ho cunningly used her second passport to keep me from noticing any foreign places she visited to ply her trade during our marriage and hide from U.S. Customs her regular trips to the money-laundering haven of Cyprus—more deception to further her scheme.

Lastly, my annulment case would include my wife’s deceptions in failing to fess up about her criminal conduct, such as prostitution in Russia, Cyprus and Mexico; advertising herself on the Internet; recruiting whores for Leo to send to Mexico; lying under oath on her application for a temporary green card and visa; evading taxes; smuggling dollars overseas, and hiding behavior that inferred an immoral character, such as her belief in the benefits of infidelity and dishonesty and the true nature of her “dancing” in Cyprus and Mexico:

“In Zygos he kneeled before me and kissed me below navel - it happened before we left the club. Then we went to hotel.



“I will do my best to be in first place in our business.”

“I am glad, when a customer comes during a private. Some persons come this way for the first time.”

“Today one fucker promised me to give his credit card. I went with him; I left my work before my working time actually ended.

As for adultery, unless I could dig up some guys not listed in her diary, that evidence could only be used in proving cruel-inhuman treatment, since I knew about the diary affairs before we separated. A little research showed me that Silpe had lied when he told me I couldn’t sue for annulment, adultery and cruel-inhuman treatment at the same time—but why?

#### Eve of Destruction

A few days after 911, I met with my third attorney, a young, eager guy working on his own out of a modest office. I liked him, straightforward, unpretentious, no philosophical axes to grind and apparently honest. Too bad I hadn’t started with him. I recounted my story by comparing my wife to a female Dorian Gray, and told him I wanted a trial to prove annulment or adultery. Robert asked for the Preliminary Conference order from the July court conference.

After perusing the document, he said, “There’s a problem here.”

What now I thought in exasperation.

Robert continued, “It says ‘fault will not be an issue.’ You see here,” as he showed me what I’d seen before and questioned my prior lawyer Silpe about.

“Yeah, I asked my prior lawyer about that and he told me that I would still have a trial on the issues of annulment and adultery.”

Robert responded, “Not according to this. This says that all those issues were resolved at the Preliminary Conference. The only possible trial would be over whether one of you has to

support the other for some period after the divorce, financial arrangements. But no trial on fault, which is what you need to obtain an annulment or show adultery.”

I felt the knife slip into my back again, “You mean my lawyer sold me down the river?”

“I don’t know what he did. Who was he?”

“Steven Silpe.”

“I know Steve. He has a good reputation. Maybe I’m missing something, but I don’t see how you can now go to trial to show your wife was at fault for committing adultery or that she married you just to come to America.”

I couldn’t believe it. That high priced attorney had tricked me. He threw out the very reason for all my efforts and money without telling me, and then lied about it to keep me hanging on as his client. Was he sleeping with my wife?

Robert continued, “We’ll know for sure on October 4<sup>th</sup>. There’s another conference scheduled with the judge.”

“Well, that puts my next trip to Krasnodar on hold until we find out.”

I left boiling.

A few days later, Immigration at the Moscow Embassy contacted me to find out whether the court had yet issued a judgment ending the marriage. After telling the Immigration official the situation, he asked me to wrap up the court proceeding as soon as possible so that they could begin work on her removal case.

I asked, “So are you guys going to start an investigation as soon as the marriage is terminated?”

“That’s right, and I’ll also want any leads you can give us so we can dig up the necessary evidence in addition to what we receive from you.” The official answered.

Sounded good to me, so I told him about Leo's business to which he expressed an interest that Leo might turn informant for Immigration in return for certain favors. Leo actually agreed to discuss the matter with the official but I never learned whether anything came of it. Also told the Embassy official about the American doctor who produced my wife's masturbation video and that the Ho admitted to her model agent in Krasnodar, Anastasia, and her husband, Dima, about working as a prostitute in Cyprus. This last bit of information should have been especially useful because Anastasia and Dima had recently immigrated to America as temporary residents, which meant they fell under Immigration's jurisdiction. Immigration could easily lean on them for a statement about the Ho's admission or they might face intense scrutiny of their own activities in America, probably running Russian prostitutes, or a reexamination of their immigration and visa applications for perjury concerning their pimping Russian girls to Cypriot strip clubs. But when the Embassy official asked me whether I knew Anastasia and Dima's American address, I realized Immigration didn't have a clue as to where these two criminals lived or even how to find out because INS didn't have a tracking system for aliens in the country or when they left.

What the hell was wrong with the Federal Government? It let people into the country temporarily without knowing where they were going. Until that conversation, I had assumed Immigration's inability to keep track of the 911 terrorists resulted from the terrorists skill in hiding, but it didn't. It was Immigration's normal operating procedure to lose aliens once they entered. Unbelievable, the civil servants responsible for keeping out various criminals and thugs not only let them in, but once in, couldn't find them, even if the most powerful government in the history wanted to. Dumbfounded but undeterred by another Federal agency's inability to do its job, I turned to my own resources. Pushed the button on my computer, jumped on the Internet

and after a couple of tries found Anastasia and Dima living in Greenfield, Wisconsin.

Immigration thanked me for the information.

Continuing to use my own resources to build Immigration's and my court case, assuming I still had one, I tried to reach Svetlana, my Krasnodar lawyer, to contact a number of Russians who might know about the Ho's prostitution in Cyprus, such as Nadya the Good, and my wife's activities in Krasnodar before I married her, which I suspected also involved selling sex.

Immigration needed leads to people who would swear that the Ho had lied about not working as a prostitute when she applied for entry into the U.S., and I for my annulment or adultery case.

Svetlana needed to get to work, but I couldn't find her. She had just disappeared again. My Moscow attorney, Xenia, said Svetlana last told her that the Krasnodar prosecutor was moving forward in the criminal defamation case, that the documents showing the Ho's ownership of her apartment were in the mail to Xenia and that Svetlana would soon have a copy of the Ho's application for a second passport and writing samples from the Academy. But since that conversation, Xenia couldn't find Svetlana either. Could my wife have bought Svetlana off? Xenia assured me that was not the case, but in Russia money didn't talk, it shouted. All I could do was wait for my Krasnodar lawyer to turn up while I continued pushing along other avenues.

My alleged undercover agent reported the Ho looked tan but a little preoccupied. She claimed her vacation took her to Miami and Washington D.C. but not Russia. Thanks to her former Russian boyfriend, Alexei, I knew that was a lie. She also said everything was okay with modeling and her future prospects looked good, which they did, assuming my previous attorney Silpe had sold me out.

One of the few breaks from my living death included a double birthday party a week before the October court conference that my martial arts class organized to celebrate Moody's

and my birthdays. I couldn't remember the last time anyone, including me, celebrated my birth—it was nice. The high point was the not so subtle birthday card the class gave me that accurately characterized my wife's nature: "Slut Jokes." My fellow martial artists had her pegged. I read out loud some of the more appropriate references:

"What's the difference between a slut and a Cadillac? Not everyone has been inside a Cadillac."

"Why don't sluts vote? Because they don't care who gets in."

"What's the difference between garbage and a slut from Russia? Garbage eventually gets picked up."

"What's the difference between a slut and a rooster? A rooster says, 'Cock-a-doodle-do,' and a slut says, 'Any cock will do.'"

"How do you make a hormone? Slap her in the face and refuse to pay her."

I laughed better at these jokes than I had in a long time. Knowing there still existed good, solid people in the world helped lighten my load. I was glad they were on my side for it didn't seem like anyone else cared, especially the Government.

At the court conference on October 4, 2001, the Ho and her female attorney showed on time. My wife looked awful, dark circles under her eyes and very pale. Not at all the tan picture of health my undercover agent described. Maybe my agent just made up his latest report without going to Flash Dancers and pocketed the money I gave him for expenses along with his fee. As in so much else with the Ho, I couldn't tell whether her appearance real or fake, perhaps just an adept use of makeup in her trademark role of playing for sympathy. But then again, maybe her addiction to black magic exacted its toll or she expanded her prostitution business. Who knew?

The conference took place again in lesbian Lobis' chambers. The judge started off with, "Why are you people back here?"

That sounded strange to me since the judge was the one who ordered the conference. Did she know something I didn't, which my former attorney Silpe had hidden from me?

"I thought this matter was resolved," the lesbian continued.

The Ho's attorney chimed in, "So did we your honor."

In a matter-of-fact tone the judge continued, "The only outstanding issues are financial support and distribution of the marital assets, but in such a short marriage and with both parties employable, and, I assume, little marital assets, I don't see any need for any financial arrangements. Does the wife need support?"

"No, your honor," the Ho's attorney answered. "The wife is not asking for any support or any of the marital assets of which there are none." Not true, since the Ho invested her well over hundred grand from America's sex trade in something. But at the time, I wasn't interested in financial issues.

Why didn't the lesbian judge ask me whether I needed support? I was the one unemployed while the Ho made lots of money hoing. Finally my attorney said something, "There still is the issue of fault on which my client wants a trial."

That surprised the judge, "What do you mean? It says in this stipulation that your client agreed to no trial on fault. It says here, 'fault will not be an issue.'"

The Ho's attorney interrupted as she always did, "That's right your honor. The last time we met, plaintiff's attorney agreed to no trial on fault."

The judge responded, "I remember."

To which my attorney lamely and somewhat cowed answered, “Well, I wasn’t here because I just recently came on as Mr. Den Hollander’s counsel. So I don’t know what transpired.”

All the work, time and money invested into proving my wife tricked me into marrying her and betrayed me with her multiple adulterous liaisons began to spread out on the wind of an unjust system that favored the female, no matter how despicable her conduct.

The judge aggressively drove home her wishes as to this case, “It says right here on this document, which your client signed, that the only issues left are support and equitable distribution, which it appears neither party wants.”

The entire conspiracy now fell together in my mind. During the last conference, while I stood outside the judge’s chambers thinking my attorney was fighting for my rights, he was actually selling me out by agreeing to a settlement pushed by the judge, who didn’t want a trial. Robert, my new lawyer, warned me before the conference that Lobis often asked clients to leave her chambers so that she could hammer and shout attorneys into submission to convince their clients to do what the judge wanted. This lesbian bureaucrat didn’t want a trial on annulment and adultery in order to make her job easier, to protect a fellow woman, who was hot to any lesbian, and to legislate her own political beliefs that New York should be a “no-fault” divorce state that freed wives to engage in their favorite pastime of duplicity and whoring. All completely consistent with Feminazi ideology that society should allow women to follow the promptings of their whims without shouldering the responsibility for the harm they caused. It didn’t matter to the ideologue judge what the elected representatives of the people, the legislature, said the state’s laws were. No, she was a woman in a position of power who knew better for New Yorkers, so she, not the law, would make the decisions that affected their lives.

Expediency and personal bias replaced justice as the order of the day. My former attorney, Silpe, obviously not wanting to antagonize a judge before whom he often appeared, decided to cut a deal without my consent, then lied about it in order to manipulate me into a box where I had no other choice but to accept his sell out and bow to the judge's wishes.

Time for me to chime in, "Your honor, my attorney had no right to make that agreement. I specifically instructed him to pursue annulment and in the alternative divorce on the grounds of adultery."

Judge Lobis, "But you signed the agreement."

"Like a fool, I trusted my attorney. He represented to me that the document merely set the discovery schedule and trial date. He did not mention anything about a settlement on the issue of fault. In fact, he assured me I would have a trial on that issue in December. So when I signed that document, I did not know, nor did I intend to forego a trial on fault. If I had known it eliminated fault as an issue, I never would have signed it. I have a witness to Mr. Silpe's false representations in the form of a respected attorney out of Harvard Law School who witnessed the entire fraud."

"All I want is my day in court. All I want is a chance to prove she married me only to come to America. This was my first marriage, I had never even been engaged before. I opened my heart to this woman and ended up drugged, tricked, denigrated and used by her as if I were no more than a toy to satisfy her greed to make lots of money in the American sex industry. An annulment will at least enable me to feel justice was done because it will tell the truth about her: that she tricked me, and it will allow me to put this revolting experience behind me. She says in her diary, 'I got married today. It was fun. I didn't take it serious, for me it was only business.' And, 'Roy thinks of me as a wife that is absurd, I will never see him as a husband.'"



I saw a change in the judge's face, she asked my wife's attorney, "Why doesn't your client settle for an annulment if as you said at the last conference that it wouldn't affect her chance to become a permanent resident?"

The Ho's attorney was clearly caught again just like last time when she had lied about an annulment not affecting the Ho's chance for a permanent green card. An annulment settlement approved by the court meant the court concluded that the Ho had defrauded me into marriage. That would leave it to INS to take evidence and possibly hold a hearing to determine whether the reason she defrauded me into marriage was to obtain a green card. INS could go either way, but given that she was a young Russian female with a dubious past, she'd have to pay lots of bribes to avoid INS concluding she engaged in marriage fraud.

The Ho's attorney answered, "My client doesn't feel that an annulment would be right."

The judge turned to me and said, "We still have this signed stipulation, so the only thing you can do now is to make a motion to set aside the agreement that fault will not be an issue. There's nothing else I can do."

As we began to leave, I commented to the judge, "I guess I'm a victim of idiot compassion."

To which she responded, "Compassion is never a mistake." Clearly she knew nothing about Russian females.

The Ho quickly bolted from the judge's chambers into the courtroom with a face twisted in hate. In her rush through the courtroom, she even kicked some guy's feet in the front row without any attempt to apologize. Why the anger? Even if I make the motion, the judge would deny it. Then again, psychopaths are impulsive and short-tempered when things don't go the way they expected.

“Robert, what are my chances of winning this motion?” I asked my attorney.

“It’ll cost you five thousand and you’ll lose. It’s clear that Lobis leaned on Silpe to settle because she doesn’t want to try this case.”

“At least you’re honest. Silpe would tell me just the opposite to make five grand. I can’t figure out why Silpe thought he’d get away with tricking me?” I said.

“Well, you saw what happened today. The judge is now in the position to decide whether there is a trial or not. Before the Preliminary Conference, you had that power, but no more.”

“Looks like a conspiracy among the judge, Silpe and my wife’s attorney—amazing! Silpe probably figured he could talk me into the settlement he agreed to, and if not, then he would have just claimed in front of Lobis what he told me over the telephone: there was no settlement. The Ho’s lawyer, naturally, would say there was an agreement. Lobis would then take the middle ground and rely on the document that I like an idiot signed without reading. That document meant I needed to make a motion to set the settlement aside, which she would decide and, of course, deny. Silpe would win either way because if I went with a motion, he’d make money, and if I didn’t, the judge would be beholding to him for avoiding a trial.”

“Welcome to the divorce court.”

“A corrupt, crowded, cruel and despoiled institution that would shame Tammy Hall.”

“So what’s your decision?” Robert asked.

“I’ll think about it.”

“Okay, let me know.”

I walked out past the columns and down the steps that led from the house of injustice, numb with disbelief that a judge and my own attorney conspired to deny my rights because an accident of nature some years ago made me a man instead of a woman. To think that the much-

vaunted judicial system of America would ignore the laws it existed to uphold in order to reward a peddler of flesh for deceiving a citizen and lying to the court simply astounded me. Law school never taught me about this, my life never did either. As in Friedrich Engel's *Origin of the Family*, females controlled the levers of power and woe to any man who opposed them, nor matter how just his cause. The unfairness tore my mind. I never did any of the things the Feminazis screamed about, and neither did the vast majority of men, although listening to America's modern day vixens, one would think otherwise. Never threatened any of my girl friends with violence, never cheated on them and always tried to act the gentleman. So why was I being treated like a rabid dog? Devastated, I turned to the only emotion left, hate. I cursed the universe that gave me my mother, the female head of my draft board that tried to send me to Vietnam, the androgynies at the FCC who prevented me from becoming a reporter because of my sex, the two faced Feminazis that turned America into a hell for men and my darling, considerate wife. I despised bimbets, bimbos and bimbats. If I had a nuke, NOW wouldn't be holding any more conventions.

Finally, I knew my real enemies, the ones who plotted my destruction from birth, the ones who smiled so sweetly through their blood red lips—dames. The ones like my mother who raised me full of fears, negativity and doubts in order to control me for her own selfish ends; my female contemporaries pretending to my face they cared for me while working overtime behind my back to deny me jobs for which I was more qualified, the officials of justice who couldn't distinguish between right and wrong or just didn't care and every ho who believed it her god given right to use any man who foolishly fell for her surface beauty and adroit lies.

## I Heard It Through the Grapevine

While trying to decide whether to proceed with a motion to set aside the stipulation, I instructed my play-both-sides agent to visit Flash Dancers. This time to make sure he actually went to the club, I stationed myself in a restaurant across the street from where I saw him enter. It still remained for me to cut through the misinformation and feints of his, my wife and the two of them together. How did the C.I.A. or K.G.B. during the cold war ever figure out what was true and what was not?

Once again, the Ho used her all-to-familiar talent for mixing fact, fiction and opinion to create the illusion of her as an innocent victim and defender of womanhood with me as the stereotypical devil incarnate. But I couldn't figure out whether she meant the illusion for my agent, herself, me or all three of us. Perhaps she merely rehearsed her testimony for trial, if the case ever made it that far.

According to my double-agent:

“Alina had large dark circles under her eyes that I never saw before even when she was tired. She looked like she had a lot on her mind. There was a lot boiling up inside her about you that she stopped holding back and some of it flooded out. She probably has no one to confide in.”

She had no one to rely on other than her mother because people were always useable and disposable to her.

“Alina said, ‘I have serious problems with my old boy friend. He is a real asshole and is suing me in court. He really hates me and wants to deport me.’”

She was right about that last part.

“A couple of days ago we were in court. It was a horrible experience. He started calling me names like slut and prostitute.”

Not exactly accurate but close enough. My wife's delusional image of her innocence makes it impossible for her to face the truth about her lechery.

“She was very upset and mad about the court experience. She did not talk about it as if it were a victory. She continued to say, ‘In a few weeks there will be a deposition. My boyfriend and I will be in the same room and he will ask me questions about my sexual activities. It will be like an electric chair.’”

There was no deposition scheduled. She must have confused deposition with the few weeks I had to make a motion to set Silpe’s fraud aside. If the judge denied the motion, which she would, there would be no depositions because the fraudulent settlement would stand—case over, her victory.

“My old boy friend has had three lawyers because he does not get along with anyone, and he works outside the law while I work within the law. My old boy friend had problems with police in Russia and America. He had three problems with the police.”

Gee, I wondered what those three problems were? Naturally, the Ho didn’t elucidate, but the subterfuge was obvious: claim her accuser the real criminal while she’s the innocent. Girls are excellent at this tactic of turning the tables.

“My lawyer is very good but he is expensive and so far cost me \$5000. It is a lot of money but what my lawyer will do is worth it. He can get me papers. My old boyfriend tells everyone I work at Flash Dancers. He was the one who helped me find this job so he could pimp me. He wanted me to sign a contract for 25 years. He would get a percentage of the money I made at Flash Dancers. I was willing to sign a three-year contract but not 25 years.”

Her cover-up continued with the typical Feminazi tale demonizing the man in order to shift attention away from the girl’s nefarious activities. A 25-year contract for stripping and prostituting—get real. What man would pay money for her when she was fifty?

“I had some feelings towards him and he towards me, but it never worked out because he is unable to love. If he does something for you, he expects something in return. Sometimes I really hate him because he is so cold blooded, calculating and methodical in the way he is trying to destroy me. As long as he crawls, he will never stop bothering me. He caused me so much humiliation. It is very difficult for me to cope. Sometimes I think about suicide. But I have a strong philosophy and outlook on life. I believe in God and he gives me strength and my old boy friend is a cleansing for my soul. I hate my old boy friend for all the humiliation he caused me. I would like something to happen to him. I would like him to get his ass busted. But I will not go with the Russian way. I will stick with the American way. If something happens to him, I would be the main suspect.”

One characteristic about the Ho and most girls, they can sure play the sympathy strings to evoke an image of a cupid driven, valiant, virtuous woman who fell for the wrong man. The Ho went into her manufactured tear routine for added effect in this part of the conversation. Tears of hypocrisy don't cleanse the soul, although her anti-Christ savior Sergei Lazarev claims such. In truth, she never had any feelings for me other than as an object of her lust for a green card, which her diary makes clear. As for the hogwash about my investigations in Russia pushing her to suicide, I wish they would, but they wouldn't. She loves money and pleasure too much to kill herself, although she would pay one of her Russian hoodlum clients to liquidate me. That phony denial about using the "Russian way" meant she was actually considering it.

"He tells everyone I have over \$100,000 but I do not. My former boy friend tells everybody I am a whore. He spends all of his money just to destroy me. He hires detectives and has connections with the F.S.B. to tap my telephone in Krasnodar. My mother found out about the tap and went to the police, but there was a cover-up because he has connections with the F.S.B. He functions outside the law while I function within the law. He goes to Russia giving out flyers and contacting my friends to find out information about my past life. He tells them I am a whore and a prostitute, but my friends know what I am and they support me.

The truth hurts, especially to a phony. As for her friends supporting her, she's probably right since she has no friends, other than the old whore her mother.

"My mother supports me. My old boyfriend is a cruel man, sadist. Even in bed he was cruel, very forceful to the point of rape. He has a lot of hatred."

Here we go again with the Feminazi grab bag of false accusations meant to intimidate men, this time rape. How many innocent guys sit rotting in prison because of sluts lying about rape? Girls always pretend to be heaven's angels while lying with a vengeance. It's all so predictable. Whenever Feminazi whores want something from men who refuse to do their bidding, the Feminazis start shouting sexual harassment or rape. In a just society, such ploys fail amid the court and media's laughter but not in Feminarchy America where girls dance a merry jig on the pedestal of preferential treatment. In America, a girl can sue a man for sexual

harassment—lie and win a big settlement. She can accuse a man of rape—lie and send him to jail for years. She can even intimidate a man’s employer into giving her his job, but she can’t make him love her!

“Because of my unpleasant experience with him, I feel hate towards sex and men in general. I am strong and will not let him do to me what he has done to others. I will not let him do to others what he has done to me.

What trash, all of it, she told me the baloney about not having any more boyfriends when she moved out. I didn’t believe her then and still didn’t. Sex fuels her in a way nothing else does. She uses it and drugs to manipulate, control and gain personal power over others. As for hating men, she felt that way long before I met her. And a strange hatred it is because it doesn’t apply to men’s money or their groins. Her hatred probably only applies to when guys catch on to her scheming. As for the “others,” she never knew anything about my passed girl friends, but her routine of fighting for sluts today and tomorrow does sound rather catchy, likely written by her lawyers, and depicts her as a modern day Joan of Arc. Hmmm, I wonder if that French girl was a whore too?

Analyzing the web of verbal garbage from my Janus agent and Janus wife became too obscure in the pyramid of lies, partial truths, dissemblances and projections that I retired my agent for the time being, took a step back and used logic to make a decision on the motion.

My reasoning started with the knowledge that besides herself and mother, the Ho loved money above everything else. Hoing in America meant more money than she could possibly earn any other place in the world. It also opened up a market of millions of suckers for the taking, men who lacked even an inkling of the vicious, money-grubbing, duplicitous nature of Russian girls. Most Russian men were on to hos like my wife and knew the only way to straighten them out required a little pugilistic punishment. In America, however, the Feminazis

had destroyed men's most effective defense against conniving, amoral females by propagating the lie that years of emotional abuse from a female didn't justify a slap in the face. The Ho saw America as the perfect place for her to plunder, but in order to stay here, she needed a permanent green card.

Right from the day I met her, she angled her actions to get to America permanently. First with false endearments, lies of hardship and promises to change that brought her sorry ass to these shores. Then she resorted to threatening me and her attorneys instructed her to file a perjured Temporary Order of Protection to coerce me into agreeing to lie before the INS to assure she obtained a permanent green card. When neither worked, her attorneys threatened to brand me a wife-beater with phony medical records and a criminal by falsely charging me with extortion—all in an attempt to avoid a trial that would expose the Ho and her attorneys' misdoings. Ironically, her attorneys couldn't have imagined at the outset that my own gutless attorney would take a page from the Ho's Satanic bible and use treachery to manipulate me into relinquishing my right to a trial by jury.

Thanks to the Ho, her attorneys, my former attorney Silpe, the Judge, and an institutionally corrupt judicial system my day in court vanished. But I kept remembering the Immigration official at the Moscow Embassy telling me to get any court decree as soon as possible. Okay, if Immigration wanted to start its removal investigation right away into the Ho, then go for a divorce settlement, and let her contend with the costs of battling a federal agency. My time and money could be better used finding additional leads for the Embassy to investigate.

Contacting Xenia in Moscow, I asked her to try again to contact Svetlana and instruct her to move forward in obtaining any leads for INS from anyone who might still be willing to talk about my wife's prostitution, copies of the Ho's writing and push the Krasnodar prosecutor to



indict Inessa. It was still necessary to keep every potential knife in the Ho's heart or whatever organ occupied that area of her chest.

Friday evening, October 19, 2001, while talking with my martial arts instructor after class my mobile started beeping that I had a message.

Mark said, "If that's my girl, let me talk to her."

His girlfriend, one of the black belts, had this strange habit of calling everybody else's mobile to reach him rather than calling his.

Instead of hearing her pleasant Latina voice, I caught the beginning of a belligerent voicemail from some guy calling himself John Madison. I knew it meant trouble but wasn't about to let it interfere with my conversation with Mark. When I finally arrived home that evening, I played the entire message:

"Roy Den Hollander, how are you? This is John Madison calling on behalf of Angelina. Your ex or soon to be ex wife."

At that point I heard the Ho say something in the background but couldn't make it out.

"Now that she is getting new counsel, and mainly we're going to challenge every answer to your filings, every aspect of this marriage, being that it originated in Russia. And basically try to understand that because of the fact that things didn't work out, your malicious actions are basically going to be very carefully reviewed, not only by the proper authorities, but also under every ledger of the lawyer."

Those sentences told me I was dealing with a cretin. The proper phrase was "every measure of the law," ledgers are business terminology.

"We will challenge every single aspect of your filings and of this case. And I assure you one thing; we're not going to basically keep our eyes closed to this issue. We are going to basically be looking at this very carefully, and we will challenge you on every aspect. I assure you of one thing on this arbitration hearing, I will be attending."

This goon, and it was a goon, couldn't get his facts right. It wasn't an arbitration hearing but a motion.

“And as far as everything else goes, I can tell you first hand with all due respect that I’m disgusted by the way you handled it. And quite frankly, I question every single bit of your motions and your filings. And, I assure you one thing, that this issue is definitely going to be an issue that you’re going to have to face up to reality on my friend. So as far as it goes, I will leave you with that. And I will try to reach you at home to see if you are there.”

“But in the meantime, bear in mind that this case is not going to go basically with her lying down and being abused over this whole issue.”

Why not? Prone was her favorite position.

“And you trying to take advantage of the situation and try to claim all these (laughter) basic unfounded claims against her. Which basically have no foundation whatsoever. On the other hand, it really reflects on you on how you’ve handled this, and that a lot of your issues are very questionable. So, never the less, I will be trying to get in touch with you and have yourself a nice day.”

This John Madison was not a lawyer, although he implied it. A lawyer would never use his client’s first name, which in this case was the pseudonym she used for hoing; never contact directly a person represented by a lawyer, which I was; never leave such an obviously threatening message on someone’s voicemail; and never fail to leave a number where he could be reached. No this guy was likely a hood.

The message had nothing to do with legalities, but was a disguised threat of physical violence warning me not to make the motion to set aside Silpe’s fraud, which I had already decided not to. The Ho and her attorneys must have decided to use some non-legal muscle as insurance to keep Silpe’s fraud in tact. Rather lame and a waste of time I thought. There was no way Lobis would grant a motion. After all, she was instrumental in forcing Silpe into lying to me.

The next day, as a long shot, I went to my local the police station, the 13<sup>th</sup> Precinct, but the officers on the desk laughed at me and said there was nothing they could do, even though I had a tape of the message, which they refused to listen to. I’m sure if I had been a ho, they’d have been more helpful.

## **Stupid Frigging Fool**

By Roy Den Hollander

### **Part 5**

#### **Don't Stop Now**

As Roy Cohn once said toward the end of his days, “The flow of life has turned against me.” I now knew how he felt. Feeling utterly alone, doomed, tricked by traitors that included my own lawyer Silpe and persecuted by the Feminazi dominated courts that had crushed any hope of justice, I gave up my earlier, tentative presumption that possibly, just maybe, an omnipotent intelligence existed to make the crooked straight and set the wrongs right. I closed the bibles that I had previously left open around my apartment to protect me from the Ho's black magic and put them on the shelf along with the cross from my voodoo priestess. They didn't work. The ancient Western gods and goddesses didn't exist, at least not in my life. Still I assumed, or wished, that metaphysical forces without the face of a deity worked behind the scenes to somehow make all of man's pain and suffering worthwhile, and turned to eastern philosophy such as Shambahla, Hinduism and Zen Buddhism.

From what I could understand, these philosophies taught that “basic goodness” existed in the universe. Peace in life came from accepting that basic goodness and living in harmony with it. The definition of basic goodness, however, was somewhat vague. Apparently, if something was natural, not an artifice, and worked, than it was good. Harmonizing one's life with basic goodness didn't mean the absence of pain, suffering and evil, but rather a realization that these are inevitable experiences in living that should be met with dignity and an open heart. The key seemed that when a man found himself lost, he needed to transcend his ego, always vulnerable to one slight or another, his fear and lust for material goods, such as hot young ladies. I doubted

such goals attainable, but I continued to read and replaced the Bibles with opened Hindu scriptures and Zen teachings.

Initially, my surroundings felt a little less like a morgue, but my skepticism in philosophies persisted. Down throughout history societies kept citizens chained to various occupations and classes, so belief systems developed to provide relief for those prevented from pursuing their first-best destinies. Today, when a person cannot pursue his first-best destiny because of a dysfunctional upbringing, or an oppressive society, then his only recourse are the philosophies, religions, mythologies, magic and mysticisms out of the past or the psychotropic drugs of modern times. Any or all of them may come into play in an attempt to relieve a person's misery by providing a way to live that creates a sense, or an illusion, of unity with the universe, a sense of presence and harmony. An individual's first-best destiny would have delivered that essential harmony, but without it, another mechanism was and is always needed.

On November 2, 2001, the lesbian judge Lobis ruled the disaster of my marriage to a Russian prostitute over as a result of a settlement agreement Silpe tricked me into signing. Both sides admitted engaging in innocuous incidents that the court used to justify a divorce by ruling such acts as cruel and inhuman. What a joke! To the court cruel and inhuman meant the Ho smashing one of my coffee cups, calling me crazy, my checking up on her telephone calls and telling her to see a psychiatrist. In the real world, incidents like these didn't amount to cruel and inhuman treatment, but the female run courts said they did because it enabled them to circumvented New York State law that required divorces based on fault, which meant conduct that made living together untenable. The judges, in effect, turned New York into a no-fault state by granting divorces based on insignificant acts because the judges' personal beliefs in political

correctionalism disagreed with the elected legislature. Chalk up another victory for the sluts and Feminazis.

When I returned home from the court, an email message from the Internet host that carried the site with the Ho's diary, photos and masturbation clips stated someone tried to hack into the site by obtaining my account number, which would allow anyone to edit or delete the contents. The attempt not only told me that she desperately wanted the web site shut down, but would eventually seek revenge by manipulating some hood client of hers to play me a visit. Fine, let him come, we'll see who wins.

After assuring the integrity of my site, I contacted Immigration at the Moscow Embassy to inform them of the divorce and provide some more leads and evidence that might assist their investigation in proving the Ho a prostitute. These included her masturbation video clips, copies of the nude photos that Leo used for advertising her—the guys at the Embassy would get a kick out of all this—and handwritten letters she sent to Leo from Cyprus requesting copies of the nude photos that she later sold to “Grandpa” after masturbating him. I also told Immigration of the original pages of her diary, which she handed over to me the previous September, that were covered with her fingerprints. Immigration could use the letters, and, if needed, the original diary pages to verify that the Ho actually wrote her memoirs, but showing the diary represented actual events rather than a novel or something I forced her to write might prove more difficult. Immigration now faced the same problem I did during the annulment/divorce proceedings of obtaining evidence that showed the diary reflected reality, which, given the nature of American bureaucracies, meant the burden fell to me, the citizen, to point them in the right direction. Something the Embassy actually asked me to do.

Three days later, the Embassy informed me that it had initiated its deportation proceeding against the Ho. Yes! A victory at last, but I knew it no guarantee for the triumph of righteousness, since investigations and legal procedures often go astray due to prostitute lawyers, bureaucratic incompetence or the recent Political Correctionalist trend that gutted Immigration's authority by giving alien criminals more rights than law-abiding citizens. Millions of illegals commit Federal misdemeanors or felons and get away with it. For example, a one time illegal entry into the U.S. is a misdemeanor, but two or more is a felon. But that doesn't bother the female driven lefties that deem it worth risking the safety and lives of American citizens in order to further their ideology of protecting everybody's sensitivities, such as illegal aliens.

The investigation and hopefully deportation of the Ho might take years during which she would continue to benefit to the tune of over \$150,000 annually for defrauding me, Immigration, the State Department and the I.R.S. How could she not believe that crime pays? Another factor that might further delay her removal came from the 911 tragedy. Immigration was inundated with higher priority investigations to track down and deport all the lunatic terrorists let into the country over the past decade as a result of Billy-Bob Clinton's open door policy. Clinton pushed for lenient immigration policies and enforcement because naturalized citizens and non-citizens tended to vote for Democratic politicians. For example, in preparation for the 1996 election, he reduced the time for processing naturalization applications from two years to six months in key states. To meet the new deadline, Immigration skipped criminal background checks. Out of the 1.3 million aliens naturalized, 80,000 were criminals. Much the same is happening under Obama as he runs for re-election.

On the other hand, the drubbing Immigration received from the media and politicians over its incompetence and sloth surrounding the 911 attacks might actually prod the agency into

doing its job concerning the Ho. Every last one of the 911 hijackers had entered the U.S. legally on visas. Under the glare of the media and public scrutiny, Immigration might be less likely to bury an investigation involving a prostitute that not only grew up in Chechnya, but also hung out with Chechen gangsters because the world now knew that Usama Bin Laden used Chechen criminals in his terrorist network. Still, the core culture of incompetence and corruption at the INS gave illegal alien criminals like the Ho the advantage. Even aliens convicted of crimes in the U.S. are often not deported. The father of one of the girls in my martial arts class was busted for pushing a large amount of coke. Immigration decided not to deport him.

If the immigration agents or someone else isn't bribed and Immigration pushes forward with its investigation rather than giving up and allowing the Ho to become a permanent resident through the rubber-stamp VAWA waiver and the department decides to try to deport her, INS will provide the Ho notice of a deportation hearing before an administrative law judge.

Assuming the administrative law judge decides to kick her out of the county, she could appeal to the Bureau of Immigration Appeals and then to the U.S. Second Circuit Court of Appeals.

During the appeal process, she's free to ply her trade in the underground economy unless she commits an aggravated assault—not likely. She could also file for a voluntary departure in which she agrees to leave the country on her own and is barred from reentering for a period of time. In effect, it allows aliens to leave and enter legally, or leave and enter illegally. If a Federal Court decides to deny her appeal and deport her, Immigration would send her a letter telling her to report for removal from the U.S. INS agents call such letters “run letters”—guess why?

Immigration no longer takes into custody aliens it has to deport unless they threatened the public safety, in which case the government probably couldn't find them anyway, as with some

of the 911 hijackers. Right after the 911 tragedy, Immigration had a backlog of over 300,000 aliens that the courts ordered out of the country but didn't go. Eighty-seven percent of illegal aliens ordered deported aren't because Immigration can't find them or, if it can, doesn't bother taking them into custody because of the lack of jail space, only 20,000 beds. In the Ho's case, Immigration could ask the administrative law judge to make the Ho post bond, but given the tendency to let girls get away with murder in America, this seemed unlikely. Even if the judge did require a bond, the Ho would just jump bail anyway. If the bail bondsman found her and took her to Immigration as a fugitive, Immigration would probably not accept her because of the lack of jail space. CBS News actually did a story on such a case.

CBS went along with a bail bondsman for the arrest of an illegal alien whom INS had ordered deported and who had jumped bail. The bondsman found the illegal at his house and took him to an INS office with CBS in tow, but INS refused to arrest the guy, so he went back home.

At any time during the process, which might last years, the Ho could disappear into the black hole of America's sex industry to join the vast underground of millions of illegals living here. Most strip clubs, like Flash Dancers, and prostitution parlors don't require any identification, just tits and asses with loose morals. And if the Ho wanted fake identification, she could easily buy it through the many illegals that stripped at Flash Dancers or from the hoods that run the place. In the end, whether Immigration blew the case or obtained a removal order upheld by the Federal Courts, the Ho wasn't going anywhere.

The Immigration official at the Embassy knew all too well the problems with deporting when VAWA diminished almost to oblivion the value of evidence from the one adversary most knowledgeable about an alien spouse's violations, the American spouse. Even if the Feminist



created and trained VAWA Unit in Vermont didn't okay her waiver application for permanent residence, a girl with the Ho's money could easily drag out the legal process for years or simply slither into the underworld. The official, however, confidently told me that if she went underground, she would surface eventually because people like her always did. He would rather not have to wait, so in preparation for any eventual disappearance, he requested from me a list of people who might help her hide. He also asked me to keep close tabs on her whereabouts, and notify him of any change of address or work. Once again, the citizen ends up doing the Government's work.

The Ho's apartment lease terminated at the end of the month, so I needed to find out whether she renewed or chose to begin her disappearance act early. With my Yankee hat on as a disguise, I went over to her building to snoop around. It turned out that on a workday, she left her apartment in Astoria around 6:05 PM, walked to the 30<sup>th</sup> Avenue subway station, arrived there between 6:15 to 6:17 PM and caught the 6:19 PM train to Manhattan. Like all good businesswomen, punctuality meant efficiency that maximized her profits. Waiting in the shadows until she boarded her train one evening, I then walked to her building. The evening rush-hour was on, so a number of people would be entering her locked building and I could just follow them inside. One young man turned into the building's courtyard, I quickly came up behind him, pulled out my keys as though I lived there. He saw me, a middle-aged, gray haired man, thought nothing of it and politely let me inside. I headed downstairs for the buildings superintendent and knocked on his door. A pretty pubescent girl opened it.

"Is the superintendent here?"

"Dad," she yelled.

Out came a tall man in his thirties holding a pan in which I assumed he was preparing dinner. Where was his wife?

Asking about the Ho's apartment, I said, "I heard that apartment 4H is up for rent, and I'm interested in it." In New York lingo that meant I was willing to pay the super a bribe for inside information on any available apartments. That's how New Yorkers find out about vacancies before they are advertised. Once an apartment is listed in the newspapers, it either doesn't exist or was already rented by the time a person reads the ad.

He responded in a thick Russian accent with surprise, "No, as far as I know the apartment lease was renewed."

"That's the apartment with the tall Russian lady?"

"Yes, I know her, and she is not moving out," he replied.

To myself I said, I'm sure you do know her! "Thanks, my mistake. Sorry to interrupt your dinner." I left with a glance at his teenage daughter. In my younger days she would have returned the look.

I told Immigration the Ho was locked into her apartment for another year. Checking that she still worked at Flash Dancers proved easier. Periodically, I'd call and ask whether "Angelina was dancing tonight?" to which they always politely replied yes or no. If I had a girl call, she could also find out whether the Ho would work the following night or was on vacation. Another way to keep tabs on her work was sitting in a restaurant across the street from Flash Dancers where I could see the girls enter the club for the evening shift. On the nights she worked, the Ho always strutted through the doors between 6:55 and 7:05 pm—very punctual.

With no other U.S. agency interested in enforcing the laws against the Ho, I also shifted my Russian forces to providing any useful leads and information to Immigration at the Embassy.

The aim stayed the same as in the annulment/divorce case, tracking down information and developing leads on the Ho's history of selling sex and any other nefarious acts that might prove useful. Xenia passed the word to Svetlana, who actually reappeared in Moscow but in a hospital.

Xenia said "Svetlana has been seriously ill since you first met her in June. She wouldn't tell me with what, but kept saying things were getting done when they weren't."

"Obviously, she assumed I'd switch attorneys if I knew about her illness, and I would have." I replied.

Xenia and I decided to wait until Svetlana finished her treatment in Moscow. If she could no longer function, then Xenia would find a new attorney in Krasnodar. Xenia also began looking for a contact in Cyprus to show that the club Zygus, where the Ho had worked, sold girls to its customers. In the meantime, Nadya, my Krasnodar translator, returned from an extended vacation in Chile. She started tracking down and interviewing various people with knowledge of the Ho and Krasnodar's sex industry.

All the information and leads from Russia would flow through Xenia for review and then she'd personally hand it over to the Embassy official. Any information from me was mailed directly to the official. The Embassy could then use it to direct its investigation. Sounded simple enough but it wasn't. The anthrax scare shut down the Embassy's U.S. postal service so that the only way for the personnel to receive mail was the private carrier Federal Express. And as a result of 911, physical access to the Embassy was shut down for a few months, so Xenia had to meet the official out in the street to hand over any materials.

The Embassy received from me the Ho's perjured financial statement from the annulment/divorce case. Immigration could use it to show her up as a chronic liar on the witness stand, if it ever got her there. I notified them about her American credit card, which she

probably used to transfer money out of the U.S. and her Cyprus mutual fund account. The Embassy official responded that such information didn't apply to Immigration violations, but that the more information they provided the U.S. Attorney, who ultimately would prosecute the case, the better. Immigration in turn requested some information that seemed irrelevant to me, such as the birth dates of Leo, Anastasia and Dima and the last names of the Ho's playing around girls: Lena and Olga. Nadya was able to dig up some of the information.

There were some possible avenues for investigation that I suggested to the Embassy. For example, contacting Anastasia and Dima Vasilyeva at their American address, which INS now had thanks to me, to obtain a copy of the contract the Ho signed with the owners of the Zygos Club. Anastasia had told me about the contract during my April visit to Krasnodar but claimed only the Athanasious in Cyprus had a copy—baloney. The contract could infer prostitution, but at the very least, it would confirm the Ho working in the strip club Zygos. I never heard back whether Immigration tried to obtain the contract. When the Embassy chose not to tell me something, I didn't push the matter for fear of opening up the officials to charges of bias or collusion. My place was merely to provide them information or point them in the direction of useful evidence. Other documents I sent the Embassy included the Ho's time sheets indicating which days she worked at Flash Dancers.

My "agent" went over to Flash Dancers to find out when the Ho planned her next vacation to mother Russia. Immigration might find the information useful, and I could always waste the cost of a telephone call informing U.S. Customs of another violation of the laws they were suppose to but never enforced. Unfortunately, my timing went a missed with this operation. The Ho told my agent she just returned from a vacation to Disney World and Miami. She probably took the time off but lied about her destinations in just another arrogant taunt in the

Ho's infantile effort to upset me with her stupid stories of going where we went, but with other men. Like all vain females, she actually thought I fantasized about having her back. She'd never know that my dream about her was to one day fly to Krasnodar to urinate on her grave. Well, we all need our dreams to keep us going. The Ho didn't divulge to my agent any plans for her next vacation, so the expenses I paid, as always, partly flowed into the Russian septic tank of my ex-wife, but this time with zero return.

The continuing investigation, preoccupation or obsession with justice kept revealing new insights that created in me prescience for the Ho's future plans. It was as though I could almost see into that twisted sewer of her mind with a little help from logic. The Ho spent her "Wonder Years" in the barbaric, feudal culture of Chechnya where the blood lust for vengeance rivaled Russian greed for money. She adopted both traits as goddess-type virtues. For the present, she concentrated on slaking her greed. But sometime down the road after the Ho won her permanent green card or went underground or even was deported, she'd pay around \$5000, the going price to kill a non-Russian, plus travel expenses, to quench her hatred for me. It was her style to wait, "Be patient," she always said. And the wait made sense. If she did anything before, the authorities would pounce on her, maybe. But in the future, as memories fade and my complaints about her to various agencies ended up in the shredder, she will strike with a vengeance worthy of the barbaric culture that produced her.

When I originally formulated my war objectives and strategy after receiving the Temporary Order of Protection, I didn't consciously consider such a threat, but, prophetically, took it into account anyway without realizing it. Now all my efforts focused on bringing justice to her first, but as I told Mark and Moody one night while listening to Ludacris' new song "Area Codes" on the car radio, "There's still a long road to ho."

## Happy Holidays

The holiday season started, but for me there was no peace from the Ho horrors in my life. The Holidays always depressed me, but now, unlike earlier years, all hope seemed to vanish from my existence. Struggling to stay sane enough to fight the Ho, I socialized with friends, went to lectures and movies, worked out, hit the clubs where, to my surprise, some young things expressed interest. But, for me, as pleasing, attractive and soft as these young girls were, I wasn't looking for any involvement. A relationship would only distract me from the hate that drove me in this holy war—my personal jihada.

In a mythological sense, I lived in the underworld where dragons rend lives that may or may not reform into the approximation of a human being. As Nietzsche said, "He who fights too long with dragons becomes a dragon himself." My nightly dreams told of a long distance run dodging obstacles, taking certain actions, then careening into the abyss that I had glimpsed on two other occasions in my life, once in joy when young, once in sorrow when middle age. My fate showed clear, the result of the flow of a universe that went beyond the egoistical need for justice. The pending void made that fate a duty, an obligation that I needed to fulfill. The evolution of the universe had brought to me deeds to do. Miniscule acts, but still acts only I could perform. I had to push forward with this war. Life no longer held anything of joy for me, just deeds to do.

It made no sense to drag my existence out to its natural end, which promised only more and worst misery. The body kept decaying, opportunities vanishing. Girls that I wanted didn't want me, just the money they thought I had or free legal advice, and as for the flabby body, foul mouth, insulting dinosaurs that did want me, I'd rather be dead than touch them. Much of the time, my body and mind endured a dull aching pain from old sports injuries, regrets, humiliations

and insults from a life of failures while I waited for the consequences of the latest heist by the highwayman of the stock market and the bane of age discrimination to fling me into poverty. Logic and time required betting what was left of life on punishing the Ho and her allies who made such evil possible—the Feminazis.

At a Thanksgiving Day party, Cindi's husband Keith, an actor who worked part-time as a waiter at a trendy Upper Westside restaurant, said the Ho showed up with a date at one of his tables around the end of October 2001. Keith and the Ho knew each other slightly from working together at a corporate event, but she either didn't recognize him or pretended not to. When the Ho went to the girl's room, Keith asked the guy if his date's name was "Angel" to which he said yes.

Remembering the theory of "Ubiquity" in which seemingly inconsequential acts may have important repercussions, I quizzed Keith on the incident.

"Did you over hear anything they said?"

"No."

"Did she use the guy's name?"

"Not that I heard."

"What did the guy look like?"

"He was short, Asian and in his early twenties."

The Ho was equal an opportunity slut, so no surprise in her going out with a short Asian. The only color that mattered to her was green, and the only size, the thickness of a man's wallet. But the odds that an Asian in his twenties would have enough money to attract her seemed slim. It didn't logically follow or feel right to my intuition, so I let it bounce around my unconscious for a while. During dinner, the anomaly dissipated: the Asian guy was probably Tony Wong,

my so-called buddy from Moscow who managed the Russian branch for Schering-Plough. It all fit. Wong was short and looked much younger than his 32 years. He had money and always tried to bed his friends' girls, wives and daughters—most likely the result of an inferiority complex from his lack of height. As for the Ho, she would learn Wong was as cheap as her, but doing him probably satisfied some of her desire for vengeance against me. Lastly, only a small number of people, such as Keith and Wong, referred to her, as I once did, with the name “Angel.”

My logic and intuition fell into harmony, but in order to make sure of reality, I ran a little con on Wong to make sure he was the Asian with the Ho. Emailing him that I heard he was in New York City at the end of October, I feigned hurt that he didn't contact me. Naturally, I didn't mention the Ho sighting. He responded that he had visited the City with his new Russian girlfriend who took up all his time. As proof, he attached a picture of his girl, but it didn't show him, which is what I was angling for—his picture. In my reply, I feigned banter that no girl as pretty as the one in the picture would go out with him, and accused him of clipping the photo from a fashion magazine. Right on cue, just like an insecure teenager, and on the same day, he emailed me photos of him and her together to prove his desirability to the other sex. Perfect, I took the photos with Wong in them to Keith. “Yea, that's him. That's the guy who was with Angel at the restaurant.” Keith told me. Wong dating the Ho didn't surprise me too much, since I always knew him a sleaze although a personable one, but it did give me an opportunity to try to shake some information out of him. Anything the Ho told him might prove useful to Immigration at the Embassy. Playing ignorant, I arranged to meet Tony when he visited New York over Christmas.



The Internal Revenue Service, in the spirit of the season as another excuse not to do any work, sent me a form letter refusing to investigate the Ho's tax evasion. This really ticked me off. The I.R.S. nails hard-working, middle-class folk for minor mistakes but lets go a slut cheating the country out of tens of thousands of dollars against whom they have probable cause to investigate. So I contacted a few male alumni from my law school, George Washington University, who were working for the I.R.S. in Washington, D.C. to see whether anyone could help.

One alumnus said, "The main problem with tax evasion in all cash businesses is estimating the amount of money that workers make."

To which I asked, "Doesn't the I.R.S. have guidelines for estimating a stripper's income as it does for bartenders and waiters, who make most of their income from cash tips?"

"No, we never formulated any guidelines."

Unbelievable! But I should have expected it. The I.R.S. nickels and dimes decent, hard working waiters and bartenders but lets lap dancers cheat the government of literally billions of dollars a year.

The alum continued, "But I'll see what I can do to interest the fellows up in New York to your case."

I thanked him for the help and information.

Within days, I received a call from I.R.S.'s Criminal Investigation Division, CID, in Brooklyn. The agent told me the office received a directive from headquarters in Washington to contact me about the Ho's tax evasion. Thank goodness some of the good ol' boy network still functioned in the eternal battle against the feminine evil now engulfing the world in a night of despair.

Armed with a package of documents, I rushed down to meet the agent that same day. By December 2001, the Ho had easily grossed over \$150,000 in unreported income from lap dancing alone. The agent, however, quizzed me about the Ho's Chechen connections rather than her tax evasion. What was with these guys? So she grew up in Gorzny and was seen with Chechen hoods. They had an obvious case of tax evasion but showed no interest. The agent's area of responsibility since 911 was tracking terrorist assets, so why was he talking to me? My ex-wife hung out with Russian and Chechen gangsters back in Russia, but I doubted she knew any terrorists unless for a lap dance or prostitution gig. My hope for action on her tax evasion faded. According to the agent, I.R.S. policy prevented any investigation of tax evasion unless it persisted for three consecutive years or amounted to sums of money in the hundreds of thousands of dollars in unpaid taxes. The more than \$40,000 a year in taxes the Ho failed to pay didn't matter. He also said it was too difficult determining a lap dancer's income, so the I.R.S. didn't bother. Even the Ho's secret Cyprus bank account that she failed to report on her 2000 return didn't interest him. The I.R.S. was a paper tiger when it came to the criminal economy but would willing destroy a middle-class citizen who tried to comply with its arcane regulations but made a mistake—so much for the good ol' boy network.

The I.R.S.'s requirements made no sense other than to make things easier for them. Why wait for three years in a row of tax evasion? So the hos can do two years of tax evasion, skip a year and then do another two years in a row and avoid an investigation? And why not estimate a stripper's income just as they did the tips received by bartenders and waitresses, another cash business but small change compared to lap dancers? The Internet contained websites set up by lap-dancers for lap-dancers to provide girls in the industry information on "Gentlemen's Clubs," such as average take home pay per shift, management's cut, type of clientele, average amount of

time a guy stayed in a club, average total amount of dollars a guy spent and average amount of money he walked in with. That last one made me wonder how the hos determined it. Guess when it comes to the thickness of a man's wallet, they have their ways.

The I.R.S. could easily estimate the amount of cash generated in a club like Flash Dancers. Multiply the number of customers, derived from the total amount of admission paid, times the average amount a guy spends for the total amount of money flowing into a club on one night during the week. The number of customers varies with each night, so by doing the same for all seven nights will yield a good approximation of the money that enters a club and exchanges hands—the taxable event. Apportion the cash flow among the owners, strippers, waitresses and bartenders to estimate everybody's income, including the hos. If the taxmen don't want to use stripper statistics, they can conduct their own industry research. For example, the bartenders and waitresses in these clubs know how much the average stripper makes and are willing to talk about it. Even the lap dancers will tell a stranger how many dances they average, but they wouldn't say how much they make. Since they apparently can't do the math, they assume no one can. Estimating the average stripper's nightly income at any particular club is not difficult, and by cross-referencing that with a club's records of who performs each night will allow the I.R.S. to make a fair estimate of a particular stripper's income. All it takes is a little bit of work, which the institutional sloth of the Government prevents.

So how much do all the ho clubs in America generate that is never or dramatically underreported? Take Flash Dancers as a somewhat representative example. The club has a day shift from 12 Noon to 8 PM and a nightshift from 8 PM to 4 AM. The nightshift uses around 75 girls every evening, 365 days a year, which generates a lap dancer cash flow of around \$13 million yearly—most of which the tax authorities never hear about. A recent law review article

estimated 2000 strip clubs in America. Since the average nightly take varies from club to club, assume just a thousand clubs in the U.S in order to be conservative. That yields an under-taxed cash stream to hos of \$13 billion. In effect, America's law abiding taxpayers are subsidizing lap dancers—not fair and not fiscally astute.

After futilely contacting various public officials with this information, I turned to America's newest hero, Mayor Rudolph Giuliani, by sending him a letter that the average stripper of which there were plenty in the City evaded taxes on an income of around \$100,000 a year. New York City taxed the income of its residents just as the Federal and State governments did, so lap dancers in the City cheated all three governments by not accurately reporting their income. If the City became interested in an underground stream of tax revenue, it might go after the Ho as an example to all strippers. As a follow up to my letter, I called the John Gambling radio talk show on which the Mayor regularly appeared for questions from the public. The Mayor, always a gentleman, politely said he would look into it, but Gambling in his arrogance and ignorance just laughed and cut me off. Fine, he's doing a lot more ho underwriting with his taxes than I am.

The Mayor, however, always a class act, was good to his word. The New York State Taxation and Finance Department, which held jurisdiction over city tax matters, sent me a letter saying the Mayor had contacted the Department's Commissioner about my concern and that the Department would conduct an investigation and wanted to interview me—nice to know people in high places.

The New York State tax agents were not interested in the Ho's individual tax evasion but violations by the operators of Flash Dancers. Flash Dancers, like most the strip clubs, claimed the girls worked as independent contractors for the customers because the customers paid them

directly. That meant management didn't need to withhold taxes or contribute to social security and unemployment insurance or even obtain the girls' social security numbers for 1099 filings—hard to do when they're illegals. Flash Dancers contended it only rented space to the girls for dancing, so it had zero tax reporting or paying obligations to the City, State and Federal governments. The State tax authorities wanted to show that the girls were really employees because management strictly controlled their working hours, breaks and assigned them specific duties, such as dancing on the stage when the disk jockey called their names or entertaining in the champagne room when the manager directed them. If the State proved the girls employees of Flash Dancers rather than independent contractors of the customers, then Flash Dancers and most of the other ho clubs in New York had violated the tax laws. That not only meant big fines, but in the future, strip club managers would have to keep track of all the girls' income and file reports with the tax department, which meant an end to ho tax evasion.

The State tax officials pumped me for all the information I knew on how Flash Dancers worked. I cooperated, since making hos pay their fair share of society's cost in the future was a worthy cause. Then they asked whether the Ho might work undercover for them to which I replied they'd have to ask her. That was all I needed, the Ho working undercover for New York State's tax department complete with immunity for all the crimes she committed, a likely reward of citizenship and the American life style at taxpayer expense in the witness protection program. This slut had a charmed life. Then again, I could notify the gangsters running Flash Dancers before the authorities put her under protection, but didn't.

During the same period, I filed a Disciplinary Complaint with New York State Court's Appellate Division against the Ho's attorney, Mundy. The complaint accused him of attempted coercion when he lied to my lawyers about having medical records showing I beat my wife and

an audiotape of my trying to extort money from her. Mundy committed the misdemeanor of attempted coercion when he tried to use the nonexistent evidence to intimidate me into settling the case. Mundy's willingness to violate the law to win a case made it likely that he also masterminded the threatening telephone call from the phantom John Madison.

My former attorney Silpe and the lesbian judge Lobis also violated certain codes of professional conduct in pursuing their own self-interests at the cost of my rights. They likely rationalized their actions under some warped socialized imagery of rushing to defend the fair damsel in distress. A delusion concept ingrained in eight hundred years of literature that some medieval ho invented to achieve money and power, and every mother since, Feminazi or ho, inculcated into her sons. As for the judge, I didn't have any useable ammunition, since she smartly dismissed me from her chambers before putting the screws to me. But I did have enough to file a Disciplinary Complaint against Silpe for entering a settlement without my permission and then lying to me about it. For the present, however, I held off on filing a complaint against him because I needed his and his bozo associate's testimony to support my allegation of Mundy's attempt to coerce me with the extortion charge. In addition, I needed my first attorney Judith for evidence that Mundy claimed to have medical records of my battering the Ho in his first effort to coerce me. Although Judith most likely colluded with Mundy to pressure me into a settlement, I wasn't going to file a complaint against her because I'd never be able to prove it.

In an irony of how small the world is, one of the girls from my study group when I spent a semester in Columbia's School of International Affairs knew one of the Ho's clients. The Ho kept business cards of various marks, and one worked for Nomura Securities where my friend not only worked, but she worked in the same office as the Ho's client. As a goof and in the chance of gaining some information, my friend agreed to confront him with frequenting Flash

Dancers and my ex-wife. The guy naturally denied everything but turned a bright red doing so. Fine, a reluctant witness to the Ho working at Flash Dancers and maybe prostitution, if the Embassy needed him.

Shortly before Christmas day, I sent my above-cover agent to Flash Dancers one last time. He reported the Ho planned to take a vacation after working Christmas Night until the end of January, which I believed, and to go out west, which I knew meant east. Once again, I notified U.S. Customs at Kennedy airport and this time provided them with the Cyrus mutual fund account into which she deposited her smuggled money and the Ho's credit card account as one of the means she used for illegally transferring funds out of the country. With the credit card, she probably bought traveler's checks or money orders to hide her cash flow from the I.R.S., which didn't care anyway, sent them to her credit card company to create a balance on her card that she later withdrew the money at a bank in Russia or elsewhere. Smart girl, better than stuffing wads of hundreds up her vagina like in the old days. Once again, Customs politely took the information and promptly did nothing. How I longed for the old days of the fifties and sixties when Federal officials dealt with the public in a gruff manner but actually did their job. Today they all sounded like graduates from charm school who knew how to respect people's sensitivities but nothing else. What about the taxpayer's right that a government agency do what his taxes are paying them to do? Doesn't mean a thing today with all these insidious female traits of the Political Correctionalists emphasizing form over content that end up undermining the effectiveness of institutions meant to protect Americans.

The Ho also kept up her attacks against me. Her computer hacker tried again to access the web site with her diary, pictures and masturbation video but with no success. Azul, her fellow traveler in Mexico, emailed me claiming she no longer felt close to the Ho because the Ho

had changed. Azul then tried to pump me for information about whether I planned to travel to Russia over the holidays under the pretense of inviting me to stop off on the way for some sexual fun with her—no way, slut! The Ho obviously lay behind Azul's feigned interest. My ex-wife probably feared another fact-finding trip to Krasnodar. So I played along with an intuitive lie that I planned to travel to St. Petersburg. Something rang prophetic about the place because I just knew that the Ho planned on visiting Valodya there over the holidays. Trying my own hand at manipulation, I also replied that the Ho did not seem the same to Azul because she was now rich, at least \$150,000 of rich. Hopefully the figure might breed resentment or even prod Azul to charge money for her spying services, which would surely anger my ex-wife.

My less than honorable buddy Wong arrived in town a couple of days before Christmas. We planned to meet after that day of joy for most but not for me. He'd probably take the Ho out while in New York City to show her off to some of his friends. Wong arrived the 23<sup>rd</sup> and the Ho's last day of work before her vacation was allegedly the 25<sup>th</sup>. Christmas Eve was the most probable night for their rendezvous, so I arranged with a buddy to stake out the Ho's apartment. While shaving before the stakeout, I thought about whether to confront the two or better to follow them. At that moment something invisible pushed my shaving hand cutting my lip with the razor. Apparently the Ho's demons finally breached the protective spells of my voodoo priestess, but if all they could do was nudge my hand, who cared. My growing ambivalence and boredom with the supernatural allowed me to take this escalation in the Ho's curses as one of many common day annoyances. But when my buddy failed to show with his car for the stakeout because it broke down, the Ho's curses again seemed more than an annoyance.

A couple of days later, Wong and I met at the Coffee Shop in Union Square, another trendy New York hangout for the young and hopeful.



As is my habit, I showed on time knowing Wong would arrive late, as do most insecure people. I ordered a non-alcohol beer from the pretty, young barmaid whose face betrayed an empty mind. She said she would have to check as to whether they had any. She came back with a beer and a smile that said tip me real good and I will pretend you turn me on. Where did bars find these walking pairs of breasts who thought MTV intellectually illuminating? What happened to the mature, male bartenders who knew a thing or two about life?

The crowd, all young enough to have me as a father, clearly thought themselves hip or cool or whatever the current terminology was. A couple of good-looking babes walked up next to me with one wearing a Chinese blouse with a dragon embroidered on it. A line automatically popped into my head, “Nice blouse.” She would then say thank you, and I would respond with, “Is it the year of the dragon again?” which I knew it wasn’t because that was the year I married the Ho. She’d say something back, and we’d be on our way with a conversation about meaningless rubbish and insincere smiles. But I didn’t make the move. The relationship with the Ho had jaded me and my experiences with pretty young things as lovers and friends over recent years made plain what I had missed in my younger days—they’re all hos, incapable of fidelity or honor and undeserving of trust. They know their window for fun, adventure and free drinks is short—age 15 to 25 maybe as late as their early thirties. So they rush to get as much sex and good times as quickly as possible from as many men as possible who end up paying the tab while these sluts declare themselves independent women experiencing their sexuality.

All girls are hos because only ho genes made it this far up the evolutionary tree, so why waste my time pretending they’re good girls; they aren’t, and just because the Feminazis declare otherwise doesn’t make it so. Perhaps political correctionalism exists only to help girls delude themselves into believing they’re not whores.

Wong finally showed, only thirty minutes late—on time by his standards. He seemed nervous. We chatted a little and then I asked,

“So, how’s Angel?”

He paused, “How would I know?”

“You’re dating her.”

“What! Are you crazy? Are you on drugs?”—A little too emphatic and rehearsed this response.

“Wong, I have a witness that identified you with her.”

He didn’t respond to this but continued with the tactic that a good defense is a personal attack. “What’s happening to you Roy? You’re not making any sense. She must have warped your head. Do you realize how absurd what you just said is?”

“I want to know what she said Wong? I don’t care about your dating her; I just want the information on what she said.”

He responded by going into the guilt trip, “I drove 45 minutes to meet you. I left my brother and nieces to come down here just so you could get information?” Wong spoke garbage. If the Ho was still in town, he probably drove in from his brother’s to spend the night with her, or he was on his way to his mother’s in Forest Hills. Wong never went out of his way for anyone unless he got something in return or it served his purposes.

He continued, “Is that what you think about our friendship. That I would do this to you and you only wanted to meet me to get some information? I can’t believe this!”

At this point, I knew Tony was on to me. He had probably remembered the waiter asking about “Angel” in October, so he came prepared to sow doubt in the waiter, sidetrack the issue by trying to make me feel as the nefarious party and depicting himself the victim of outlandish

accusations. Perhaps the Ho even helped him with his defense. Whatever, I knew I wouldn't get any useful information from him.

"I've got a witness who identified you from those photos of you and your girl that you were so kind to send me. When you were at Carmines Restaurant with the Ho, she got up to go to the bathroom. The waiter asked you whether her name was Angel, and you said 'yes.'"

Tony ignored the specifics of the conversation, "I'd never go to a place like Carmines."

"Give me a break. You always go to trendy places and Carmines is trendy, for now."

"What was the exact date and time that I was supposed to be there?"

"The end of October."

"Don't you have the exact date and time?"

"No."

"Want kind of investigator do you use if he doesn't know the exact dates." Only the Ho would have thought that I hired investigators to trail her. Anyone else would assume someone I knew saw the two of them together.

The witness works in the restaurant," I replied.

"Works in the restaurant. What good is that? I'm a general manager of a major corporation."

"No you're the general manager of one of the smallest foreign subsidiaries of a major corporation."

"Well your witness is useless. This witness would be thrown out of a court of law if they couldn't remember the exact date and time." I always laugh when people who weren't lawyers thought they knew how the law worked. Wong was wrong, but I let him rant hoping he might let slip some useful information. "Come on, what's happen to you. I know things have not gone

well. You can't find a job and you lost a lot in the market. That your life turned out bad through no fault of your own but your parents."

"Let's not get personal Tony or we'll both regret it," I warned. He switched tactics, but those last remarks contained information that only the Ho knew. I never confided in Tony about my financial or job search difficulties and never mentioned my parents to him. He unwittingly used information the Ho provided him, which only bolstered what I already knew as the truth; my ex-buddy Wong dated the Ho.

"I wasn't here in October anyway but the beginning of November with my girl friend to go to a wedding." Strange, his email said he was in New York the end of October. "Besides, why would I go out with your wife? She's a Ho! I don't go out with trash like that. I'm a moral guy. You can ask anyone who knows me in Moscow."

"Wong, everyone you hang out with knows you always chase after your friends' girls, wives or daughters. We had this running joke that if you saw one of us with a girl, you'd say to yourself that if she went out with one of us, she should go out with you. Every girlfriend I had in Moscow you tried to hustle. And as for Hos, you dated sluts in Moscow, like the stripper at the Sirius Club. She wasn't a nun Wong. And as for Mr. Morality, what about that 14-year-old in Cuban you always bragged about. "

As so often happens with liars, Wong started repeating himself in the hope that redundancy could replace truth. I had enough and left, never to see this jerk again. The confrontation assured me that Wong dated the Ho, but I wondered why he didn't just admit it. He couldn't be so immature to think I'd pummel him. He probably thought that if his dating a prostitute came to the attention of one of his bosses at Schering-Plough, it might cause him problems. He should have realized that had he told me the truth and everything the Ho said, I

wouldn't try to cause him any problems at work. But his Kafkaian type efforts to convince me that I was deranged, my witness not credible and him a moral guy angered me.

Personally, I didn't think telling Wong's bosses, one of whom I provided a recommendation for Wong as manager of the Russia office, that he dated a prostitute would result in anything but laughter. But using the cliché Political Correctionalist ploy of accusing Wong of "sexism" just might work. In a pretext letter that appeared to come from one of the many Feminist attack groups, my invented Feminazi writer complained about Wong's bragging, as he always did, concerning his appearance in the Russian Playboy magazine with "naked Russian girls hanging about him like ornaments." With appropriate Feminazi fury, my phantom she-male railed, "I thought such sexist exploitation of women's bodies was a thing of the past in American business circles but apparently respect for women as human beings does not apply to American businessmen in Russia. Your Russian manager, who has a notorious reputation among Russian women, even boasts of bedding over eighty of my Russian contemporaries and a 14-year-old Cuban girl. I have a good mind to notify the National Organization of Women about this incident." Wong had actually boasted about the eighty girls in Russia. Whether the letter had any impact, I don't know, but if it did, Wong deserved it.

Throughout the Holiday Season, my Krasnodar translator Nadya continued to track down various people concerning the Ho's sexual sales business. Nadya, however, ran into one major obstacle. The idiots who ran Krasnodar's telephone company, which was the government, decided to change everyone's telephone numbers. Imagine a telephone company trying to do that in America. Nadya now had to find the addresses for the old numbers, then look up the new numbers for those addresses because the telephone company didn't publish a new directory listing people by their names. She eventually contacted the remaining people from the Ho's

dairy and my interviews, but as with the ones contacted earlier, they all refused to talk. Could the Ho, her mother and her attorneys possibly have threatened into silence everybody on whom I had a lead? That made no sense. More likely all these people, mostly former female models, had something to hide. But what, were they all hookers? That didn't seem likely either. Perhaps the answer lay in the genetic inability of Russians to tell the truth or aid justice.

Svetlana, my Krasnodar attorney, sufficiently recovered from her illness to have one of Krasnodar's prosecutors start the inquiry into determining whether to indict Inessa for defamation. The prosecutor questioned under oath six witnesses who confirmed Inessa's slander and threats and also interviewed Inessa who told her side, or more accurately her lie. On the day of Inessa's testimony, Svetlana ran into her in the prosecutor's office. Inessa walked over to Svetlana and asked, "Are Roy and Alina divorced yet?" Svetlana just grinned and walked away. Svetlana knew Inessa was trying to find out why Svetlana and my translator continued to investigate her daughter's soiled history in Krasnodar even though the divorce had come through a month earlier.

The Ho and her attorneys might have suspected that the purpose of my continuing investigation was to gather information and leads for Immigration to build its own case, but they didn't know for sure. Inessa tried to find out by baiting Svetlana because if the Ho and her attorneys could confirm my providing assistance to Immigration, they could once again launch a campaign of threats and lies to not only intimidate Immigration with false charges of improper conduct but to pressure the Krasnodar prosecutor into not indicting Inessa.

An easy way to intimidate any Russian official was to portray him as a tool of the American Government. Russians, as with most of the world, don't like America. Russians want our dollars, consumer goods, liberties and to live here, but they're too jealous of us to admit that

we built a country superior to theirs and that America, not Russia, is the only remaining superpower. Nationalism dies hard, especially in a defeated, bankrupt nation. So, if Inessa could rant around town claiming I was an agent for the United States' Immigration Service and that the prosecutor was doing my bidding, it might exploit enough xenophobia to cause the prosecutor to drop the case out of the sheer nuisance it brought him. The Ho and her attorneys didn't learn for certain of my cooperation with Immigration until much later, so they never launched a campaign of jingoism against the prosecutor in Krasnodar.

The prosecutor, however, did sit on the testimony because of the Russian tradition that over the holidays everything in the country stopped functioning, to the extent it ever functioned, and because the mad Russian god of winter hit Krasnodar with the worst blizzard in fifty years. Transportation shut down for a couple of weeks, stores closed and electricity ceased. Emergency workers did little to help because their pay was chronically late and chronically de minimis, so average citizens suffered and died until nature changed its mind.

Just before New Year's, I called Valodya in St. Petersburg in an attempt to confirm my hunch that the Ho planned to vacation there. An older sounding woman, I assumed Valodya's mother, said he was in Moscow. Maybe to meet the Ho flying in from New York City and arrange her passage through Customs to keep undetected the dollars she smuggled into Russia. I instructed Nadya to call Valodya's number after New Year's, pretend she was a friend of the Ho's from Krasnodar and ask to speak with Angela, the name Valodya used for the Ho. If the older woman answered, she'd likely get an honest response, if Valodya answered—maybe. Nadya also suggested calling the Ho's numbers in Krasnodar to see whether she picked up, which would mean the Ho went to Krasnodar instead of St. Petersburg. Keeping track of the

Ho's whereabouts helped in creating a profile of her travels that might prove useful to Immigration in finding her if she ever went underground.

Sitting at home on New Year's Eve, before leaving for a party, I listened over and over to Anne Lennox's "Don't Let It Bring You Down." I first heard her rendition while watching the movie *American Beauty* at a theater in Moscow just after my marriage to the Ho. The song played during the romance scene between a middle-aged man and a teenage girl as a prelude to the man's release by death from a useless life. The movie struck deep into the well of prophetic hopelessness inside me. Now, nearly two years later, the song conjured up a vision as how all the horrors that females visited on me throughout my life would end. I resolved not to go down the way every woman who ever lived wanted men to go, in self-deprecating pity, pleading for justice and bemoaning his fate to the gods that didn't exist. No, I intended to continue fighting against my sea of troubles. All my life, females tricked, cheated or misled me in order to satisfy their selfish, irrational whims while I, like the perennial sucker, realized their true nature too late. Finally, I saw clearly their hidden arrogance and vicious disdain for men. They think that because they give birth, they can enslave life for their own use. Whether Feminazi or ho, females believe they have a license to defraud, whore and even murder with impunity. Whatever ethically repugnant acts their emotions or ho-hormones drive them to do, they believe themselves free of responsibility for the harm caused, since they are "Women." America used to hold its citizens responsible for their actions, now only men are held accountable, not just for their misdeeds but those of females as well.

#### Auld Lang Syne

Two thousand and two, another year to go through that I wanted to avoid.



The weather lifted in Krasnodar and the prosecutor indicted Inessa on January 25<sup>th</sup> for criminal defamation. Boy, that must have really agitated the Ho's hatred of men. The indictment laid out the facts as told by various witnesses that after my marriage I found the Ho's diary in her handwriting that showed "Shipilina, A. went in for prostitution both before acquaintance with Hollander and after that." When Inessa and the Ho read that in a public document, their blood must have boiled. The indictment went on to tell of my trips to Krasnodar to interview people who knew the Ho and to whom "Shipilina, Inessa deliberately spread a flagrant lie about Hollander, in particular she told that Hollander is mentally ill, a criminal, that he is under investigation. Nevertheless Shipilina, Inessa, knew very well that information spread by her was false...." The indictment stated Inessa's purpose was to "... [D]efame Hollander's honor and dignity and also with the purpose to undermine his prestige in Russia. In addition Shipilina, Inessa told threats directed against Hollander's translator if she [Nadya] did not stop working for him." "...Shipilina, Inessa also told witnesses that Hollander terrorizes her daughter, that he got married to her daughter with the sole purpose of gain having the intention to direct her to the USA to work at strip-tease bars. These arguments are also lame and wittingly false, because Hollander was ready and wished to get married to Shipilina, A. exactly with the purpose to create a normal family." "... Shipilina, Inessa spread calumnious information of Hollander...among lecturers and instructors of the Krasnodar Academy of Physical Culture in public places. [Inessa also] menaced [my translator Natalya] with reprisal if she will continue to work with Hollander. So, Shipilina, Inessa Aleksandrovna, has committed a crime of slander." The prosecutor sent the indictment over to the local Directorate of the Ministry of Internal Affairs for the detective squad of the Central District of Krasnodar to gather evidence.

In Russia, a large city like Krasnodar contains a number of administrative districts each with its own prosecutor and chief of the local Directorate of the Ministry of Internal Affairs. The organizational scheme is a hold over from the Communist days when a District Communist Committee made sure the government agencies in its part of town toted the party line and kept embezzlement of government resources at a reasonable level. Once the district prosecutor conducted a preliminary investigation that led to a criminal indictment, the prosecutor referred the case to the chief of the local Directorate of Internal Affairs for gathering all the available evidence for the prosecutor to present in court. Either the prosecutor or the Internal Affairs chief could decide to close a case without trial.

If convicted, Inessa would only end up doing community service, but I could use the conviction to bring a civil defamation suit to win a small amount of rubles, which wasn't worth it. Still the indictment helped in disseminating the truth about these two hos and provided Immigration at the Embassy another nail for its deportation case. The problem, however, lay in getting Internal Affairs to do its job, which always took money and connections in Russia. Svetlana knew the chief, so the chance of the case appearing before a judge looked good, but the Ho would then try to find some way to bribe the judge to dismiss the case or rule in Inessa's favor.

A trial meant my appearing as a witness in Krasnodar, so as a precaution for avoiding any of the Ho's hoodlum customers, I planned to take a train from Moscow, rather than fly, and stay in someone's apartment, rather than a hotel. But any trip was still a ways off. For the present, I obtained documents requested by Internal Affairs from a psychiatrist to show that I was not crazy, the New York State Bar Association to prove there were no complaints against me, and a business associate that attested to my good character. Internal Affairs also requested and

received from me sworn written answers to a number of questions they asked about how I met the Ho, why I married her, the reason for the divorce and my activities in Krasnodar, including whom I met, to whom Inessa had defamed me and in what way the defamation harmed my “honor, worth, dignity and reputation.” My answer to the harm part was

“I am a lawyer with a Masters of Business in Finance. I received my MBA with honors from Columbia University in May 1997 and my Juris Doctor degree with high honors from George Washington University in 1985. I belong to two of the four national academic honor societies in America: Order of the Coif and Beta Gamma Sigma. I have worked for ABC Television News, the United States Department of the Treasury, where I received a Top Secret Security Clearance from the Federal Bureau of Investigation, and for one of the best law firms in America: Cravath, Swaine & Moore. These credentials attract people and businesses not only in the U.S. but Russia to retain my services not just for my skills but my integrity, honesty and dependability. In Russia, I have been providing legal and business advice to Russian organizations, the government and individuals since 1991, which included the Department of Overseas Business Promotion in the Ministry of Foreign Economic Affairs, Intertraining Association and Kroll Associates. My reputation for straightforwardness has enabled me to publish a number of articles on law, politics, economics and Americans in Business World Weekly and Law Gazette, and appear on BK TV KT on one occasion to provide analysis of laws governing the buying and selling of securities.

“As our world becomes smaller and smaller, a mean-spirited individual’s defamation of another person can easily have reach beyond the parochial geography in which it was made. Inessa Shipilina’s malicious, premeditated and willful efforts to besmirch my character in a wholly unjustified attempt to keep the truth about her daughter from the New York State Courts not only harmed the concept of justice by which civilized people live but left a spreading stain on my reputation not only in Russia but one that could easily expand to wherever I may conduct business or deal with decent-minded people in this small world of ours. It is not as unlikely as one might think to accidentally meet someone who knew an acquaintance of ours in a distant city or country. In fact, contemporary population mathematics postulates that any of us can have a message personally delivered to anyone else in the world by going through a chain of at most six people. Unless the Krasnodar court puts a stop to Ms. Shipilina’s spurious statements calculated to cause grievous harm to my dignity, honor, worth and reputation, and to call into question in the minds of others all the credentials I have garnered thus far in this life, then there is no telling how far and deep her injurious conduct may reach. In addition, when considering the surprises that life brings, it is not unfeasible that this time next year I might have the opportunity to work with organizations or individuals in Krasnodar, but not unless my name is cleared.”

In order to keep Immigration at the Embassy fully apprised of the statements by me, I sent them copies of the deposition answers for Internal Affairs. Inessa would have access to the answers, which would quickly make their way to the Ho’s attorney in New York. Mundy, true to

form, would try to misrepresent to Immigration my statements in order to further the only tactic his limited mind capable of—character assassination. With a copy of my answers, Immigration could decide for itself whether Mundy accurately characterized my testimony or not.

Just before the indictment came out, Nadya talked by telephoned to the older woman in Valodya's apartment in St. Petersburg. The woman said the Ho was visiting the city and that she was presently out with Valodya. Great, now I knew the Ho was in Russia. I contacted a former Lt. Colonel for the M.V.D. in Moscow to find out on which flight the Ho planned to return to New York City. His contacts could only check Aeroflot flights because western airlines weren't so stupid as to allow Russians access to their passenger lists. Since the Ho always flew Aeroflot—she once claimed it her patriotic duty, but the real reason was it cost less than other airlines—my contact found her return date set for January 28<sup>th</sup>. A few days before her return, my Moscow lawyers Xenia and Dennis actually saw the Ho in the Moscow subway, which meant she had found some sucker to put her up for free in that city or more likely for sex. My G.R.U. contacts arranged for Russian Customs to check her bags for a greenish brown powder called “Freeze of the Caucasus” that she once threatened to kill me with, and which mostly likely was the narcotic she secretly fed her customers, and had fed me, to fool them into thinking the euphoria they felt came from her sexual charms. She had claimed to take a little of the powder to “cleanse” herself, but more likely to help her ho the night away at Flash Dancers. What a bag of tricks she carried, but if caught with even a small amount of narcotics in Russia, she'd do time, usually a long time, in a prison right out of the middle ages, and Immigration would immediately revoke her residency status.

On the 28<sup>th</sup>, the Ho showed right on schedule but not alone. An officer from the Moscow Organized Crime Division and an Intelligence Officer from the Moscow's Airport Security

accompanied her onto the plane. They made sure Russian customs didn't touch her bags. Rats! She knew her stuff and how to smuggle, probably with the help of her St. Petersburg's Valodya.

I told my Canadian private eye, Elaine, the story, and she immediately contacted a United States Drug Enforcement Agency officer. The D.E.A. agent recognized her use of government officials, whom she bribed with either sex or money, as the mark of a professional smuggler rather than just a mule. When my Canadian private eye also mentioned the Ho was seen with Chechen hoods in Russia, D.E.A. started an investigation.

#### Area Codes

Buoyed by the indictment and D.E.A. investigation, I filed a complaint with the City's District Attorney over the Ho's perjury on her financial statement in the annulment/divorce case. A couple of assistant D.A.s I had talked with before hand told me not to waste my time because everyone expects people to lie in divorce suits unless they are an attorney. It took the District Attorney less than a week to notify me it would not initiate a criminal prosecution. The D.A. suggested I take up the matter in the divorce court. Now how could I do that, since the case ended? My last attorney, Robert, said the D.A. was just being nice to me because there was nothing I could do in the divorce court. A District Attorney acting nice didn't sound right to me, so I filed the information away for future reference.

In the meantime, the host carrying the web site with the Ho's dairy notified me that a hacker tried yet again, for the third time, to access my account number. The Ho showed no signs of giving up. How could she? A matriarchal America, her duplicity and my stupidity gave her probably the best opportunity of her life for achieving her dream—money and mo' money. Likewise, how could I quit after the way she, her attorneys, my attorney Silpe and the courts trampled my rights.

In late January or early February, INS officials in New York City interviewed the Ho, most likely in the presence of her attorney Mundy, about her activities prior to obtaining a temporary green card. The only reason INS in New York took a break from its institutional culture of see no evil, hear no evil, so do nothing was because Immigration at the Moscow Embassy told them to start looking into her. The Ho and Mundy now knew that my continuing investigation was to provide Immigration with information about her marrying me for a green card and defrauding Immigration and the State Department by denying she worked as a prostitute.

The Fates seemed to favor me at last. Xenia found a P.I. to investigate the Zygos Club in Cyprus and try to dig up more information on the Ho, which didn't seem likely since she worked there three years earlier. Even without any additional information about the Ho's whoring for pounds in the Mediterranean, documentation of the club's activities could help Immigration show the Ho's diary depicted the truth about her selling sex in Cyprus. Immigration could easily prove she worked at Zygos because they had copies of her Cypriot visa documents listing her employer as the club and her agents as the Athanasious.

On February 6<sup>th</sup> in the evening while at the supermarket, I received a call on my mobile.

"Hello, is this Roy Den Hollander?"

The voice sounded similar to that of the goon who left the threatening voicemail message last October.

"Who's calling?" I asked.

"This is John Pierre. Is this Mr. Hollander?"

If it was the same guy, he was using a different last name this time, or had forgotten the name he used before. Then again, maybe he had gotten married since his last message and meant to say John Madison-Pierre.

“I’m sorry I didn’t hear your name,” I said putting down my shopping basket and reaching for my pen and a small note pad.

“John Pierre, I’m calling on behalf of Angelina....”

Now I knew it was the same guy, so I switched into my wise guy mode to keep him off balance and buy time to get my pen to write. I had just come in from the cold and needed to warm my cheap pen up to writing temperature.

“Just a minute, just a minute....” Rats my pen still wouldn’t write. “Hold on I’ll be right with you....” Still carving colorless indentations into my pad. “Any minute now....” Finally the ink began to flow. “What did you say your name was again?”

“John Pierre!” The arrogant tone of his voice told me this guy was a loser who deluded himself into thinking everyone would genuflect when he spoke. He probably thought that on hearing his voice again I’d plead for mercy.

“Just a second, just a second....” I delayed a little longer just to annoy him. Then mockingly, I said, “John do you have a phone number?”

“Of course, I do! It’s 212 802 7065,” John or whatever his real name was steamed. Easy to get this clown’s goat.

“Are you a lawyer John?”

“No, I’m not!”

“Look John, I can’t talk right now. I’ll call you back,” and hung up.

John called my mobile a couple of more times while I picked out my groceries, but I didn't answer. Let him stew. Maybe he'd do something stupid like leave another message, only more threatening this time. If I talked to him then, he could simply deny what he said because I didn't have a recorder hooked up to my mobile as I did my landline. Just as I hoped, John left another voice mail. He didn't completely lose his cool, but this message showed an exasperated hood going a little too far on a recording.

"Mr. Hollander, this is John Pierre, and I left you a message earlier on. And I did speak with you but apparently for whatever reason, you obviously weren't available to talk. I'm giving you a courtesy phone call.

What's this "courtesy phone call" stuff? No one I'd ever dealt with in my life used that kind of terminology.

I'm going to tell you to cease and desist with your actions against Angelina. I will tell you right now that what you're doing, I know everything about you. I know exactly what you have been doing and your past history and your record. I know everything about you sir.

I liked to explain to you what's going to happen. If you continue harassing and making this girl's life miserable, I will promise you that everything under the law and under my ability to do so under the law, I will pursue you in every way shape and form imaginable under the law, and make sure that justice is done because right now you disgust me. As a human being, I am just so disgusted with everything about you and what you've done to this girl. More than some pathetic form of display of inhuman treatment—you've gone beyond that sir. I'm very much available! And let me tell you something that I am extremely well known in this city, and I know everything about you. You better get your act together, and I am telling you this under fairness and courtesy—cease and desist with what you are doing to this girl and her family and the way you try to effect her in her country. Because you, my friend, are right now going to be under investigation if I hear one more word that this is happening. And it's not going to be by me, but the Federal Government. And you at this point in time have crossed several boundaries that cause for a lot of red flags in the air my friend.

So, quite frankly, right now I would be basically on my good behavior. All I'm telling you, do the right thing Mr. Hollander; it obviously is the best thing to do. Be human and be courteous and understanding of other people's feelings and their lives. I think you guys are over and done with. That's it—leave her alone! Have a nice day."

There's that "have a nice day" again, which along with his use of "courteous," was a lingo alien to me. Maybe he got them from the Ho. Anyway, his tone of voice and phrasing this



time made it even plainer that physical violence lurked behind his words. That stuff about the Federal Government and investigation were just covers for physical threats. No one with the ability to move the Feds into going after someone ever makes such a threat. Even Nixon didn't telegraph his enemies. And as for my record, the only item besides a prior "Top Secret" clearance was my arrest by the Philadelphia Police during Mayor Frank Rizzo's reign.

Back then, still in my hippie stage, as opposed to my current obnoxious lawyer stage, I told a cop who was arresting a buddy and his drunken co-workers "You wouldn't be so tough without that tin star on your chest." Not exactly original, but enough for the cop to blow up and try to slug me. He missed, despite the streetlights, and his buddies pull him off after I pinned his arms.

At the precinct, when we exited the paddy wagon, some cop asked, "Who's the tough guy?" To which I naturally replied, "I am." Pow! He punches me in the stomach—typical pig cheap shot and hand cuffs me. My friend and his co-workers are taken into the stationhouse while the precinct pigs gathered into two lines, a gauntlet, through which one pig pushes me with my hands cuffed behind my back. They punched and kicked me to which I almost mouthed off "My older brother used to hit harder when we were kids!" But considering my position, I chose discretion as the better course.

The pig's case against me for allegedly assaulting a cop was dismissed. The F.B.I., however, investigated the violation of my civil rights, which was added along with many others to a suit brought by the Department of Justice against Mayor Rizzo and various police officials for committing and condoning "widespread and sever" acts of police brutality. As is usual with American injustice, the case was dismissed.

Neither John Pierre a.k.a. Madison, nor the Ho, nor her attorneys had anything on me because there was nothing to have. They were just trying to exploit the maxim that evil often succeeds by convincing good that it is evil.

The goon they used probably came from Flash Dancers, which law enforcement believed was owned and managed by the mob. Immediately, I called my lawyer friend Jeff and played the threat for him. He suggested that he telephone Pierre as my attorney to warn this clown to back off or Jeff would haul him into court. On a conference hook up, Jeff made the call but only got the voicemail of a man sounding like Pierre but not mentioning any name. Apparently, Pierre gave me his real number rather than a phony one, which made no sense. Jeff left a message saying he was my lawyer and asked Pierre to return the call. Pierre never did—not surprising.

Obviously, the indictment of the Ho's mother and my providing information to Immigration at the Moscow Embassy caused the Ho and her attorneys to resort to the same tactic they tried in the divorce court, which they probably believed successful—not knowing that I decided against making the motion before ever receiving the John Madison threat. This latest threat's reference to "her country" thinly disguised the Embassy's investigation and the part about her "family" referred to the criminal charge against Inessa. The Ho and her attorneys were telling me to stop cooperating with the Krasnodar prosecutor and keep my mouth shut with respect to Immigration. They really didn't want any public proceedings looking into her activities.

Once again, I tried to interest my local police precinct in tracking down the hood, and, surprisingly, they didn't laugh at me this time. The police cadet who took the complaint actually jumped on hearing the tape. She immediately tried to arrange for me to see a detective, but

apparently they were all out on a Dunkin Donuts' break, which should have told me something, but I missed it. The Embassy wanted copies of the October and the latest threat, which I sent them, and my Krasnodar attorney Svetlana received copies to show the prosecutor that Inessa's daughter tried to intimidate a witness, me, in the criminal defamation proceeding. Svetlana said the Ho could always accuse me of setting up the call, which I'd heard before. For every charge, the Ho could respond with a lie, and naturally she would. But the whole purpose of legal systems was to decide who told the truth. If the judicial and enforcement agencies used as an excuse for inaction that a lie would always negate the truth, then they were useless.

#### Runaround Sue

The report from the Cypriot investigator into the Zygos Club came through. Xenia provided Immigration at the Embassy with the original and sent me a copy.

Xenia said that Marios, Melios and Irina Athanasiou didn't own the club but that a couple of Russian crime lords in Krasnodar did. That surprised me; I always thought the Cypriot mafia controlled all the strip clubs on the Greek part of the island. Perhaps the fall of the iron curtain let loose on the world the dogs of Russia who muscled in on indigenous rackets in countries across the globe.

"So who are these crime lords?" I asked.

"The investigator refused to give me their names because he feared for his life," she answered.

"Great, a private detective with cold feet. Okay, I'll review the report, thanks."

Once again the Ho surprised me with the true nature of her life and hatred of noble sentiments. The report included pictures of a dive located down a seedy alleyway that reminded me of the third world. Inside, the undercover photos showed hos dancing on tables while

holding onto polls. The place looked small with a tiny bar in need of a bigger selection of bottles—more like a bar in some gangster’s den.

Zygos wasn’t so much a strip club as a brothel, an illegal brothel, since Cyprus outlawed prostitution. The gratuities provided the authorities undoubtedly assured protection from prosecution. The club, like all the others on the island, recruited whores mainly from the former Soviet Union. That probably explained why Russian hoods owned the club, since they provided the key investment of human capital. It also meant the Vasilyevas worked closely with the Russian mob or were part of it—not unsuspected. Cyprus’ corrupt and thoroughly bribed Migration Office registered the whores as “dancers” or “artists.” Flesh peddling comprised a lucrative part of Cyprus’ tourist industry, and once a ho worked on the island, Migration would allow her back at anytime in the future to resume her entertainment occupation. A prostitute’s contract lasted for three or six months, and she could cancel with no questions asked at anytime on paying a \$500 fee. Every girl knew before signing that the worked involved prostitution, which brought in most of the girl’s income. None of girls were forced into selling their bodies, and all the new girls were tested for venereal diseases and AIDS by a doctor approved by the Migration Office.

Zygos and other clubs offered a menu of services from which the girls received a commission. Sitting with a customer for a drink earned the girl one Cypriot pound per drink; performing a striptease with complete undressing at a customer’s table - 5 pounds for the girl; and a private striptease in a separate room for ten minutes in which the customer fondled the girl - 10 pounds for the girl. More intimate activities in the private room cost the customer 60 pounds for “vaginal intercourse” with the girl’s take - 20 pounds, “oral intercourse” went for 20 pounds and masturbation sold for 10 pounds with the girl receiving half of the price for those

two. From 3 AM to 7 AM, the so-called “rendezvous time,” a customer could pay for five drinks and take the girl of his choice to a hotel or some other place. The services provided and the price depended on what the girl and customer agreed. The whores also received a daily salary of 20 pounds from the club.

All the clubs used flashing white lights to signal the girls to stop any sexual activity in case the police decided to raid the club for failure to pay sufficient bribes or to put on a staged bust for the public. Zygos stayed open from 11 AM to 7 AM. The girls generally tried to establish regular sex customers to bring in a steady stream of cash. Russian girls generally made less than the hos from other countries for hygienic reasons. All the dancers worked under nicknames, which was how the Ho started using “Angelina.” Not, as she told me, that the Russian Orthodox Church didn’t recognize her real name “Alina.” The average prostitute at Zygos netted around \$7000 U.S. a month. That meant the Ho probably made around \$40,000 from her six months on Cyprus—a lot more than I believed. Where did she keep all that money? In her sex career, just from 1999 to the end of 2001, she grossed, tax free, around \$250,000. Marios considered the Ho an excellent worker and would employ her again. He told the investigator, without knowing the agent worked for me, that the Ho still kept in touch by telephone and had visited the club twice in the past year. Like all good businesswomen, the Ho kept her options open, including returning to hook in Cyprus if U.S. Immigration actually managed to deport her, or maybe she and the Athanasious had other business dealings.

I slammed down the report in disgust. What filth. How could anyone work in that industry? How could any idiot date, not to mention marry, such a slut? In my brighter days, I always wondered what kind of a guy dated a prostitute, not the customers who hired a ho for sex, but the guy that went out with her as though she were a normal girl friend. Television and the

newspapers always had stories about hookers that reported the prostitutes saying they had steady boyfriends and their boyfriends knew what they did for money. My experiences now told me that the boyfriends never knew they dated hookers because the hos covered their prostituting with lies about working as models, dancers or artists. I could have used that additional enlightenment sooner.

### The Pusher

My attention focused back to the Ho's drug trafficking. When the Ho originally threatened to poison me with the greenish-brown powder she imported from the Caucasus, I sneaked a sample and eventually contacted a couple of private laboratories for testing to determine its content. Their fees were too steep for me, so I forgot about it until Xenia mentioned that the FBI tested unknown substances for free. At the F.B.I. headquarters at Federal Plaza in New York City, visitors need to pass an agent in a bulletproof booth who asks them the nature of their business. A pretty young girl standing in front of me identified herself to the agent as a reporter for one of the respectable newspapers in the area. Looking at her, I thought once but not too long and opened my mouth.

“Are you interested in the Russian sex industry?”

She paused, apparently making a decision, then in an optimistic tone said, “You mean to work in it?”

She misunderstood, but the hopefulness in her demeanor slammed home to my thick skull that most young girls probably wanted to work in the sex business. They just needed the opportunity of some man making them an offer. Damn, I never imagined it so easy to recruit sluts. What was with these girls: greed or did they feel that men willing to pay money for sex

confirmed their feminine allure or convinced them of their sexual power. Well, I quickly popped this ho's bubble.

"No," I laughed. "I didn't mean did you want to work in the Russian sex industry, but whether you were interested in doing a story on it." I gave her my card, but never heard from her. Next time, I'll tell some ho that I'm recruiting for the industry but need to test the goods beforehand.

After passing the security guard, a couple of agents came out and escorted me to an interview room. I showed them the substance in a clear plastic vial and handed it to them.

One of the agents, Mario Pisano said, "Please put it on the table." He moved the vial with his pen to get a closer look. What's he afraid of I wondered then, duh, understood they'd take my prints off the vial to run a check on me—so what.

I interjected, "Once I find out what this stuff is, assuming its narcotics, I'm thinking of notifying Customs."

"How'd you come by this and why do you think it might be narcotics?"

I told them about my ex-wife threatening to kill me with it, my theory as to what the Ho used it for and from where she imported it.

Pisano remarked to his partner Vadim Thomas, "A marriage made in heaven." I couldn't argue with the sarcasm.

Then out of nowhere, Thomas asked, "Have there been any threats?"

Thomas' first name and his looks pegged him as of Russian descent whose ancestors came from the Caucasus, the same general area of barbarity where the Ho grew up. Should I trust this guy? Did it matter? Whatever, he clearly understood Russian girls better than his partner did.

“Yes,” and I briefed them on the threats from John Madison or Pierre and gave them copies of the two tapes from my briefcase. Thomas went for a tape player.

It never entered my mind to raise the threats with the FBI because I assumed them outside the agency’s jurisdiction and purely a local police matter.

Thomas finally found a tape player and the two agents tried listening to both tapes, but the F.B.I.’s micro recorder couldn’t play at two speeds like the twenty-dollar Radio Shack recorder I used. So these special federal agents ended up listening to the tapes at the one speed on their player, which was faster than mine, and made it sound as though Mickey Mouse had threatened me. Could this be the world’s premier law enforcement agency? How’d these guys ever catch John Dillinger?

“You guys can keep the tapes, I have other copies.”

They assured me that somewhere in the headquarters for the New York F.B.I. there was a recorder that played at the speed currently used by the electronics’ industry. They asked for a short history of the Ho’s work life, which I verbally provided and gave them the telephone number Madison, a.k.a. Pierre, had given me.

Thomas remarked, “The guy is probably a hood working at Flash Dancers.”

“My thoughts, exactly,” I agreed.

Pisano said the Bureau would test the substance and determine whether they could do anything about the threats. He suggested I leave it to the F.B.I. to investigate both matters rather than shopping around to other government agencies, which might result in duplicate efforts and a waste of resources. Fine with me, if they wanted the case exclusively, they could have it. I thanked them and went back home to my private hell.



A couple of weeks later at the end of February, agent Pisano called me to say they had tracked down the man who had made the threats. They probably found Madison-Pierre through the telephone number, but Pisano wouldn't say one way or the other nor give me the man's real name. He and Thomas would talk to both the Ho and Madison-Pierre to tell them to knock off the threats. Great by me, I told him. Imagined the Ho and the goon's shock when these guys flashed their badges, probably at Flash Dancers, the easiest and most inviting place to find the two of them. Pisano also said the F.B.I. had tested the substance but refused to tell me the result—a lot of good that did me. All of this information, I provided the Embassy official and assumed he could obtain the test result if he thought it useful.

In Moscow, Xenia tracked down a model named Oksana who once worked for the same agency as the Ho in Krasnodar, the Tatyanna Vasilyeva House of Fashion. The model told Xenia over the telephone that the agency kept a “dirty girls” list on which the Ho, to no surprise, had her name beginning in 1995 while still a coed. The agency rented out the girls on the list for banya orgies, private sex parties and other adult entertainment. New Russians and old commissars called the agency and ordered up a ho as with any call-girl operation or what the modern day censors of insensitive language refer to as “escort services.” Anastasia and Dima undoubtedly managed this side of the business by recruiting the girls and discretely marketing their services among those with money in town. That's why Anastasia made a point of telling me the girl who showed me into her office on my April trip was a model, or in Russian, “call girl.” Anastasia was trying to make a sale. It also explained why a young pretty girl always hung out in the Fashion House: in case a guy with money dropped in to buy some fun.

Anastasia, Dima, the “dirty girls” and the customers probably traveled in the same circles of crime, which included Smolin, the manager of the Troika Restaurant, who earlier tried to

convince me to back off my investigation in Krasnodar. He probably feared my tracking the Ho's activities would expose a wide spread network of sex for money that involved all of Krasnodar's modeling agencies and most of the big shots in town—very embarrassing and with international implications since local sluts, with lots of help, landed in far away places. Perhaps oil and hos were Russia's only natural resources. The model whom Xenia talked with feared making a statement, but agreed to meet Xenia in person.

One potentially useful piece of information from the model was that the Katya I had interviewed in Krasnodar knew about the list because she also went on it in 1995. Katya now lived in the United States, according to the model. Good ol' U.S.A., number one terrorist target and Mecca for the world's hos. The fates must be trying to tell this country something.

The information on call-girl Katya's move to America went to Immigration at the Embassy since she now fell under its authority. From my interviews with Katya, and all the other associates of the Ho, I knew they'd cut each other's throat if it meant possible gain for themselves. By telling Immigration about the list, it now had a club over her for working as a prostitute before immigrating. Convincing Katya to talk didn't seem a problem for Immigration—finding her in America did. After having to track down Anastasia and Dima for Immigration, I knew the agency could never find Katya. I hit the Internet, but this time without any success. Apparently Russian hos are more proficient at hiding in America than their pimps. Too bad, Katya could not only seal the Ho's fate but also provide evidence for deporting the two procurers of female flesh, Anastasia and Dima.

Immigration was interested in these two because the Embassy asked me whether they were actually married and for Dima's last name and birth date. I didn't understand the significance of their marital status unless they lied on their immigration application. It turned out

that Dima and Anastasia were married but he assumed Anastasia's last name Vasilyev, unheard of in Russia, so Dima's real last name remains unknown. What was he hiding? My allies did find Anastasia's birth date—she looked older than her years. Anastasia and Dima Vasilyeva were probably more criminal than I previously had imagined, maybe even the owners of Zygos. That would explain Marios Athanasiou traveling to Krasnodar and meeting with Anastasia and Dima: to deliver profits and discuss pandering.

After notifying Immigration about the Vasilyeva House of Fashion's "dirty girls list," the Embassy official asked me to try to obtain a sworn statement from Dr. Paulsen, the California doctor who produced the Ho's masturbation video. Unlikely he would help voluntarily, but he might respond to my threatening to notify the California Medical Board about his amateur porno productions in Moscow that he imported into America.

When I telephoned Paulsen's number, someone else answered who said he had received the number only a few months earlier. Telephone information had no listing, the California Medical Board's data on his home and office were out of date, and the Internet turned up nothing. Why was this doctor hiding? I still had an email address for him, but knew if I sent him a message he'd ignore it. How to get him to disclose his address or telephone number? What did I know about Paulsen? His key weakness was pretty young Russian girls, and the moment I recalled that, I saw my solution. Even if he were hiding, he'd probably surface for the chance to hose a young Russian babe. I set up an email address using the name Katya Morosova. The name Katya I chose from the Ho's Krasnodar friend whom she whored around with and Morosova from Krasnodar's or was it Krashodar's photographer of naked models. My fictitious Katya sent Paulsen an email. His first name is Marc but Russians spell it with a "k":

Hi Mark,

Leo gave me your email. I will be in Los Angeles next week for two months. I would like to meet you. I don't know anyone in America except for my Russian relatives. How can I reach you? I have attached a photo hope you like it.

Katya

The photo I used was of Enya, one of the Ho's acquaintances, who won the Miss Charming title in the 2000 Miss Krasnodar contest. I pulled the picture out of the collection of shots I still kept from those early days of delusion. Paulsen replied the next day:

"You can reach me on my cell phone at 310 686 4219 or my office at 310 298 1968. At the office ask for Wayne."

Wayne? Who's Wayne? According to Paulsen's Medical Board filing, he didn't have a middle name of Wayne. I called his work number over the weekend, assuming there would be no answer, to see whether the voicemail message might identify the company. All it said was "This is Wayne, please leave a message." The area code showed Paulsen still worked in Southern California where all kinds of bizarre gurus set up shop. Maybe he hustled some self-improvement services under the name Wayne because it sounded more politically wimpy than Marc. Then again, Southern California is also the center for the nation's porn movie business.

On Monday, I called during working hours expecting a receptionist from whom I could pump some information, but Paulsen picked up, "Wayne Williams." Raising the pitch of my voice to disguise it, I said, "Sorry, I have the wrong number." So, the medical doctor ran a business probably without any employees under a phony name. But why and what kind of business? After a little musing, it became clear to even me that maybe Paulsen was no amateur pornographer but a professional who made his living at it. I emailed Paulsen again using my virtual Katya Morosova, telling him Katya wanted to work in films. True to form, he responded quickly that he was working on a few video projects about which he would talk to Katya when she arrived in town. That was good enough for me to conclude the doctor a professional

pornographer. It was also clear Paulsen would not provide a sworn statement no matter what the threat, since he was in the porn business himself.

Notifying Immigration at the Embassy, they immediately became interested in Paulsen as a target, not a witness. The Embassy official asked whether he imported girls or just videos to which I didn't know for sure, but suggested I could just call him and pretend I too was in the business. The Embassy thought that might tip him off into changing his numbers again because after my previous contact that's what he did. Maybe just a coincidence, maybe not, but the Embassy thought it best to use their connections in California to check him out, which meant going through INS in America. If they found anything, I don't know. Most likely U.S. Immigration didn't even bother to try. INS in America couldn't do anything right. It had just approved a change of immigration status from tourist to student for the 911 pilots Mohammed Atta and Marwan al-Shehhi after they were dead and after killing thousands. How could such an incompetent institution do anything right? It couldn't, so rather than make more stupid mistakes, it just did nothing.

In another attempt to help Immigration gather evidence of the Ho's prostituting, I called her pimp in Moscow, Leo. It was a long shot, but thought he might agree to sign a statement that while the Ho worked for him as a model, she confided that she also did prostitution on the side for extra money. Anything along those lines that she told Leo was admissible evidence, but he declined to make the statement. Either he didn't want to rat out a fellow criminal with mob connections, which he also had, or feared that if a Russian law enforcement agency obtained a copy, it would see through the wording as an admission of the real nature of Leo's business, which would mean paying higher bribes to the police.

After I hung up with Leo, my boxing coach Tony called. “I just tried to reach you but the line was busy.”

“I was just talking to my ex-wife’s pimp in Moscow.”

He started laughing in his good-natured way, “What about?”

“I wanted to see if he would be willing to sign a statement saying my ex-wife worked as a prostitute.”

Tony kept laughing at what I too saw as the absurdity of my situation and facetiously remarked. “I wonder what he said!”

“He said no because he didn’t want to injure his reputation with the stable of girls he pimps out.”

“What a great guy.”

“But he did ask whether I was divorced yet to which I said yes. Then he starts in on this pitch that he has lots of pretty, new, clean girls from the provinces that want to start a family in America.”

Laughing harder, my Tony said, “Yea, right!”

“I politely told him, I’d look him up when in Moscow.”

“Fat chance!”

“Fat chance is right.”

The conversation made me step back, pull my head above the maelstrom to question how I ended up in this farce that incongruently carried such dire consequences. Four witches must have cursed my life. The worst, my mother, programmed my emotions to make decisions driven by cowardice, negativity, lack of self-confidence, low self-esteem, arrogance and laziness in a narcissistic effort to keep me under her control and doing her bidding. Whenever faced with a

decision between courage and cowardice, my upbringing insidiously pushed me towards cowardice and the accompanying disaster it always bore in causing a wrong decision. Next, the Feminazis perverted an entire society to persecute the ones who created and defended it—men. Without guys, these modern-day Clytemnestras would find themselves serving as Nazi broodmares, Japanese comfort girls or Commie secretutes. More than once, Feminazi influence kept me out of job because of my sex, even though I was more qualified than the female who ended up in the position. The third hag, my overstuffed female stockbroker Maiya Furgason disappeared much of my wealth by following the crooked Wall Street analysts. Why she, whom I counted as a friend, failed to protect me from these thieves was beyond me. I trusted her to watch over my financial interests while I worked in Russia, and she failed miserably. She had worked on Wall Street for over two decades and had an MBA from Columbia University. She should have done a better job. Was she also a crook or just an incompetent pretending to have expertise? Lastly, while much of my life savings rode on the winds of injustice into the pockets of swindlers, the Ho ripped the remainder of my life into futility. Emotionally manipulating, deceiving females were the true evil of this or any age.

Retribution lighted my only course now, but it offered less than full justice because the boundaries of reality made it impossible to settle all the scores. My other was beyond reach, since she was dead, but hopefully inhabited one of the lower circles of hell. The Feminazis were too pervasive unless I had nukes, which I didn't. As for my stockbroker, I joined a class action suit against her firm Salomon Smith Barney, which went nowhere, and filed complaints against her with government agencies, which also went nowhere—no surprise there. The only curse of the feminine evil plaguing my life that I could bring to justice was the Ho. But it would take a heroic act of a free man, and I wasn't at all confident I could do it. Although my intuition hung

as a burning light in my mind showing what I must do, the dark smoke of fear, panic, illusion and weakness often veiled the truth of my obligation.

While lying in bed that same evening, my emotions seized me to confirm what logic concluded over a year earlier when the Ho and her attorneys' Temporary Order of Protection was served. I felt death take a hold pointing down the road of my fight for justice. At first my conscious rebelled, fear struggled not to accept the inevitable, but the future held no escape. I finally stopped squirming for a hiding place and faced the truth the way terminally ill cancer patients must, and in that I perceived liberation.

### Pushin Too Hard

March 11, 2002, the second anniversary of my wedding from a Russian hell, started a week of illness for me. Most likely due to the flu or food poison rather than the Ho's black magic since the full moon had past a week earlier. The Ho always cast her spells at the new moon so that they built in intensity as the moon grew full. After the full moon, the spells died away unless she recast them in the new lunar cycle. Whatever the cause, I felt like garbage but had to keep fighting.

Immigration needed to punch holes in any claim that the Ho's dairy recorded fantasies rather than reality. By now, the Ho had probably convinced herself that she only scribbled the fantasies of a decent Russian girl, not the activities of a hardcore prostitute. Any affidavits attesting to the accuracy of a number of events in the diary would help refute such a defense. Statements from her former boyfriend Alexei and the Academy professor Vera would help, but would they be enough. The Ho and her attorneys might argue that only the sex for money scenes were fantasies, but the rest real—kind of. In such a scenario, Immigration would have to rely on the assumption, which was a big assumption given the man-hating females in the Government,



that the administrative law judge who heard the Ho's testimony and read the intricate details of her diary would find her claim of fantasizing the prostitution episodes ludicrous. Immigration needed more.

In an effort to provide such, I contacted a private investigator in Mexico City who provided an affidavit that The Men's Club, where the Ho worked, also ran prostitution, just like the brothel Zygos in Cyprus. The Men's Club in Mexico City, however, was more successful, and surprisingly, the franchise of an American company with similar clubs in Houston, Dallas and Charlotte called "The Men's Club" with an Internet site at [www.mensclub.com](http://www.mensclub.com). The owner and operator of the Houston club had been indicted for fraud, skimming, illegally structuring transactions and tax evasion—no surprise there, and coped a plead to conspiracy to defraud the Government.

Meanwhile, Svetlana in Krasnodar tried to find anyone that my side hadn't yet contacted who might be willing to testify about the Ho's prostitution in Krasnodar.

The war felt as though it had turned into one of attrition without any victory in sight, or as was popular in my draft dodging days, no light at the end of the tunnel. Besides, was victory even possible? Without the tax authorities and customs enforcing their laws, even a decision by Immigration to deport the Ho would leave her victorious with hundreds of thousands of dollars and the freedom to ply her trade in the American underground or move on to another country full of suckers while my life lay shattered and financially unviable. How did evil usually end up victorious? All the comic books, television shows and movies never ended that way. What an insult to the gods, especially since my compassion allowed her to consummate the scheme to use me as her tool for reaching America. Enough wailing to the heavens, none of the gods cared because there was none.

Fighting evil required the acts of men and there was still a lot of information to provide the Embassy before reaching my objective. Business school taught me that when starting an endeavor, first formulate an objective, the end result desired. Strategies and tactics come and go with unforeseen circumstances, so success depends on keeping an eye on the objective. The night the Ho, her attorneys and in effect the Feminazis declared war on me with the Temporary Order of Protection, I chose my objective and that objective is vengeance. If my efforts with the Embassy proved futile, then I would move on to another strategy, but the objective would stay the same. My quest for vengeance, a.k.a. justice, did not rely completely on governmental bureaucrats doing their duty. Even I wasn't that stupid.

In order to garner more information on the Ho, her activities and associations, I needed to hide in plain sight. After searching around the entertainment industry, I met the man most capable of teaching me the skill I needed: makeup, as in disguises. Most entertainment people in New York City knew Bob. He started as a makeup artist after serving in World War II where he won a Bronze Star. In his seventies, he sold his own line of makeup products and wigs for theater, film and television productions, such as Saturday Night Live, while teaching, as he said, all kinds of people: actors, C.I.A. agents and hoods on how to change their appearance.

"I need a disguise that will prevent people who know me from recognizing me." I told Bob.

"How close will you get to them?" He asked.

"The closest, maybe a few feet. It's hard to say, anything can happen. Why?"

"The closer you are to a person, the easier it is for them to tell you're wearing makeup. Are you going to be talking with them or spending a lot of time near them?"

“No talking, and the nearest is about three feet and then only for a matter of seconds. You know, as if we were passing on the street.”

“Okay that should be no problem, close up for a few seconds and no conversation. What’s it for?”

I came prepared with my cover story. Always better to keep such tales as near the truth as possible; otherwise, I’d forget them and in the preoccupation of the moment blurt out something that sent me scrambling to cover up the mistake with another lie.

“When I worked in Moscow, I met this American executive who made the mistake of marrying a Russian prostitute. He didn’t know it at the time but became suspicious after bringing her to America when she started working at Flash Dancers. He asked me to investigate her past in Russia, which brought me into contact with a number of people in the Russian sex industry. The investigation isn’t over, and I still need to find out some information that may bring me into contact with these same people in Russia and now America because a few have moved their operations here.”

“They know what you look like?”

“Right, I initially dealt with them without any disguises or false names, but now I need to avoid their recognizing me. For example, I may have to travel to a place called Krasnodar on the Black Sea to testify in a trial growing out of my investigation. It’s real easy to stake out the airport there since only two flights arrive a day from Moscow. I don’t want them to notice me, just in case.”

“Is your client in the middle of a divorce?”

“No, the divorce is over. He wants the information to help Immigration send her back to where she belongs, hooking in the evil empire.”

Bob laughed. He was a good-natured man who knew all about the tricks females spend their lives playing on men. He spent about four hours teaching me the basics and directing me to apply the makeup myself. Midway through, I asked whether he had any ideas for a particular disguise. He didn't say anything at first. Then I saw him rolling into a long curl the fake hair used by makeup artists.

"What's that?" He held the curl to his side burns and I knew immediately—an orthodox Jew. I laughed. Bob was one of those unpretentious geniuses who knew his trade; unlike all those loudmouth alleged experts who clutter the airwaves and trendy bars these days. No one would ever suspect me for an orthodox Jew with a painted dark complexion, fake beard, dyed hair, curling side burns and a black hat and suit. One final touch, Bob applied a thin line of liquid on my cheek above the false beard that quickly dried into a scar—mother of mercy, a fearsome looking Jew, ha. Looking in the mirror, I practiced a wrath of god look then bought the materials and thanked Bob for all his help. He said come back anytime with questions, no extra charge. On my way out, I realized that not so long ago, before political correctionalism, America was full of professionals like Bob driven to do a good job in their field rather than just trying to look good, tout some totalitarian ideology and make a lot of money by cheating people.

A few days later, I received a call from F.B.I. Special Agent Pisano who was working on the Madison-Pierre telephone threats. Pisano said he and his partner tried to talk to the Ho, but she refused to say anything, telling them to talk with her lawyer instead. These Eastern European hos learn fast in America. That didn't really bother me because now she at least knew the F.B.I., the agency she asked me so many questions about in Moscow, was looking into her activities. What did upset and bewildered me came when Pisano said they decided not to talk to the hood who made the threats because "it might agitate the guy into doing something to me."

Huh? Hellooooo! Are you guys the F.B.I. or the Girl Scouts, I said to myself. If the F.B.I. feared provoking this goon, what good were they? I wanted my tax dollars back. It sounded as though the F.B.I. was telling me to give in to the threats of the Ho and her lawyers. Screw the F.B.I., I'd deal with this clown myself, and demanded his name. Pisano refused citing privacy reasons. Privacy! Some hood calls twice to threaten me using false names, the F.B.I. knows who he is, but claims he's protected by his right to privacy—give me a break! What about my right not to be threatened? In closing, Pisano added the F.B.I. “was not an investigative organization,” so it couldn't help me any further. Well then what did the “I” in its initials stand for then, “Incompetence,” “Idiots,” “Indolence? Finally, he warned me not to open my apartment door to anyone I didn't know, duh, I live in New York City thank you, and to watch out for myself in public. It now sounded as though the F.B.I. worked for the Ho, her attorneys and John Madison-Pierre, or was it protecting the hood? F.B.I. agents must spend too much time watching Rocky and Bulwinkle during training. No wonder al Qaeda took out so many people; the F.B.I. can't figure out who are the bad guys.

Assuming I survived long enough, I'd file a complaint with the inspector general of the F.B.I. Every federal agency has an inspector general for investigating corruption and incompetence. While working in the Government in 1986, I referred a case to an inspector general who actually did his job by preventing the I.R.S. from allowing a family with “hands across the White House,” that means rich, rich, rich, to violate the tax law.

The F.B.I.'s bizarre decision not to talk to the hood set me to wondering whether the Ho used sex, drugs or perhaps cast a spell on them. My belief in black magic had since peaked and then diminished during these war months, but I still considered it possible that demons walked among us manipulating forces beyond the control of normal humans. Weird things kept

happening. Early in the morning of the vernal equinox, I awoke, or thought I awoke, to find the Ho sitting on my chest strangling me, her eyes glowed red with fury in a face contorted with hate, which I was sure she honestly felt—probably the only honest feeling that touched her soul in years. Unable to breath, I struggled and struggled to get her 150 pounds off of me, but my will floundered, she squeezed and squeezed, I resisted and resisted and then poof, she vanished. Guess her astral projection or the demon she summoned retreated to the living hell of her being after believing it served the purpose of scaring me into submission. It didn't, just like the hood didn't. Perhaps I just couldn't take seriously black magic or gangster threats.

The Ho's counter offensive continued. The Directorate of the Ministry of Internal Affairs (M.V.D.) for the central district of Krasnodar closed the criminal defamation case against Inessa. The police investigation cited a lack of evidence. My G.R.U. sources told me later that after the witnesses initially testified before the Krasnodar prosecutor as to Inessa's criminal acts, the witnesses began receiving threats from Russian goons. The hoods even contacted my lawyer, Svetlana, threatening to harm her children if she used her influence to reopen the case. Needless to say, the witnesses changed their testimonies, so after the threats there really was insufficient evidence. Can't blame the witnesses. People who aren't criminals or politically connected in Russia are defenseless; similar to America, except here it's money that protects a person's rights and if a girl, her sex.

The prosecutor's office still wanted to press the matter based on the original sworn testimonies, but the Chief of the local M.V.D., P.I. Ostapenko, his deputy chief, Anna Pavlovna Kurilka, and the investigator Olga Viktotovich Borisova blocked the prosecutor's attempt to go to trial thanks to a large sum of money paid to the M.V.D. officials by the Ho and Inessa. Svetlana learned it cost \$10,000 for the Ho to shutdown the proceedings, a huge bribe by

Krasnodar standards, because there were so many witnesses to Inessa's defamation of me. Boy, that must have ticked the Ho off. Having to part with so much of her sex money was almost like losing a breast, true not a large breast, but still a breast. It was expected that the Ho would use a monetary or sexual bribe to avoid a trial from exposing her and Inessa's nefarious activities in Krasnodar, but I didn't expect it to happen so soon. The official reason for closing the case was to conserve scarce law enforcement resources. What scarce law enforcement resources? There wasn't any law enforcement, so there couldn't be any scarce resources. In truth, the bureaucrats wanted to keep the resources flowing uninterrupted into the pockets of those required to carry out the law with the added contributions of bribes. Russian officials are masters at inventing Orwellian excuses for their own criminal conduct, just like Political Correctionalists who use self-righteousness to excuse their hypocritical and reprehensible acts.

To reopen the defamation case, would have cost around seven thousand dollars. In Russia, the authorities will initially do their duty if they have sufficient evidence. They do it not out of a dedication to justice but to start the bidding. The side without supporting evidence then pays a lot for officials to disregard evidence. In order to obtain reconsideration of the evidence requires another bid, but not as high as the party without evidence, or, in the alternative, connections with a higher up official to overrule the predacious bureaucrats. Taking the second route, I contacted my G.R.U. agents to try to bring into the fray an official powerful enough to tell the central M.V.D. Directorate in Krasnodar to reinstate the case. My agents assigned their man for southern Russia operations to handle the matter.

Five days later, March 27, 2002, early in the morning, I received a telephone call from a Detective Bob Henning at the 114<sup>th</sup> Police Precinct in Queens, the precinct where the Ho lived. Cops always call early in the morning when a person is not fully awake or late at night when

tired in order to cause as much emotional distress as possible. These tricksters probably only read one book in their life: *The Trial* by Franz Kafka. The detective notified me of my pending arrest for setting up the Internet site nine months ago because it allegedly violated the Temporary Order of Protection the Ho took out against me and was dismissed eight months ago. The detective said my ex-wife recently showed him the dismissed Temporary Order of Protection, a flyer for the web site and claimed I set it up to harass her. Arrest meant a night in jail with New York City's better citizens, since it took about a day to bring a person before a judge who decided on bail, or to continue the incarceration, or, as most likely in my case, release the prisoner under his own reconnaissance.

Dumbfounded, I called a criminal attorney I knew who accusingly said, "Doesn't matter that it occurred nine months ago or that the order was dismissed. You're going to be arrested and end up in the Domestic Violence Court."

"Wait a minute. I set up that site because my then wife and her mother were interfering with my right to a pre-discovery investigation in the annulment/divorce proceeding."

"Doesn't matter. As soon as some assistant district attorney learns about you putting nude pictures of your former wife on the Internet, they'll start clamoring for your head."

"Those pictures show what my ex-wife wears to work—nothing. I put them on the site to reach people who might know something about her, but didn't know her name, only what she looked like at work. If she were a lawyer, I would have shown her in a business suit. But she's not; she's a stripper and a prostitute. That's what she wears for her customers. And the video clips simply show her working. That makes it easier for her customers, who can attest to her profession, to identify her. She's a ho, that's what she does. Besides, she posed for the naked photos with the knowledge and consent that her Moscow pimp would use them to advertise her



for prostitution, which included putting the photos on his web site. That's how she advertised herself, so she relinquished any rights she had in them to her pimp. The same goes for the video clips. She consented to allowing the producer and her Moscow pimp to use those clips to advertise the porno video for sale. And, I now own the rights to both the photos and video clips."

"Doesn't matter."

This attorney was the typical brainwashed Upper West Side male wimp who didn't care about justice, only placating the Feminazis. I went looking for another attorney—a man, but, in the meantime, arranged to surrender to the detective a month later in late April—obviously not a high priority case for the police, but one bearing the imprimatur of Mundy's concept of lawyering. But I couldn't understand why Mundy and the Ho waited until now to push for my arrest when the site was set up the previous year.

Angry and almost overwhelmed with feelings of persecution, I contacted my own precinct where I earlier filed a complaint for the threatening telephone calls by John Madison-Pierre. A detective said they closed the case because the police didn't want to devote the resources to track down the man who made the threats. This sounded like the police in Krasnodar. Did the Ho bribe these guys too? Was I missing a dramatic change in America or did I still delude myself into thinking that this country shown as a beacon of fair play and equal rights under the law for everyone, even men? Was American just as corrupt, crooked and abusive of individual rights as Russia if you happened not to belong to some elite class? If I had been born a bimbo in America, I'm sure the cops wouldn't have dared closed the case.

Later that day, after struggling through the funk of powerlessness against the feminine evil that plagued me and all the other men who ever lived, I received another call from John:

“Mr. Hollander, this is John Pierre calling on behalf of Angelina. I told you before to cease and desist. This is your last warning, don’t continue helping the INS or we will meet and you don’t want that. You understand what I mean. (In the background, I heard the Ho say ‘About my mother and the prosecutor.’) And do not try to get the case in Russia reopened, if you know what’s good for you. I’m watching you, I know everything about you, have a nice day.”

He hung up before I could say anything or start my recorder going. Good strategy on the Ho’s part. Hit me with a combination, the pending arrest and another threat. One low blow followed by another, but I didn’t go down. Trouble was rising all around me, but I just got meaner as the desperation increased.

### Nothin To Lose

The latest assaults to prevent any public exposure of not only the Ho’s activities but her lawyers’ complicity in them caused me to launch a counteroffensive that consisted of two new prongs. The day after the latest threat from Madison-Pierre, I went to the Family Court in Manhattan to obtain a Temporary Order of Protection against the Ho in order to put a stop to the threatening telephone calls. Two could play the helpless victim role. From now on in the courts, I would assume the tired, broken old man role. Perhaps not as far from the truth as I would like to believe. It made no sense to continue projecting a false image of youthful confidence and invulnerability when in reality my life lay on the trash heap of failure and now persecution.

The Manhattan Family Court personnel really surprised me. Unlike the Queens Court, people here, even the security guards, were courteous, competent and helpful. After picking up the forms from the window for submitting the complaint, I took my time in filling them out in order to fully explain the situation because I feared the judge, most likely a female, would deny me a TOP like the Queens’ judge because of my masculinity. Also I was dead tired from a sleepless night. Twenty minutes later, the clerk, a man, called my name. I went over to the window.

He asked, "Are you finished yet?"

"No."

"Well let's go, Hollander. We have a lot of cases to deal with. Can't keep people waiting, hurry it up."

Boy was that refreshing. A bureaucrat who considered time a commodity for getting the work at hand done rather than wasting it away on a Dunkin Donuts' brake. Hurrying up, I submitted my complaint and joined the rest of the people, mostly females, waiting their turn to appear before the judge who would decide whether they'd receive a temporary order of protection. One girl very pretty, nice big balloons, Latina, in spiked heels and with a small child spoke so loudly into her mobile that everyone else in the cavernous hall heard her side of the conversation while imaging what the poor guy on the other end was trying to say.

This girl didn't mince words, "I don't care what you say Shawn, I'm getting an order against you. You better keep your sorry ass away from me or they'll put you in jail."

Pause while she listens.

"That's right; they'll throw you in jail where you belong. All I have to do is tell them to take you away and so long sucker."

Pause

"Don't you tell me anymore of your lies. I'm on to you. All you wanted was someone to ride. Well, you can go back to your wife. You never spent time with me anyway except to get off."

She went on and on like that, definitely an uninhibited girl.

The bailiff called my name and I entered a small antechamber just outside the court. Then came the uninhibited mobile user with big balloons who sat in the chair next to me, so I

started talking with her. She wanted an order of protection against a middle-age lawyer she dated and who allegedly fathered her child. She met him at a strip club in Manhattan where she worked as a lap dancer. Enough irony universe, give me a break. She started stripping at 17 and now 22 wanted to save enough money to start a fashion business. She duly expressed sympathy when I told her about my ex-wife, but quickly added that unlike the Ho, she didn't go in for prostitution. If she did, would she admit it? I don't think soooo. She continued to complain about her boyfriend being married and ugly. So I asked why she went out with him.

“I started dating him when I was nineteen because he treated me like a woman, buying me lots of gifts and taking me to nice places.”

In ho parlance that translates into he had money.

“But all he wanted was sex and then went home to his wife.”

In ho parlance that translates that he stopped spending a lot of money on her.

“Then I had his kid and things went bad.”

In ho parlance that translates she got knocked up by somebody, but doesn't know by whom, or if she does know, the guy was poor, so she tried to convince the lawyer he was the father and should give her lots of money not just for the kid, as the law requires, but for her. The lawyer didn't buy it, so now she was going to embarrass him by lying to obtain an order of protection.

“When I was in high school, I did real well, but then my family moved to New York City and I started hanging around with a bad crowd.”

In ho parlance that means feel sorry for me because I'm really a good girl whom others led astray, and wouldn't you like to save me by giving me a lot of your money.

“I dance on 37<sup>th</sup> and eight.”

This meant come by to see me and we'll hook up for lots of your money.

The bailiff finally called me before the judge, a woman. After taking the oath, I answered a few questions, the judge granted me the temporary order of protection, set a court date and sent me to another office to obtain a subpoena for the Ho to show up in court to answer my complaint against her. All right! Maybe a little bit of justice does exist, but I wasn't about to engage in any extensive delusions concerning America.

In order to have the cops serve the Ho with the subpoena, I went to the 114<sup>th</sup> Precinct. Maybe Detective Henning will have to serve it himself, then again, when I identify myself they might just lock me up on the Ho's complaint for violating the dismissed TOP rather than waiting to the agreed date in late April.

At the precinct, I ended up dealing with an officer who taught martial arts, which meant we shared similar values and respected each other. He called the Ho up, who lived a block away, and said he had some papers for her. She said she just stepped out of the shower but would be right over. The officer suggested I wait at the Burger King next door while she stopped by the precinct. He would call my mobile after he served the papers and she left. The court required a signed statement from the officer that the papers were served. Fifteen minutes later the officer called, and I went back to the precinct house. He gave me the paper and said let's go outside. Something was up that he didn't want to talk about around other cops.

"When she walked in I recognized her. She's been her before about you."

"I know that's where a lot of this started."

"She's a dancer," he said.

“No she’s not. She’s a stripper at Flash Dancers and a prostitute. She started whoring for money in her hometown in Russia, moved on to a brothel in Cyprus then to Mexico City where they kicked her out of the country.” The officer seemed surprised and subdued by my remarks.

“But she dresses like she’s broke.”

“She’s not broke. She makes more than you do, at least \$14,000 a month in cash and that’s only from stripping. Impossible to say how much she makes as a pros.”

“You won’t know it.”

“She’s a Russian prostitute. They’re masters at false impressions.”

We shook hands and I caught the subway home. But on the way while going over in my mind the events at the precinct, some things troubled me. Why did the Ho agree to stop by the precinct immediately? When the FBI contacted her, she told them to talk to her lawyer. Why didn’t she do the same with the police? I’m sure Mundy instructed her to refer any legal matters to him. It seemed strange to me that she was so willing to come to the precinct. And the shower, she just stepped out of the shower, something strange there. Usually she took a shower just before leaving for work, still three hours off and when she returned in the early morning. Then there was the officer taking me outside to talk, recognizing her as a dancer. Why did he think she worked as a dancer? I’m sure when she filed the harassment complaint with the Detective Henning she may have mentioned the occupation she uses as a cover, dancer, but why would that get back to a patrol officer who works in a different department and probably doesn’t even socialize with detectives. Finally, the officer’s change of demeanor when I told him she was a lap dancer and prostitute. No, I sensed the 114<sup>th</sup> Precinct knew the Ho well, but in what capacity. I filed my questions away for the future.

On Good Friday, Xenia met with the model Oksana in Moscow who had exposed the “dirty girls list” at the Vasilyeva House of Fashion. Oksana repeated that the Ho was among the girls on the list and added these girls often provided sexual services to a group in Krasnodar called the “Albatross Club” that consisted of “bandits and businessmen,” which in Russia meant the city’s power elite. The Ho once told me she knew lots of important people in Krasnodar, but failed to mention how intimately. Unfortunately, Oksana refused to talk to the Embassy or provide an affidavit because she feared for her family still living in Krasnodar. Oksana warned that people were afraid to talk about the Ho’s prostitution, which Oksana knew she continued to do whenever in Krasnodar, because it involved this club whose members have “no mercy.” These criminals likely included Smolin, the manager of the Troika restaurant, and were the reason he tried to steer me off of my investigation.

No wonder almost all of the people who knew anything about the Ho in Krasnodar were unwilling to talk to the Embassy or provide affidavits. Oksana’s information also explained why nearly everyone I interviewed, especially the girls who worked as models for Vasilyeva, said the Ho didn’t engage in prostitution until she went to Cyprus. The girls, like all hos, were covering up their own sorted past while the guys didn’t want to run afoul of Krasnodar’s movers and shakers, so the story line depicted the Ho as a good girl until she went to Cyprus where everybody knew Russian girls worked as whores. Many of the people Svetlana and Nadya talked to, mostly former Vasilyeva models, didn’t say anything negative about the Ho because she had as much dirt on them as they on her, and, of course, no one wanted to embarrass the city’s aristocracy, that is the criminal elite, with the dirty truth. What a nest of vermin and hypocrites conspiring to present a phony image of their town, especially the Tatyanna Vasilyeva House of Fashion. It ranked as the city’s top model agency, which really meant the most

successful pimps, and regularly advertised on television its haute couture, which in reality meant flesh peddling.

After this revelation, I doubted Svetlana would have much luck in obtaining writing samples of the Ho from the Academy. Vice Rector Minchenko belonged to the elite and wouldn't want the Ho turning evidence on anyone in retaliation. The odds also looked slim for anyone swearing to the Ho's prostitution in her hometown, since it might implicate the seedy web of sex for dollars that tied the politicians and businessmen with phony public images to prostitution.

Mundy, another phony but here at home, answered my complaint against him with the New York Lawyer's Disciplinary Committee for attempting to coerce me into a settlement in the annulment/divorce case by lying to my lawyers. In his answer, he didn't even address his lying. Guess he had a lot on his mind in helping to shut down the criminal case against the Ho's mother and arranging for threats to keep me from assisting the INS. Or maybe he wanted to avoid a provable lie since he had no medical records or audiotape to produce. As for his attempted coercion, he filled his answer with irrelevancies, dissemblings and tried to distract the committee from the issue of his misconduct by assassinating my character. He brought up the website, which had nothing to do with my accusations against him, but allowed him to say, "These criminal matters are still active and pending." My answer tried to enlighten the Disciplinary Committee on Mundy's efforts to distract them from the issues by calling his ruse an unfortunate but often used tactic of lawyers that can't win on the merits.

It wasn't clear whether Mundy and the Ho finally got the message that they could not scare me because I had nothing to lose, so to make sure, I started preparing the second prong of my counteroffensive with the benefit of re-enlightenment.



Easter Sunday brought the resurrection of my beliefs from before the Ho horrors, and I began the long slog of returning to the old Roy who used science and logic to understand reality. Black magic became nothing more than a psychological game played by mean-spirited girls, which worked only when the intended victim bought into it. No longer a believer, so whether the moon hung full or dark in the night sky made no difference anymore. I shook off the last remnants of the Ho's psychological manipulations and exorcised the lies that had seeped into my unconscious from the constant bombardment of Political Correctionalist propaganda that blinded me to the true evil nature of women: the greatest lie the devil told the world was that she was a man.

Females now stood in the stark naked light of truth; their only value lay in their bodies, if young, and social conversation, if I was drunk, and even those limited qualities required caution. Yesterday, today and tomorrow, broads will always bundle together lies and deception in order to trick men in some fashion or another. The Tierra del Fuego Indians experienced a similar epiphany that they described in one of their myths: "In those far off days, witchcraft was known only to women. Young girls learned how to bring sickness and even death to all who displeased them. The men lived in abject fear and subjugation. This tyranny of the women grew from bad to worse until it occurred to the men that a dead witch was less dangerous than a live one."

The second prong of my counteroffensive grew out of the District Attorney's refusal to prosecute the Ho for committing perjury before the divorce court. The D.A. suggested I take her perjury up with the judge who granted the divorce. My lawyer Robert said I couldn't do anything, typical modern male defeatist attitude, but I decided to do some legal research because I didn't buy Robert's explanation that the D.A. was just being nice—an oxymoron—by suggesting I complain to judge Lobis. Even under the domestic relations law, the Ho's perjury

amounted to a fraud on the court and me. She lied with the intent of deceiving both judge Lobis and me. That allowed me to make a motion to reopen the settlement agreement and ask for money from her. Plus, the October 2001 threatening telephone call from the Ho's John amounted to attempted duress and attempted coercion to not only prevent me from making a motion for a trial on fault but also, it could be interrupted, to force a settlement on terms financially agreeable to her. True I didn't care about obtaining money from her at the time, but the law did provide for modifying a settlement agreement when financial circumstances warranted it. And my circumstances had headed south ever since.

Another argument for my motion to reopen the settlement was that the Ho and her attorneys' interference with my investigation in Krasnodar and witness tampering concerning the annulment/divorce case not only prevented me from finding out the extent of her prostitution but helped to illegally conceal the true amount of her assets, their increase in value during the marriage and her income. For instance, I didn't learn of the \$40,000 she made in Cyprus until I received the investigators report on Zygos. Although the Ho earned that money before our marriage, it was invested in something, which might have increased in value during the marriage. She had also concealed the true extent of her income from stripping and prostitution during the marriage, which her and her attorneys' illegal activities in Krasnodar kept hidden.

The Ho's perjury on her net worth statement, likely advised by Mundy; John Madison-Pierre's first threat to me; and the coercing of witnesses in Krasnodar gave me a shot at reopening the financial sections of the settlement, but I also had to show the court that circumstances had changed dramatically since the agreement to put me in need of support and her in a position to afford paying it. At the time of the agreement my net worth easily overshadowed hers, so there was no need of monetary support for me. But now, thanks to my

female stockbroker, my battle for justice and the emotional trauma caused me by the Ho and her attorneys, I found myself rushing towards poverty with little hope of recovering or finding a decent job. She helped put me in that situation, so why not make her pay for the damage she caused; she could afford it. Since bringing the Ho to America, she had grossed by June 2002 around \$275,000 tax-free.

Naturally, I doubted the man-hating female court would go along with my argument, but since I decided to represent myself, it would only cost me time, but the Ho thousands. Added benefits were I didn't need to worry about some androgynous attorney selling me down the river, and it would serve notice on the lesbian judge that her political priorities serve to reward only injustice. Although, I doubted that matter to her. In drafting the motion, I ripped a page from female victimology and played up the threats, fraud, looming poverty and the psychological impact of discrimination exploited by the Ho's attorneys. The motion accused the Ho and her attorneys of engaging in a conspiracy to crush my rights for their pecuniary benefit in which the court wittingly went along with because of its belief that in a dispute between a man and a woman, the man should lose because the woman represented all that was true and holy in the world.

Mundy responded to my motion with his usual strategy of character vilification in which he pompously rendered a medical opinion that I was delusion because I sought assistance from a psychiatrist to deal with the harm he and the Ho intentional caused me. By his twisted reasoning, the more successful a defense attorney and his client are at causing harm to a plaintiff, the greater the likelihood of the court not granting the plaintiff any relief.

On the arrest front, I found a firm of criminal attorneys to handle my upcoming surrender at the 114<sup>th</sup> Precinct. These attorneys were great, all middle age or older men. I didn't see one

token, young, arrogant female lawyer in the place. They remembered the days when men were treated like human beings in this country. The attorney I first met, thought me behind the eight ball because as soon as a female judge, mostly all the judges in the Domestic Violence Court were broads, hears about a man posting naked pictures of his wife on the Internet, the judge we'll start screaming with self-righteousness indignation, "How dare you!" Which meant how dare a lowly man disseminate the truth about his darling, lovely wife.

This attorney, however, unlike the political correctional nerd attorney I previously consulted, listened to my explanation for setting up the website and using the photos and video clips: to find information about her for the annulment/divorce proceedings by assuring people could identify her in her business uniform and at work. In addition, I told him that she knew when her Moscow pimp took the photographs that they were to advertise her as a prostitute on the Internet, and she knew that the porno video would also be advertised and sold to the public.

The attorney immediately called in one of his colleagues—another middle aged man. These two guys were pros who wanted justice and not just to pick their client's pocket or cow-tow to trendy political bigotry. The next day, two days before my scheduled arrest, my attorneys contacted Detective Henning. They asked Henning what the charges were against me, he didn't know. That sounded strange. My attorneys told him about a court case that indicated the allegations against me didn't amount to harassment. Henning put off the arrest until further notice and said he would refer the case to the District Attorney's computer crime section. My arrest might still happen, but at least I knew my attorneys sided with me rather than those political correctional robots who automatically thought all men guilty in order to justify throwing a man in the clink on the whim of a bimbo. My attorneys said the longer they can put off my

arrest, the less likely it would happen. That meant living under the dagger of a night in jail, but I had earlier lived for five years under the sword of the Vietnam draft, so this was nothing.

After the good news from my attorneys, I began wondering how the detective could not know the charges against me two days before my scheduled arrest. What was this guardian of the public safety going to do when I showed: invent the charges? When I originally talked to Detective Henning on the telephone, he sounded a little defensive, not at all like a cop talking to a suspected perpetrator. My logic and intuition painted a couple of scenarios. Henning and the Ho knew each other personally. Maybe she frequently visited him at the 114<sup>th</sup> Precinct, which would explain why a patrol officer recognized her when she promptly showed to pick up my temporary order of protection against her. If so, she probably cried, pictured me as her vicious ex-husband and flirted, perhaps more, to manipulate Henning into arresting me on some charge or another. Or maybe the Ho's attorneys used Henning to scare people with false threats of arrest. Cops in New York City often use their authority to make extra bucks intimidating citizens. But once Henning ran into lawyers who didn't subscribe to the current theory of inherent male guilt, he punted and left the District Attorney to decide or at least said he did. Once this legal issue resolved itself, I planned to file a complaint with the Police Department's Internal Affairs Division that Henning used his official power to harass me because of improper persuasion used by the Ho or her attorneys.

My criminal attorneys suggested I close down the site to make the entire matter moot, which they could use in arguing with the Queens D.A. if he decided to pursue the case. Not a problem, since by then Svetlana had found three witnesses who knew the Ho worked as a prostitute in Krasnodar and had signed affidavits as to such for Immigration. These were courageous people as was Svetlana. It surprised me that some folks in that town were honest and

gutsy enough to do the right thing. One affidavit told of the Ho recruiting girls for sexual activities. The Ho posed a double threat to a man's wallet as both prostitute and pimp. Another affidavit referred to the pimp the Ho sometimes used, Rey, whom Katya had originally told me about as providing models to New Russians. Those affidavits along with other information and leads should, according to the law at least, cause the Government to deport the Ho, but whether it actually would—I doubted. The U.S. Government in the 21<sup>st</sup> century just couldn't do what Barbara Jordan once said, "People who should get in, get in; people who should not enter are kept out; and people who are deportable should be required to leave." So simple, but the richest country in history couldn't do it.

### I Fought The Law

Taking a weekend off from my war, I attended the fifth year reunion of my Columbia Business School class. To my surprise, I enjoyed it. The alumni office did a good job keeping us busy and entertained. And, to my astonishment, my classmates recognized me and greeted me warmly. They had considered me a little obnoxious and overly competitive in class, but apparently that didn't matter anymore. We talked about our lives since graduating with me telling about my nightmare, of course. At first, most didn't believe it, but on recalling my overly sober nature in class, they realized I spoke the truth. Most laughed at my stories, which I enjoyed, and some thought I lived an interesting life, which I couldn't understand. I would trade my fall into this perdition for one of their high paying business jobs immediately.

While talking with a few of the more wealthy graduates, I half jokingly remarked that I might end up the first in our class on public assistance. One high tech exec responded by asking whether I could find him a nice, pliable Russian nanny for his kids. "Tell her she'll live in the lap of luxury out at the Hamptons." Was that why I attended an Ivy League business school to

enlist clients for a procuring business? I declined. Later, these guys went down to Flash Dancers to check my ex-wife out. Fine with me, they'd get a kick and were at heart decent men. Many of my American male classmates were the best and the brightest, unlike the lying, thieving, trash inhabiting members of much of the third world, government bureaucracies and the New York State courts.

A hearing on my temporary order of protection against the Ho for the threatening telephone calls occurred in the first week of May. She showed up in the waiting area outside the courtroom where I was sitting. Then her attorney Mundy walks out of the courtroom to talk with her. What was he doing in the courtroom? Court security was making everyone who showed to wait in a large room outside, but Mundy kept going in and out of the courtroom at will. Okay, I was an attorney representing myself, so I tried to enter assuming attorneys were allowed in, but security stopped me. No admission until my case was called, even for attorneys. Mundy could, therefore, talk to the judge about the case outside of my presence—a violation of the law. I filed the information away for future reference.

While waiting for other victims, violators and attorneys to enter the court, I looked in the Ho's direction a few times to catch her giving me the evil eye. Some of her conduct, such as that, truly proved comic, but the rest—dangerous.

Normally in court, an attorney for the defendant approaches the attorney for the plaintiff, whether he is representing himself or not, to try to work out a settlement before any hearing. Mundy, however, never approached me. Guess he didn't like me, but one of the court's pro bono attorneys did. The pro bono attorney was a decent guy and even suggested I had a good case, if I could subpoena the F.B.I. record that identified who was threatening me. That was a good suggestion and I told him to pass along my request for a trial.

The bailiff called both sides into the courtroom. The Ho walked behind me to intensify her evil eye and mumbled some Russian hocus pocus at which I now laughed. Mundy, already inside, seemed in a foul mood, a little too hostile for an experienced litigator. Why? A female judge different from the one who civilly granted my request for the temporary order of protection appeared this time. Judge Helen Sturm, sounded Nazi, boiled with female hostility. Probably in the middle of a menopausal mood swing given her age, Sturm scoldingly recited to me the dangers of representing myself. Boy, the decline in ho-hormones really turns a broad into Xanthippe. Civilly, I thanked her for the same bad advice I had heard in law school but declined to waste my money on another useless attorney, since I could screw up a case just as badly as them without the cost. Sturm, however, kept badgering me to retain a lawyer. Now I knew what Mundy was doing in the courtroom beforehand. When I showed without a lawyer, Mundy and the Ho realized that I would not only avoid costs in legal fees by representing myself but evade another lawyer selling me down the river in order to curry favor with a Feminazi judge—just as Silpe did in the Supreme Court. The judge, of course, didn't want to spend time with a trial because she didn't care about justice for a man, so when Mundy talked with her or her clerk earlier, the judge decided to lean on me to hire an attorney in order to thwart my strategy. She failed. Sturm set the trial for July 2<sup>nd</sup> and Mundy escorted the Ho out, such a gentleman walking with something much less than a lady.

The preparation for my case began, but I didn't have much hope of success since I needed evidence that showed a connection between the Ho and her attorneys, Mundy and Petrovich, and the threatening caller, who's real name the F.B.I. knew but wasn't telling. Even if I had the guy's name, I'm sure he'd lie on the stand anyway or plead the fifth, and the Ho would certainly claim no connection with him. But negativity is no reason to give up without trying, so



I made a couple of attempts to identify this hood. My G.R.U. agents approached their F.B.I. contacts but couldn't get the guy's name, only that Verizon had sold the number that Madison-Pierre gave me to a company that provided electronic voicemail to its customers. To find the name associated with that number, I requested a subpoena from Strum directing Verizon to tell the court the name of the voicemail company to which it sold the telephone number. With the voicemail company's name, all I needed to do was have the court subpoena the company's billing records for that number, which would produce the hood's real name and address. As a backup, I also requested an order directing the FBI to disclose the thug's name. In compliance with New York litigation rules, I also made requests for information on the hood from the Ho. Mundy ignored them, normally not done by lawyers—did he know something I didn't? I soon found out at the next hearing.

On July 2, I signed in with the court security officer, turned to find a sit in the waiting room outside the court when I saw the Ho sitting alone. Not one to let an obnoxious opportunity go to waste, I sat a few rows behind her. She started looking to the left, then stretching her giraffe-like neck to the right, but couldn't find me until she twisted her head completely around *al la the Exorcist*. On seeing me, she got up and walked to a seat behind me, so I repositioned myself to the side of the room still looking directly at her. She moved again to the back wall with a direct line of sight for evil eyeing. Again, I changed my seat to keep the enemy in my line of sight. The Ho, like all females, always a coward in direct confrontation, turned her back and waited.

As at the first hearing, Mundy once again emerged from the courtroom—more discussions with Sturm behind my back in which he championed the cause of innocent womanhood? The bailiff wouldn't even let me near the courtroom door this time. Mundy talked

with the Ho and went back inside. Then he came out with this whale of a female, the judge's law clerk. Too bad I had left my harpoon at home. She, with Mundy standing behind her, tried to pressure me into a settlement. They wanted me to accept a one-year protection order against the Ho in which the Ho made no admissions of wrongdoing. It would save the judge the bother of trying a fellow female and for the Ho prevent the disclosure of any information useful to Immigration and perhaps save her money. The settlement offer meant nothing. The main aim of the case was to prove the Ho violated U.S. law by arranging for threats and to create a public record so that when I finally ended up in the gutter at the hands of some Russian hit man my old associates in the press would have a story that would prod the F.B.I. into doing something at last. No thanks I replied.

Mundy and the blimp went back inside the courtroom to probably hatch a new scheme against justice. A little later, the bailiff called the Ho and me inside. To my surprised, Sturm asked Mundy to start. Usually every court under the sun instructs the plaintiff, me, to begin, especially since I filed motions to compel the Ho to respond to my requests for information, which her attorney ignored. In the dialogue between Sturm and Mundy, which sounded pre-scripted, the judge said my requests for information were "onerous" and "burdensome" and agreed with Mundy who claimed they were "ninety-nine point nine percent totally irrelevant." Mundy always tended to exaggerate, but the real problem was that Sturm, her menopausal emotions in overdrive, had already made a decision to deny me any useful information. By making that decision before I had a chance to argue my point violated the due process rights guarantee of the Constitution.

In America, a court can't make a decision affecting a person's rights without first holding a meaningful hearing. By not doing so ignores one of the key reasons for America's

revolutionary war. The founding fathers—not mothers—were fed up with the King making decisions that affected them without giving them a chance to be heard. Taking a page from feudal royalty and every other tyrant, Sturm, probably thinking herself a royal princess as do most girls, followed the procedure of Stalin's show trials: she made the decision first, then held a meaningless hearing. In America, even when the judge is a female and the person she's deciding against is a man, due process still applies, although most Feminazis disagree.

Sturm was trampling my rights, so I put up a fight by arguing that she should grant my requests to subpoena F.B.I. and Verizon records so that I could make the connection between the hoodlum threatening me and the Ho. Well, Sturm goes off, scolding me as though she were my mother for requesting the F.B.I. and Verizon records from the Ho. What a bimbat! I didn't request the court issue a subpoena to the Ho for F.B.I. and Verizon records. What sense did that make? She doesn't have the records. The F.B.I. has its records and Verizon has its—those are the records I wanted. As simply as possible, I tried to explain to the man-hating judge that I had requested in writing a court ordered subpoena issued to the F.B.I. and one to Verizon—not the Ho. Sturm obviously was too lazy to read my papers and only listened to Mundy's dissembling briefing before the hearing. The Ho knew who the intimidator was, but what idiot would think she had custody of F.B.I. and Verizon records. The bimbat judge finally realized her stupidity, but that didn't deter her hostility. Sturm jumped to another attack, once again berating me for exercising my constitutional right to represent myself rather than hiring an attorney to knife me in the back.

By this stage in the hearing, the latest behind the scenes scheme among Mundy, Sturm and the blimp law clerk became clear. Sturm was trying to hammer me into reaching the settlement that Mundy previously proposed by denying my subpoena requests for the key

evidence needed to show the Ho and likely her attorneys were behind the threats. Such scheming and one sided communications again violated my constitutional rights and the law. But who's counting. Today's institutions don't care.

Mundy and Sturm had hoped that denying me evidence, allowing Mundy to speak first and the judge giving me a tongue-lashing might cause me to cave to their wishes. It didn't. Sturm then directed Mundy and me to file motion papers and return to court July 16<sup>th</sup> for her to formally announce what she had already decided and probably take another shot at intimidating me into conceding to Feminazi injustice. Making arguments after the judge already decided against my requests for subpoenas was no hearing at all, but since she had failed to beat me emotionally into submission, she decided to cover her royal ass just in case I decided to cause her some problems for violating my rights.

Leaving that court, I knew for sure that if you give a girl power, she'll use it to vent her hatred of men. I filed a complaint with the New York State Commission on Judicial Conduct. Naturally, the Commission did nothing, probably because Sturm was female. A female from the Commission responded to my complaint saying, "There was insufficient indication of judicial misconduct"—meaning we don't care about the rights of men when they've been violated by a woman because women are always right and men always evil.

Both Mundy and I filed our motions, which meant nothing, since Sturm had already made her decision. But it may have cost the Ho money or sex to pay for Mundy's time to prepare her papers. "May have" because under VAWA, the U.S. Government foots the bill for illegal aliens, including their lawyers' fees, when they accuse citizens of domestic abuse in a legal proceeding. True, the Ho wasn't accusing me of such in this proceeding, but it was related to the

annulment/divorce and her TOP accusations, so the Department of Justice's Office of Violence Against Women may have picked up her bill.

Sturm's written order, she probably never glanced at my arguments, prevented me from obtaining any records from either the F.B.I. or Verizon, no surprise there, and set a trial for August 12, 2002. Her ruling concerning the FBI didn't matter since America's premier law enforcement agency had already refused to provide the court any information after I had notified it of my request for a subpoena from Sturm. The F.B.I. stated the Family Court had no jurisdiction over the agency, and the Privacy Act prohibited it from disclosing any information on Madison-Pierre. But Sturm's order denying me the Verizon information made it next to impossible to link the Ho with the unknown man threatening me. Sturm really didn't want the truth coming out about the Ho thanks to Feminazi hohood.

In mid-August, one of Mundy's female associates and the Ho showed for the trial. The Ho had just returned from a few weeks in Krasnodar and apparently Cyprus. On her way back to New York City, Russian customs searched her before boarding the plane in Moscow and the D.E.A. searched her when she landed at New York. Both found nothing because they failed to do an "internal" where she hides her contraband. They knew this, but I guess they didn't want to handle a prostitute's moneymaker.

Before the trial started, I requested judge Sturm direct the Ho to produce her mobile telephone for examination of any calls made to my numbers. It was a long shot that the Ho allowed the man making the threats to use her mobile, but it was all I had left to make the connection. If her mobile showed a few calls in the right time-frames to my numbers, it would permit an inference in my favor or at least unnerve the Ho enough to make it plain to even that hater of men Sturm that my ex-wife lied. Sturm had instructed in her previous order that the Ho

turn over her telephone records if she “in fact has these documents.” The Ho always kept her telephone records, but Mundy would make sure she denied having them. However, she couldn’t deny having the records on her mobile calling list, which I also knew she never erased. But Sturm decided to eviscerate her own ruling and denied my examining the Ho’s mobile call record. That’s what “kangaroo courts” do—undercut their own orders to make sure the person they want to win does.

Sturm rushed through the trial that she never wanted, since it was a man and not a female fighting for his rights. Sturm interrupted, chastised, continued to give me a hard time about not hiring a lawyer, denied the introduction of relevant evidence as to the Ho’s motive and means and used her own objection of “hearsay” for a catch all to keep out of the record any matter she didn’t want. It was unlikely that Sturm even knew the purpose behind the hearsay rules, so I tried to enlighten the bimbat, but she angrily rebuked me. Sturm even refused to let me introduce as evidence of the threats the tape recordings I had made of the calls. She didn’t want to “spend the court’s time listening.” Duh! So how was the court to know the calls were ever made? My case sabotaged by an ideological corrupt judge, Sturm asked whether I was finished presenting my case. No, I remarked I have a witness to call—the defendant. That put Sturm and the Ho’s female attorney back on their high heels. Since the case was not a criminal matter, I had the right to question the Ho under oath. Immediately, Sturm stopped the case, told both sides to leave the courtroom. This wasn’t a recess or lunch break; she just halted the trial and took up another case. What was going on? Obviously Sturm and the Ho’s attorney weren’t prepared for my surprise, but with the trial stopped, they could regroup.

An hour or so later, the trial resumed with the Ho on the stand. Between the Ho’s lies and Sturm over ruling my questions, the testimony proved useless. Sturm even prevented the Ho

from answering where she worked, Flash Dancers. I asked the question to lay the basis that the Ho had regular contact with nefarious guys, such as the goon bouncers, who tend to use threats. In the end, the judge from hell ruled against granting me a permanent order of protection. Would the result have been the same if I were a woman and the Ho a man? Not likely.

The trial, however, did prove useful because the Ho admitted in court she was an alien and not a U.S. citizen. That wasn't exactly new information, but I now had proof for other departments in the government of her alien status. The Family Court's confidentiality rules would prevent me from handing over the Ho's testimony but it would not stop a government subpoena.

The importance of the Ho's admission lay in the fact that she had registered to vote in February 2001—the previous year. Only citizen's can register to vote. In registering, she falsely swore she was a U.S. citizen, which was a deportable offense, a federal crime that carries a maximum of five years and a New York State class E felony carrying a maximum of four years. The Ho would be right at home in a New York State prison along with the other illegal aliens who make up 24% of all the State's prisoners. But the state would never lock her up. My only hope at non-vigilante justice still lay with Immigration at the Embassy, but I knew it was a fool's hope, since I was a fool for wanting the Government to do its job, and even if it, it would take years.

Assuming the VAWA Unit denied her permanent residency status, she would end up in a deportation proceeding, but with plenty of legal options. At the very least, each option would delay her deportation while she made more and more money illegally. In the deportation proceeding, she could make another application for a VAWA waiver even though its denial is what put her into a deportation proceeding in the first place. The Feminists in writing VAWA

wanted to make sure alien girls had at least two bits of the apple. If the Immigration Judge decided against granting her a VAWA waiver, she could then appeal to the Bureau of Immigration Appeals, which has cases going back seven years. If she lost there, then she could appeal to the U.S. Court of Appeals for the Second Circuit. By the time this procedure ended—a procedure stroked into a Byzantine edifice by the Feminazis, the Ho could retire to Cancun on her hooker earnings, or simply start the game over again by marrying another sucker, or go underground. Whichever route she takes, I'd rather wait for the second coming than for the U.S. to kick that slut out.

The Ho's latest crime of perjury came to light while checking voter registration records for an old acquaintance that was up for re-election as a Democratic State Committeeman. Using the Board of Elections computer, I typed in the Ho's name on a lark, not expecting it to come up, but it did. There on the screen was documented proof of her claiming U.S. citizenship—perjury in black and white with her distinctive signature. The authorities couldn't ignore this as the ranting of a defrauded ex-husband. Still, I doubted anything would happen, but did notify the Embassy and the New York City Board of Elections.

The Board of Elections, to my surprise and thanks to my old political activist friend Alan, decided to conduct an investigation that could end with the Board referring the matter to the District Attorney for prosecution. The Ho will claim she didn't understand English at the time she committed the felony and then start crying. She'll probably get away with it because she's a broad and the New York City's District Attorney's offices are filled with Feminazis. But pursuing the matter was worth the try.

Millions of aliens in America, whether legal or illegal, lie about their citizenship in order to obtain voter registration cards. In New York City, the cards are not supposed to be used for



identification, but no one outside of the Board of Elections knows that. Aliens obtain the cards as a secondary form of identification that bolsters the credibility of their primary I.D., usually counterfeit, which enables them to pass as citizens. Unscrupulous politicians, primarily totalitarian lefties—many of them leftovers from the sixties—actually encourage aliens to commit these federal and state felonies because once registered the aliens might as well vote and they'll vote Democratic. The Republicans, always a little behind the times, are also beginning to vie for the alien vote while the party's business members continue to demand lots of illegal and legal aliens as a source of cheap labor, which means bigger profits for the captains of industry.

Both political parties don't care about correcting a problem that is not hard to fix. Most states, as New York, have their voting records computerized, so a computer comparison with INS records would easily show which aliens in Immigration's files, some legal and some illegal, registered and voted. Voter records contain the alien's address, or at least one that he is using, so a comparison of federal and state records can lead to locating aliens who willingly violate the law, which makes them deportable. The government could swoop down and bounce these lawbreakers out of the country, which is what it should do. When a citizen breaks the law, the government is on him like gangbusters. Cheat a little on taxes or make an innocent mistake and the I.R.S. slaps a lien on an American's assets until he pays their usurious penalties and fees. The I.R.S. also takes years to notify the taxpayer of the problem because during the delay the fees and penalties keep spiraling upwards, adding to the government's coffers. That's how the I.R.S. makes up for some of the money it doesn't collect in taxes from aliens because many of them, including all the illegals, hide their income while collecting government benefits paid for by the average American.

It's the American way in the 21<sup>st</sup> Century—after decades of feminazism and political correctionalism all levels of government just can't seem to do what makes sense because as with the Communists, Nazis, Ku Klux Klan and the Catholic Church before them, the modern day ideologue female cultists value their beliefs over people, power over right and self righteousness over logic. The Feminazis lay waste to the lives of others, mainly men, with a reckless disregard reminiscent of Senator Joseph McCarthy. They lie, exaggerate and libel, cry tears of hypocrisy over alleged sexual impropriety that they wish would happen to them or sound like nuns running from the realities of life. At least McCarthy was right about Communists working in the Federal Government as K.G.B. records revealed after the collapse of the Soviet Union. He was just wrong about whom they were, so the search resulted in witch-hunts. Today the witches use the same tactics to destroy in the name of their beliefs and intimidate to further their power.

Following the trial in Feminazi Sturm's court of feminine inquisition, I filed another complaint against her with the Commission on Judicial Conduct, this time for failing to dispose of all judicial matters "fairly" and failing to be "faithful" to the law. The failing to be "faithful" charge I especially liked, since females often use the accusation to criticize men but never seem able to apply it to themselves. They either resort to "nothing happened," or the man seduced me, or some such lame excuse blaming everyone but themselves. This time my complaint against Sturm went directly to the administrator of the Commission, a man I knew from nearly 25 years earlier. Back in my media days, I worked undercover as an assistant campaign manger for one of Roy Cohn's mafia connected judges. Fed what I saw and heard to Joe Conason at the Village Voice and became the Commission's chief witness against the judge. For many years my whereabouts remained difficult to find, but no more, since I really don't care.

My reason for contacting the administrator of the Commission was that he knew my reputation for telling the truth, which might at least cause the Commission to start an investigation into Sturm. But no, times had changed and my second complaint was also rejected. Somehow the Feminazi mind set, even in agencies run by men, had infected the workings of the government whether local, state or federal. Something insidious had occurred over the past three decades. The culture of government institutions, even law enforcement agencies, had metamorphosed into femininity. Previously effective, hard hitting organizations now acted with those especially feminine traits of timidity, paralysis in making judgment calls, overly concerned with image, incapable of handling pressure, believing that talking about a problem solved it, failing to do what's right because it is right regardless of the consequences, scapegoating against men and inability to make decisions. Even when females in these institutions actually make a decision, if it turns out bad, they blame a man, men or a patriarchal society.

The change from manly to feminine government agencies resulted from the large number of females flooding into government jobs evolutionarily more suited for men. At the beginning of feminazism in 1970, girls comprised 28% of the civilian employees in the Federal Government, by 2004—48%. Government bureaucracies never had high reputations for effectiveness even in the 1950s, but now, with all these females in positions Mother Nature never meant for them, the high level of incompetence and screw-ups has emasculated this country.

Guys are also partly to blame for acting as gentlemen in making allowances for female ineptitude. Take April Glassby, the American ambassador to Iraq in 1990. She met Saddam Hussein just before he invaded Kuwait. At that time, there was rising tension between Iraq and Kuwait, Iraq was mobilizing and there were reports that Iraq might invade Kuwait. So what did Glassby tell Saddam at their meeting: the United States had no obligation to defend Kuwait.

What a ditz! Was she afraid Saddam would use his sword on her or didn't she want to offend his sensitivities by popping his illusion of being a modern day Saladin? As a result, Saddam invades and lots of men die, not lots of females, but lots of men. Does she get blame for her deadly screw up, no!

The infestation of Feminazis into bureaucratic positions has made all levels of government in this country even more inept and ineffective than previously with the added insult of females abusing their powers in the name of a self righteous, self centered propaganda claiming females can do no wrong. Just as the Commies, Nazis, Klan and Catholic Church of old did.

Besides the complaint against Sturm, I also filed, somewhat belatedly, a complaint with the Commission against the Queens Judge Fran L. Lubow, the she-male who laughed at me when I requested an order of protection against the Ho back in February 2001. Lubow violated the Judicial Canon that judges "shall be patient, dignified and courteous to litigants." They're not supposed to laugh at the people appearing before them and should at least give folk, including men, the time to be heard. Lubow cut me off the moment I started to explain why I wanted the order of protection. By acting on her own preconceived biases that the motivations driving men are the same that run broads, Lubow jumped to the conclusion that I only wanted an order of protection because the Ho had gotten one against me. Lubow knew her sex, but, like all Feminazis, she mistakenly thought she understood men. The vindictive, petty nature of females drives them into tit-for-tat squabbles in which girls exploit their genetic proclivity for lying to make up anything just to strike back at a man. Guys generally let things slide with broads unless feminine evil threatens a man's life or liberty, and even then some idiots do nothing. Ironically, if I had been a girl appearing before Lubow, I most likely would have been lying and Lubow

would have known it but granted me a temporary order of protection anyway just to strike another feminazi blow against men. Lubow tried to cover her invidious discrimination by claiming I could only obtain an order of protection from the court handling the annulment/divorce—not so. The Commission, true to form, dismissed this complaint as well by saying once again, “there was insufficient indication of judicial misconduct,”—the Commission’s liturgy for when the bias and incompetence of female judges are brought to its attention.

Pursuing all my avenues against the forces allied with feminine evil, I filed another professional responsibility complaint against Mundy with the lawyers Disciplinary Committee. Mundy allowed his Russian assistant Petrovich, to act as a lawyer by giving clients legal advice, as he did when the Ho and I met with him back in October 2000. Such conduct was fine for Russia where Petrovich was admitted to practice as a lawyer, but not America where he wasn’t. The Committee completely ignored that complaint, never heard a word from them about it.

My motion before judge Lobis to reopen the maintenance and equitable distribution sections of the divorce agreement also went down the drain in August 2002. My victimology strategy failed because as a man in modern day America, not only does acting as a man not work but neither does acting as a girl. The moment a guy says something sharp to a girl or gets into an argument with her, he’s threatening violence or harassing the innocent angel and it’s off to jail. But when a girl destroys a man’s career or murders him—it’s okay. It didn’t matter to Lobis that the Ho and her attorneys attempted to use duress to force me into a settlement and committed fraud with the falsehoods in her Net Worth statement filed with the court. The lesbian judge used the dodge that I didn’t provide enough evidence about the Ho’s perjury and attempted

duress, as if industry wide knowledge of the amounts lap dancers make and tape recordings of threatening telephone calls weren't sufficient for my motion.

A motion of this type didn't require proof beyond a reasonable doubt or even a preponderance, just enough to show that there existed a dispute over the facts. Even without the recordings and the Ho's statements in her diary about her income, Mundy's opposition papers made clear a fact dispute existed. The evidence the judge claimed was not presented in the motion isn't supposed to be included in a motion. That evidence is obtained through the process of discovery and then presented at a hearing. Under the law, all my motion needed to do was provide enough information to show there existed a disagreement as to what took place. But in modern day America, she-male judges can do what they want regardless of the law.

Lobis didn't want the bother of a hearing or cause the Ho any discomfort by exposing the truth and likely decided to use her lesbian judicial axe against the sex she wasn't. How could the legal system become anymore absurd than having a lesbian, who is mentally neither a man nor a woman, make decisions concerning the relationships between men and women. She's not a man, but wants to be, and not a woman, but wants them.

Appealing both Sturm and Lobis's decisions might work but the chances were small because even a higher-level New York State court was unlikely to give me a fair shake. After all, a Feminazi headed the state's highest court—no Benjamin Cardozo her. In referring to batterers and abusers who were men, she didn't even use the modifier “allegedly” when they had not been convicted of anything. She was also the one who threw out the rule that lawyers couldn't serve on juries. So what happens, a lawyer, female at that, on the jury in the Tyco case thinks she knows more than the eleven other jurors and refuses to vote for a conviction. The defendants walked, two Tyco executives get away with stealing hundreds of million from the

company's stockholders until the State holds another costly trial in which they're finally convicted. Such is justice in the she-male judicial system of New York.

My foolish law school belief that New York State's legal system could render justice rather than discrimination, incompetence and expediency was just about dead. My war turned to the other avenue of justice in New York in which I had worked—the news media. The years I had spent as an investigator, writer and political producer for a couple of local television news programs, Eyewitness News and WNEW TV News, the predecessor of Fox News, taught me that images and sound bites can actually prod somnolent, corruptocrats into doing their duty.

My reasons for leaving television news in 1981 for law school were the beliefs that lawyers had more power in righting injustice and defending the rights of individuals—what a dope! Most lawyers don't care about justice, just winning and money, no matter whose rights they violate. And the real arbiters of justice and rights in the legal system are judges: government bureaucrats, who in the state courts are too often just as lazy, corrupt, incompetent and habitually disdainful of the little man as are other government employees. A successful, competent lawyer is not about to leave private practice for the dramatic pay cut of spending the rest of his life working for the government. So, many judges not only come from the lower ranks of private practitioners but also from the bottom half of their law school classes, which is why they weren't very successful in private practice in the first place. Law schools grade on a curve, so those from the bottom 50% would have flunked without it. In the past, the state courts were always largely filled with these flunkies, but of late the harm doesn't stop with them. Now there is the added corruption of power by Feminazi judges who legislate their personal discriminatory philosophy. Today, the fix is in for injustice in most American state courts, especially for men.

Thanks to Billy-Bob Clinton, the level of incompetence and male discrimination also spread, perhaps less virulently, to the federal courts in the 1990s when his wife made him appoint lots of female fascists to the bench. Whether in federal or state courts, these girls are simply incapable of focusing for long periods of time on the issues of a case or handling in a rational, organized manner large caseloads. Instead, they try to hide their scattered thinking by acting mean and nasty in the hope of brow beating lawyers into accepting their often-wrong decisions. They also try to throw many cases out of court: the fewer the cases, the more time to talk and feel self important like a princess. In the end, feminazism made the country's judicial system worst by transforming state and to a lesser extent federal judiciaries into institutions that render expediency rather than justice and are used as a means for legislating political correctionalism as opposed to adjudicating the law.

The courts today, especially state courts, are pretty much a joke except for the rich and Fortune 500 companies, since they can afford to pay the fees for long lawyers' hours necessary to make the law understandable to the many dim lights in the judiciary or appeal to higher-level courts with fewer females. Many large companies also operate across state lines, so they can avoid the state courts where most the judge are just plain stupid or corrupt. In addition to the rich and large companies, the legal system also works for girls who violate men's rights and often criminal laws with impunity. Whether these hos lie or tell the truth, they get their way. Much of the legal system in this country just doesn't work for men versus broads, unless you are Ted Kennedy—but then he is rich.

The news media looked liked my last stand. I put together a list of guys I had worked with in the news business twenty-odd years ago or guys I knew from those days that were still in the media. The girls I didn't bother listing—they were the enemy. The guys were all in my age



bracket and probably fed up with the feminazi tyranny that swept through the government in the later 20<sup>th</sup> century. They all probably had their share of dealing with hostile, incompetent broads in positions of authority either in their work or personal lives.

My first attempted contact was with John Miller whom I had worked at WNEW TV News. Miller was now a reporter for ABC TV News. He had made the big time. I concluded Miller the most likely to do a story because there seemed to have been a little friendship between us back then. For a while, we even shared the same newsroom ho, a college intern from the Philadelphia area named Judy Comeau, now Judith Comeau Bollinger, who screwed a much of guys at the station, often in return for dinner. She preferred getting down like a dog but wouldn't take it in the ass because of an unusually small anus, or so she said. She went on to graduate from Wharton Business School, became an analyst at Goldman Sachs, married and moved to London where her husband made over \$100 million running the Egerton Capital hedge fund. Not bad for a tart turned Feminazi: slutting her way to \$100 million.

I sent John a summary of my plight and followed up my letter with a voicemail message, but never heard back from him, not even the courtesy of a get lost. Okay, maybe we weren't even slight friends back at WNEW. Or maybe the story wouldn't make it until someone, probably me, ended up dead as in a detective story from pre-feminazi America, circa 1950s and earlier.

## **Stupid Frigging Fool**

By Roy Den Hollander

### Part 6

Turn, Turn, Turn

*“The only thing necessary for the triumph of evil is for good men to do nothing.”—Edmund Burke*

It began looking as though the Feminazi infestation of government institutions and the news media’s lack of interest in my story were driving me to that clause in the Declaration of Independence: “That whenever any form of government becomes destructive of these ends (unalienable rights), it is the right of the people (men) to alter or abolish it.” But I wasn’t angry; I was seething with rage at state and federal authorities for their incompetence, sloth and adherence to modern day, trendy sophistry that demands the violation of the rights of a person provided that person is a man. Well and good this wrath, for what better motivation to drive a wronged man to justice. Look at history: sympathy and flowers never won the day for truth and right, but fury against the violators of men’s rights is what compelled many to a just end. With my recourses to the legal system ended in failure and poverty staring a middle-aged, unemployed lawyer in the face—there was nothing to lose and only justice to gain.

Then my telephone rang, it was Jeff, my lawyer friend. He knew well my ongoing struggle with the she-devil from Krasnodar and her Feminazi allies, and I about the endless legal battles he had with his ex-wife. I met Jeff’s ex-wife through him in the late seventies, before they married. Back then, she kindly kept documents for me concerning the mob judge connected with Roy Cohn hidden behind her paintings. Jeff belonged to the class that rules America: Exeter, Bowdin College, Harvard Law, a couple of top notch law firms and marriage to an investment banker at Goldman Sachs. But following the route of the preppy elite, rather than his

first best destiny, extracted a toll. He now had a one-man practice doing insurance litigation work and needed some help to handle the caseload. Doing litigation work for money rather than rights didn't sound appealing, but more importantly, I worried that the forces of the universe were setting me up for more torture. Jeff, however, had a way with words, so I agreed to meet with him and talk about it.

During these days, as did Steve McQueen in the *Sand Pebbles*, I not only wondered, “What the hell happened?” but why and how? Looking for answers in religion—or what I saw as the ruminations of guys in robes with beards, who walked around 2500 years ago and conversed with burning bushes, or guys in robes with beards, living in the desert 1300 years ago, engaging in discussions with shining lights in caves—made no sense. Those guys probably thought the earth was flat and lacked any knowledge of science, although they knew plenty about feminine evil, but so did I. It seemed more logical to base a philosophy of existence on updated information: modern day science. Just because the vast majority of people on this planet know little to nothing about Newtonian science while even less understand anything about relativity, quantum mechanics or newer theories, that's no reason to use such a prevalence of ignorance to argue that the beliefs of the many are accurate. If anything, the beliefs of so many folk based on old and outmoded information indicate they are wrong.

Look at Joseph Campbell's *The Masks of God: Creative Mythology*, pp 78-79, where he buys into Schopenhauer's religion, or if you will philosophy:

“Duality,” that's the realization that I am not he, you are not me, and we are not all together, “is an illusion of the sphere of space and time; both our fear of death and our yearning for the pleasures of this world derive from, and attach us to, this manifold delusion, from which released is achieved only when the fear of death and desire for enjoyment are extinguish in the knowledge of non-duality. With that ‘we are all,’ as Schopenhauer avers, ‘one and the same single Being.’ And the sentiment proper to this selfless realization is compassion. ‘All individuation is a mere appearance, an effect of space and time, which are themselves nothing more than forms of my cerebral capacity for knowledge and the conditioning factors,

consequently, of all objects of that knowledge. Accordingly, the multitude and variety of individuals, also, is merely an appearance, i.e., a mere effect of my way of perceiving. Whereas my true, my inmost being subsists in every living thing as immediately as I can know and experience it only in my own self-conscious self.”

Okay, that explained compassion, but what about brutality? Old philosophies and old religions provided no understanding, no explanations—just more illusions. Any sane man with the power of the gods could do a better job than what history has written. So I closed the remaining religious books lying around my apartment and shelved them.

Modernizing to at least the 20<sup>th</sup> century, quantum mechanics shows that in looking at a small part of reality at a particular point in time, any number of events can happen next, and each of those events has a certain probability, expressed as a percentage, of occurring. Some events are more likely than others and each and every possible event may occur in different universes. The universe I’m stuck in has only one of the many possible events happening. Which event turns up next in this or any universe is impossible to say until it happens. All that is known before the event happens are the probabilities of each possible event occurring next. In Wolfram’s *New Science*, a few basic rules are applied to some elementary parts of reality that result in a subsequent new pattern of reality. By repeating the application of the same basic rules over and over on each succeeding pattern, new complex, intricate and surprising patterns arise with certain relationships stretching through all the patterns or, stated differently, the emergence of certain laws in pattern formation over time that influence the next pattern.

Whether from the quantum or new science point of view, I figured something existed in nature that chose the next event or next pattern. Since the next event in this universe had always occurred or the next pattern had relations to prior patterns, it seemed logical that a “mechanism” of some sort caused the next event or pattern to occur. Perhaps that mechanism was random selection. The problem with randomness is that it can’t be mathematically proven. Doesn’t

mean it doesn't exist, just that man doesn't know for sure whether it does or not. Given a choice between basing a belief on what "I know" as oppose to what "I know I'll never know," I rejected random selection as the mechanism. That left a mechanism for determining what happened next or the next pattern as one that followed certain rules or guidelines, since randomness was out.

Some might say that what causes events or patterns at the very small level of the universe, or universes, doesn't translate into running the reality in which we live. Not so, the Schrodinger wave equation of quantum mechanics also describes huge ocean waves, three or more stories high, which occur every so often. And the new science starts with the very elemental and builds with each suggestive application of the basic rules to the macro level. So both views seemed worthy for understanding what we experience in this life.

The theoretical mechanism of the universe that determines what happens next for the reality in which we lived, maybe not every little detail but at least the important occurrences, I dubbed the *Matrix*. The movie was still popular at the time and about a hidden force, a master computer, running the show, so the name seemed fitting. But rather than creating illusions of reality as in the movie, this *Matrix* determines reality by choosing which of the many quantum probabilities comes true or, in the new science, the pattern that comes next for this universe.

So how does this theory explain my life ending up in such a mess? Was I doomed from birth by the *Matrix* to live a wasted and useless existence to terminate in some such lunacy as I currently found myself?

During my college days, the world's population was 3.5 billion, by 2002 it stood at 6.5 billion, 3 billion additional people just since I went to college. That's one-quarter of the total 12 billion Homo sapiens to have lived on this planet since the evolution of our species around 150,000 years ago. In 1750 the number of humans nearly hit a billion, by 1900 about 1.7 billion,

but by 2000 the increase had shot up dramatically. The key threat to mankind's survival in the 21<sup>st</sup> century is overpopulation. All the horrors of famine, war, pestilence and mass misery until death stem from overpopulation.

Assuming the *Matrix* causes what happens next, its objective and that of evolution for this planet are probably the same. Evolution works to assure the survival of a highly conscious species: humans, who will either wisely accelerate the pace of change in the universe or foolishly end it, at least for themselves. To assure the evolution of such a highly conscious species requires programming a desire for sex when not eating, working or sleeping along with an ability to procreate at nearly any time of the month. The human species key advantage was always its brain with its ability to create technology to compete successfully with and escape from faster, stronger predators. To assure the survival of humans, evolution and the *Matrix* needed us to multiply rapidly and develop technology fairly quickly. 150,000 years ago our numbers were in the tens of thousands and 70,000 B.C. a volcano apparently reduced Homo sapiens to the size of village. Without our ability to reproduce quickly, Mother Nature's experiment in intelligence on this planet might have failed.

The rapid increase in human population also fueled an increase in technology and the development of technology stimulated the rise in population by reducing the death rate over time. During the thousands of years of that evolutionary cycle, nearly everyone living at any given moment was necessary in order to prevent extinction. But at some point, maybe 1900, maybe 1750, the population's drive for sex and advancing technology reached levels where together they caused a rapid increase in population accompanied by the same in pollution and depletion of resources. The rapidly growing population fueled greater advances in technology that caused an even more rapid growth in population with greater pollution and depletion of the

environment. Ironically, the evolutionary tools for assuring the survival of our ancestors now threatened us.

At this juncture, 1750, 1900 or 1950, there arose a surplus or excess population that was not needed for the survival of the species. This surplus or excess population actually became a detriment to the species survival by depleting resources, increasing pollution and leading to conflicts. So in the 21<sup>st</sup> century, there are a huge number of people who should not exist, maybe 5 billion or more or less. In order to compensate, the *Matrix* makes their lives unpleasant in order to cause some to refrain from continuing or procreating. The *Matrix* likely uses other tactics to control or eliminate this surplus population over time, such as homosexuality and Feminazism. Both homosexuality and feminazism deter people who would otherwise have children from having them. However, technology has been hitting nature hard on that with fertilizing embryos outside of the woman and growing life forms from just the mother's genes, but nature also has other options: wars, asteroids, dysfunctional upbringings, falling for the wrong girl, etc.

So to answer Steve McQueen's question from the *Sand Pebbles*, I clearly belonged to the excess or surplus population. Condemned to a life of stupidity by the *Matrix* when after my birth it chose among all the other probabilities that my Nazi mother and her coward of a spouse would raise me. The *Matrix* could have chosen the probability in which both parents got run over by a truck or met some such other terminating event that would have changed my caregivers—but no. The *Matrix* chose them. With the *Matrix* as an enemy, and for me it clearly is, I would never know until too late if my next act merely amounted to another blow from its hammer relentlessly pounding me into oblivion. The time-space continuum in this part of this universe is clearly organized for those who are not part of the surplus population—the lucky ones. That means

members of the surplus population will continuously run into doors that do not open and troubles will seep out of nowhere, but just the opposite will occur to the lucky ones. Whether the *Matrix* allows some free will or just makes human choice a joke for either the surplus or lucky population probably doesn't matter. The surplus population's free will amounts to picking which doors to knock on that will not open because determinism locked those doors to them. The lucky ones choose only doors that open because determinism unlocks them.

Okay, maybe the *Matrix* does not micro-manage the lives of the surplus or lucky populations, but it doesn't have to. All it really need do is determine at birth whether a person is surplus or not by choosing a child's caregivers, not necessarily the parents, but the folk who actually raise the child. After growing up, we would all still have some freedom to choose, but the lucky ones would tend to make choices more likely to benefit them because their upbringing gave them a more accurate view of society and how best to effectively deal with it. The unlucky ones don't have such a perspective or training, although the *Matrix* can probably be fought, to a degree; that it isn't completely determinative and makes mistakes in its efforts to reduce the surplus population. But how to tell whether any acts are fighting or aiding it? I hadn't a clue. As such, I greeted Jeff's proposition with trepidation, fearing just another *Matrix* trick to keep me from my justice, but I still visited him to check it out.

Jeff worked out of his duplex apartment in Manhattan. We sat down, and he proceeded to describe the type of legal work he had been doing for the past five years.

"It's subrogation litigation for a New York insurance company. The company provides casualty coverage mainly to commercial businesses. When something happens, usually a fire, that damages a business' ongoing operations or property, my client, the insurance company, conducts an investigation to determine the cause. Depending on the results of the investigation,



my client decides whether to payoff on the policy or not. If the company pays, we then sue the outfit that's responsible for the fire."

"I'm not sure I understand," I said in my ignorance. "I've never worked on any insurance cases."

"They're not much different than other commercial litigation and a lot less complicated than the lawsuits you worked on at Cravath," Jeff reassuringly replied. "I'll give you an example. One of my present cases involves a famous steak house that hired a company to clean the grease that builds up in the smoke vents over the grills where the steaks are cooked. One night a fire started in one of the vents, caused a lot of damage. My client, the insurance company, paid for the repairs under the policy, and now I'm suing the grease cleaning company to recover for my client what it paid to the steak house. We're claiming the grease cleaning company failed to properly clean the vents where the fire started."

Now I understood. Jeff went on to sell the benefits of such work. The pay was good, almost as much as the Ho made, only I had to pay taxes. The hours were not as long as the prestigious firms for which we both had worked, and I could use the extra time to pursue the avenues of justice left me against evil females. Enough with these demon-spawn taking me for a ride. Not only my dead mother, the Nazi, my ex-wife, the Commie, Feminazis judges but also my fat pig female stockbroker with whom I had met the previous week over her disastrous investments of my money.

My so-called broker and friend, Maiya Furgason, had lied to me that the analysts at Salomon Smith Barney didn't know that the officers of the companies in which she invested lots of my money falsified those companies' financial statements in order to drive the stock price up to the levels at which Furgason bought for my account. I didn't believe her excuse for a minute

since I was no longer in Russia isolated from the news. There were allegations all over the press about conspiracies between analysts and corporate executives to rip off small investors like me. She lied to me, as most females do, to cover up either her incompetence or villainy. That ended my sucker friendship with her although I didn't let her know it. First, I'd find a law firm doing a class action suit against Salomon Smith Barney, then pay Furgason one last visit carrying a wire, just like the old days in the news media, hoping she'd put her fat foot in her fat lying mouth.

"Jeff, let me think about your offer. I greatly appreciate it, but I'll need a little time to decide." Jeff was not only trying to help himself out but to do me a favor as well by pulling me out of what he saw as the tailspin I was in with the Commie Ho. However, I looked at my situation more like a kamikaze dive at the sluts who most recently violated my rights in getting what they didn't deserve. But the *Matrix* had a couple of more surprises for me.

"So what's going on with your ex-wife?" Jeff asked.

"I received a couple of more threatening phone calls, so I tried for a permanent court order of protection, but no go. Also the divorce judge denied my motion to reopen the settlement. These Feminazi judges really don't give a damn what the law says. They just go ahead and do what they want, which is usually discriminating against men while letting girls get away with perjury, hiring threatening thugs or any other criminal activity—just amazing. But I shouldn't be surprised; this is America. Normal civilized behavior doesn't apply to girls here. After all, who else except broads can get away with killing the unborn and partially born with impunity; commit serial murder of their born children without getting fried in the electric chair because they blame a man for making them do their butchery; or beat the rap for slaughtering their boyfriend or husband by simply lying to the court, 'Oh he beat me.' This is one twisted

country. But I still might appeal both decisions; however, the odds of a man finding justice in the New York courts for the harm from an evil wife are nil.”

“What were the reasons for trying to reopen the settlement agreement on your divorce?”

“That the Commie Ho, my affectionate nickname for her...”

“I gathered that.”

“That she and her attorneys used duress and coercion, which included the first telephone threat, to have me agree to the settlement, and that they lied on her Net Worth statement filed with the court, which was fraud. But if I accept your job offer, the financial reasons for providing me some of her income or assets disappear and I wouldn’t bother appealing. Actually, I’m nearly at the end of my legal rope.”

“I’m sorry to hear that,” Jeff said. “Do you have any idea who was making the threatening calls?”

“I went to the FBI; I think I told you about that?”

“Right and they did nothing.”

“Not exactly, they tested the drugs she was feeding me and likely her Flash Dancer customers but wouldn’t tell me what it is. They also tracked down the guy, told me the guy was out of town, so they didn’t interview him. When the guy came back, they changed their minds and decided not to talk to him because, as this one agent said, the guy might get angry and cause me harm.”

“That’s unbelievable! Did the FBI interview your ex-wife?”

“They said they tried, but she told them to talk to her lawyer. They probably went to Flash Dancers like the New York City INS agent when he interviewed her for lying on her visa application. The INS agent visited the club almost immediately after I filed a complaint, which

seemed strange to me. Generally, New York INS doesn't get around to looking into a case for months, if ever. He likely went for a little entertainment on taxpayer dollars, and the FBI guys probably did the same."

"Rather peculiar." Jeff remarked. "I guess they just wanted to look at the strippers. Do you have any indication of whom the guy is that made the threats?"

"When I first talked with the FBI, one of agents said the guy making the threats was probably a hood working at Flash Dancers."

"So in your case for a permanent order, you tried to subpoena the F.B.I. records but no go."

"Not only that, but Sturm wouldn't allow me to obtain records from Verizon that would lead me to the identity of the hood. The F.B.I. claimed the Family Court didn't have jurisdiction to subpoena its records even if Sturm had allowed it, so I'm thinking of appealing her stonewalling the Verizon and other discovery requests."

"Who else is involved in all of this?" Jeff continued.

"Well, as you know the law firm Kuba and Mundy handles all her legal matters."

"A nice Russian name 'Kuba'."

"I didn't know that! The firm caters to Russian immigrants and illegals. Then there were my witnesses in Krasnodar for both the divorce and criminal defamation cases. They were threatened into keeping their mouths shut by Russian or Chechen gangsters. The Krasnodar model agency that sent the ex to work in a Cyprus brothel also runs a call girl operation for the city's business, government and criminal elite, if you can actually separate them in Russia. The Ho's pimp in Moscow provides prostitutes to Western businessmen and the city's elite. He even sends his girls to southern California on bribed visas from the U.S. Embassy. He belongs to an

organized crime group that provides him protection and who knows what else. Actually, I just heard from my Moscow lawyer that my ex-wife's Moscow pimp is being investigated by Russia's organized crime bureau—a redundancy in terms, Russia's a criminal society."

"Any other criminal connections?" Jeff asked.

"What are you driving at?"

"It sounds like organized crime is involved: prostitution, threats, sending women to Cyprus, America and who knows where else, and the Moscow pimp."

"I never really looked at it that way."

"How could you? Think of the emotional upheaval you've been going through. Bouncing from one disillusionment to another, always thinking the next is the truth and the end of the nightmare but it's not. Only as the distance in time increases can you really see what was going on behind the events. Recovering from a psychological trauma like this means getting to the bottom of it, peeling away one layer after another." Jeff always did use psychology as a way to understand problems and then solve them.

"So you think there's more going on here than a prostitute tricking me into bringing her to America? That I haven't been able to see clearly the source of this nightmare because of my defense mechanisms?"

"It's possible," he spoke with a therapist's voice. "What other ne'er-do-wells are involved?"

"A number. Looking back now, they always seemed to be popping up here and there. During my investigation for the annulment/divorce case, a couple of people in Krasnodar told me they saw the Commie Ho hanging around with gangsters and bandits, Russian lingo for

mobsters. One of her model associates even saw her with Chechen mobsters in Sochi, a Black Sea resort.”

“How’d they know they were mobsters?”

“Mafiosi in Russia are like rock stars here. They’re famous, dress a certain way and everyone wants to be one because they’re the only ones with money and power.”

“What a place.”

“Also my Moscow lawyer hired a private detective to check out the brothel the Commie Ho worked at in Cyprus. Turns out a couple of wise guys in Krasnodar own the place. And law enforcement in New York knows that Flash Dancers is a mob operation. I’m sure mobsters also run the Mexico City brothel where she worked. I can check that out easily enough with a private eye I know there. Okay, so the Commie Ho’s entire working career is connected with organized crime, which would have been good for obtaining an annulment or getting her deported, but what good does any of that do me now?” I asked.

“What do you know about RICO?” Jeff replied.

“Racketeer Influenced Corrupt Organization, a Federal law passed thirty odd years ago to take down organized crime. They named it RICO after the lead character in the first gangster movie *Little Caesar*, starring Edward G. Robinson. At the end of the movie, Rico gets machined gunned, and as he lies dying, spits out, ‘Mother of Mercy, can this be the end of Rico!’ Hmmm, a fitting end for the Ho. Anyway, that’s the extent of my knowledge, but RICO is criminal law, and I don’t think any prosecutor will be interested in this case.”

“Prosecutor, no, but you don’t need a prosecutor. The law allows private citizens to file civil RICO suits. And in the civil court you don’t need to prove beyond a reasonable doubt that the law was violated, just by a preponderance of the evidence. Actually, I’ve been working on a

couple of civil RICO cases, and it looks to me that you may have one here. Hoodlums seem to be lurking in the background, appearing when their interests are threatened. I think there is more going on here than you believe. She's probably more closely connected with these gangsters, most likely a valuable member for furthering their operations and clearly an asset. Prostitution, pimping and drugs are big money makers for organized crime."

Leaning back in my chair, I looked at the ceiling as the true nature of the nightmare began to unfold. "Damn! Realization comes slowly in affairs of the heart. I thought I had a handle on things: Russian slut uses drugs and duplicity to sucker me into marriage and bring her to the U.S. so that she can make big bucks in the sex industry. Now you're saying that the Russian mob might be behind what's been happening with the Ho as the front."

"You yourself told me a number of times that the mob runs Russia. Didn't you even refer to Russia as the 'land of RICOs'?" Jeff replied.

"That I did, that I did, but was too blind to see it happening to me. I thought I was smart—what a fool. You're right; it all makes sense. Look at who introduced me to the Commie Ho, her Moscow pimp. He belongs to a crime group in Moscow. In fact, I actually meant one of its enforcers in his office last year when he sold me the naked pictures used for advertising her prostitution services."

Jeff asked, "Were there any communications across the U.S. border or state lines, either before or after the marriage?"

"Sure, after the marriage, letters and telephone calls between her and me."

"They may amount to mail and wire fraud, which is just one of the violations that RICO is meant to address. Her lying to get into the U.S. and the efforts of her lawyer to keep the INS in the dark may also fall within RICO."

“Of course, the fraudulent marriage made up only Act I, which, along with her secretly feeding me drugs and lying over the telephone, was how the Russian gang she belonged to was able to get one of its assets, her, into America where she could make a lot more money for her and her mob associates than in Russia. Sure the amount was small by Russian mafia standards, but multiplying the promised cash flow by thousands of other prostitutes the mob illegally got into America amounted to big bucks. But getting her size 11 feet on the ground here didn’t assure her and her mob associates that she would remain generating profits they maximized by evading taxes and smuggling the cash out of the country.”

“Exactly, when you refused to lie to the INS for her, filed for an annulment or divorce, pushed for a trial and began giving the Moscow INS information, they had to stop you. If your ex-wife and her criminal pals didn’t, it could have resulted in your exposing part of the Russian mafia’s entire operation for bringing prostitutes to America to sell sex and lap dances and even its smuggling of drugs.” Jeff elucidated.

“That’s why the Temporary Order of Protection, the threatening telephone calls, the intimidation of my witnesses in Krasnodar, bribery, perjury and the threat of arrest by that pig cop in Queens; all to protect not only the Ho from deportation but the business of Russian gangsters running sluts across the border. Good grief!”

“Look, I’ll print out the two civil RICO complaints I’ve filed and a couple of memorandum of law. Read them over, do a little research and see what you’ve got. I’ll be glad to help you if you decide to go ahead. Perhaps the most important aspect of RICO is that it is a Federal law, which keeps you out of the state courts.”



“That might give me a chance, although a small one in the Southern District of New York. I’m sure they follow the Feminazi line, but the judges there are a lot brighter than the bimbats in the state courts. I just hope I get a male judge if I go forward with this.”

“Also, if you go to Federal Court, you wouldn’t have the problem of the F.B.I. not being within the Court’s jurisdiction as you did in New York’s Family Court. And federal subpoenas always cause witnesses, whether hoods or corporations, to be more cooperative because the Judges have a reputation of little tolerance for hiding evidence, which is what happened in the Family Court.”

“So it might be better to go the Federal route rather than bother with appealing Sturm’s kangaroo court decision.”

“That’s something you have to decide.”

Jeff gave me the copies of the papers from his RICO cases. I left telling him I’d get back in a couple of weeks about his work offer. Apparently I wasn’t at the end of my legal rope after all, but was this just another *Matrix* trick to give the Commie Ho more time to make money: her only true love in life next to sex. If I pursued the RICO action, I’d need money, which meant accepting Jeff’s offer. And that meant foregoing the appeal of Lobis’ ruling. It also meant delaying swifter and more certain justice. What to do? These days, I trusted the *Matrix* about as much as broads. I didn’t want to get suckered again with another delusion about justice for a man in feminarchy America.

When I got home, another unexpected development. A letter from an old buddy I had known since kindergarten days: Blackie the Indian. We had been friends for decades but had fallen out of touch over the passed five years. Last time I heard from him, he had developed lung cancer, and I assumed him long since dead, but he wasn’t, so I called him up.

Turned out the lung cancer was in remission but he was still knocking on heaven or hell's door. I told him his wife was probably blowing smoke in his face while he slept. We laughed, not only about that, but each other's plight and together cursed feminism America. He invited me to visit and stay at a cabin he owned on a lake in the West. Sounded nice, I told him I'd get back in a week.

Jeff's discussion about RICO and the prospect of reviving my old friendship with Blackie persuaded me to at least check out one last legal possibility by researching the RICO law. If my nightmare fit the law's requirements, I'd file suit in the U.S. District Court for the Southern District of New York and accept Jeff's job offer, and hope this latest turn of events wasn't just another *Matrix* scam.

### I'm A Believer

RICO requires the violation of any number of specific criminal laws, mostly Federal, and allows any private citizen who has been harmed by such violations to bring a civil suit in a Federal District Court providing the wrong doers are organized crime or act like it. That is, RICO allows a person to sue groups of people that cooperate together to do bad things that ended up harming the person suing. Congress realized that Federal prosecutors and local district attorneys couldn't go after all the wise guys, so Congress decided to let private citizens in on the hunt to rid the mob and mafia like groups from our way of life. To encourage citizens to bring suits, rather than resorting to vigilante justice when prosecutors failed to act, Congress granted the citizen who won in court three times the dollar amount of damage done to his business or property. If the mobsters beat a person up or kill him, however, he can't recover for his injuries, pain, suffering or burial costs. RICO does not allow for personal injuries and emotional distress, but the law is still evolving. One judge, for whom I once worked as an intern, Chief Judge Jack

Weinstein, has extended the law to include personal injuries that impact a person's property and business, such as preventing a sole proprietor from carrying on his business while he recovers.

Weinstein, appointed by Bobby Kennedy, whose presidential campaign I worked for as a volunteer, always stood out as one of the brighter and fairer judges in the federal courts. Once he was trying to decide what sentence to give convicted Congressman Fred Richmond, so he asked his law clerks' opinions. One clerk thought the judge should be lenient because the defendant was a former public official, but Weinstein disagreed because the congressman had abused the public trust, so he deserved a stiffer sentence.

RICO law is complex and many judges, especially in the U.S. District Court for the Southern District of New York where my case would have to be brought, didn't like it. Also, if I had to appeal a District Court decision, it meant going to the U.S. Court of Appeals for the Second Circuit whose judges liked civil RICO cases even less. To the busy District and Second Circuit judges, civil RICO cases took too much of their time and confused everyone involved, so they used various tactics for throwing out cases brought by individual citizens. The judges, however, are more accepting of RICO cases brought by government prosecutors—bureaucratic courtesy, I assume. The judges' objection as to the time a trial or appeal would take I could understand since RICO involved a lot of different elements and criminal laws, but their problem with confusion was no excuse. As lawyers, they failed to look at the law from a business perspective. Judges and lawyers think two-dimensionally in terms of a shopping list of facts required for liability, but RICO requires a three-dimensional perspective to understand the sphere of the context in which certain crimes are committed. More simply put, judges and lawyers lose the forest for the trees.

Looking at RICO from a business perspective—my Columbia MBA finally comes in handy—gives an overall view of the types of activities intertwined with certain relationships the law tries to prevent. Any criminal operation, such as the Russian mafia, can be thought of as similar to a corporate conglomerate with all the business related connections the conglomerate has to other conglomerates, companies, organizations, governments and individuals. These connections are the conglomerate's allies in making a profit. The corporate conglomerate itself consists of affiliates and subsidiaries each with its own managers. It may be tightly controlled by a few executives at the head office or operate more like a confederation in which all member and allied companies are pretty much autonomous in making day-to-day decisions. Conglomerates can have their own in-house counsel, captive law firm or outside lawyers where the lawyers not only participate in management decisions but also provide directions for carrying out decisions and running segments of the operations. The same holds true for accountants, public relations firms, advertising agencies and consultants on management, personnel and the physical plant. Even suppliers, wholesalers or retailers may swing enough influence to play a role in directing operations because of the integrated effort needed to bring a product or service to the market place just in time to meet consumer demand. There is no set structure for conglomerates other than their members and associates sharing common goals and acting together to achieve those goals.

The really successful conglomerates, whether legitimate business or mafia, have a strategic vision or goal that can be expressed in a sentence. For example Disney's: "Bringing happiness to millions;" General Electric under Jack Welch: "Become number one or two in every market we serve;" the Mexican Cartels: "Addict everyone we can, kill the rest;" or the Russian mafia: "Infiltrate and expand operations into hard currency markets, especially the U.S." These

goals are what give direction to decision making by managers, employees and associates in large, modernly managed organizations and mafias. Such goals eliminate the need for a hierarchically structured command and control, as in the military. A mid-level manager does not need a higher up who in turn needs another higher up, and so on, to okay a course of action. Managers will only make those day-to-day decisions that serve the organization's stated goal, provided they understand what that goal is.

Once an organization's goal is in place, the managers need to agree on strategies for achieving that goal. With RICO conglomerates, the strategies are basically summarized by the three main RICO violations: getting it, keeping it and running it. For the Russian mafia that means:

1. Invest money from criminal activities to gain control of other businesses—whether legitimate, criminal or a mixture of both—in order to expand.
2. Use criminal activities to hold onto businesses or take over others—whether legitimate, criminal or mixed—in order to consolidate and expand operations.
3. Operate the criminal conglomerate, or as the law calls it the “enterprise,” by conducting the criminal activities that are its core business—white slavery, importing pornography, drug trafficking, financial fraud, protection, extortion—and using other criminal activities to secure the core business and maximize profits.

Conspiring to violate RICO comes into play when participants or associates of a criminal conglomerate agree on any of the above strategies.

In order to execute any conglomerate's strategies requires tactics—the nuts-and-bolts actions needed for getting, keeping and running the organization. For a RICO conglomerate the tactics consist of a web of criminal activity made up of any number of specific crimes that are

connected to each other and last over a minimum period of time. In the Second Circuit, it's two years.

A RICO conglomerate must also act across state or foreign borders; otherwise, the federal law can't touch it.

There's a lot more to this, but that is the simplest I can make it. So what does it all have to do with the Commie Ho? Looking over the events since I first met her through the perspective of RICO, an international group of hoods had set traps for unsuspecting Western businessmen into which I had walked that resulted in my bringing one of their prostitutes and procurers to the American market. In effect, I was taken for a ride by a mobster moll right out of a 1940s detective movie, except standing behind this moll were assorted organized crime figures: Russian, Chechen, Cypriot and American. That ride harmed my business by causing it to lose business opportunities and profits, damaging my business reputation and costing me lots of money. Time and money went into investigations and court proceedings to fight the perjured Temporary Order of Protection, try for an annulment, obtain a divorce, determine who were threatening my witnesses in Krasnodar and me in America and enlist the legal system in America and Russia for protection. My efforts at rectifying the harm done me and preventing additional injury took time away from my business, which cost me money. The criminal defamation by the Commie Ho's mother in Krasnodar, the Commie Ho's lawyer making and filing false charges against me in the U.S. and the threat of arrest by one of the Ho's apparent clients, Detective Henning, damaged my business' reputation and good will—more money gone.

A RICO lawsuit, if I won, would not only compensate me for all that but also punish the culprits by rewarding me three times what they cost me. That sounded fair, although I still worried about a time-costly, dead-end diversion in pursuing a civil RICO case. Every day of

justice delayed meant another \$500 to \$1,000 for the Commie Ho, more money, more power. But I had to give it the old college try, so I decided to file a suit and accept Jeff's work offer. Since I wouldn't be starting for him until after Labor Day, I had time to draft a complaint and spend a handful of days in West visiting my old pal Blackie.

I looked forward to seeing Blackie again, and following the visit would give me a chance to check up on Anastasia and Dima Vasilyeva, the two that ran the Tatyanna Vasilyeva Fashion House in Krasnodar and its "dirty girls" list. The Vasilyevas' U.S. residence was about a two hour flight from where Blackie lived. Was this a *Matrix* setup? I wouldn't know until I acted.

My RICO Complaint referred to the overall criminal conglomerate as the Russian International Crime Organization, an intentional play on RICO, and for short: the Russian mafia. The Complaint described that enterprise as arising out of the ashes of the Soviet Union when the collapse of communism unleashed that evil empire's restraints on organized crime, corrupt government officials, travel, trade, communication and emigration. The Russian mafia consisted of domestic and foreign corporations, partnerships, individuals, government officials, law firms and organized crime gangs, including American, Russian, Chechen, Cypriot and Mexican. Its key aim was to infiltrate and expand activities into hard currency markets where profits are not threatened by inconvertibility or drastic depreciations. The Russian mafia's members and allies cooperate together for the purpose of engaging in illegal and legal activities in order to earn substantial profits.

The Complaint focused on a small portion of the Russian mafia's activities in America, Russia, Cyprus and Mexico that injured my business and financial assets. It asserted that in order to transfer a valuable asset, the Commie Ho, to America, the Russian mafia, operating through some of its allies and members, such as Leo, aided and abetted the Commie Ho in

entering a fraudulent marriage for the purpose of evading U.S. immigration laws—a Federal felony. The Commie Ho and her mob associates, such as the Athanasious who provided a bribed police report for Immigration stating the Ho had been a good girl in Cyprus, defrauded INS and the Department of State into issuing her an immigrant visa, also a Federal felony. In order to keep her in America making money for the Russian mafia and furthering its operations, mafia members and confederates, such as Mundy’s law firm, tried to coerce me into lying to the Immigration Service, intimidated me, threatened me with physical violence, suborned and committed perjury, engaged in mail and wire fraud, bribed officials, attempted to and did tamper with witnesses and informants. The Commie Ho and her Russian mob associates maximized profits and minimized expenses by evading taxes, laundering money and exporting revenues out of the U.S. without reporting so as to disguise the true ownership and source of those revenues. The Commie Ho and her mob associates also engaged in white slavery, prostitution and drug trafficking, imported pornography, used international facilities to assist in carrying out its activities and conspired to commit murder for hire.

News of the conspiracy to commit murder for hire came from a reliable source in Krasnodar. The Commie Ho had met with someone in the Khachaturyan Araratovich Asypyan crime gang in Krasnodar before the Sturm trial to arrange for deep-sixing me if I were called to testify at an INS proceeding against her. When I had worked at Kroll, the going rate for offing a foreigner was \$5,000 plus travel expenses. The Commie Ho could easily afford that or just sell a subscription of equal value for access between her legs. The hit contract didn’t concern me because the INS would never call me to testify.

The way Immigration’s procedure works under VAWA, the Commie Ho and Mundy can say anything they want about me to the INS in order to trick the government into granting her



permanent residency. They can accuse me of battery, extreme cruelty, an overall pattern of violence, rape and mayhem, and I'll never have a chance to refute their lies because I'll never know about it, and even if I do, I still wouldn't be allowed to show they are lying. Why, because I am an American who married an alien. Under VAWA, aliens have more rights than citizens, especially when the citizen is a man. The protestants in Medici France and the democrats in Stalin's Soviet Union had no right to be heard either, or any other due process rights for that matter. In America, the mere allegation of a husband slapping his ex-wife around prevents him from finding out what's going on at INS concerning his alien ex-wife which results in a permanent record of false fact findings libeling the husband that is assumed accurate even though he never had a chance to prove otherwise. In addition, the husband will never be able to find out what the fact findings were although every police agency in the world can along with certain private Feminist organizations. So if an American applies for a federal job and doesn't get it because his alien ex-wife or alien ex-girlfriend lied about him to INS, he'll never know. What a piece of work is feminarchy America!

After giving Jeff a draft of the Complaint to review, I made arrangements to fly out West to see Blackie. Before leaving I tried to notify the INS at the Moscow Embassy of the Commie Ho committing a Federal and state felony by falsely claiming to be a U.S. citizen when she registered to vote. Unfortunately for me, my INS contact at the Embassy, the only competent Federal employee I had come across, left to join a diplomatic security unit at the Department of State. Smart for him, but now I faced a bottomless pit at the Embassy. Things were going wrong again.

It took me a month and repeated threats to file a complaint with the INS inspector general before the Embassy folks began to stir their chronically lethargic brains to simply find out who

was now handling the Commie Ho's removal proceeding. Neither my Moscow attorney, Xenia, nor I could reach a live person at the Embassy's INS office. So at Xenia's suggestion, I FedEx the certified voter registration documents that showed the Commie Ho perjured herself, and she had them hand delivered to the Embassy. Xenia remarked, "That's for getting something to the INS at the Embassy, but getting information on who's now in charge of the case—well, that seems to be something even Houdini couldn't do."

Xenia finally found the man in charge of the Commie Ho's case, Scott Marvin. He sent two emails to me, and Xenia met with him once to turnover the voter registration documents. Marvin told Xenia he'd notify the INS in the U.S. immediately and let her know the following week the status of the removal proceedings. We never heard from him again. He simply ignored any further attempts to contact him, even when we tried to supply more information. Xenia kept a list of the many times she tried to contact him over much of the following year and then we just gave up. Marvin's reason to stop any communication could have resulted from the VAWA Feminist requirement, 8 U.S.C. § 1367, which prevents disclosure of any information concerning alien's applying for VAWA waivers. But then again, maybe the new female head of Immigration at the Embassy decided to bury the case.

The voter registration documents were also dropped off at the New York City INS office, and both it and Moscow were given the number, issue and expiration dates of the Commie Ho's second passport that she used to hide from U.S. Customs her money laundering travels to places like Cyprus. The passport information came from an official at the Italian embassy in Moscow where the Commie Ho obtained the visa for her prostitution trip to Italy with Alfredo. When the Commie Ho entered the U.S. she used one passport that only showed travels between America

and Russia with her other passport bearing the stamps of Cyprus and other havens for tax evaders, money launderers and the Russian mafia.

### Hey, Little Girl

On my way out West, I got to talking with a couple on my connecting flight from Pittsburgh. They asked me, as Westerners always do, “What’s it like to live in New York City?” Too arrogant to lie, I said, “It’s a behavioral rat-sink.” The husband understood right away, but the wife, a real blonde, probably wishing she had gone there in her younger days to transform her sexual allures into fame, fortune or at least good times, asked seriously, “What do you mean?”

“There’re too many people in too small a space. Someone is always in the way. Noises, whackos, concrete everywhere, filthy air, and people yakking on cell phones, which makes you think at first they are either nuts or talking to you. More than once I’ve answered a question that someone asked of the other party they were talking to on a cell phone. The overload of the senses tends to keep you in constant flight, fight or lust mode. A person can’t relax when he’s out and about. There’s always a little uneasiness that something unpleasant or just awkward will happen. And then there’s the girl distraction. So many hot young babes in tight skimpy clothes looking like juicy plums. Sex sells and no one is better at advertising it than young New York City girls, especially in the nightclubs. A man just can’t concentrate on anything when out in the street.” The husband’s ears perked up at this.

The wife, most likely dreaming of what-might-have-been, said breathlessly, “Sounds exciting!”

“For you it would have been,” I said ending the conversation and sinking back into my seat to ruminate about this typical of females. She clearly wished she had gone a hoing in New York in her younger days to live the nightlife on the wallet of one man after another.

New York City was and is a ho magnet, or as a friend calls it “a ho-aisis.” Every gold-digger in every hamlet, third-world mud-street dive, small town America or urban center wants to live in New York City when she’s at the peak of her power or, more accurately, trading ability—mid-teens to late twenties. In the City of eight million stories, she can rent her tits and ass for lots of gold, find one affluent sucker after another, ho numerous back-door men while acting the role of a “good girl” for her main sucker, and, maybe, make a big score using institutions that once stood for some degree honor but now only serve Feminazi efforts to extort, fleece and subjugate men. There’s nothing new about girls trying to pick men’s pockets, use guys to solve their problems or ruin a man’s life to get what they want, but under Feminazism, girls are successfully approaching totalitarian control over men. Broads throughout the world know the most lucrative free-fire zone for taking down men is New York City.

Take the ludicrous example of a stripper—that means prostitute—at an upscale lap-dancing club in Manhattan. She went into a New York State court charging the men running the club with sexual harassment and walked out with millions of dollars. Hello, selling sex is what she does, she can’t sell it if potential customers don’t respond to her advertising, so when some guy working at the club responds by waving his dick at her, assuming her accusations are true, the man-hating court, with applause from the emasculated news media, gives her millions in sex-mail, or perhaps the Feminazis call it gender-mail. Pure injustice, what does a stripper and prostitute expect? She assumed the risk by voluntarily putting herself in situations in which she intended and hoped her “charms” would excite men. So she was successful, but since the guy wasn’t rich or famous, just an employee, she felt offended and the court gave her millions for her hurt feelings.

Besides illustrating the present-day despotism of Feminazis in positions of power, that case also shows the age-old problem with pretty young hos. They exploit the power of their bodies that they intentionally augment—high heels, tight revealing clothes, bras with fake nipples pointing through their blouses, lip stick, eye shadow, eye liner, fake lashes, pheromone perfume, strategic padding, jewelry and so on—to wheedle money or something of value out of a lucrative prospect. How many guys on waking up have looked at the girl beside them and wonder, “Who’s this; she doesn’t look like the girl I picked up last night.” The reality that girls can’t get through their heads when using their sexually enhanced weapons is that those weapons don’t work like laser-guided missiles. The weapons tend, like cluster bombs, to hit every man in sight, or smell. When non-lucrative prospects react to their concocted sexual bombs, girls feel offended, annoyed and sue the guy for sexual harassment. The Feminazi courts, aided by the Feminazi controlled media, which intentionally makes the man look bad for following his genes that hos knowingly manipulate, reward these broads even though they intentionally or recklessly incited the situation.

One reason the Feminazi judges and reporters persecute men while treating trollops as angelic victims is because female judges and reporters also use or did use the same tactics to attract certain guys and became livid when the wrong guy approached them. The female judges and bimbo reporters are just as guilty as the sluts, and boil with the same delusion brand of self-righteous indignation until the opportunity occurs to vent their vengeance on some guy. For those girls who never had any sexual power or lost it to the passage of time, they try to substitute other means of attracting a man. Some delude themselves into believing that by running around reciting the liturgy, “I’m a strong and independent woman, I’m a strong and independent woman,” or by making good bucks in a job they stole from a man or by trying to brainwash

society with pious declarations that girls aren't sex objects will win them a man—it won't. So, these scorned Feminazis take the fury of their rejections out on any man they can. Either way, innocent men suffer at the hands of Feminazis in positions of authority. If Feminazis can use female hormones as an excuse for murdering children, then society can use their hormones as a reason to keep them out of positions where they can harm even more innocent people, especially men.

The Feminazis just can't accept the role that Mother Nature made for them. To keep the species going, girls had to be sex objects. Most young girl's breasts are larger than required to hold the milk for suckling the young and shake like bowls of Jell-O in order to attract the fortune in men's eyes. Their asses are prominently and roundly formed so that men will look at them with desire. No one needs all that padding for sitting, which girls do a lot. Don't get in the way of girl heading for a seat in a subway car. Even if it is too small to fit her drearier, she'll shoehorn her rear in there somehow. Had Mother Nature not made girls objects of sexual gratification, none of us would be here.

Those mounds of flesh carry a power most ugly Feminazis can't imagine or the once good looking ones are trying desperately to replace. The now dried out, bitter females who bought into the Feminazi bill of delusion that girls should concentrate on a career, like men do, now realize there aren't any guys out there interested in them because they are no longer physically attractive. They've let the best years of their lives slip away by demonizing men and believing exalted delusions about themselves. Real men, not hermaphrodites, don't want a fat and flabby over-the-hill broad in her mid-thirties or older, and here I'm being charitable. Personally, I think the logical cut off for a girl's desirability is her late twenties. She better find

her main fool—husband—by then because, unlike with a guy, a girl’s money and social influence can’t compete with firm round breasts, a tight ass and a coquettish giggle.

In vain efforts to recapture the power of their youthful Ts & As, the Feminazis have latched onto the societal authority traditionally held by men as a substitute. But institutional power in the hands of a broad generally doesn’t work because Mother Nature made guys and girls different. Mother Nature knew that in order for humans to survive, it required a division of labor because no one person could perform all the tasks necessary to assure the proper upbringing and survival of children. Yet Feminazis delude themselves into believing they can “do it all,” and some do—but always badly. Unlike other mammals, the offspring of humans need protective surroundings for years in which to learn how to cope with the environment, whether the plains of Africa or the streets of New York City. Other mammals are born with survival hard wired into their brains. But because of that, they can’t take advantage of or readily adapt to change. Humans can since their brains continue to develop after birth. In order to give human children the chance to reach maturity, function within a society and procreate, Mother Nature divided up the child rearing and protection tasks.

Females handled the kids in the early years that resulted in women developing superior aptitudes in language that grew out of understanding baby gibberish and the ability to sense emotions, which together enables them to read the signs of problems or normalcy in a child. While caring for children, women gathered berries and roots that developed their manual dexterity in which to this day the average girl excels over the average man. Watching the kids and searching for small items of food at the same time created in females a speed of eye movement generally quicker than in men. For example, it’s difficult for the average guy to catch

the average girl looking at him because her eyes move more rapidly than his. The rapid eye movement ability in females makes for excellent accountants and secretaries.

Evolution gave the roles of protection and providing the protein that's crucial for survival to men. Battles and hunts occur on a three-dimensional chessboard that requires a man to see in his mind the locations, movements and relationships of his targets and then extrapolate this information to the next moment. Testosterone provides for more gray matter in the male brain, which is responsible for such computations. Today, only one fourth of women score higher on this ability of three-dimensional visualization than the average man. In addition, tracking down mammoths or fighting adversaries bent on destroying a person's tribe required cooperation, organization, courage and honor. A man facing a prehistoric beast or human enemies needed to rely on other men, so a concept of integrity or honor developed among most men because they literally were entrusting their lives and families to other men.

Organizational and cooperative abilities led men to create societies, starting with tribes and later city and nation states, in which women created the home so that children could be raised to contribute to carrying on the species. With the transition from hunter-gatherer to agrarian societies some 10,000 years ago, men still fought, although somewhat less with weapons, to protect their societies from others and nature by using their evolved abilities to build economies, physical infrastructures, governments, press, labor, religion, education and all the other institutions to which modern day nations are heirs. Girls, consistent with their evolved traits, acted timid and afraid to take chances, but so they should for Mother Nature chose them as the caretakers of the next generation. Men, on the other hand, needed to be daring, for they are the protectors of the next generation and explorers of the unknown, which often leads to opportunities that increase their children's odds of survival. Within the state, men and women



carried out roles consistent with the abilities they acquired over millions of years of mammalian evolution from the jungles to the sidewalks. But in the seventies, the Feminazis began their campaign of evolutionary incorrectness, fatuously described as “politically correct,” as though someone’s politics could seriously be taken as correct, which is about as ridiculous as a particular religion being correct.

All the talk of “political correctness” was just propaganda for a special interest group that wanted more than they deserved or could handle. Same old story: a small group of people want all the benefits of society without the accompanying obligations, so they come up with a lunatic philosophy that they sell to others, which ends in a lot of misery for everyone. If all these girls are as good and tough as they think or the fantasy world of Hollywood makes them out to be, why do they still start crying when they’re caught screwing up? Remember the bawling Feminazi head of the Red Cross who got fired for defrauding the public into giving for the 911 tragedy but then used the contributions for other purposes. Or take this knock ‘em down; shoot ‘em up alleged action heroine Lara Croft feigning the courage and toughness of a man. Does anyone other than a Feminazi believe that I, a middle-aged man, couldn’t deck the actress in that role in seconds or the latest Hollywood she-male boxerette?

Mother Nature’s invention of the concept of division of labor made so much sense that it led to economies in which individuals, companies and even countries produce the products and services for which they are best suited. Globalization is nothing more than focusing production in those parts of the world where the geography, natural resources, culture, demographics, government and other factors make the creation of certain goods and services most efficient for a specific level of quality. It doesn’t mean, as corporate America typically argues, moving operations to the cheapest labor market. Talking with someone in India who doesn’t fully

understand American English, but pretends to, does not efficiently provide a valuable service although it does increase revenue to pay bloated executive salaries and bonuses. Smart individual businesses divide up lines of production and services in order to use workers with the necessary abilities and skills for a set of labor tasks. Only an idiot would place an employee with the abilities and skills for one position into a position requiring a different set of abilities and skills. But that is exactly the Feminazis goal for all of society's labor tasks except the most dangerous—those stay with men.

Girls have plenty unique abilities—they aren't powerless. They've always had some power over men, but now the Feminazis want a tyranny. Evolution gave girls enough powers to hold their own with men in a forever-troubled equilibrium. The powers of sex, duplicity, emotion and cold-hearted self-interest savagery all fall largely in the dominion of women. Girls' power of emotional manipulation employs an arsenal of weapons: sympathy, boosting a man's ego—"you're the only one," motherly pretenses and shaming or trying to make a guy feel guilty. Nature in turn provided men with the powers of physical strength, logic and courage that built, ran and protected various social orders. Men's ability to physically beat up females was always balanced by evolution enabling females to emotionally beat-up men. Unfortunately, given the limitations of technology, a man can't show in court the pain and suffering caused by a female's intentional infliction of emotional distress. There is no machine to look inside his head that would allow him to claim he hit her in self-defense. All the court can see is the girl's black eye.

The Feminazis aren't satisfied with their feminine advantages, they want more by wresting social authority away from men in order to tip evolution's balance of power in their favor. What they fail to realize is that social authority requires the attributes Mother Nature gave men—qualities most females will never possess anytime soon. By stealing for themselves roles

evolutionarily fitted for men, the Feminazis are doomed to bitter, unfulfilling lives while men suffer the savagery that occurs when broads gain the upper hand, as described in Frederick Engels' *Origin of the Family*, a fitting analogy for modern day America.

Most of today's younger Feminazis don't realize what some of the older ones have finally learned: socially authoritative positions and constant attempts to disgrace and dishonor men so that they will cave to female whims just make men turn away. Most men aren't attracted to girls with social authority; they had enough of that from their mother and teachers, and no man wants to spend time with someone who's always trying to denigrate him by harping on a few bad examples of men. The only guys these Feminazis can attract are members of the eastern, effete, white trash, quasi-intellectual elite, who are androgynies anyway. Feminazis are evolutionarily incorrect, and evolution will eventually win out over that special interest group's illusions of political correctionalism.

Another major flaw with the Feminazis is their objective to keep older babes in the running for men by using a mirror image to understand guys. Any 101 international relations course warns against this method for determining how to deal with an enemy, which to the Feminazis, men are. The Feminazis know what attracts females to men: money, power and fame, so they foolishly conclude that the same would make females attractive to men by assuming men are like females: a delusion to say the least but necessary for many desperate broads who are over-the-hill.

The Feminazis in their quest for the social authority held by men also believe that money and authority will allow them to behave as barbarically as they wish because there would be no father figure in the form of a wealthier or more powerful man to curb their emotional tantrums. That's why so many broads in positions of authority act so mean and nasty—there's no restraint

on their innate malevolence. One of the many reasons evolution made men better suited to handle the stress of social power was to curtail the boundless evil that females drunk with power will pursue. Witness those high school sororities that were hazing new recruits in a field out in the West. I went through hazing at a college fraternity that was nowhere near as brutal as what those girls were dishing out. And all that it would have taken to stop those barbarian princesses was for one man, just one and not an androgyny, to walk into that field and tell them to knock it off. Or take the female customer service reps that the public has to deal with when a company makes a mistake. Reasoning with them is impossible. They lie to cover up their ignorance, can't make a judgment call to solve the problem and use authority in an arbitrarily vindictive manner. Men are not immune from abusing power, but because evolution slotted men for handling the responsibility of social authority, they are more able to handle it and less likely to abuse it.

As my plane began its descent into the airport, I concluded that when a man pursues the occupation that best suits his aptitudes rather than fears or the wishes of others, girls take their evolutionarily correct place—good for mothering his children or partying. And the two roles shouldn't be confused. Once crowned with the title “mother,” girls generally turn into bores and nags since caution and restraint fit that role of nature. No kid wants to see his or her mother as a boozier, druggie or ho, which is why mothers always rewrite their earlier days to appear as good girls. For partying and fun, pre-motherhood young babes satisfy the need since that's their role. But serial sexual escapades and repeated episodes of temporarily altering the brains chemistry while partying with girls is no reason by itself for a man to live. The worst fate for any man comes when he fails to pursue his first-best destiny because the resulting existential vacuum becomes occupied by the girl of the moment to whom he ascribes idealistic attributes that females do not and never will have, such as fidelity, honesty, honor, courage and compassion.

The guy creates an illusion that the girl is what makes his life worth living, what gives him a reason to continue his pathetic little existence. Girls know this instinctually and use it to their own self-serving interests. All girls carry inside their heads the motto that “Men are like children, they believe anything.” And girls will ruthlessly exploit that gullibility to delude guys into believing that females are of angelic quality and worth living for. They aren’t.

A man requires eternal vigilance to avoid trusting females or listening to their advice because duplicity is one of their innate powers that they adeptly use to further their own perceived ends, no matter how warped they may prove. Girls can only think about themselves. They don’t care what kind of harm they do to a man. Girls will sacrifice a man’s dreams, hopes, aspirations, savings and life so long as they get what they want and will feel no remorse in doing so because they believe their actions justified, since they are females. Girls reserve for themselves the right to commit any crime, to lie and to cheat, for men are as dust to them. They have been the focal point of evil in the world for millennia and as with so many other lunatics throughout history, believe they have a divine right to abuse men, since god, or in feminarchy America the goddess, is on their side.

A man must keep his priorities straight in the face of the seductive charms of young ladies. After his first-best destiny comes keeping himself in shape. Muscles that work provide a sense of confidence and well-being—evolution’s natural state for a man. To keep from going nuts in a society that caters to females and tolerates injustice, everyman needs a few close friends: guys he can trust and on whom he can rely, not broads since they are genetically untrustworthy and as fickle as history. For fun, there’s chasing girls, and it’s not as difficult as most guys think. Girls are hungry for men, just look at the faces of the ones in a nightclub that aren’t dancing. All a guy need do is walk over and start talking to them in a matter-of-fact

manner. No Shakespearian witticism necessary; they wouldn't understand it anyway. Only the arrogant or nervous Nellys will give a guy a hard time or ignore him, so move on: a guy doesn't want the snobs or fearful ones anyhow. If a man chooses to have children, then for their sake he has to put up with his wife's efforts to emotionally manipulate and deceive him, but the husband can deal with this by remembering that he's living with a pathological liar and teller of tales. Above all else when married, he must not give up partying with other girls for his wife will surely ho other men as long as guys find her desirable.

### Summertime

Late August 2002, my first vacation since I traveled to Puerto Rico during Thanksgiving in 2000, I needed it. Blackie put me up in his cabin looking west over a lake, an ideal spot to take in the tranquility of the setting sun glistening over the water. Gazing out on the lake made me wonder, as I always did when in a quiet place surrounded by nature, why did I ever settle in New York City? I had never answered the question and wouldn't this time, why bother, it didn't matter. Even if the reason no longer made sense, I couldn't do anything about it. Thanks to the female influences in my life, I no longer had the money or prospects to move elsewhere.

The years since Blackie and I last saw each other had brought both of our lives to an unpleasant stage—no golden days these. Still, we had a lot of laughs talking about the absurdity of our existences that were winding down. Most people end on a down note; the problem with us is that we never had an up note. Our dooms differed: mine mental, his physical, but both of us cursed these times. The aftermath of Blackie's cancer condemned him to some days in which he felt so bad, he just stayed in bed. We couldn't figure out whose life turned out worst, but while Blackie might disagree, both of us clearly had nothing to lose anymore.

Blackie lived the middle-class suburban life I had always disdained: family, two story house in a real nice neighborhood with trees, grass and empty lots. Okay for a guy that recently retired from working in a grammar school. He would have done better, however, by working elsewhere, but when he finally left graduate school, colleges and even high schools were only hiring Feminazis—no men need apply! A similar situation happened to me in television news where broads, not half as good as guys in that business, received preferential treatment for jobs. The news director at one TV news show told me he'd make me a reporter—if only I were a girl. The big lie for 50 years, about which broads must still laugh at men for being so gullible, was that girls weren't equally represented in various institutions and occupations because of invidious discrimination. It wasn't invidious discrimination because most girls couldn't meet the minimum requirements for certain jobs until the Feminazis intimidated employers into lowering the requirements.

In the seventies, the government, media and education imposed quotas that gave lots of incompetent Feminazis jobs evolutionarily suited for men. My first television job resulted from a local TV news show wanting to hire me in 1975 but couldn't because of the Feminazi quota system. The Federal Communications Commission tied the license renewal for all television stations to the affirmative action hiring of broads. In order to circumvent the dictates of totalitarian females, the news director created a job in which all the network's stations hired a fraction of me. Since the quotas only counted whole persons and not fractions, an additional man to the station's operation never showed up on the records. The news director was a courageous guy for doing that, as was the executive producer for special events at the second news show I worked. The executive producer went out on a limb to hire me despite management pressure to hire a girl. He gave me the job because I was more qualified.

Feminazis like to say a girl has to be “twice as good” to get a job over a man. Not from my experience. The Feminazis must be confusing the denominator with the numerator. After all, Mother Nature didn’t evolve girls to be good at mathematics, which depends so much on geometry. Men, not girls, had to make sure a spear traveled in an arc that struck its target. Although ancient men didn’t know they were using geometry, a successful hunt and therefore survival depended on it. Geometric ability imprinted mainly onto the genes of men so that today boys on average perform better on spatial tasks and tests of mathematical reasoning. Girls, as a result of their roles in rearing children, do better at verbal memory and distinguishing whether objects are similar or different. For example, Vanderbilt University studies show that thirteen times as many boys as girls score above 700 on the math part of the SAT while girls do better on the grammar and writing sections.

The reason the main stream news media can’t get the lefty bias out of its reporting these days is that the old quotas resulted in many Feminazis, mostly lefties, slithering their way into the business in the seventies and eighties. Back then, the major TV news shows were on CBS, NBC, ABC and PBS with the key newspapers the New York Times, Washington Post and Los Angeles Times. Today these girls have positions of influence at these organizations, and, as females always do, they push their own agenda regardless of the truth. As a result, the traditional media no longer reports the news but propagandizes or feminazizes it as does the New York Times or more accurately New York Pravda, which prints whatever it wants—whether true or made up.

Educational institutions have also concentrated on hiring girls over men since the 1970s. That led to the failed feminine-wimp approach of coddling children rather than disciplining them. Old fashion discipline at least made kids pay attention long enough to learn the basics for



survival and act sufficiently civil so that teachers could teach. Nothing focused my concentration or curtailed my unruly behavior in school more than the gym teacher bouncing me off the bleachers for acting up in one of my classes—the right amount of physical force gets results. Even females should understand that. Slap one upside the head, and she'll reel-in that sharp, lying, female tongue that has caused so much trouble and pain since language began. But with the Feminazis in control, education has replaced masculine discipline with therapy and substituted the development of the different aptitudes of boys and girls with socially engineering guys into girls and girls into guys in an effort to yield a Frankensteinian common denominator of soulless automatons with sexually neutral attributes.

Feminazis, their fellow travelers and those too weak to oppose them are responsible for turning the government, media and education into wimp institutions. Imbuing these sections of the American society with estrogen driven, irrational feminine traits may rank as the determinative factor in initiating the end of this country's success. All empires rise and fall, and the Feminazi brand of totalitarianism is putting an end to an America where a man could live more or less free and pretty much pursue the opportunities he wished.

The Feminazis, as with all tyrants, hold others to a standard of conduct that they do not follow. If Billy Bob Clinton had been a Republican, the Feminazis would have swarmed like locusts on Washington during his impeachment hearing. The rest of the world, including Europeans, sees this. That's one reason America is so hated in the Middle East, Russia, Asia, Africa and South America. The men in those places don't want America's values because they don't want to end up as some shrew's lap dog.

There are lots of guys from my generation whose lives the Feminazis screwed in the name of their big lie that throughout history men unjustly and harmfully discriminated against

females and otherwise oppressed them. Oppressed, how? Discriminated, sure, but to their benefit. Here's a segment of history in which these duplicitous broads claim a male-dominated society oppressed and discriminated against them:

A propeller driven plane drones somewhere overhead far out of sight. Its low monotone humming envelops a warm, spring Sunday afternoon somewhere in the 1950s. I sit on my 24 inch, black, single-gear Schwinn bicycle, keeping my balance by holding onto the door handle of an old, blue, four-door 1947 Dodge.

My consciousness pauses at the moment, feeling vaguely sad for no discernible reason. The week's events ended with this gift of nothing to do: no homework, no television shows, no new housing developments to explore or classmates able to come out and play.

The dead-end street needs a new asphalt topping. Where I am balance on the side, the asphalt has broken up into small gravel-like stones with an isolated weed sprouting up here and there. It is still early spring, the lawns are just beginning to turn green and the tulips and dogwood buds remain closed, waiting for a few consecutive days of warm weather. The air smells fresh, warmed slightly by a gentle breeze.

The droning airplane fills the vacuum of silence on this street with modest middle-class houses in this small suburban town, whose claim to fame will not come until the end of the next decade. Of all the towns in America, this town will have the second highest number of persons per capita to die in Vietnam—all of them men, of course, and all of them guys I grew up with.

Nearly 58,000 American men in the military died in Vietnam, at least 40% of them went unwillingly—they were drafted. Around 340,000 were wounded, a couple of million served and, the statistic I like the best, over 58,000 of the men that served in Vietnam subsequently committed suicide. While so many men suffered, females opportunistically took advantage of the lives, minds and years the war destroyed by seizing jobs previously held by men.

As girls flooded into the better jobs, men continued to comprise 90% of the work force in the most dangerous occupations, died younger and committed more suicides in a society where today over 50% of the millionaires are women. How could any rational person, which leaves females out, conclude that America oppressed broads? Rather America epitomized a classic, although subtle, matriarchy disguised by the disinformation that it was a man's country. The truth shows girls on the whole doing very well for themselves at the expense of men.

As for female military casualties in Vietnam, none of whom were drafted, guess how many died. Eight—not eight thousand, not eight hundred, not eighty, but eight! The same number of guys who died in Vietnam from the New Jersey town of 7,500 folk where I grew up.

Christmas time 1969, Blackie and I ran into one of the guys we grew up with who was eating lunch at the Stewart's Root Beer stand in our hometown. Brian didn't look very happy that day.

"What's going on?" Blackie asked.

Brian blurted out in despair, "I've joined up."

We knew what that meant. The useless war had been plaguing virtually every man in our age group for years.

"What are you crazy? What about college?" We said almost in unison.

"I didn't do so well, so I'm out of school. The draft will get me any day, so I figure it's better that I join."

"Oh man. You're on your way." I remarked.

"Yea, probably," he said while looking down at his burger.

We talked some more and wished him luck. When Blackie and I left, we knew Brian was dead—so did he. The following spring he was killed.

Brian had been caught in the wheels of a machine beyond his control. A machine that glowered over the land at every young man, just waiting for him to leave high school, funk out of college or graduate. When any of those events happened, the machine grabbed him and sent him halfway around the world to risk his life and sanity to make a few bucks for the military-industrial complex. For years, nearly everyone of my male contemporaries carried on his back

the most powerful country in the history of the world just waiting for its chance to cut his throat, maim his body or blast his mind.

In the late seventies, the U.S. Supreme Court ruled that it wasn't unconstitutional to discriminate against men by drafting them but not females and requiring men but not females to register for the draft. Today's Feminazis cry about oppression and discrimination, what do they know? Most modern-day Feminazis spent the war walking around in mini skirts, see-through blouses, taking drugs and enjoying free love, which meant they were free of the worry of getting pregnant, thanks to the pill. Girls hoed anybody and everybody they wanted, but guys still had to pay the price for a date, an accident and a President, L.B.J., who overwhelmingly won the female vote in 1964. There are a lot of guys in America today who know broads have always received preferential treatment, but let it slide. The Feminazis' continuing greed, however, to take all of the marbles based on a lie of past oppression has created in these guys a deep seated hatred for the Feminazis. At some point, something will happen that brings it out into an open, bloody war.

Out West, Blackie and I hung out for five days, went boating and swimming. Then I flew out to check on the Vasilyevas. Anastasia and Dima Vasilyeva rented half of a tiny house in a working class neighborhood on the outskirts of the nearest city. It didn't fit. These two had lots of money. They ran the top model agency in Krasnodar, a city of over a million people in the middle of one of Russia's most prosperous regions. They also supplied girls from Russia to overseas brothels for which they probably collected 20% of each girl's gross and ran the dirty girls list for Krasnodar's movers and shakers. Factor in that they paid no Russian taxes other than the bribes to their tax collector, and their tiny suburban house began to look more like a cover. With their money they wouldn't live there unless trying to create a false impression, as Russians are adept at doing. Maybe they were trying to appear as poor working class folk to

disguise the importing of girls for prostitution and lap dancing. They probably smuggled the hos through Canada, a country even more liberal at allowing in low-lives than America, or sponsored U.S. visas for the girls by using a modeling outfit similar to what they ran in Krasnodar as a front. The house was too small for running that type of operation, so I checked to see whether they were connected with model agencies in the area, but nothing. Information would likely turn up later that explained why the poverty front.

My vacation over, I took a plane back to New York.

### Work A Day World

After Labor Day, I began working for Jeff, my first paying job since I left Kroll over two years before. The money was good, but I knew I would never make enough to offset the losses due to my incompetent or crooked stockbroker, the Commie Ho, her Russian mob associates and my useless divorce attorneys. Outside of work, I kept fighting on the multiple fronts in my war against the low-lives that had tricked, cheated and violated my rights. Joined a class action suit against my stockbroker's firm Salomon Smith Barney, dug up more information on the Commie Ho's criminal associates in Russia, filed a civil defamation suit in Krasnodar against the Ho's mother, tried to prod the Feds into enforcing the law against the Ho for falsely claiming citizenship and instituted a disciplinary proceeding against my annulment/divorce attorney Silpe for selling me out.

My Russian G.R.U. buddies discovered that the Commie Ho first met Khachaturyan Araratovich Aspyan at the Albatross Club in Krasnodar while doing out calls as a prostitute from the Vasilyeva Fashion House's "dirty girls list." Aspyan, or one of his hoods, was the guy she hired to knock me off if the INS called me as a witness. According to my G.R.U. contacts, the Albatross Club consists of powerful government officials and wealthy criminals—if the two

can be separated in Russia, and controls Krasnodar the way Al Capone's boys did Chicago. Aspyan runs one of the most powerful crime organizations in southern Russia and has close connections with one of Russia's top godfathers Ded Khasan, the mafia boss in St. Petersburg. For a time in the 1990s, Ded Khasan helped make St. Petersburg the third ranked city in the world for unnatural deaths, behind Bogotá, Columbia and Lagos, Nigeria.

Other Krasnodar gangsters and Albatross members, such as Volchok, a.k.a. Woolfy, and Raketa, a.k.a. Rocket—probably a Captain Video Ranger dropout—continued to enjoy the charms of the Commie Ho when she visited her hometown. But the relationships went beyond sex. The Albatross club protected the Commie Ho's criminal interests and various members and associates have deals with her for providing prostitutes, pornography and to some extent drugs to America. The best I can tell is that the Commie Ho, besides smuggling drugs and laundering money for the Russian mob, brings together Russian hoods with American mobsters that run escort services, brothels and lap-dancing clubs and sell pornography. Prostitution needs hos, the Internet needs porno and everyone needs to get the illegal profits out of the country. The Commie Ho, along with other Russian mafia members and comrades, facilitate such activities. The Ho even recruits her own prostitutes for smuggling into the U.S.—such a busy big girl.

The Russian mafia uses various ways to import Russian hos into America: bribing U.S. embassy officials in the countries of the former Soviet Union, Cyprus and Mexico with \$3,000 to \$4,000 a visa, using corporations controlled by Russian and American gangsters to sponsor the girls for visas by claiming they will work as “artists,” “dancers” and “translators” or simply sending the hos to Mexico for shipment across the border into the U.S. The pornography produced in Russia comes directly to the U.S. or by way of Cyprus, Mexico and the Internet while opiate narcotics flow via couriers from the Caucasus region of southern Russia directly to

America or by way of Mexico. Cocaine in turn moves from Mexico to Russia, where only the New Russians can afford it. Transferring the proceeds from illegal activities in America to offshore banking havens involves hiding the money, travelers' checks or diamonds on or in the couriers or in their baggage plus the more sophisticated method of depositing the funds to a credit card account from which the money is later withdrawn overseas. Friendly bankers also help by failing to report large amounts wired overseas or deposited.

On the litigation front, Svetlana, my Krasnodar lawyer, filed a civil defamation suit against Inessa, since the criminal suit was closed thanks to bribes and threats. The most I could win in the Russian court was 500 Rubles, about \$20. Obviously the courts in Russia are more of a joke than here. That's why anyone over there with money uses hoods; then again, anyone with money in Russia probably is a hood. Still, I wanted a trial in order to expose the bribery and the threats made against my witnesses by Russian or Chechen gangsters, since I could use that evidence in the RICO case.

Domestically, I considered adding my former attorney Silpe as a defendant in the RICO case. Silpe's motivation for ignoring my instructions and agreeing to forego my right to a trial on the Commie Ho's adultery and for an annulment still troubled me. Was there a more sinister force at work other than kowtowing to a Feminazi judge? Did Silpe belong to or associate with the Russian mafia also? The odds of that looked miniscule. Jeff's divorce lawyer recommended Silpe, so either Jeff's lawyer worked for the Russian mob or blind, dumb, bad luck steered me to an attorney connected with Russian gangsters. Jeff's lawyer was in no way connected with Red hoodlums, but given the Matrix's tricks, I could easily believe the goddess of chance led me to an attorney connected with the Russian mob. After some research into Silpe's past, I concluded

he wasn't involved with the other RICO defendants although he might have been threatened or bought off, but I'd never prove that.

My other option for justice against Silpe was to file a malpractice suit, but that would make available for the RICO defendants all the private communications between Silpe and me. Not that there was anything the defendants could use, but given Silpe's record of lying, I was sure he'd gladly add some damaging falsehoods out of spite. My only recourse, which I took, was to file a complaint with the New York State Lawyers Disciplinary Committee, which would be kept confidential. Silpe made a number of crucial lies in representing me, but I focused on the misrepresentation he made back in July 2001 when after he met with Judge Lobis and the Commie Ho's attorney, he told me there was no agreement on fault, which meant I would get my trial on annulment and adultery.

True to his lawyerly ways, Silpe responded to my disciplinary complaint by lying. First, he falsely claimed that at the July 2001 conference, he fully explained to me the agreement that the parties would not contend who was at fault, so there would be no trial for an annulment or adultery. Lawyers always lie like this when they think it's their word against someone else's, usually their client's. Every state has a disciplinary committee and none of them are about to believe a client over the lawyer, unless it involves sexual harassment. If the committees believed the clients, it would result in all those incompetent and crooked lawyers flooding the labor markets looking for new jobs—might even cause a recession. Besides, the disciplinary committees consist of other incompetent and less than sterling attorneys, so it's similar to having ex-cons running the police force and criminal courts. Lawyers just don't punish other lawyers unless they have no choice. But Silpe made a mistake, or so I thought. When he was lying to me



that he made no agreement, my friend Jeff who had accompanied me to the court was standing right there listening. I had a witness, and one who was a lawyer from Harvard Law.

Silpe's second key lie to the Disciplinary Committee was that the lawyer I hired after firing Silpe had told Silpe I still could have gone ahead with a trial for an annulment and adultery if I had wanted. Silpe used this lie to convince the Disciplinary Committee that it wasn't anything he told me that prevent me from having a trial on the issue of fault, but my own later decision not to pursue one. Once again, lawyers lie like this all the time. They misrepresent what another lawyer, not an adversary, says knowing that most lawyers will not testify against another lawyer. But Silpe made another mistake here, or so I thought. My former lawyer told me Silpe was lying, and he would tell the Committee that if asked.

Promptly, I notified the Disciplinary Committee of Silpe's lying along with my witnesses' names and telephone numbers. The Committee took well over a year to make its decision. Silpe beat the rap. The Committee's decision stated, "There is insufficient evidence to conclude that Mr. Silpe made intentional misrepresentations," and "the Committee arrived at this determination after conducting an investigation consisting of several steps." Did any of those steps consist of contacting my witnesses? No! Not one of them! The Committee's sloth, bias and incompetence in failing to contact my witnesses to Silpe's lies didn't surprise me, since the Feminazi's bud-a-boo of sexual harassment wasn't an issue. But the lack of surprise in no way assuaged my anger. I fired off a letter to the head of the Committee demanding a review, a lot of good that would do, and accused them of failing to do their duty, bias, incompetence and possibly worst—blatant corruption.

Mr. Silpe was my attorney to whom I paid lots of money. He held himself out as competent in domestic relations law of which I never even had a course. I trusted and relied on him as clients are encouraged to do and for which the disciplinary and ethics rules were enacted

so that such trust and reliance would only rarely be misplaced. Perhaps the rules only exist to give clients a false sense of security that their attorney will act forthrightly.

You state “there is insufficient evidence to conclude that Mr. Silpe made intentional misrepresentations.... or that he intentionally withheld information.” Basically you are calling me a liar, since my statements are evidence that Mr. Silpe made misrepresentations. You’re also telling any client who complains against a lawyer that the client’s words are useless—they will not be believed. Okay, let’s assume my statements mean zero and all clients are liars when they complain against august attorneys. What about the two corroborating witnesses to misrepresentations by Mr. Silpe? The two witnesses to whom you and your Committee never talked. How do you answer my corroborating witnesses—are they liars too? No, you just ignore their evidence.

Mr. Silpe’s misrepresentations in his answer amount to hiding the truth from the Committee. But, I assume that is not considered professional misconduct.

The Disciplinary Committee’s review reached the same conclusions as the initial decision because its review still failed to talk to my witnesses—American justice.

My efforts to expose the myriad acts of malfeasance and nonfeasance that I had stumbled across since meeting the Commie Ho brought me back to the I.R.S. for another try at changing its no-tax policy on lap dancers. While reading the New York Times, a rare event for me, I saw an article quoting the new I.R.S. Commissioner that the Service would begin concentrating on high income tax evaders. About time, when I worked as an attorney in the I.R.S. Chief Counsel’s Office in 1985-86, it concentrated on pursuing small time tax cheats. One case I worked on for a couple of weeks involved a Federal employee who failed to report the \$100 he received for jury duty—the I.R.S. decided to prosecute. What a waste of the taxpayers’ dollars. The I.R.S. left the rich alone because they had lawyers and political influence, and it didn’t bother those making fists full of cash in the underground economy because it took too much work. That left the middle class an easy target to soak for the taxes the rich and criminals didn’t pay. So on reading the change in I.R.S. policy, I sent the Commissioner my estimation of the untaxed \$13 billion dollar cash flow into lap dancers’ tongs and suggested the I.R.S. adopt

guidelines for taxing these cheaters. It might make up for some of the loss Federal tax revenue from another nefarious group that had once paid 32% in 1952 but by 2003 only contributed 7.4% to the tax coffers—corporations. The Commissioner's Office sent a polite reply that my letter was forwarded to the New York City office. The same office that refused to even look into the Commie Ho's tax evasion that she had admitted in her diary. That meant the circular file.

### I Like the Nightlife

In the middle of September, Mark and I started chasing girls together on the weekends. There aren't many guys in this world who are any good at picking up chicks, but Mark is and so am I. Together we had a lot of fun and laughs. We both saw through their duplicity and attempts to use men. We also had an added advantage. The white and Latin chicks, which Mark preferred, saw him buddying around with a middle-aged white boy, so they viewed him as a professional with money. The white chicks were also thinking backdoor man. Sometimes I'd start talking with a white or Latin babe, introduce her to Mark, and then go looking for someone of interest to me. The black, Latin and Asian babes, whom I lusted for, saw me hanging around with a smartly dressed black dude, so they figured I'm cool. They also saw me as a potential sugar daddy. Sometimes Mark would introduce me to one, and then goes hunting for what he liked. We each provide the other additional credibility with the dames we were interested in.

Our tag team hustling began on a regular basis after Mark had just gone through a couple of unpleasant relationships: one with a Latina, followed by a rich white broad from Jersey. Both times he ran into the same insult from the girl's parents—they were bigots. Both sets of parents made clear their ignorance by objecting to their daughters going with a guy whose skin absorbed more of the visible electro-magnetic spectrum than their daughters.

The source of America's most deadly injustice in its history stems from the inability of those whose skin reflects more of the visible electro-magnetic spectrum to realize that those who reflect less have the same aspirations and dreams: a good job, nice house, schools that teach their kids and a decent neighborhood in which their children can grow. Varying degrees of visible electromagnetic reflection don't indicate a difference in values. All those outdated references to race simply make ne'er-do-wells, including the effete, eastern, quasi-intellectual elite that populate wine and Brie parties on the upper Westside of Manhattan, feel superior to others. There haven't been different hominid races on this planet since the Neanderthals died out some 27,000 years ago. Then again, sometimes in court, I realize they didn't all die out. Anyway, contrary to white suburbia stereotyping, most of the black guys with whom I chased girls or played sports were more conservative than me. If anyone ever gave me a nuke, I'd use it, but my black buddies only wanted the American dream—go figure.

People should check their ancestry. Seventy thousand years ago a giant volcanic eruption wiped out all of our ancestors except for 3,000 to 10,000 Homo sapiens. Over the next 70 millennia, all of us now here came from those 3 to 10 thousand survivors—sounds like a TV show. Every other hominid, what the scientists classify as different races, died out. The different physical characteristics of modern day Homo sapiens evolved as an adaptation to the particular geography where people were hanging out. Can you imagine hunting animals on the equator without sun block—not me? So Mother Nature gave those ancestors of ours in tropical climates a darker pigmentation to keep the ultra violet rays out. In the northern climates, hair became flat and wavy instead of curly in order to keep the heat in rather than allowing it to flow quickly away from the head. Boiled or frozen brains don't work well. On it goes with other physical characteristics, such as lighter skin to absorb Vitamin D in temperate zones.

Today's differences among individuals simply result from one person's ancestors spending more or less time in a particular climate since that giant volcano blew up. Before modern times, physical differences served the purpose of increasing the survival of our race, Homo sapiens, in all parts of the globe. Today, such physical distinctions are superfluous. If I want to hang out at the equator, I'll buy some sun block and an air conditioner. If I need Vitamin D, I'll take a supplement. Superficial physical attributes lie along a spectrum that various lunatics have divided into superficial groups to further their own interests. Culture, however, is a different story; some, such as America and Russia, reward evil.

With the Commie Ho divorced but not forgotten, I too was trying to recoup from a revolting experience. The Commie Ho had scrambled me to the point where if a pretty young lady started turning on her high beams and pumping out those pheromones, I wanted to run down the street screaming. It was time for me to place these broads in an accurate perspective, and Mark helped. I knew that unless a guy was intent on having children, girls were only good for partying. But it wasn't enough to know it; I had to feel it in my gut. Sure love exists, but not between a guy and a broad. For instance, girls love money, especially men's money, the kind for which they don't have to work. Most men also love their children and the lucky ones their occupation, but as for love between the sexes, it's an illusion of an indefinable Shakespearean sonnet theme ruthlessly exploit by broads. Girls are forever conniving men into believing that guys should love them by asking, "Why don't you tell me that you love me?" How many times have I heard that from a broad? Girls know that the moment a guy believes he's in love, he'll feel obligated to, tolerant of and dependent on them. Then watch out, those greedy little female hands will loot his savings accounts, bankrupt his business and ruin a man's destinies. Unlike love, the emotions of passion and compassion do exist between the sexes with the later usually

absent in the girl while posing great danger for a man. The biggest mistake next to a guy believing he's in love with a broad is to feeling compassion for her. Once a girl has a man over that barrel, she will take him for everything tangible and intangible she can get, bleating all the time that he should sacrifice for her with the words: "Help me."

It's a fool's road to accept exploitation in the name of an illusion propagated by the exploiter or allow the cold-hearted use of compassion to chain oneself to the exploiter's whims. The only emotion a man should feel for a girl is lust because that's what Mother Nature built girls for, and she built plenty of them—3.5 billion and climbing.

Relationships between girls and guys are adversarial—girls know this, but most guys don't. BROADS take without remorse a man's money, house, cars, sanity, equipoise, dreams, hopes and life. They enter any relationship with that intent coursing through their veins. Out of self-defense and self-preservation, the wise man does nothing for a girl until she puts out, then concludes that I've gotten what I wanted and so has she—a good time—and moves on to the remaining ones in the pool he finds attractive, not all virgins, but a lot more than the 70 odd girls the martyrs receive. It's not considered honorable by Hollywood movies, but acting honorable toward girls invites defeat and ruin because they have no concept of honor. As soon as chivalry causes a man to show consideration, she'll take the advantage to plunge her dagger of deceit, dishonesty or any other reprehensible act that serves her selfish interests. Better to fight fire with fire. Deal with girls the way they deal with men: lie, cheat and use them. Never show a girl any regard beyond that of the minimal civility shown an animal.

Whenever a girl asks for a favor, a man should remember that for over 150,000 years, and millions more when factoring in other ancestral hominids, girls have been exploiting men by using the fallacy that by having sex with a guy, a girl was doing him a favor. On the contrary, a

man does the girl a favor by having sex with her because girls enjoy it more than men. The ancient Greeks knew this. As a young man, Tiresias found two snakes mating and hit them with a stick. He was transformed into a woman. Seven years later, Tiresias did the same thing and became a man again. When Zeus and Hera asked him which sex experienced more pleasure during intercourse, Tiresias said women. Hera, angered over the disclosure of a key feminine tool of trickery, promptly struck him blind. Sure it's only a myth, but logically the revelation makes sense. Guys enjoy sex, but not to the point of risking the sickness, pain and life-upheaval results of a pregnancy. Females, however, throughout history risked those all the time, so intercourse must be more enjoyable for them than guys. Girls, therefore, owe the man a favor, not vice versa. But girls hide the truth so as to get a free ride, or trick a man into giving them favors by pretending they are the ones who granted him a favor—what a con, but not the only one.

Girls use many tricks to snatch a man's mind from the key purpose of his life, once again, pursuing that first best destiny whatever it may be. Females manipulate men through the emotions of the unconscious by flaunting their tits, asses and legs or eliciting sympathy with phony hard luck stories, usually about their previous boyfriends abusing them, which actually means they didn't cave to her every demand. They leech onto a man's conscious by appealing to his ego with "you're different than the others," and metamorphose their personalities by pretending to be what a particular man wants, so they can get what they want.

The uncanny feminine ability to mold or metamorpho-se her surface personality to what a man desires ranks as a girl's most insidious and effective power. The Star Trek episode "The Perfect Mate" depicts this power by personifying it as a pretty, young female, called an emphatic Metamorph. The character's personality changes to suit whatever man she is with at the time.

The Metamorph cozens up to one man after another deceiving, winning over or inducing him to do something for her by artful coaxing, wheedling or shrewd trickery. The men don't realize her duplicity because each honestly believes she's only interested in him. No wonder she appears beautiful to the eyes, since the man's mind sees only an illusion, a mask covering her real motivation—her drive since a child to satiate her selfish desires and gain wealth by any means. The Metamorph, in the episode, gained her end with a faithless marriage to a rich and powerful man—nearly every girl's desire whether vamp or Feminazi.

Girls enter relationships with premeditation to use the man by unleashing their Metamorphs within, which ironically often results in the man becoming what she wants. Metamorphs pretend to have abilities to ease a man's pain, dissolve some of his troubles and make a nirvana here on earth, so long as the man does what she wants. If the Metamorph fails in her con, she at least has cornered the guy into a position where she can enlist the institutions of society, especially in America, to coerce and extort what she wants from him—usually money.

Girls don't solve problems; they create them. There is no salvation in a female. A man has to walk through the shadows in life on his own. The only salvation or nirvana for a man is pursuing his first-best destiny through his entire life. Most men, however, don't do that because they belong to the surplus or excess population. Many, due to their upbringing, fall prey to enticing Metamorphs and transfer the want and need for a purpose from their first-best destinies to serving females.

Metamorphs manipulate men into focusing their money, time, energy and efforts on pleasing them since Metamorphs want to make bearing and raising children as easy on themselves as possible. Nirvana for most women exists in creating families, but that's no excuse for bleeding men to death so they can also have a life of ease and social status. Girls, however,



want it all. They will lie, cheat, dissemble, manipulate, kill and do any other evil act to fool or intimidate men into sacrificing to make the female lot easier so that girls can do what they've always wanted: raise children and live the life of Riley. For a man, there is no nirvana in a girl's arms, but for a girl, a man's arms provide the financial, physical and emotional basics necessary for a girl to quench her desires.

Both my mother and ex-wife used their metamorph powers to get what they didn't deserve—a ho trait, and the term ho clearly described my Nazi mother. Through a lady who grew up with my mother, I learned darling mother got fired from her nursing job for hoing at age eighteen. She had worked at the Christian Sanatorium in northern New Jersey where in the 1920s to 40s alcoholics went to dry out. All the pretty nurses, including mother, serviced the head doctor, but what got her fired were her trysts with a famous alcoholic writer from New York City. And to think she used to tell me she had never kissed a man until twenty—what a phony. A little more truth about her came from her own mouth when I was nine and stuck with my drunken mother in a Switzerland Hotel. In her young and pretty days, she often danced on tables at the Hotel Astor Roof Garden in Times Square—the original table dancer. One night, however, she slipped smashing her platform with her derriere and management finally bounced her out for good. All this just a few blocks down Broadway from where my wife would years later give, in the jargon of strip clubs, table dances. Mother also confessed when I was nine that she married father because he had good material prospects as a chemical engineer. Now that's a “ho” although not as rabid as my ex-wife. Maybe mother invented the term. How many different men did I pass by on the way out of her into a society filled with metamorphs?

Evil is out there, but not in the Sun, Moon, stars, planets, nature or, as the *Lord of the Rings* depicts, in orcs, trolls and goblins. It seethes in the acts of humans. Only people can

decide to violate the rights of others in order to obtain something they don't deserve, usually material goods or psychological and social power, and the most effective of the species at harming others to obtain what they don't deserve are females. When caught, females always whine that punishing them means to also do evil. Not so, when a person is punished for violating the rights of another, the punishment is not evil, the punishment does not violate the culprit's rights because the culprit has forfeited her rights by harming the rights of others. Institutions and companies also do evil by not performing the duties for which they were established or performing them in violation of the rights of others. But that occurs only because the people making up such organizations use their powers to serve themselves rather than the reason for an institution or company's existence. Basically, the problems plaguing history and every day lives, such as my own, come from people greedy and arrogant enough to trample the rights of others in order to satisfy some want or desire. In my case, I didn't do anything to deserve a Nazi Ho as a primary caregiver, and the only thing I did to deserve the Commie Ho as a wife was to feel sorry for her and be susceptible to the drugs she secretly fed me.

Most of the females I've had dealings with in my life were evil, but by the time I understood that, they had destroyed everything and every prospect I ever had except my physical health. I never should have trusted or believed any broad or that they were good for anything but partying and problems. Still, I don't hate them, for how can a guy hate that which he lusts after—Feminazis excluded, since I carry no desire for them at all. But I do hate what dames intentionally and recklessly do to men, such as accusing men of what girls are guilty of in order to deceive men into thinking females don't do such things or always pulling a switch—saying one thing, then doing another. Understanding girls for what they are removes much of the danger in dealing with them—know the enemy, for they know men.

The enemy I knew best were W-T-EABS or white trash Euro-American broads, but now I generally stayed away from them. Mother Nature had programmed me to pursue only attractive girls in their late teens or twenties, which ruled out W-T-EABS because in that targeted age range white girls are too confused over whether to act like a guy or girl thanks to the Feminazi propaganda of their mothers and schools.

Take for example the night I was sitting in a bar on the upper Westside waiting for Mark and Ron, a black belt from Mark's martial arts class. This nice looking W-T-EAB, around twenty three, sits down next to me, so, like the spider to the fly, or is it the fly to the spider, I start talking to her. What a klutz this white girl, she blushed, had difficulty speaking in sentences and couldn't even key in a number on her cell phone. She felt intimidated because like all young white broads programmed with the Feminazi lunacy she thought herself powerless with respect to a middle-aged lawyer. What a fool! This girl looked great, very pretty, thin and desirable. Mother Nature gave her plenty of power to hold her own with an apparently successful man, but the Feminazis had stolen it away. She thought she needed an equivalent or greater measure of career accomplishment to feel confident enough to even carry on a conversation. Men don't want to date a competitor; they already spend all day fighting with them. At night, men want a red lip smile, "a wiggle in her walk and a giggle in her talk." Most modern American white chicks have relinquished their strengths so that over-the-hill Feminazis don't have to worry about competition from them for men. Such young white chicks actually feel ashamed of the power evolution gave them. On the other hand, young black, Latin and Asian chicks know their power and how to use it, which gives them the pose, confidence and wit that makes hanging out with them a pleasure. B.L.A.s know my interest in them—their bodies, as I know theirs in me—my

wallet. Since most my money had already been spirited away and I knew never to let any girl prepare me another meal, the nightlife during became enjoyable rather than dangerous.

### Bad Girls

In October 2002, the Russian military intelligence guys convinced the Deputy General Prosecutor for the Southern Federal District of Russia to reopen the criminal defamation case against the Commie Ho's mother, Inessa. This looked somewhat promising because now an official of the national government showed interest in the case that local corruption and organized crime threats had closed. The Krasnodar Ministry of Internal Affairs would now either do its duty, unlikely, or make the Commie Ho pay more money in bribes, likely, or she would have to enlist her hoodlum associates to make more threats, most likely. What ever happened, I would learn about it through my intelligence agents and could use it in the RICO case.

Balancing off this good news, naturally came bad from the lawyers Disciplinary Committee, which dismissed my initial complaint against Mundy. The Committee decided that when Mundy threatened to use at trial a non-existent audiotape recording of me allegedly trying to extort money from the Commie Ho, Mundy was not trying to coerce me into a settlement because the law requires that he threaten to make public something that was not already public. When Mundy lied to my attorney about the existence of the audiotape, the accusation of my attempted extortion had already been made public when the Commie Ho filed a report with the 114<sup>th</sup> Police Precinct in December 2000. The filing of the "report" was news to me for I had never heard about it. No police visits, not even a Kafka-type phone call early in the morning.

Today in America, girls can create a police file on a man without the guy knowing about it, so long as the slut doesn't press charges, which is what the Commie Ho did, obviously under

Mundy's instructions, since she wouldn't have otherwise known she could do that. Another violation of my due process rights by Feminarchy America, but who's counting? Perhaps the only reason for the report was to enable Mundy to get away with his coercion-type tactics without violating the letter of the law. Even so, Mundy still lied about the audiotape's existence but that didn't bother the Committee, "There was merely a statement from one counsel to another, concerning evidence that might be used in the case." What evidence? The audiotape didn't exist, so there was none. It's as though a prosecutor lies to a defense attorney that the state has the murder weapon with the defendant's figure prints on it in order to trick the defendant into a plea bargain. Attorneys can't lie like that to opposing counsel. The Committee should have required Mundy to produce the tape to show he wasn't lying, but it didn't.

Okay, so lawyers have a constitutional right to lie, but I still had a trick of my own. Mundy had also told one of my attorneys that he possessed medical records of me beating up the Commie Ho. Once again, no such records existed, but the Committee doesn't care about attorney falsehoods. Mundy's statement, however, was another attempt to coerce me into settling the case so that the nefarious connections and activities of my wife and the Russian mafia, with which Mundy did business and probably belonged, would remain hidden. This time, unlike with the extortion accusation, there were no police reports concerning such beatings, so the Committee could not dismiss a coercion charge against Mundy threatening to make the alleged medical records public on the grounds they were already public information. So, I filed another complaint of coercion against Mundy. This time figuring I had boxed in the Committee, but some type of fixed was in—institutional sloth, bias or corruption. The Committee responded that it reviewed my second complaint but the result was "in accord with the original decision not

to proceed further.” They didn’t even mention the second coercion charge, probably because they couldn’t find a way around it.

Some potentially useful information on Russian prostitution in the U.S. came from a newspaper article reporting the indictment of six people from the former Soviet Union for running the largest prostitution ring in Los Angeles history and laundering the illegal proceeds. The article didn’t list all the names, so I put in a call for the grand jury minutes on the outside chance of some connections with the defendants in my RICO case. The prostitution operations were similar, which meant the Russian mafia lurked in the background. The ringleaders, a Russian mother and daughter ho team from the Ukraine, arrived in Los Angeles in the late 1990s and, with the aide of four others from the still evil empire, opened up shop in 1999. The operation set up Internet websites and spent tens of thousands on advertisements in foreign language periodicals, local newspapers and the yellow pages. The ring took in \$5 million over a couple of years. The boss, Mama ho, received nine years while her 22 year-old daughter remained a fugitive from justice. Their operation smuggled in Russian prostitutes through the mired loopholes of incompetence and corruption at the INS while some of the Russian hookers came by way of Mexico. It all sounded like part of my RICO case against the Commie Ho and her associates. The Commie Ho’s Moscow pimp, Leo, bribed INS officials in the Moscow Embassy to obtain visas for his prostitutes to travel to southern California or used front corporations in California to sponsor his prostitutes for work, student, and even religious visas—Mary Magdellan entries. Once in the U.S., the sluts overstayed their visas for as long as they wanted, often times for good. The INS can’t do anything because it’s clueless as to how many aliens don’t leave when they should or where they are living in the country. With the girls working as prostitutes, lap-dancers and porno starlets, everyone involved makes lots of money.

Leo also sent girls to Mexico from which they were smuggled into the U.S. So a connection between the L.A. ring and the Commie Ho's Russian mob associates wasn't farfetched.

When I called the Los Angeles District Attorney's Office to obtain the grand jury transcripts, the operator surprisingly put me through to the Deputy D.A. handling the case. The D.A. chatted about the case and gave an interesting take on the crime of prostitution. The Deputy D.A. said that many people wrongly claim prostitution a victimless crime when it actually harms other members of our society in many ways. Prostitution rings don't pay taxes, but they do use the public infrastructure for which the rest of society's members pay. That reminded me of the line from Ludacris' record *Ho*, "You're tax dollars underwrite ho independence." The D.A. added that prostitutes and pimps usually engage in other scams, such as ripping off credit card companies and various businesses. The cost of those crimes aren't paid for by the companies but passed along in the form of higher interest rates and prices to law abiding customers. Prostitution also increases the spread of disease and health care costs. When more people become sick or people become sick more often, the insurance companies aren't going to let that eat into their profits. Insurers will raise medical premiums for everyone to cover the costs caused by their members' interaction with or working in the prostitution business. In addition, federal, state and local health expenses jump because of more incidents of disease among the uninsured from prostitution, which was turning into a largely Russian enterprise in American urban centers.

The D.A. was right, prostitution caused increased economic costs to the rest of us, but I doubted the law enforcement agencies would put an end to it anytime soon. The cops working vice made too much money protecting prostitution rings from prosecution. Probably the only reason for busting the Russian ring was it undercut the prices charged by other organized

operations. The Russians charged a flat fee of \$200 to \$300 an hour while the girls from the more established rings requested tips on top of the \$200 to \$300. Simple economics most likely resulted in the established operations complaining to their “good friends” on the vice squad to put the Russians out of business or the cops’ payola would dry up. But Russians are quick learners and the next ring will pay the cops their fair share.

Another force deterring the prosecution of organized prostitution is the American quasi-intelligentsia’s efforts to benefit females anyway it can, even hos and madams. By declaring prostitution a victimless crime that should not be prosecuted, America’s arrogant elite of Feminazis and wimpy white man has replaced the virgin on top the pedestal with shrews and sluts. The obvious solution to the social harm caused by prostitution and allowing females to violate the law is to legalize and regulate it. Periodic medical testing of the hos will reduce the risk of disease, licensing certain companies to sell the girls will help keep organized crime out and auditing the books will increase the chances of the industry paying its fair share in taxes while those who don’t comply should go to jail for a long, long time. However, whether legal or illegal, the quality of life still suffers. During Clinton’s tenure in office, the porn and escort businesses mushroomed, some legal, some illegal, but now whenever I meet a good-looking babe, I wonder whether she’s a prostitute. However, a national registry listing all licensed hos would reduce the chance of some professional slut suckering a guy into believing her a good girl. A man would then only have to contend with ferreting out amateur hos—an all but impossible task, but that’s the risk of living as a heterosexual male on planet Earth.

Jeff completed his review of my first RICO draft in October and came up with a lot of good suggestions, which I incorporated during my weekends over the next six months. My job with Jeff took up my time during the week, and I liked making money rather than just spending



it. Work on Jeff's cases consisted of drafting court papers, appearing in court and taking depositions. While in the middle of asking questions at one deposition, I received a call on my cell phone and took a recess.

"Is this Roy Hollander?" the caller asked.

"Yes."

"This is Blackburn."

Who the devil is Blackburn, I wondered. Was this another threatening call?

He repeated, "This is Blackburn. Do you remember?"

Then I remembered. The Canadian private detective, Elaine, who had tracked down one of the Commie Ho's offshore bank accounts, knew guys in the U.S. Drug Enforcement Administration. She told them about the Commie Ho smuggling in drugs to feed her prostitution customers, and they wanted to talk to me. D.E.A. had arranged with my investigator to use the code name "Blackburn" so that I would know D.E.A. was calling. Oh brother, I mockingly thought when told this months ago and tried not to laugh: everybody wants to be a secret agent man.

"Yes, yes I remember," I answered.

"We'd like to talk with you."

"Fine, but I'm in the middle of a deposition right now. Do you want to set up a meeting or a time to call? How can I get back to you?"

"We'll get back to you."

"Okay, you can always reach me on my cell phone."

"Roger," he hung up. Sounded like another Captain Video Ranger. I went back to the deposition and never heard from the D.E.A. again. They actually began snooping around Flash

Dancers for secretly putting drugs in some high net worth customers drink and food but dropped the investigation to allegedly concentrate on the 911 aftermath—the current excuse of choice by government employees to do even less then before.

The next day, October 23, 2002, a twenty-two year old Chechen rebel named Movsar Baraev led over 50 armed militants in the takeover of the Dubrovka Theater complex in Moscow and held around 750 people hostage. I still had friends in Moscow and emailed them in the hope they weren't among the hostages. None were. To my Moscow lawyers Xenia and Dennis, I sent, "I hope you all are safe. I wonder if my ex-wife is involved somehow—just a little joke." My lawyers well knew that the Commie Ho had grown up in Chechnya. They replied with similar banter, "As far as we know, Alina is not to blame for this one."

It was obvious to me how the Moscow hostage crisis would end—lots of dead people. Russian government officials, as with most of the population, just don't care about human life when it's somebody else's. Sure enough, on Saturday that same week the F.S.B. pumped some unknown gas into the theater and sent in its Alpha unit. These guys are brutal. Individual rights don't exist to them. Once I witnessed them assaulting a nightclub to arrest a couple of gangsters. The Alpha unit rolled up in a gray bus that looked as though it just drove out of a Disney cartoon. But nothing Disney-like jumped out of the back and side doors. Wheeling AK-47s, they ran into the club slamming anyone in their way against the walls or to the floor, grabbed a couple of guys, maybe the right ones maybe not, pounded them with rifle butts and dragged them back to the bus.

The Alpha unit stormed the Moscow theater, protected by gas masks, and promptly executed the fifty some Chechen terrorists who had been knocked out by the gas. The gas also sent 650 theatergoers and actors to the hospitals, but no one in the government thought about

telling the doctors the type of gas used so that the hospitals could properly treat the sickened hostages, as a result, 120 died. Incompetence, no, the government officials involved probably figured everyone would die anyway, so why bother. Besides they wanted to get back to their daches for the rest of the weekend.

### All She Wants To Do Is Dance

Just before Christmas, I started taking salsa lessons. Mark kept telling me that if I learned salsa, I would clean up with the young babes at the Latin clubs where we often hung out. “They’ll look at you as the rich daddy they never had, and if you can dance, man-o-man, they’ll be all over you.”

The first part of Mark’s analysis was right; I haven’t made it to the second part, yet. One Saturday at Gonzales y Gonzales, I asked this twenty something Latin chick, “Meet any rich guys tonight?” She replied, “Only you!” It must have been my gray hair, but looking rich and talking with these pretty young things wasn’t enough, they wanted to dance. Dancing rock ‘n’ roll was not a problem, but the really hot girls in New York, the ones who knew how to dress to flaunt their attributes, went to the Latin clubs. These clubs mixed black, Latin, Asian and white folks along with the ages: teenagers, with fake identification, to my age and older. Unlike other New York City discos, the Latin clubs had class; not only in their dress code, but guys actually asked girls to dance, just like before the Feminazis took over. In the rock ‘n’ roll clubs, everybody jumps around like pigeons trying to use their appearances to attract someone to dance with them, no one asks anymore. One Feminazi told me the reason was so that girls didn’t have to feel awkward at telling a guy no—typical broads, always shirking their responsibilities.

The rock ‘n’ roll clubs put me at a disadvantage, since the years had left my once good looks on the ash heap of the 1980s. The only tool left was my ability with words to make a girl

laugh and impress her with my education, which for girls meant money and a challenge, as in could she enslave this overly educated white guy to depart with lots of dinero and free help. The music in the rock 'n' roll discos was usually so loud, I could barely understand a girl even if she did open her mouth and yelled in my ear, so it was near impossible to carry on a conversation. A hearing aid was not likely to increase my chances, either. In the Latin clubs, the music wasn't so loud, so they looked good to me, if I could dance and the girl could speak English. Talking got me telephone numbers, but dancing and talking got Mark the girls. One night at the Copacabana, this drop-dead pretty, sober Asian girl in her early twenties came over and asked me to dance. The only girls that had ever asked me to dance before, even in my younger years, were either sloshed with liquor, doped up or mass murders. When I recovered from the shock, I had no choice but to tell her I couldn't, I wanted to, but would only embarrass her. She kept pushing, not believing me. This babe wanted to dance with me, and because I couldn't, I had to turn her down. As she walked away, I decided to start taking salsa lessons. At my age, I couldn't afford to turn my back on yummy opportunities like that.

A dance school across town from my apartment offered salsa classes, so I signed up for group lessons. Naturally, the prettiest girl in the class was a young Russian with big balloons. She just immigrated to America by marrying some Peace Corps fool. The entire picture of her duping this guy looked familiar; I wondered whether she also used drugs on him. Still, she was a joy to dance with and very inviting. As evil as Russian girls are, they know how to act sexy, but I wasn't entering that abyss again. The classes helped, but with my life running down, I wanted to make quicker progress, so I went to the front desk to sign up for private lessons. The girl told me there were a number of guys who could teach me.

“No, no, no!” I quickly said. “I realize this is New York, but I don’t want to learn how to dance with a guy. I want to learn how to salsa with a girl.”

“The men instructors are very good and can show you what you need to know.”

To myself I thought, what they can show me I don’t want to know. The idea of dancing with a guy, even at a distance like some clowns do in the rock ‘n’ roll discos, wasn’t for me, and this school wanted me to hold one in my arms in order to learn the salsa—no way! What the hell had happened to this country? I didn’t care how trendy it was for guys to hug guys or dance with guys; I knew what my genes told me, the only life form I wanted in my arms were young ladies. After six-million years of evolution, the Feminazis and girlie-men may succeed in mutating Americans into neuter, but that’s one glass of Kool-Aid I’m not drinking. Other folk can do what they want, but they’re not foisting their beliefs on me so that they can feel better about themselves.

“Give me a girl.” I demanded. “I don’t care when it is, I’ll make the time.” Money still talked, and I got a female instructor.

For my first private lesson, I arrived early and my teacher arrived late, as she usually did for most of the lessons. Isabella had her high beams on when she made her entrance, and I jumped, emotionally, with my autopilot charting a course into this hot babe. After class, she pumped me for all the necessary information to decide whether my pockets carried gold or copper and where I stood on the sucker spectrum of occupation, age, marriage status and gullibility. That didn’t bother me; all girls do it. But when she took my business card saying, “I always write something on the back of business cards that will help me remember the person,” my sensors flashed “Red Alert, Red Alert!” The Commie Ho always did the same thing in order

to keep her suckers straight. And since Isabella had bigger breasts, that made her even more dangerous than my ex-wife, so I decided not to follow the lust pumping in my veins.

My intuition or experience proved right. A month later, after one of our classes, Isabella suggested we have lunch. Okay, as my shields went up, let's see what happens. All girls have metamorphs in them, but some girls, like Isabella, are purebreds. They look and move as though struggling to burst the seams of their clothes just for you. But more dangerous are the varying tones of their voices that intentional play on one emotion after the other.

At lunch, Isabella said she came from Spain, so I asked with suspicion how she got into America. She dodged that at first to tell me about her family in Spain, which had money, and about her work there as a professional dancer and owner of a fitness center that made her enough money to buy a "mountain." Translation: "I don't want your money. I'm already rich." My translation: "Oh yes you do, but I don't care because I don't have any thanks to the Commie Ho and my fat sow stockbroker."

"So why come to New York? Why not live on your mountain top?" I asked, referring to Thomas Mann.

"I always wanted to come. It's the center of dance, and I'm trying to put together a Broadway play that I wrote about dance." Translation: "New York is where the money is. Can you get me some for my play?"

Letting that ride, I said, "I know people from Spain can visit here without a visa for short periods, but how are you able to stay here and work?"

"It's hard working here for me." Ducking the question again, and about to try to soften me up. "When I go for jobs, men paw me and want something from me before they will help me. They grab my ass." My thoughts: "And what a nice voluptuous ass you have. Your future

is clearly behind you.” Translation of her complaint: “You’re not like them, right. You’ll help me out of the goodness of your heart, right.” My thoughts: “The gold digger blues again. Trying for sympathy in order to make it easier to play me for a sucker.” The eternal metamorph ploy as described by Bogart in *Casablanca*, “I heard a story; it usually goes with the sound of a tinny piano in the parlor downstairs. ‘Mister, I met a man once when I was a kid; it always began.’” Translation: “The man did bad things to me, so feel sorry for me.” My thoughts: “Oh please tell me the details, but it’s not going to work here anymore. I don’t believe you dames anymore, no matter what you tell me.”

Trying to sound sincere, I replied, “Gee, that’s a shame. So how did you end up here?”

“I was dancing in Cuba where I met an American violinist from the philharmonic. We fell in love, and I came back to New York City with him when he left Cuba.” My thoughts: “She found her ticket to legal residency in gold diggers’ heaven.” Isabella continued, “Things were great for a while, but then he started being aggressive to me.” Translation: “He became suspicious that I was playing around.” My thoughts: “Wrong word sweetheart. That’s the same word the Commie Ho used to describe me after I discovered her adultery.”

Isabella went on, “Then I got pregnant.” The unspoken part: “So I could stay in America.” My thoughts: “The violinist became suspicious she was just using him for a green card and threatened to send her back to Cuba or Spain or wherever. She then tricks him into making her pregnant or believing he did when actually it was one of her other beaus. Once pregnant, Isabella knew that the INS wouldn’t deport her, although the law allows it, and after giving birth, she was home free in the U.S.A. because the Feminazis would never allow the separation of a mother, regardless of her duplicity quotient, and child.”

She continued, “After I gave birth, he tried to deport me, and I ended up living in a shelter with my daughter for six months.” My thoughts: “The violinist finally wised up that she had scammed him from the beginning in order to work, play and stay in New York City and that the child was probably fathered by one of her other playmates.”

Needless to say, Isabella’s attempt to make me feel sorry for her failed, so she went on without missing a beat to another metamorph tactic.

“I’ve only gone with a couple of men.” Translation: “I’m a good girl.” My thoughts: “Yeah, right, as I sense her oozing sex through every pore.”

Every girl, except the virgins, always say she’s only gone with one or two or at most three guys. It doesn’t matter whether she’s 15 or 45; they all say the same thing. How’s that possible? Most of my buddies and I had gone out with more than three girls, but yet every girl any of us ever dated had only made it with one or two or three guys. The math just didn’t add up, unless there were a small number of overly active girls some place who made up for all the extra girls we guys slept with—or, someone was lying, and I knew whom. That feminine lie, however, turned out bigger than I had imagined.

Conservatively speaking, guys from 15 to 65 pursue girls in their prime or those close to it, say 15 to 35 years old. That’s a requirement of evolution in order to assure the species’ survival: guys hunting young fertile looking girls while the girls seek men with authority and money. So at any given time, the male population from 15 to 65 is pursuing a receptive female population from 15 to 35. The result is that females from 15 to 35 service the males from 15 to 65 of which there are a lot more than the females. The girls 15 to 35, therefore, are more promiscuous than guys 15 to 65; that’s why the girls are called hos. But when girls hit the years beyond 35, few guys other than husbands, and even that’s a stretch, want to touch them, so their



promiscuity falls below that of men 15 to 65. In the end, it probably all balances out with each sex humping the same number as the opposite sex over a life span. While husbands may be more likely to cheat on their over-the-hill slovenly wives, girls 15 to 35 are more likely to cheat on their main boyfriend or husband.

Okay, I didn't buy the good girl routine, but Isabella had one more metamorph card to play, which was a new one to me that derived from Feminazism. "I want to be independent." Translation: "I wouldn't be a bother. I'm a strong independent woman who can take care of herself." My thoughts: "Yeah independent until something bad happens and then you come running to me to solve the idiotic mess that you made. No thanks."

Isabella's emotional snare missed me, but since she was my teacher, and boy could she dance, I respected her for that and we remained cordial acquaintances. She always impressed me with what she could do on the dance floor—well beyond any guys' abilities. After going to the Bolshoi Ballet in Moscow plenty of times, I concluded girls are just better dancers. Probably has something to do with displaying their wares around the primeval campfires or they just have more with which to work.

Generally when girls don't get what they want by emotionally manipulating a man, they resort to other tactics. Thank goodness Isabella didn't, but in modern day Feminarchy America, every girl carries more weapons than Artemis does arrows.

Take what happened to my pal Jeff. He had two kids with his wife and was now divorced. Because of the adversarial nature of their relationship, the wife no longer had a prayer of emotionally manipulating him. But she could use the New York State courts to obtain her unfair ends. The domestic relations courts stood as Bastilles of Feminazism: invincible for a time in their discriminating against men as a new form of institutionalized corruption in the name

of feminist fantasies. Once a husband or wife, usually the wife, invoked the New York judicial system to deal with the failure of a marriage, the courts continue to hover over any disputes the two may have long after the dissolution of a marriage. In effect, the Feminazis in New York City have successfully created a corrupt Big Sister to coerce former husbands into acceding to a former wife's unjust and often illegal demands—usually for more money. Injustice, being rotten at the heart, needs cunning treatment, which the courts provide.

Answering my telephone. “Roy it’s Jeff. You’re divorce judge was Joan Lobis, correct?”

“That’s right; the man-hating lesbian who browbeat my attorney into tricking me out of a trial. Being the wimp he was, the Christ killer went along with her demands.”

“Well, let’s not get into religion. Lobis is now handling the child support issues from my divorce.”

“Good luck!”

“I’m beginning to agree with you. I just came back from a hearing before her, and as you know, my ex-wife keeps asking for more and more.”

“But she saved up lots of money as an investment banker and is now married to that financial executive who makes \$10 million a year. What’s with her? Is she trying to increase the child support so that she can skim some more for another piece of jewelry or another fur coat?”

“I don’t know,” Jeff answered. “But something is not right. Lobis kept acting very differential to my wife’s attorney who is a woman.”

“Well Lobis hates men, and you are a man.”

“Right, but I feel there is more going on here than that. Lobis favored my wife’s attorney to such an extent, and so quickly dismissed my arguments that I suspect she may have received campaign contributions from the attorney.”

“Maybe, what’s the attorney’s name?” I asked. “I’ll check Lobis’ financial filings. And ask around about her.”

“Thanks, I appreciate it.”

The financial records showed nothing, but a buddy knew about both Lobis and this female attorney. Back in the 1970s, before Lobis went to law school, she and the girl lawyer were living in a lesbian relationship that included a third female—a ménage a trios with a dildo. Bingo! Jeff’s intuition was right. Lobis obviously favored her former lesbian lover’s clients not because of the attorney’s legal expertise but past sexual trysts with the judge. Judges aren’t supposed to do that, and at the very least, Lobis should have disclosed the affair, but she didn’t. Jeff filed a complaint with the New York State Commission on Judicial Conduct, but given my dealings with that Feminazi institution, I doubted anything would happen because Lobis was at least half a female.

Imagine the tempest, if a male judge failed to disclose that a female lawyer who appeared regularly before him was a former concubine. The Feminazi storm troopers would scream for his impeachment, and, most likely, even accuse him of sexually harassing the lawyer in some twisted way or another. But when females violate the rules: none call for justice, nor plead for the truth. The Feminazis trust in secrecy and speak lies; they conceive mischief and bring forth inequity wherever they go. A couple of months later, the Commission dismissed Jeff’s complaint. The lawyer for Jeff’s wife, however, handed the case over to her daughter to avoid the appearance of conflict, which to Jeff and I was still present. Lobis obviously was biased

whether her former lover or her lover's daughter handled the case. After all, it wasn't as if Lobis' former lover left her for a man and turned her back on lesbianism, since the lawyer's daughter was artificially inseminated.

How did America reach such a state of affairs? Some, mostly leftover lefties from the 1960s, believe with misplaced self-importance that they brought about the "equality of women." Not likely. Nothing of importance happens in America unless the rich favor it. By the end of the 1990s, the rich or top 1% of wealth holders owned nearly 40% of this country. That was more than what the bottom 95% of the population owned, which probably meant you. Bill Gates alone had more than the bottom 45% of Americans combined. From 1970 to 2000, the rich steadily increased their ownership at the expense of the rest of us with the net worth of the top one percent in 1999, 2.4 times the combined wealth of the bottom 80%. The top 5% owned over 60% of everything you saw in the U.S., and 99% of all the politicians. Such a concentration of wealth in so few hands gives one class of people not only enormous power but common interests for which they exercise their influence. What are the odds that the 99% who own the remaining 60%, or the 95% hanging onto 40%, could ever agree on anything, not to mention coordinate their efforts through associations like the Business Roundtable, American Chamber of Commerce, National Association of Manufactures and other groups where the movers and shakers meet to plot the future? The rich, unlike average Americans, not only have access to, but often are the decision makers in government. As for the public officials who aren't rich, they curry the favor of the wealthy in return for money, jobs, status and ego. So it is no accident that federal and state governments generally act only for the wealthy and in their favor. Government officials are not about to invest time, energy and effort in assisting the average citizen when they

can help the wealthy unless doing their duty to the average taxpayer serves the policies of the rich.

If the interests of the rich are served by going to war, such as in Vietnam or Iraq, then pick up your guns boys, you're on your way. If their interests require changing the social fabric of the society they control, then change will occur. The interests of the rich are two fold: protecting what they already have and becoming richer. Sometimes the interests of the rich and the rest of Americans actually coincide, such as in World War II or the cold war. If the Nazis or Commies had won, the rich, except for the sellouts, would have ended up like the rest of us have always been: relatively poor and powerless, which the rich deserved, but then all of us would have lost our constitutional rights—for whatever those are worth. Other times, the interests of the rich conflict with the majority of us as with the Feminazi movement.

Feminazism's roots reach back to the 1960s but became a force for the rich in the early 1970s. Whether the rich sponsored or exploited the bra-burners doesn't really matter. Since the early 1970s, real wages for American workers have steadily declined. Workers today in nearly every job, except CEOs or Wall Street Bankers, make more than 12% less than in 1973 when inflation is taken into account. When workers make less, corporations make more, and who owns over 50% of the financial wealth in America (stocks, bonds, mutual funds): the same 1% that now owns more than 40% of everything you see in America. A reduction in corporate expenses, such as salaries, usually increases gross profit, which ups the value of a company's stock and allows for more dividends—all of which benefits the owners. Real wages for Americans fell for the simple reason of supply and demand. Feminazism dramatically increased the labor pool for jobs evolutionarily suited for men by adding females to that pool. The increase in the supply of labor out stripped demand, so real wages dropped and the rich got richer. No

longer could a man work a middle class job and make enough to support a family and send his kids to college. Now both the husband and wife have to work because of lower real wages with the children paying the price. Anyone who thinks day care, assuming the kids aren't molested, is as good as a stay-at-home mother is nuts. From the 1940s to 1960s, the average workweek was 40 hours, but today no one, other than government employees, puts in 40 hours. The increased competition in the labor market from the influx of females has led to employees working longer hours, an additional month since 1970, and harder, a 33% increase in productivity, for less pay. So thanks to the Feminazi special interest group, the rich pay lower wages for more work and more production—not bad.

Another benefit to the rich of Feminazism comes from the large influx of girls into positions in the government formerly held by men. The rich aren't dumb; they know girls can't handle executive and managerial responsibilities or long periods of stressful, hard work because Mother Nature didn't breed them for it. That's why the rich generally keep females out of many important positions in their corporations because they don't want to end up bankrupt. So the girls, tricked into believing they have to pursue the same careers as men, gravitate to government positions that require less work and are easier to obtain because the government is more susceptible to intimidation by the Feminazi lobby. After all, girls, unfortunately, have the vote—about seven million more than guys. The government, therefore, ends up with lots of crucial positions filled by females who, because of their genetic insufficiency in certain abilities, can't handle the duties of their jobs. As a result, the government becomes more incompetent, leaving corporations to get away with more fraudulent activities in order to increase profits. The rich win again, and the rest, both men and women, lose. Since the rich effectively control America

and benefit from Feminazism, it makes sense that the rich must have either been behind the social trend or exploited it to their own advantage when it emerged in the 1960s.

A more subtle aim of Feminazism, which also benefits the rich, employs a strategy of the former Soviets. Every dictator, oligopoly or class that gains control of a nation knows that the only meaningful opposition to its rule will come from men. Only men have the courage to put their lives, liberty and fortunes on the line for a principal, and to do it in enough numbers so as to overthrow the entrenched bosses of a society. The odd girl here and there may have such guts, but generally there's too few of them to make a difference. Furthermore, evolution programmed men with the abilities to mobilize, battle and prevail in physical confrontations, not girls. History has shown that only groups of men can marshal the force necessary to depose of tyrants. Joan of Arc, the odd girl out, didn't lead debutantes or lingerie burners. The Soviets' strategy sapped their male population's courage and determination for freedom by killing, gulaging, committing to insane asylums, slandering or firing from jobs men demonstrating "anti-social behavior"; that is, standing up for their rights. It was a systematic culling of alpha males. Over time, the psychological climate of these ever-present threats made Soviet men almost as docile as the females.

The American rich adopted the same Soviet objective but used somewhat different tactics. In the 1970s, after the domestic upheavals over the Vietnam War, primarily led by men, the rich, with their knowing or unknowing Feminazi allies, set out to enervate the U.S. male population in order to lessen the chance of any more challenges to the top one or five percent's control over America. Not that the Students for a Democratic Society, Weathermen or Black Panthers ever really threatened the American rich's control, but these men protesting in the streets of the U.S. might have at some point actually picked up the gun and used it in an

insurrection instead of just talking about it. So the rich, using the media corporations they run, started demonizing men as evil, coarse, brutish and in need of sensitivity training. The campaign, which continues, was to marshal social and psychological pressure from different parts of society to push men into behaving like frightened little girls so that the rulers, with Feminazi collaboration, fleeced men of the evolutionarily correct benefits they earned by creating, protecting and building America.

Sexual harassment suits stalk the land extorting from men fortunes and ruining their careers for doing what Mother Nature expected and girls always wanted whenever they intentionally enticed a man. Courts infringe on a man's right to travel freely by violating his due process rights in granting, without him present, orders to a lying ho that prevents the man from going anywhere that the girl might conceivably be. If he steps on a subway train and the ho is there, the police have to arrest him in most states, which means at least a night in jail. Men end up incarcerated based solely on allegations from females, usually lies, which the men never have a chance to refute before going to jail—sounds like feudal Europe. The hapless man then ends up with his name on a domestic violence inquisition list and in the F.B.I. databases, a permanent criminal record, when no violence occurred other than the man being locked up because his wife perjured herself to a court that didn't want to bother hearing the man's side before granting her the power to imprison.

Legislators, lobbied by the Feminazis, passed rape shield laws in violation of the equal protection clause of the constitution and the rules of evidence. These laws for camouflaging overly used vaginas provide broads with swords to extort, intimidate and vent their vindictiveness over imagined slights. The laws prevent defendants in rape cases from presenting evidence that the alleged victim is really a prostitute or overly promiscuous, which infers, but



may not be enough to prove, that she consensually engaged in sex with the defendant. Under the shield laws, a ho need only get a man in a compromising position with no else around and threaten to scream rape then or later unless he does what she wants. An accused murderer has more rights. A murderer can present evidence that the victim threatened him to show that he acted in self-defense by killing the ho. For example, an accused murderer could provide evidence that the victim threatened other men on days prior to her death. The jury could infer from such evidence that the ho also threatened the defendant, and, in self-defense, he killed her. Evidence of the alleged victim's prior relevant conduct is permitted for any criminal proceeding except rape. If the alleged rape victim volitionally engaged in sex with different men on the days before the alleged rape that evidence is not admissible even though it infers the ho volitionally engaged in sex on the day she now claims rape. So a man actually has a better chance of keeping his freedom by killing a ho rather than letting her accuse him of rape.

After tearing down men for the attributes Mother Nature endowed them with and stereotyping guys as guilty until proven innocent, the rich and Feminazis, again through the media, created the illusion of the "New Woman" as a substitute for all the male heroes of history who fought injustice. The "New Woman" public relations con, probably inspired by the 1968 "New Nixon" campaign, depicted girls as having courage, strength and a willingness to fight for what's right that when coupled with their innate compassion, something they never possessed, would end the nation's ills. The society, or at least the influential members of it, has been brainwashed into believing the genetic qualities of men really reside in bodies engineered for non-manly tasks. Very ingenious because neither America nor any societies' new heroines will take up the gun to fight and die for freedom in sufficient numbers to defeat a ruling clique because Mother Nature never gave them the abilities to do what the illusions purport. The rich

and Feminazis created the myth that women will lead the way to a better land, but since they can't, they won't and haven't. Mind over nature is a losing proposition for those buying the lie, but a winning one for the rich in creating psychological barriers that convince men they shouldn't do what they can and that girls can do what they can't. Given the frustrations that result from such delusions, no wonder psychotropic drugs, Brave New World's soma, are so popular.

Higher education also played a key role in mentally de-sexing the sexes into male wimps and Feminazi shrews. Always dependent on the rich for endowments and controlled more and more by Feminazism, academia provides the rational through so-called scholarly research and discourse for re-engineering human behavior to benefit a few and their minions. Grade schools also do their part by indoctrinating boys to act more feminine and girls more masculine to create a conformity of powerlessness—a neutered species.

The rich and their knowing or ignorant allies the Feminazis have in large part succeeded, but only in America. Men, who once got together to play poker, drink and smoke cigars or compete in tackle football, bruising basketball or baseball, now integrate broads into their past-times. The competitive edge of competence, courage, fortitude and, yes, violence fades from non-use when girls are involved. American men's sense of self has become so warped that they will actually praise a girl for her acts during coed competition when only derision would reflect the truth. I'd like to see some Feminazis step on the playing field with my old rugby team. Today, guys even talk about how they feel rather than asking for advice on how to solve a problem. They waste time and money on a shrink's couch, self-indulging their feelings like some high school girl with too much estrogen. American males even look to girls as solvers of

problems and omnipotent goddesses in control of reality—what lunacy, but very successful for the American rich because emasculated men don't rebel.

Propaganda, intimidation, demonization and efforts at making guys feel ashamed have transmuted evolutions' roles for the sexes to where men forsake their abilities to be more like girls and girls pretend to be what they aren't in order to acquire societal power over men. As a result, America's rich have increased the chance of continuing their rule, boosted their profits and debilitated federal and state governments.

Even the government's failure to do a minor act, such as deport the Commie Ho, serves the interests of the rich. The Commie Ho entered the U.S. by defrauding the federal government, so she is here illegally. But deporting her and others like her would reduce the providers of sexual services thereby driving up the cost of blowjobs, intercourse, lap dances and pornography. Some of the money these alien hos earn goes for buying goods and other services in this economy, which benefits the wealthy more than the rest of us because the rich, on a per capita basis, own a much larger stake in the economy. The Commie Ho and others import drugs to secretly feed their customers, but that also benefits the wealthy since it assures alien hos stable clienteles and cash flows with which to purchase goods and services in this economy. Although much of the money amassed by these alien whores is smuggled out of the country into overseas financial institutions, those institutions purchase U.S. financial instruments, so the money comes back as foreign investments into companies owned by the rich or to pay government contractors, also owned by the rich. Alien hos and their support staffs, however, evade taxes, but then so do the wealthy. The rich, therefore, don't pick up the tab for the public infrastructure that the hos and pimps use, the middle and working classes pay that bill. In the end, it makes no sense for the government to enforce the laws against the Commie Ho because she provides the wealthy an

economic benefit, small though it maybe, but when multiplied over tens of thousands of similar illegals, it adds up.

### What Does It Take

The reopened criminal defamation case against The Commie Ho's mother was shut down once again. My G.R.U. agents reported that the Ho and her attorneys, Mundy and Petrovich, used Chechen mobsters this time to intimidate the witnesses into silence. That made sense. The Commie Ho and her parents lived in Grozny, Chechnya until the early 1990s when, according to the Ho, the parents divorced and she moved to Krasnodar with her mother. Krasnodar was only a few hundred miles from Chechnya, and despite the war between the Russian government and Chechen rebels, Russian organized crime and Chechen hoods worked together in many criminal operations. Money knows no political side.

An additional set back came in my efforts to keep tabs on the Commie Ho's travels between Russia and New York City so that I could alert D.E.A and Customs, for whatever good it might do, of the flights on which she smuggled money out of and drugs into America. She started taking advantage of an Aeroflot service in which the holder of a return ticket to Russia could book a flight three days before departure, and she also began varying the months when she traveled. The short lead time for her flights and not knowing the month of her travel made pinpointing her flights financially prohibitive, since each check by the former M.V.D. Lt. Colonel cost a lot. Once, I tried calling her home number in Queens to confirm whether she was still in the country, figuring that by doing this periodically, I could narrow down when she traveled, but she had changed her number to unlisted. These hos learn quickly.

In March 2003, I finished the second draft of the RICO Complaint and gave it to Jeff for his final comments. In order to serve the Complaint, I needed the addresses, many of which I

already knew, for all the defendants identified by their real names. As for the others still lurking in the shadows, such as the hood who made the threatening telephone calls, I didn't have a chance of identifying him until the case reached the stage where I could subpoena documents from the defendants and the F.B.I. As a double check that Petrovich still worked for Mundy, I called that law firm. The secretary said Petrovich was out and put me through to his voicemail. Since he still worked there, I could serve him at that address.

To obtain the addresses of a few defendants in Krasnodar, I asked the military intelligence guys for help. The only other person's address in Krasnodar that I needed was Alexey Smolin, the guy who ran prostitutes overseas under the guise of dance troops putting on legitimate shows in discos and laundered money for the political elite and crooks of the city through restaurants that never had any customers. Smolin no longer washed money at the Troika Restaurant, so Nadya contacted the Commie Ho's old boyfriend Alexei who had helped me before with information. He knew Smolin and gave Nadya Smolin's current work address, The Lucky Grand. The Ho's old boyfriend added that he had recently run into the mother Inessa who said the Commie Ho was among the top ten in a beauty contest in New York City and dated a good boy. As always, I just filed the information, knowing it would reveal itself later as to who was the new sucker and which contest.

Besides the addresses for some of the defendants in Krasnodar, I also needed locations in Mexico City for the Julia Heart Agency and one of its employees named Maria in order to serve both with the RICO Complaint. Maria and the agency made the arrangements for the Commie Ho and another Russian mafia prostitute to sell their wares at The Men's Club. The agency, the two prostitutes and the Commie Ho's Moscow pimp Leo had established an underground air route in 1999 for funneling Russian mafia prostitutes to high-end clients at The Men's Club.

Some of the whores were also smuggled across the Mexican border into the U.S., according to a Mexican source.

The telephone number for the Julia Heart Agency came from my private eye in Mexico City, and a Latin girl helping me with Spanish translations called the agency pretending to be a friend of the Commie Ho and looking for work. The madam knew my ex-wife, how could she not, since they were partners in crime, and told my assistant that the agency now used the name Malbros Recruiting Agency and provided the address. It even had a website, [www.malbros.com](http://www.malbros.com), with pictures of the apartments where the prostitutes lived and entertained customers. Those photos looked familiar. On a closer look, I remembered. That's the same apartment as in the photographs that Leo had passed around when the Commie Ho and I visited his studio in April 2000. Leo's photos had not only shown one of her customers, Salvador, but where she "entertained" many other customers—how sweet. My Latina assistant also got the last name for Maria: "Serrato" from the agency, but she no longer worked there, so I still didn't have her address.

As for Azul, I tried to find a recent address, but no go. The Latvian prostitute who, along with the Commie Ho, ran weekend prostitution trips for wealthy businessmen in Mexico in 1999 was off the grid. At one time, I knew Azul's email and her Dutch boyfriend's telephone number but both had since changed.

The New York City Board of Elections had completed its investigation that confirmed the Commie Ho had illegally sworn to be a U.S. citizen when she registered to vote. The Board promptly threw her off the voter registration roles. The Commie Ho could care less, since she had already received the registration card she could use to help show citizenship. What about the federal and state felonies the Commie Ho committed? Was she going to walk on those like all

the other crimes she's perpetrated? When I had talked to the Boards' Chief Clerk in Queens, she didn't even know that falsely claiming citizenship when registering violated the law. The Board of Elections began to look distressingly similar to other government agencies—do nothing to bring female alien felons to justice, except, as in this case, remove their names from the voting roles, big deal.

Time to kick the matter upstairs, so I contacted my friend Alan. He knew the Election Commissioners and counsel for the Board, and they were all scared of him. Alan didn't hold any official position of power, but he could make their lives miserable and his extensive contacts enabled him to dig up any dirt from their pasts. Alan approached the Board's counsel who said I should send him a letter requesting that the Commissioners refer the Ho's illegal activity to the Queen's District Attorney. In the letter, I tried to prod them into doing their duty by playing off the post 911 climate, "In this time of uncertainty and danger, I believe our laws should be enforced rather than ignored." It was a bit of a stretch, since the Ho's associates were mobsters not terrorists.

After a month and a half wait without any response, I told Alan and he mounted his charger. No bureaucrat or government dared withstand Alan's onslaught when he believed his cause just. A couple of days later, I received an email from the Board of Elections' counsel inviting me to their next meeting to argue in favor of the Commissioners referring the Commie Ho's felony to the Queens' District Attorney. When the Commissioners investigation began the previous year, I had provided them with an affidavit that the Commie Ho was not a citizen, a copy of her INS card, a certified record of her falsified voter registration and copies of the New York State and federal laws she had violated by falsely swearing to being a U.S. citizen. The Commissioners, apparently, also received information from her, but I never saw that. Based on

the documents submitted and the Queens Board's investigation, the Board's counsel concluded, "It appears clear that Ms. Shipilina executed the affidavit on the voter registration form knowing that she did not meet the statement 'I am a citizen of the United States.'" This sounded good enough to me for notifying the D.A., but the Commissioners had to make that decision, which would come at their next meeting. Needless to say, I wasn't optimistic.

At the Commissioners' meeting, I gave a short prepared speech. When I started, most of the Commissioners were looking down at the meeting's agenda, which contained the documents I had submitted. "In addition to the documents before you, I would like to add that although Ms. Shipilina is a Russian alien who grew up in Chechnya...." At the word Chechnya, the Commissioners stopped perusing the agenda and looked up. That grabbed their attention, as I knew it would. "Ms. Shipilina speaks, writes and reads English sufficiently to understand the voter registration document she signed in which she claimed U.S. citizenship. I believe she went to the motor vehicle department to obtain a non-driver id and voter registration card in order to use them as additional documentation to show she is an American citizen when she tries to obtain more U.S. identification, such as a passport. I believe she is taking this route of acquiring U.S. id as a contingency against the possibility of Immigration deciding to deport her for material misrepresentations on her immigrant visa application. With U.S. identification, it will be easier for her to go underground and continue living and working in America."

The Commissioners briefly discussed the issue and surprised me with statements such as "we have a violation of law here and should refer it on to the proper authorities." One commissioner, however, said he was troubled because the case appeared to be motivated by the sour grapes of a divorce. What's wrong with sour grapes—it's an excellent motive for pursuing justice? The absence of sour grapes on the part of victims or whistle blowers is not a



requirement of the New York and federal felonies the Commie Ho committed. Assume sour grapes destroy my credibility as a witness, what about the documentary evidence? If the tide turned against me, I was ready to pounce with my counter argument. But that commissioner went on to suggest the matter not only be referred to the Queens District Attorney but also the U.S. Attorney for the Eastern District. The Commissioners adopted his suggestion and referred the Ho's criminal acts to both state and federal prosecutors. Amazing, a government body that actually did its duty without bias to either males or females. Then again, maybe it was Alan's presence at the meeting that swayed the Commissioners to follow the law in order to avoid his unrelenting criticism for not doing the right thing. Anyway, it didn't matter because neither the Queens District Attorney nor the U.S. Attorney did a thing. Both agencies adhere to Feminazi ideology in which girls can do no wrong and men are always the culprits. My never-ending battle for truth, justice and what was once the American dream continued. I even wasted the postage to send copies of the Board's referral letters to Scott Marvin at INS in the Embassy in Moscow and to the newly named Department of Homeland Security's Bureau of Immigration and Customs Enforcement.

One of my Moscow attorneys, Dennis, congratulated me on this minor victory and added, "For the life of me, I can't understand the difficulty in deporting this little tart. Ashcroft seems to have no trouble with everyone else under the sun. Maybe he should send her to Guantanamo?" America's war on terrorism had just opened a second front in Iraq, following its initial success in Afghanistan from which prisoners were sent to the U.S. military base Guantanamo on the island of Cuba. Until the U.S. Supreme Court intervened, the prisoners were held indefinitely in a legal limbo somewhere between combatants of war and criminals. Saddam was evil, and the world better off without him, but I didn't really care about foreign tyrannies, I

had my own to fight for justice here at home with the RICO suit and complaints to various inspector generals as my last weapons within the system.

### Walk On The Wild Side

At the end of March, not the Ides, but it might as well have been, my military intelligence agents' man in Krasnodar reported that the Commie Ho "has all criminal contacts through her mother Inessa who is affiliated with the famous Chechen terrorist Arbi Baraev. We will conduct a detailed investigation and collect all information including addresses about all criminals affiliated with Inessa and your ex-wife Alina." Arbi Baraev, who's he? The name was vaguely familiar but I couldn't place it. And what's this "terrorist" stuff? The Ho worked with mobsters, not terrorists. Okay, maybe the G.R.U. considered organized criminals terrorists, and in a sense they were. I went on the Internet to find some information on this guy Baraev and ended up immersed in Byzantine insanity.

General Arbi Baraev, boss of Chechnya's Special Islamic Regiment, specialized in kidnapping, extortion, narcotics, illegal oil production and slavery. In 1998, in return for \$20 million from Osama Bin Laden, Arbi Baraev beheaded four Western telecommunication workers. That's why the name sounded familiar. The investigators at Kroll had told me this story when I began work for the firm in July 1999. According to various media reports on the Internet, Arbi started out as a traffic cop for the Ministry of Internal Affairs in the late 1980s when the Soviet Union still controlled the Chechen Republic. The Soviet Union's national police, the M.V.D., operated throughout the Union with branches in all the regions. As an M.V.D. cop, Arbi worked for the same organization as did the Commie Ho's alleged father and during the same time period: late 1980s and early 1990s. Inessa and my ex-wife may have met Arbi and the members of his clan through the man whose name was on the Ho's birth certificate,

or perhaps the two serviced Arbi and the others sexually. The Commie Ho was 15 in 1990, very tall and in her prime for a Russian prostitute, while Inessa, at 40, over-the-hill but with her athletic build, still sellable.

Chechnya is a clan-based society with ancient traditions. A Chechen's primary allegiance and loyalty is to his clan and its associates. Many clans engage in organized crime activities that reach throughout Russia and even into the U.S., for example, Chechens run drugs into Miami. Although Inessa and the Commie Ho are apparently of Russian and not Chechen birth, they could still be members or associates of Arbi Baraev's clan. Chechen organized crime clans have many Russians and foreigners involved in their operations. Whether Inessa or the Commie Ho are members or just affiliated, the clan would still protect them.

In 1991, Arbi moved up from traffic cop to bodyguard for important Chechen officials. As the Soviet Union began to unravel, Jokhar Dudayev seized control of Chechnya from Russian forces, declared independence and was elected Chechnya's president. The Chechens never liked Moscow's rule over their country. Chechnya sits on the northern range of the Caucasus Mountains, the geographical divide between Europe and Asia, about mid-way between the Black Sea to the west and the Caspian Sea to the east. More importantly, it has a predominantly Sunni Muslim population sitting on oil.

Long before communism in Russia, the Tsars periodically campaigned to expand their empire south in order to acquire a warm water port for commerce and their navy. From 1732 to 1783 armed conflicts between the Russians and the Chechens occurred off and on. In 1783, Chechnya's leader declared a jihad against the Russians that lasted until the Chechens' defeat in 1791. After a period of relative peace, the 1817 Caucasian War initiated another jihad until 1858 when the Chechens were once again defeated. Over the following decade, many Chechens were

deported or fled to the Ottoman Empire while Russians began to settle in Chechnya's northern lowlands—a process that accelerated with the discovery of oil near Grozny in 1893.

Sporadic resistance to Russian rule continued, and after the Communist Revolution, Chechnya became a Soviet Republic. Stalin's purges of the late 1930s cost the lives and liberty of thousands of Chechens, but they continued to defy Russian Communist rule. In 1944, Stalin charged the Chechens with collaborating with the German invaders and rounded up almost the entire population, 400,000, and deported them to Kazakhstan. Nearly 50% of them died as a result. In 1957, Moscow lifted the ban on Chechens returning to their homeland and restored Chechnya as a Soviet Republic.

With the fall of the Soviet Union, Chechens declared independence. In 1994, Russia tried to oust the rebel Chechen President Dudayev in a coup but failed, so Boris Yeltsin sent in the military and M.V.D. troops to begin the First Chechen war of the 1990s. The Russians subsequently assassinated Dudayev but lost the war even after killing one in every seven Chechens. Arbi Baraev blossomed during the 1994-96 war by commanding a detachment of men that kidnapped tourists, journalists, foreign workers, villagers from other republics and Russian government officials. Some were ransomed, some kept as slaves and some, 170, personally executed by Arbi. The war also enabled Arbi's armed band to seize control of the oil production in one of the regions of Chechnya. In order to protect the shipment of the oil through Russian lines to hard currency markets, Arbi bribed Russian military and M.V.D. officers, the very people who were supposed to be fighting Chechen rebels such as Arbi. Oil revenues enabled Arbi to buy weapons from, once again, the Russian military and the M.V.D.

After the end of the First Chechen war, Arbi continued his oil and kidnapping business and moved into narcotics. He covered his criminal activities with the rhetoric of Islamic

Wahhabism, but despite the verbiage, was nothing more than a fundamentalist mafia don.

During the Second Chechen War that started in the fall of 1999 after the bombings of apartment buildings in Moscow and other cities, Russian military officers and M.V.D. bosses began making lots of money again by way of bribe taking from Arbi's oil, drug trafficking and other businesses. Beginning in 2001, on orders from Russian President Vladimir Putin, the F.S.B., previously the K.G.B. for whom Putin worked, officially took control of the show in Chechnya, even overseeing military operations. The F.S.B. not only knew of Arbi's dealings with the Russian military and the M.V.D. but also approved, probably because the F.S.B. bosses received a cut of Arbi's bribes. Arbi moved freely through Russian lines conducting his various criminal businesses. He traveled with Russian M.V.D. and F.S.B. identification and under the protection of those agencies.

With friends like that, Arbi didn't have a care in the world until the summer of 2001. A few months earlier, I had made my first trip to Krasnodar to find witnesses for the annulment/divorce case and almost immediately those witnesses began receiving threats to shut up. According to the new information from my G.R.U. sources, those threats actually came from Arbi's clan members—not the Russian mafia. Around the same time, Russia's military intelligence, the G.R.U., always in competition with the F.S.B. for political influence and funds, decided the corruption in Chechnya and the war were destroying the armed forces both physically and morally. The G.R.U. decided that to end the war required strengthening the hand of the Chechen rebel President Maskhadov. President Maskhadov wanted peace, but the more radical rebels, like Arbi, were making so much money out of the turmoil of war, they opposed any peace efforts. Peace might bring a stable Chechen government, and with that Arbi and the other warlords would lose power and money.

On June 23, 2001, the G.R.U. financed a group of ethnic Chechens who stormed Arbi's stronghold and captured the Islamic mafia don. G.R.U. officers questioned Arbi for 11 hours on videotape then shot him. The Chechens that captured Arbi were also paid off with death under mysterious circumstances. The G.R.U.'s actions eliminated one of the F.S.B.'s cash flows and put Chechen President Maskhadov in a somewhat better position to talk peace with the Russian government. It wouldn't last for long.

In accordance with Chechen tradition, a blood relative of Arbi's took over the mafia don's position as head of the Baraev clan. Arbi's nephew continued to run the clan's criminal operations under the protection of the F.S.B. and M.V.D. and assassinated business opponents from other Chechen clans along with members of President Maskhadov's government. The Baraev clan included criminal and political members and associates all the way from Chechnya through Krasnodar to Moscow. Some of them threatened the witnesses in the criminal defamation case against the Commie Ho's mother Inessa—no wonder they recanted their original testimonies. Those threats and a bribe first closed the case in March 2002. But threatening witnesses must have seemed a trifling matter to the Baraev clan at that time, and I doubt its new leader even knew about it. He had more important matters with which to deal. Movsar Baraev was planning the take over of the Moscow Dubrovka Theater in October of that year. During the take over, Movsar announced, "We are from the military observation and destruction unit that belongs to the Martyrs of the Gardens of the Righteous. I swear by Allah that we strive for martyrdom more than you strive for life."

Where did these nuts come from and what was I doing involved with a slut and her mother who are connected with these psychopaths? My whole situation was becoming too damn bizarre.

Russia's President Putin blamed the theater tragedy on al-Qaeda, which was involved to some extent in the Chechen fight for independence. But many think Arbi's old F.S.B. protectors provided the nephew Movsar with the assistance needed to get 50 militants to Moscow and arm them. If the F.S.B. helped, then that explains executing all the terrorists while knocked out from the gas pumped into the theater. The F.S.B.'s Alpha unit didn't want anyone talking afterward. Movsar's deadly take over of the theater turned into a defeat for the G.R.U. because the F.S.B. planted reports that Chechen President Maskhadov approved the operation. That ended any chance of the Russian government negotiating peace with Maskhadov, who the F.S.B. assassinated in March 2005. So the war continued with Islamic warlords, the F.S.B., M.V.D. and military generals making lots of money off of the suffering of others—400,000 refugees alone, out of a population of one million. Men can fight for what's right or capitulate to what's wrong; girls can't even distinguish between the two.

The Baraev Islamic Terror and Crime Clan was added as a defendant in the RICO case, but it was unlikely I'd ever be able to even serve the Complaint on those luns.

### Everyday People

Jeff finished his review of the RICO Complaint and made some suggestions, but I rejected them. Armed with 91 pages of factual accusations, I went downtown to lower Manhattan to file the Complaint in the United States District Court for the Southern District of New York. The federal court, at least outwardly, fits the old Hollywood images of the judiciary: spacious, well-kept and with courteous employees; not like the slum of the New York State court next door where incivility trickles down from the Feminazi judges to the drones in the basement.

The Southern District's clerk took my Complaint, turned to a wooden lottery bin containing the names of the District's judges, and gave it a spin to pick a judge for my case—a

literal wheel of fortune. Please not a broad, please not a broad, I wished; annnnnnd the judge's name is ... a man's, yes! I had a chance. Not only was it a male judge but the Chief Judge of the Southern District himself, Michael B. Mukasey. Okay, this could be interesting. The Chief Judge was in his late 50s or early 60s, which meant he had escaped the anti-male programming that Feminazi mothers brainwashed their children with beginning in the early 1970s: "No Dick you can't have a gun toy, we don't believe in violence, especially against girls." "So Mom, who is going to protect you against the Indians, Huns, Nazis, Japs and Commies?" "Well, Jane will. She's a strong, independent and smart girl who will reason with these other people who are just like us." Anyone raised before the 1970s knows what would really happen to Jane and Mom if any of those folk, or ones like them, showed up looking for land and loot to placate their babes at home.

The clerk date-stamped my copy of the Complaint and issued the summons to legally drag the over sixty miscreant defendants into the District Court. On my way out, I realized it was Good Friday, didn't see any symbolism in that, but I knew the Commie Ho would with her mixture of black magic and anti-Christ Christianity, which she billed as "belief in the God." My friends had always marveled at her apparent hypocrisy until learning that she didn't believe in God but the Revelations' anti-God. What did I care; it was all useless mumbo jumbo anyway.

Two days later on April 20, 2003, Alan and I went to the Manhattan General Post Office, which to my surprise was open on Easter Sunday. Still didn't see any symbolism, and felt nothing but my usual waking hatred for Feminarchy America. Alan was the necessary nonparty to the lawsuit for signing an affidavit stating the papers were actually mailed to the defendants in the U.S. for whom I had a name and address. If the defendants didn't respond to the mailing, I'd have to hire a process server to personally hand them the Complaint, which is what finally



happened. As for the defendants outside the U.S., that required using procedures under an international treaty called the Hague Convention on the Service Abroad of Judicial Documents. That took time because it not only involved dealing with foreign bureaucracies but translating the Complaint into the native languages of the foreign defendants in Russia, Cyprus and Mexico. In order to serve the defendants whose names I didn't know but the other defendants did, such as the Chechen jihadists making anonymous threats to my witnesses in Krasnodar or the telephone goon who threatened me, I'd have to wait until the District Court allowed me to subpoena records and take depositions—if it ever did.

My RICO Complaint grouped the defendants into four countries where they either lived or committed crimes: America; Russia, which includes Chechnya although the Chechens don't see it that way; Cyprus, the Greek part; and Mexico. Because all the defendants belonged to or associated with, including the Chechens in their money-making ventures, a segment or segments of the Russian mafia, called the "RICO enterprise" in my legal papers, each and everyone of them is liable for any harm anyone of them caused me in furthering the enterprise's purpose of transferring assets and managers to the American market. The following are among the more interesting criminals and the accusations against them:

Flash Dancers Topless Club is located on Broadway in Manhattan and run by an American organized crime group that also operates the lap-dancing clubs: Private Eyes and New York Dolls (not to be confused with the former punk rock band). The crime group runs a criminal conglomerate in which it uses Flash Dancers to launder money; recruit prostitutes, including illegal aliens from the former Soviet Union; promote prostitution; recruit pornography starlets; surreptitiously dispense narcotics to some wealthy, regular customers; and sell pornography and escorts over its website [www.flashdancersnyc.com](http://www.flashdancersnyc.com). The managers of the club

arrange for threats and the use of physical force to intimidate and engage in immigration fraud in order to maintain the supply of girls.

Cybertech Internet Solutions operates the Flash Dancers website and the Cybertech Internet Strip Club Network website, [www.stripclubdirectory.com](http://www.stripclubdirectory.com), which connects to strip clubs and brothels around the world, offers pornography and sells call girls at [www.stripclubescorts.com](http://www.stripclubescorts.com). Some of the advertised hos even go on vacations with their “clients.” (So that’s how all those loser guys get pretty young babes to travel with them, but perhaps I shouldn’t talk.)

The law firm used by Alina Shipilina, Kuba, Mundy & Associates, runs a green card and visa mill for providing papers to foreign prostitutes and lap-dancers, mainly Russian, and fights to keep illegal aliens in America, whether criminals or not and whether by legal or illegal means. (The firm’s motto is probably “To be too ethical could mean one less fee.”)

Alina Shipilina assists Russian, Chechen, Cypriot and American organized criminals with importing Russian prostitutes, pornography and narcotics as well as laundering some of the money made in New York City.

Doctor Marc L. Paulsen, a.k.a. Wayne Williams, the producer of Alina Shipilina’s masturbation video, shoots pornography in Russia using “models” from the Red Star Agency and Phodes Studio and imports it into southern California with the help of Leo Perlin, Shipilina’s former Moscow pimp.

Anastasia and Dima, Vasilyeva, commuting between America and Krasnodar, manage the top model agency in Krasnodar the “Tatyanna Vasilyeva Fashion House” that runs a call girl operation, the “dirty girls list,” for powerful Russian politicians and gangsters and sends prostitutes to brothels and lap-dancing clubs in Cyprus, America and Europe. Anastasia spends

much of her time when in Krasnodar managing her school for teaching children how to become models and prostitutes in order to help keep the Russian mafia's supply of them uninterrupted. (The G.R.U. guys alerted the authorities as to the real nature of Anastasia's school and her mother's fashion house. Prostitution, even of children, is technically illegal in Russia but makes up one of the Russian mafia's most lucrative businesses and a top earner of hard currency for the Russian economy.) Anastasia's mother and founder of the agency, Tatyanna Vasilyeva, is a very famous, wealthy "personage" in southern Russia, which means she is part of the politico-criminal elite that runs the region.

Detective Bob Henning of the 114<sup>th</sup> Precinct in Queens, New York (the cop who called me early one morning to say I would have to surrender for an arrest that never occurred) threatened Roy Den Hollander with arrest in return for money or sex from Alina Shipilina, who had acted on advise from her lawyers Mundy and Petrovich. The call was meant to pressure Den Hollander into not cooperating with the INS, which amounted to tampering with a witness and made Henning an accomplice in the Russian mafia's infiltration of America.

In Russia, there is the crime boss Khachatryan Araratovich Asypyan with whose gang Alina Shipilina took out the contingent murder contract on Den Hollander and whom she helps to run prostitutes, pornography and narcotics to America in cooperation with the American organized crime gang that operates Flash Dancers and the Cybertech Internet Strip Club Network.

The two Krasnodar mobsters named Volchok a.k.a. Woolfy and Raketa a.k.a. Rocket provide protection for Alina and Inessa Shipilina's illegal activities in Krasnodar.

The Albatross Club of powerful government officials and wealthy criminals to whom the Alina Shipilina provides sexual services.

P. I. Ostapenko, the Chief of the M.V.D. for the Central District of Krasnodar who took a bribe in March 2001 to close the criminal defamation case against Inessa Shipilina.

Dmitri Morosov, Krasnodar's most famous photographer of models, shoots some the pornography stills and videos that Aspyan exports to America.

Inessa Shipilina, Alina's mother, uses her position as instructor at the Krasnodar State Academy of Physical Culture to recruit coeds for prostitution and male athletes as enforcers for the Russian mafia. She also arranges for the use of physical force and coercion by the Baraev Chechen clan against persons in Krasnodar who interfere with any of the criminal activities in which she and her daughter are involved, such as seizing the college's gym facilities to run a private fitness club.

Phodes Studio and its president Leo Perlin procured men for Alina Shipilina in Moscow, provided the facilities to produce Dr. Paulsen's pornography video of her masturbating and searched for Americans to bring her to the U.S. (Perlin directed the Commie Ho over to me at the party I had stumbled into at the beginning of this story.) Perlin and Alina Shipilina, consistent with the Russian mafia's goal of continued expansion into the U.S., connived to have Den Hollander bring her to America to add one more mafia asset to the American population so as to increase their and the mafia's cash flow. Perlin sends prostitutes, lap-dancers and pornography starlets to Venezuela, Greece, Mexico and the United States; bribes employees at the U.S. Embassy in Moscow for visas for his prostitutes; produces pornography for the Russian and overseas markets; runs a call girl operation in Moscow; occasionally shoots legitimate modeling events; continues to operate an introduction agency to defraud Western men into relations and marriage with Russian prostitutes in order to export the prostitutes to hard currency

countries; and advertises some of his services and girls on the Internet at [www.phodes.net](http://www.phodes.net).

Perlin belongs to one of the Russian mafia's Moscow gangs.

Valodya Gavrilov of St. Petersburg (was one of the many guys the Commie Ho played with right after our marriage) bribes Russian government officials to smooth the transporting of hard currency into Russia and narcotics out of the country by Alina Shipilina and other members and confederates of the Russian mafia. Gavrilov also travels throughout Russia under the guise of selling custom jewelry in order to recruit females for prostitution and transportation to America.

In Cyprus, Alina Shipilina and other allies of the Russian mafia use the Bank of Cyprus for transferring and hiding their incomes from illegal activities.

Melios Athanasiou, his Russian born wife Irina and his brother Marios recruit prostitutes from the Tatyanna Vasilyeva Fashion House for the Cypriot brothels Zygos and Tramps, both of which Russian mafia bosses in Krasnodar own. The prostitutes at the two brothels also perform sexual acts for pornographic materials shipped to the U.S. where some of the prostitutes also end up. The Athanasious bribe Cypriot officials to obtain visas for the prostitutes since prostitution is illegal in Cyprus.

A. Charalambous, a chief in the Migration Office of the Ministry of the Interior for Cyprus, accepts bribes from the Athanasious in return for providing Cypriot work visas to foreign prostitutes.

In Mexico, the Julia Heart Agency, now called Malbros, finds work for foreign prostitutes in Mexican brothels and lap-dancing clubs, such as The Men's Club. Perlin in Moscow provides Malbros with Russian prostitutes for whom he obtains visas by bribing

Mexican Embassy officials. Alina Shipilina's work visa in Mexico listed her as a translator even though she could not speak any Spanish.

Many of the Russian mafia's prostitutes work in The Men's Club in Mexico City, a brothel and strip club that caters to wealthy Mexican and international clients and is franchised by the United States Men's Club that has operations in Dallas and Houston, Texas and Charlotte, North Carolina. A Mexican organized crime group allied with the Russian mafia controls the Mexico club, bribes Mexican officials in order to stay open, launders money and evades Mexican taxes. (I know—so what; illegal alien Mexicans evade American taxes too.)

Juginta Raszyukevichina, known as Azul to her customers, helped Alina Shipilina in the fall of 1999 run a weekend call girl service for wealthy businessmen and gangsters in Mexico that provided prostitutes for trips to Mexican resort areas, such as Cancun, Acapulco and Puerto Vallarta.

Alfredo Ibarra Sotelo (the guy to whom the Commie Ho prostituted herself in Italy less than three months after my drug-induced marriage) runs cocaine into the U.S., Europe and Russia, where he supplies the Russian mafia.

### It Ain't Me Babe

Felt like I was on a roll. After sending out the RICO Complaint to the U.S. defendants, I turned to filing complaints with the inspector generals at Immigration, I.R.S., Customs and the F.B.I. for those agencies apparent failures to do anything about the Commie Ho's violations of U.S. law. The idea of involving the inspector generals as a last ditch effort to spur the Government into action came from my first job as a lawyer. The Department of Treasury's Honors Program hired me right after law school for two years to rotate through three different sections of the Treasury. It was the best Federal Government job for which I received an offer.

The hiring at eight other Governmental positions that I was interested in and for which I interviewed were controlled by Feminazis, so there was no chance of my getting hired, even though most of those jobs were considered less prestigious than the one at Treasury. The position I really wanted was at the Department of State, but the Feminazi in charge hired a bimbo instead.

At Treasury, my first rotation, which turned out to be my last, was at the I.R.S.'s Interpretative Division. One of my cases involved a wealthy and powerful family in California that wanted to dissolve a multi-billion dollar trust. The word had come down from the Division's bosses that the politically well-connected family was to have its way. The family wanted a private letter ruling that said if the trust was dissolved and all the billions in assets distributed to members of the family, there would be no tax consequences. The irrevocable trust had been set up in the early 1900s by the family's patriarch to provide income from his oil company stock to his children, grandchildren and whomever else came along that fit as a descendant under the trust provisions—typical robber baron estate planning. The living children and grandchildren, however, weren't satisfied with just collecting the income from the trust's portfolio, they wanted to divide up the portfolio, four billion dollars worth, among themselves—typical offspring greed.

In the five hundred year history of irrevocable trusts, once a person sets up such a trust and then dies, the trust continues until the time the founder stated it would end, providing it wasn't for too long a period which this one wasn't. Under the law, it didn't matter what any of the patriarch's descendants wanted because to dissolve the trust meant going against 500 years of common law precedence forbidding such. So why did the family request a private letter ruling from the I.R.S. that would take effect only if the trust was dissolved? It didn't make any sense,

so I telephoned around the California state legislature to see whether someone could enlighten me and by chance talked to a committee chairman. The family had used its influence to pass a California law that gave it an 18-month window in which the family could dissolve the trust regardless what 500 years of legal decisions had held. Unbelievable! The rich can get what they want by changing the law just for them while the rest of us have to put up with this kind of corruption—not this time baby.

The U.S. tax law looked clear to me that if the trust was broken up, the family beneficiaries would have to pay income and capital gains taxes, which were the areas I was assigned to handle. The family's lawyers didn't want to hear that and neither did my bosses. After all, Reagan was President and he was from the family's home state of California. They all knew each other at that level of wealth and power, so government bureaucrats were supposed to do the White House's bidding. In fact, the Associate General Counsel for the I.R.S. said his job was to make sure that those with "hands across the White House" got what they wanted.

After a number of meetings filled with high priced California lawyers, I.R.S. bureaucratic sheep and lots of pressure, I wrote up a memorandum concluding that by dissolving the trust the family members would get hit with a nice hefty tax bill. In order to assure the memorandum's effectiveness, I gave it to the inspector general, told him the I.R.S. was trying to give this family a free ride in violation of the law and quit to go work for the private law firm Cravath, Swaine & Moore. The institutionalized corruption in government disgusted me back in 1986 as it does now, but back then the I.R.S. inspector general did his job by putting a stop to giving that one overly rich family what it wanted. Maybe the inspector generals of the 21<sup>st</sup> century, assuming they weren't ideologically corrupt Feminazis, could stop one Commie Ho.



To each inspector general, I summarized the Commie Ho's law breaking under that agency's jurisdiction, complained that the particular agency did nothing about it, threw in an insult and told them I had taken the law into my own hands by filing a RICO action of which I sent them a copy. By enclosing the RICO Complaint, the bureaucrats might say in typical Club Fed fashion, "Oh we don't have to do anything, since he's already taken it to court." But then again, the other predominant character trait of bureaucrats is the fear of being exposed as the incompetents, frauds and sell-outs they are. The RICO Complaint might goad them into some action in order to prevent the lawsuit from publicizing their failure to address crimes committed by a Russian mafia member.

To the inspector general handling the INS, I wrote:

The I.N.S. has failed to deport a Russian alien who used fraudulent means to enter the U.S. and violated 8 U.S.C. 1227(a)(3)(D), 18 U.S.C. 1015(f) and New York State Election Law 5-210(6), which is a class E felony, by claiming to be a U.S. citizen when registering to vote in state and federal elections. The New York City Board of Elections has referred the fraudulent claim of citizenship to the U.S. Attorney for the Eastern District and the Queens District Attorney.

The officer in the Moscow office who is now handling the Shipilina case, Scott X. Marvin, initially communicated and received documents from my Moscow attorney in September 2002 when Marvin took over the case from another, much more diligent officer at the Embassy. Since that initial contact, the all-to-typical Immigration bureaucracy inaction has come into play. Repeated and continuing attempts to contact Marvin have run into the standard operating procedure at Immigration of see no evil, hear no evil, do no work.

The inspector generals in the Federal Government are supposed to be independent from the agency they oversee so that they can conduct an objective investigation free from bureaucratic pressure. Not so with the INS, now part of the much-ballyhooed Department of Homeland Security. The Feminazi who responded to my INS complaint assigned it to the very people the inspector general is supposed to watch. She sent it to the same INS office in New York City that I had visited two years earlier, which did nothing then, except to send

investigators for lap dances from the Commie Ho and other sluts at Flash Dancers on the taxpayers' bill. It was the New York City office's failure to act that I ended up dealing with the INS at the Moscow Embassy.

The Embassy INS couldn't conduct an investigation or bring administrative action against the Commie Ho, but it could force the New York City office to do so, which it did under the first official handling the case. But with his replacement, Scott X. Marvin, the Embassy let the case slide. So thanks to the inspector general, I'm back depending on the useless, most likely corrupt, incompetents in New York City office that is run by a broad. Just to waste time, I'm surprise the bimbo from the inspector general didn't refer the matter to the Embassy so that it could then send it on to New York. What that Feminazi bureaucrat did contravenes the reason for inspector generals. Where does this Orwellian thought process come from where the investigators rely on those accused of wrongdoing to uncover and punish that wrongdoing? Perhaps Homeland Security is depending on al-Qaeda to investigate al-Qaeda because it makes sense from a Feminazi thought process: who knows more about al-Qaeda than al-Qaeda. Maybe that's why Homeland Security doesn't protect America's southern border with Mexico, it's counting on al-Qaeda to do it. Such a strategy allows the girls at Homeland Security to do even less work.

For the I.R.S., I went to the inspector general at the Treasury Department of which the I.R.S. is part:

The IRS has received sufficient information showing that Shipilina evades taxes on over \$100,000 in income every year. This information was sent to Holtsville I.C.E., the Criminal Investigation Division on Church Street in New York City and Elvis Paliska at Criminal Investigation on Fulton Street in Brooklyn. The information included documents showing how much Shipilina makes, the safe deposit box she keeps the cash in until she smuggles it overseas and even one of the financial accounts she deposits some of the money into in Cyprus. The IRS, however, did nothing, probably because it meant doing a little work to put a case together.

Like so many other Americans, I have learned since 911 that many of our federal agencies are largely incompetent, except for the military of course. The IRS appears capable of only investigating senior citizens on social security or middle class Americans who make a mistake but have to pay high penalties to make up for the inability of the IRS to prosecute intentional evaders.

The Treasury's inspector general's office did the same thing as the INS: referred the complaint to the very agency the inspector general is supposed to oversee. Once again a bureaucratic Feminazi made the decision to pass the buck of her responsibilities and have the I.R.S. look into a complaint against itself.

The Department of Justice's inspector general went one better than those pretending to watch out for wrong doing at the INS and I.R.S., it didn't even bother to respond to my charges concerning the F.B.I.:

In February 2002, the Federal Bureau of Investigation agreed to look into a couple of threatening telephone calls I had received from a man using two different fictitious names. The man made his threats on behalf of Alina Shipilina, a Russian alien who is known in her hometown of Krasnodar, Russia, to associate with Russian and Chechen organized crime figures.

One of the FBI agents I met with, Vadim Thomas, opined that the caller might be associated with a local lap-dancing club called Flash Dancers where Shipilina works. I provided Agents Thomas and Mario Pisano with a telephone number I had obtained from the caller.

Agent Pisano subsequently told me that the FBI had traced the telephone number to an individual who apparently made the threats. Agent Pisano would not tell me the man's name, but said he and Thomas would interview him. Sometime later, however, Agent Pisano said he and Thomas had decided not to interview the threatening caller, in part, because the Bureau was "not an investigation agency" and the agents believed the caller might get angry and do something to harm me. Pisano added that I should not open my door to any strangers and be careful when out in public.

Obviously, I experienced first hand what the revelations since 911 have shown about the FBI's inability and unwillingness to do its job. When I first met Agents Pisano and Thomas, I gave them audiotape recordings of the threatening calls that I had made on a \$20 Radio Shack recorder. The New York headquarters for the FBI didn't have a recorder that could play the tapes at the correct speed, so this thug came off sounding like Mickey Mouse. I was dumbfounded and thought perhaps the agency should be renamed the Federal Bureau of Incompetence.

Customs' inspector general was the only one out of the four to acknowledge it would review my accusations of failing to investigate criminal violations of smuggling money out of the country by the Commie Ho:

Beginning in August 2001, I began providing Customs at its New York Regional and JFK airport offices with information about the smuggling of large amounts of cash and cash equivalents out of the country by Alina Alexandrovna Shipilina, a.k.a. Chipilina, a Russian alien who is known in her hometown of Krasnodar, Russia to associate with Russian and Chechen organized crime figures.

I provided these agents with the number of the Russian passport Shipilina used to enter the U.S. (she has a second Russian passport, 51 N. 0207805, expires 4-4-05, that she uses for traveling to other international locations on racketeering business); the airline, Aeroflot, that she flew when smuggling money out of America; and the approximate dates of her departures. Customs and its agents did nothing.

As a result, I have taken it upon myself to try to do what Customs' agents are paid to do but don't. Customs' inability to do its job has been made all too clear to the world by the 911 tragedy. I have, therefore, instituted a civil Racketeer Influenced Corrupt Organization lawsuit in the Southern Federal District of New York, 03 CV 2717, which deals, in part, with Shipilina's smuggling of U.S. dollars overseas.

Despite the initial show of doing its duty, the person from the inspector general's office responding to me was, naturally, a Feminazi, who, just as naturally, ended up doing nothing.

The seeds to the end of America's economic and military dominance germinate in all those incompetent Feminazis failing to carry out the tasks of their government positions. They got there by creating the illusion of a problem that females had been discriminated against, as were blacks. What a joke, so when was the last time a Feminazi was lynched? Shot dead on the front stoop of her house or the balcony of the motel she was staying in. For the passed 400 years the institutions of this country has had its boot heel on the back of the necks of blacks. While over that same time, white females have received largely preferential treatment.

Broads demand that the good jobs, not the bad jobs, be taken away from men and given to them just because of ages of fantasized harmful discrimination. A good job naturally means

whatever the bimbo wants, including any job that allows her to loot some guy's bank account, such as lap dancer, ho or stockbroker. There was never wide spread invidious discrimination against girls, but that truth didn't deter the Feminazis. They simply created the illusion of such and set off to sell their sophistic philosophy, which, if bought by enough fools, would give them even more preferential treatment in society than they previously had. Prior to the 1970s, females who remained unmarried and worked continuously from high school into their thirties earned higher incomes than men of the same description. Even today, the average female makes more on a per hour basis than the average guy. The Feminazis used typical special interest groupthink: give us more because we say we deserve it.

In the end, the Feminazis actually made girls a double threat for evil. Take Jody Foster, when she was young, in her teens and hot, she posed for *High Society* wearing only a towel. Don't let the name fool you, *High Society* was a skin magazine. Naturally, Foster did it to make money, a girl's true love, and gain attention. It got her publicity all right, since after seeing the photo spread, John Hinckley went out and shot President Reagan in order to impress the innocent little darling who alluringly draped a towel over her naked teenage body for the world to see. Today, no longer inhabiting a firm, supple body, Foster uses Feminazism rather than sexual charms to get what she wants: still money and attention, but through she-male movie roles rather than bare skin. Other bimbats did the same, such as Diane Sawyer who exploited her physical allure as a beauty contestant but when, well beyond her prime, propagandized on a she-male TV show *Primetime* in which the facts took back seat to her Feminazi beliefs. For instance, Sawyer falsely reported that Jessica Lynch went down fighting while resisting capture in Iraq when in truth Lynch spent the entire fire-fight knocked unconscious by her vehicle's accident. Was she driving? It's all Feminazi hypocrisy, pure and simple. When young and good looking they use

their sexual charms to make money and get what they want, but when fat, flabby and no longer attractive, they upbraid men for responding to the charms of younger girls doing what they had done and extort institutions to give them what they don't deserve by playing the victim of discrimination.

Both sexes have always been discriminated against because evolution created a division of labor, but the real question is whether the discrimination against females was harmful. Compared to the discrimination against men throughout history—no way. While men suffered the mind blasting and body rending wars, sweatshops, union strikes and battles against tyrants, the girls were safe at home to ho whomever came by the house. Society generally treated girls with kid gloves, buying into their lame lies in an effort to shelter them from the dangers of reality. Ever hear, “Men and children first!” No, not even today in Feminarchy America. Whenever there's a disaster, the news media emphasizes that the victims included “women and children,” as though a broad's life was more important than a man's. At the beginning of the 20<sup>th</sup> century, the average life span for men and females was equal but not anymore. What happened? Simple, modern science chose to concentrate on feminine threats rather those affecting men. During the Great Depression, households unable to support the entire family chose males for homelessness, not the girls.

Girls, not guys, have the god-given ability to make money off of their sex, and since girls enjoy sex more than guys, they reap a triple benefit that includes gaining sympathy as a “victim.” When a guy goes for a job, the only bargaining power he ever had or will have is his ability. A girl may have ability but definitely has sex, which she will use; make no mistake about that, since she enjoys it so much. Walk into a bar and some sucker will be buying a strange girl a drink that she conned him into with a false smile and words of insincerity. So who has suffered

more from past discrimination—men! The same group that is suffering now from even more discrimination thanks to the Feminazis putting broads on an even higher pedestal than before. Men are still the doormats for females, only a man's chances at a job and wealth have declined: over 50% of the work force and over 50% of the millionaires are now broads. My friend Alan has gotten so fed up with the situation that when he has a seat on the bus or subway and some girl stands in front of him, as they always do to men, using their presence to stimulate traditional gentlemanly conduct, he says, "You may have gotten my job, but you're not getting my seat."

Feminazis counter they need to take jobs from men in case their husbands leave them. Baloney! First, females generally have only themselves to blame for a divorce—wives instigate 80% of divorce cases, and the other 20% are likely caused by their incessant nagging, bossing, belittling, cheating and eventually blowing up into a blimp. Second, divorce courts have always given wives enough of the husband's wealth and income to continue their life styles, but that's never satisfactory, the vindictive, greedy little hos want all a guy's money until he lands in debtor's prison.

The Feminazis just weren't satisfied with the traditional preferential treatment and protection society gave females. They wanted free of charge and obligation the fortune and glory for which men always fought and struggled, even though for girls there were plenty of money-making, glory careers: singer, actress, dancer, home diva, fashion designer, writer and much more. But that wasn't enough; the Feminazis wanted the money and glory jobs for which men were best suited without having to put in the same effort. The Feminazis think they deserve such careers, not because of ability, but because of their sex. It's no accident that when a society reaches a stage where life is easy and secure, girls want all the perks, but when life is hard and dangerous, they'll hide behind a man.

The Feminazis fabricated the psychological illusion of the “strong and independent female” capable of bettering men in a man’s occupation in order to supplant evolutionarily correct roles for females. A classic example of sophomoric, self-serving Feminazi propaganda that maliciously distorted the role of housewives was the movie *Mona Lisa Smiles*. The movie depicted, among other characters, a homemaker in the 1950s who was miserable keeping house for her husband. I remember the 1950s, and all those suburban homes weren’t for the husbands but the children. The single most important role for females has always been to create an environment conducive to properly raising children. A home was never a man’s castle; he just provided the money for it. The home, if managed right, created a place for children to grow and learn and provided a refuge for them after the day’s adventures into the ideas and activities of life that would eventually lead to them playing a part in the next generation. Look at who spent most of the time in the home: the wife and kids; the husband was out working, so how was it the home existed for a man. He’d rather be out with the guys having a drink, taking in a game, living in a quiet hotel or making up for all the times his wife cheated on him when she was still attractive. The Political Communists or Psychological Conformists of today rewrite history because the truth would end their free ride by showing them up as the usual self-righteous, hypocritical, bigoted grifters that history has seen so often.

### Psychotic Reaction

Ever since the annulment/divorce Judge Lobis denied my motion in August 2002 to change the settlement agreement, the Commie Ho and her lawyers Mundy and Petrovich probably thought their evil had triumphed and regularly congratulated themselves on the success of their lies and threats. For them, the Russian way worked in America. But on Tuesday, April 22, 2003, they received a surprise when the postman delivered my RICO Complaint. What they



had started in the Queens Family Court back in January 2001 with a perjured temporary order of protection was not over by any means.

The RICO Complaint exposed the real criminal machinations behind what initially appeared a simple annulment/divorce case of female duplicity and softhearted man. The Complaint pulled the Russian mafia, including Chechen crazies, and its Western partners out of the shadows to reveal part of a new evil empire stretching beyond the fallen iron curtain that engaged in numerous crimes and schemes with many victims of which I was just one. Perhaps it would have been better for the rest of the world had the barbarians of the Soviet Union stayed locked behind their curtain of iron. It would definitely have been better for me. The RICO Complaint also brought my fight for justice and retribution into the federal courts where the corrupting influence of the modern day culture's discrimination against men carried less weight. My chances improved, but not by much.

Unlike the state court annulment/divorce proceedings, the Lawyers Disciplinary Committee and the Commission on Judicial Conduct, everything that happened in the RICO case would be public. The threat that people outside the corrupt do-nothing bureaucrats would learn the truth caused some unexpected responses from a couple of the defendants.

In the silent dark early morning hours of April 23, I awoke twice, or thought I did, from the sensation of being smothered by a pillow. Each time, I came up gasping for air and felt an evil presence in the room that made a guttural noise and wisped by my lips as a form darker than the night. Years earlier in one of the Commie Ho's many lies to make me feel sorry for her, she claimed her father used to abuse her by putting a pillow over her face. The Commie Ho had again stepped into her favored realm of black magic to scare me off the RICO case. To which I

wisecracked to myself, “Dr. Strange where are you now that I need you?” and went back to sleep convinced I could handle whatever the upcoming battles brought.

The world beyond consciousness and light, however, wasn’t finished yet. My own unconscious, or, perhaps, my Marvel hero from the dark days of the sixties, sent me a visual warning while I lay half-asleep in my apartment near Greenwich Village. The scene was back in my old hometown in New Jersey in the house I grew up in located on that dead end street with an isolate weed sprouting up here and there. The Commie Ho left the house out the back door. From the inside, I watched her dyed blonde ponytail bob passed the dinning room windows as she headed along the driveway toward the street. Instantly, I told myself hurry, run through the house, out the living room front door, across the porch to the driveway and blindside her just as she passes the corner of the house in order to put an end to these troubles. That was the logical thing to do, but in the dream, the cowardice programmed into me as a child by the parents prevented me. The message from some sanctum forewarned that to change the dream I needed to alter the fundamental behavior patterns foisted on me as a child by mother, the Nazi Ho, and her coward of a spouse. Otherwise, when the time came to do what was necessary to end this injustice, my life would end without any justice.

Initially, the omen didn’t worry me. All those TV westerns I had watched as a kid in which justice won convinced my self image long ago that I too could defeat evil, so I went back to sleep. But the day often changes nightly truths, and I wasn’t as sure as my reality continued to transform into a Paladin episode. Apparently, I had never been sure, just deluded myself into always believing I could handle any reckoning with evil. The intimations from the genetic realm of man’s unconscious finally convinced me that my real battle was not against the Commie Ho, Russians, Chechens or Feminazis, I’d do what I could there, but the grave threat came from

within. The first cut in life is that you are not going to do any more than the amount of stress you can handle; the second cut is your amount of talent and the third your skills. I had the talents and skills, but what of the other?

Mother, the Nazi Ho, supported by a cowardly father, Chicken Little, programmed an over active stress mechanism in me. Witnessing the demeanor of her ravings before I could speak and understanding her vituperative words when I could, she battered her sons with incessant negativity, paranoia, insults, taunts of worthlessness, hostility, arrogant illusions and encouragements of cowardice and ignorance. As far back as I can remember: “You can’t do that. How could you have come from me? You are a monster.” And her favorite, “I should have listened to your father and never had you!” On and on she ranted through my childhood while Chicken Little, who knew the harm she was doing, intentionally ignored her behavior in order to assure himself some domestic peace.

The Nazi Ho’s long campaign for her self-centered ends that included chaining me to her apron strings used many weapons. Starting when I was five, I can’t remember anything before then, and continuing to around ten, Momster repeatedly took me to horror movies that caused me to wake up in the middle of the night screaming my lungs out from nightmares. Her reaction was to laugh my trauma off as childish, but a child who had no one else to turn to. When she and Chicken Little went out on the weekend, I stayed at home alone waiting for the doom I believed stalked the darkness from those horror films. My older brother had escaped to prep school—I wasn’t so lucky. And a babysitter would have meant money out of her pocket. Father gave her a set allowance to run the house, so as the typical greedy ho, she cut costs ruthlessly since any savings went into her personal bank account. So I stayed alone at home scared out of my wits.

By ten, however, it didn't matter because I knew how to shoot and sat in the house with a loaded rifle and my bowie knife. Guess whom I should have used them on?

When I hit eleven, Momster pulled a new tactic to keep me emotionally tied to her and alienated from Chicken Little, which didn't take much doing. She took me to *On The Beach*. Girls in bikinis sounded good to me, so I cheerfully went along only to get hammered by the end of the world from a nuclear war. After, she stops at a drug store to buy me an ice cream sundae, not her usual style, and I can't figure out what's going on. While digging into my ice cream, Momster solemnly confides she's thinking of getting a divorce. To which I wanted to say, "Why the hell are you telling me, an eleven-year old kid, this stuff! Go talk to a shrink." But I didn't, she'd only throw a fit and drag me away from my ice cream.

Thanks to *On The Beach*, when the horror movie nightmares from the black lagoon now woke me up, although I no longer screamed bloody murder, I often heard the sounds of jet engines in the night and wondered whether they were Russian ICBMs.

Such experiences, and these are just a few of this type, during the impressionable first decade or so of my life engrained a mechanism in my brain that would pump out stress hormones in situations that for normal humans were not stressful and pump out more hormones than needed in situations that were. The over supply of stress hormones plagued me with the miserable sensation of flight (fear) or fight (anger) to a degree uncalled for by reality. My body reacted illogically to the situation at hand. In order to avoid the whipsaw effect of those emotions, I consciously and unconsciously avoided situations that others didn't. And that's what the Nazi Ho wanted in the typically evil mother effort to keep a child tied to her apron strings, just as Perceval's mother tried. Mine used psychology while in the story of Perceval his mother

dressed him as a clown to deter him from going out into the world to pursue his destiny. And mine, unlike with Perceval's, succeeded, in part.

Females, whether ho or Feminazi, are always looking for a main fool to provide material, physical and emotional support; alleviate their stupid fears; solve the problems they incessantly create; and listen to their drivel. Before puberty, it's the girl's father. After puberty, it's the sucker on whom they can pin an unexpected pregnancy, and once broads reach the stage when guys no longer offer them dick on a regular basis, they attach themselves like leeches to their husbands. But husbands don't live as long as females, thanks to the wear and tear of work and the aggravation wives cause, so a mother decides early on which of her offspring to groom as a replacement fool. It could even be a daughter. My mother didn't think her eldest son sufficiently capable as a result of landing on his head at an early age when he jumped out of the moving car to escape one of her tirades. Mother was a quick learner, and after my brother's dive out the car, whenever I went for the door handle, she quickly stopped the car before I beat it away from her. As for the middle son, he was already dead, liquated by mother and father because his Down syndrome would have reduced their savings and caused embarrassment. That left me, the youngest, as the one the Nazi Ho targeted for her replacement fool—lucky me.

The Nazi Ho intentionally engineered her parasitic stress mechanism in me in order to keep me as the reserve pawn for when her husband became feeble or left her, which he was apparently considering back when I watched the end of the world in *On the Beach*. The stress mechanism explains why I never pursued what I wanted because such efforts produced excessive stress hormones, which was the Nazi Ho's aim since she didn't want me sacrificing for a career or family—just her. As a result, it was easier—less stress hormones—to get further in efforts that I didn't care about before the same level of hormones invaded my body causing the misery.

But even in the fields outside my first best destiny: politics, labor, TV news, law and business, the stress hormones soon reached levels that made the endeavors joyless, miserable and me a very nasty person quite similar to the Nazi Ho. Overly hostile and overly fearful made facing any dragons unbearable and rendered me ineffective, so I fled to other careers only to face the same problem again.

Every important decision in anyone's life is always a choice between a courageous course of action or cowardice. For me, the stress mechanism assured the cowardly route every time, since to do otherwise would cause too many stress hormones to pump into my body creating a paralysis of fear and anger. Most Americans are more successful than me because their stress mechanisms are more functional. Then again, those who were raised properly so that they can operate effectively in this society face a different problem: when they screw up, they have no one, or no thing to blame.

Nearing the end of my life, I find myself on the bottom of the pyramid of human achievement: no assets with which to attract pretty young babes for some fun times, and, more importantly, no psychological satisfaction of having accomplished something, even minor, with my life, so far. All I have is the misery of a failed life with the only solace, which is pretty much useless, of having found enlightenment. As the male character in *Crouching Tiger* said, "I have wasted my entire life, but I did find enlightenment." Now I know what life is about and how and why it terribly went wrong for me. I understand without illusion, "There is a tide in the affairs of men, which, taken at the flood, leads on to fortune; omitted, all the voyage of their life is bound in shallows and miseries." *Julius Caesar*, IV, iii, 244-47. I missed my wave thanks to the Nazi Ho's pathological commitment to the belief that all was about her and to her spouse's cowardice

to do what he knew was right. She intentionally destroyed my life to serve her vanities and irrational fears and he helped her.

The Commie Ho, just like the Nazi Ho, used me for her own selfish purposes without regard for the harm it would cause. But compared to my mother, the Commie Ho was a lamb. But the only honorable solution left to this fate to which the stress mechanism has brought me centers on the evil of the Commie Ho. A victory for justice and retribution against her and perhaps her supporters means to defeat, although only for a temporary moment, the effects of the mechanism the Nazi Ho wrought. To set my consciousness and masculinity against the brain washing and duplicity of a pair of evil females, even though only one is now alive, is the challenge forewarned by that omen out of the night of the house where I grew up.

Until the war with the Commie Ho, the Matrix and its agent the Nazi Ho had won every battle. The Commie Ho's lies, cheating and crimes, the bureaucrats' failures and corrupt lawyers brought me face to face with the same choice as always: courage or cowardice. The cowardly path leads only to poverty, more discrimination and dealing with the Chechen or Russian hit man the Commie Ho will most assuredly dispatch for revenge well after the legal proceedings end, regardless of their result. No, my choice was clear, and unlike previously, I was making the right one.

This time I understood what I was fighting against and why I had never achieved fortune and glory by pursuing my first best destiny. A destiny that looks so obvious and fitting from this knowledge but too late to pursue. Perhaps I'm living that destiny in one of the other universes that Einstein thought existed and quantum mechanics implies. But here I'm fated to use my life to win a victory against evil. It's time to remember the Amazon and end this sojourn. But first to turn the future against the Commie Ho and step into the field of vengeance, perhaps then glory

will be mine, but infamy will do. “Though this be madness, yet there is method in it.” Hamlet, II, ii, 218-219.

### Ain't That A Shame

On the same April 23<sup>rd</sup> of metaphysical concerns, a more mundane threat occurred. Mundy responded to receiving the RICO Complaint differently than the Commie Ho, although no less angrily. He hurriedly sent off a complaint against me to the Lawyers Disciplinary Committee. Guess he thought he'd have more luck or had enough pull to fair better than I did with my complaints to the Committee against him. Mundy's grievance was a sophomoric effort to enlist an incompetent state body to prevent me from exercising my constitutional rights to sue those who caused me harm. Mundy's reasoning was if the Disciplinary Committee just started proceedings against me for allegedly using the courts to harass him, Petrovich and his angelic client, it would be enough to scare me off of the RICO suit. Even the idiot Feminazis on the Disciplinary Committee weren't about to do that because I would sue them in federal court for chilling my Constitutional rights. Still Mundy gave it his best smear tactic, lying shot in the true nature of the amoral lawyer: throw enough mud and maybe some will stick, make enough misrepresentations and maybe some will be believed. He wrote:

“An urgent request to the Committee to investigate Mr. Den Hollander's fitness to practice law. [“Urgent” huh, clearly in a rush to have the Committee lean on me before I proceeded further with my case.]

“Although I make this complaint with much trepidation [wrong word since trepidation means a state of alarm, probably meant reluctance], I verily [old English] believe that the facts [so he says] set forth in this complaint will reveal Mr. Den Hollander's reprehensible conduct [name calling often works] has left me no choice [the previous threats didn't work].

“I submit that the proven conduct [most New York state court lawyers and judges can't distinguish between allegations and proof] of Mr. Den Hollander will warrant censure or suspension from the practice of law.



“Mr. Den Hollander has engaged in a relentless course of harassment, intimidation and persecution. [Oh, yea, whose witnesses were intimidated and who received at this point in time three threatening telephone calls and a threat of arrest by a cop abusing his authority?]

“Mr. Den Hollander threatened to have Ms. Shipilina deported if she did not do everything he told her, including payment of a large sum of money. [That’s the extortion attempt that Mundy lied about having an audiotape of, just as he lied about the medical records showing I battered the Commie Ho in his lawyerly effort to intimidate me into a settlement to prevent a trail from exposing any of the Russian mafia’s activities.]

“Mr. Den Hollander had the audacity to create a public website in Ms. Shipilina’s name ([www.alinashipilina.com](http://www.alinashipilina.com)) where, pending divorce proceedings, he posted a copy of her personal diary and naked photographs of Ms. Shipilina, without her knowledge or consent.”

The rights to those naked photographs were mine, so I could do whatever I wanted with them. But I knew the Feminazi infected Disciplinary Committee would use that against me, so I left it out of my official response to this Feminazi equivalent of accusing someone of communism in the 1950s or Protestantism in 16<sup>th</sup> century Europe. My response to the Committee was:

“I began searching in Russia for information and witnesses relevant to my annulment/divorce proceeding. My investigation discovered, among other culpable conduct, that she had created a pornographic video with very graphic acts and advertised her sexual services via naked photographs. In one case, there is direct evidence that she sold these naked photographs to a man for 10 Cypriot pounds after performing sexual acts on him when she worked in Cyprus for the brothel “Zygos.” [That was Grandpa whom she also masturbated for 60 Cypriot pounds.] The pornographic video, which was imported into America, was produced by a California doctor and Ms. Shipilina’s Moscow procurer. The clips from the video that comprise the CD Rom are used to advertise the services sold by Ms. Shipilina’s Moscow procurer.”

“Ms. Shipilina’s own representative, Mr. Mundy, hypocritically criticizes the use of these photographs, CD and a portion of her diary that were employed in an attempt to discover even more evidence of her fraud on me and her criminal activities. The Russian language web site was created as a means to find new Russian witnesses, acquire additional information and communicate the truth to potential witnesses and informants after previously forthcoming witnesses and individuals with useful information were being threatened into silence. The web site contained only a small sampling of Ms. Shipilina’s widely offered pornographic services and extensive criminal exploits. After a period of time, the web site was closed when it no longer produced evidence.”

Mundy’s complaint went on to criticize me for trying to reopen the divorce settlement agreement:

“The outlandish, baseless and downright insulting allegations contained within Mr. Den Hollander’s motion papers speak volumes [my motion papers weren’t that long] about his fitness to practice law. The abuse of the Court system and use of litigation as a means to harass and intimidate [the Ho uses goons] are evident in his motion papers, which I urge the Committee to read. Without regard for ethics or even common decency [look who’s talking], among the 22 exhibits [Mundy always complains my papers are too long, maybe he’s a slow reader, too heavy or too large,] attached to Mr. Den Hollander’s frivolous [the most favored word of lawyers when they or their clients are guilty] motion was a CD Rom he labeled ‘Masturbation Video Promo Featuring Alina Shipilina.’” [Mundy forgot to say that the porn video clips were used to advertise her services. Many lawyers, like reporters, never tell the whole truth.]

In my response to this part of Mundy’s complaint, I wrote:

“In an action for reformation of a divorce settlement that essentially requests damages for emotional distress, could anything demonstrate emotional distress more effectively than a man discovering that the woman he loved and cherished was, and apparently continued to be, a porn star who had deceived him into marriage so that she could ply her wares in a hard currency market? I don’t think so.”

“Mr. Mundy makes unspecified references to the motion for reformation as ‘outlandish, baseless and downright insulting.’ If he would indicate the allegations to which he objects and why, rather than engaging in vituperative generalizations and asking this Committee to do his work by determining the sections that Mr. Mundy is referring to, then as required by your cover letter, I will provide specific responses.” Mundy didn’t like to do much work concerning the Commie Ho, maybe because sexual escapades with her weren’t as rewarding as one initially imagined.

Mundy even tried to twist into something evil my attempt to obtain a protection order from the New York Family Court following the last two of the three threats by the hoodlum accomplice of the Commie Ho:

“Mr. Den Hollander’s very own legal papers provide all the evidence needed to support the conclusion that Mr. Den Hollander is unfit to practice law, improperly using the legal system as a vehicle to harass and incense. [If the Ho in following Mundy’s advice got a protection order based on lies, why can’t I have one based on the truth? Because I’m a man, that’s why.] They are offensive and repugnant [such sensitivity was meant to ingratiate Mundy with the broads on the Committee who believe that any man speaking ill of a female should have his tongue cut out].

To which, I responded:

“Mr. Mundy omits that the action to obtain an order of protection in March 2002 occurred after two more threatening telephone calls were made by a man who sounded like the John Madison from the first menacing call in October 2001. In these two other calls, the man referred to himself as John Pierre, and once again said he was calling on behalf of Angelina. The purpose of these terrorizing calls [so I exaggerated] was primarily to prevent me from providing information to the INS concerning Ms. Shipilina’s fraud on the INS and U.S. State Department in obtaining an immigrant visa.” Actually, the threats were to keep hidden the Russian mafia’s

activities concerning the Commie Ho, but I wanted to keep it simple for the bimbats at the Disciplinary Committee.

Mundy also whined about the Disciplinary Committee complaints I made against him, which at that time were still under review.

“Additional harassment and intimidation is evidenced by Mr. Den Hollander’s entirely fabricated [Mundy knows about fabrication as in a nonexistent audio tape of extortion and nonexistent medical records of battery] and baseless [this is the second most favored word of most lawyers] disciplinary complaint against the undersigned [that means Mundy]. The incredible and far-fetched allegations contained in Mr. Den Hollander’s complaint still dumbfound and amaze me. [The only dumbfounding and amazing part is that a lawyer can get away with lying about evidence in order to try to intimidate an opposing party into settling a case.]

On the last page of his complaint, Mundy tells the real reason for filing it:

“I was named as a defendant...along with dozens of other innocent defendants [strange to claim that well know Russian criminals and the Chechen Baraev crime clan are innocents]. Amazingly, Mr. Den Hollander’s allegations have actually become more frivolous [there’s that number one favorite word of lawyers again] and outlandish than ever before, alleging among other things, that I am part of a RICO conspiracy that spans the globe. [This is, after all, a global economy.] Mr. Den Hollander’s District Court complaint, prepared pro se [untrue, I had help from Jeff], is 91 pages in length and contains 915 numbers (sic) paragraphs. It is a meandering, disorganized, prolix narrative [means too long, Mundy has got to be a slow reader], and an embarrassment to the justice system [now wait a minute that’s getting personal, if there are any embarrassments to the justice system its lying lawyers and male-hating Feminazi judges].

“Decent people [prostitutes, pimps, pushers, pornographers and their profit driven lawyers] are being forced to defend themselves, time and time again, against Mr. Den Hollander’s incredible charges and irrepressible harassment. [He’s complaining that his underhanded activities will now cost rather than make him money.] The time and energy of the Court is being wasted. [Mundy doesn’t care about that.] I urge the Committee to assist in any way possible [start a proceeding] in putting an end to Mr. Den Hollander’s actionable conduct [being a lawyer, I’m not suppose to complain about other lawyers, keep the illegal conduct within the club], unbefitting of an attorney licensed to practice law.”

My turn:

“If Mr. Mundy is concerned with the substance, length and perhaps even the weight of the R.I.C.O. complaint, it would appear to be more appropriate to take such matters up with the federal court rather than attempting to use this Committee as a surrogate for federal procedure.”

“The federal court will provide defendant Mundy the opportunity to refute the detailed allegations of the R.I.C.O. Complaint where the court, and not he, will decide whether his characterizations of the Complaint hold any merit.”

“Mr. Mundy goes so far as to request this Committee ‘to assist in any way possible in putting an end to Mr. Den Hollander’s actionable conduct,’ which, in substance, is an attempt to misuse this Committee to deny me of my civil right to bring a R.I.C.O. suit. Before all the defendants have even been served, Mr. Mundy’s strategy is clear: use this Committee to pressure me into withdrawing the federal claim.”

“He is not only trying to deter my use of the legal system by claiming that the filing of a R.I.C.O. Complaint is evidence of unfitness to practice law, but he is also attempting to thwart the purpose of Congress in enacting the civil R.I.C.O. statute: ‘Those who have been wronged by organized crime should at least be given access to a legal remedy.’”

Finally, Mundy pulled a cheap shot even for him, but then lawyers like him will do anything to win the day:

“By his very own words, Mr. Den Hollander claims to suffer from ‘deep emotional despair, depression and anxiety,’ [who wouldn’t after marrying a member of the Russian mob] and is under the influence of psychotropic medication. [So is half of America, but as for me, I found it useless and went back to a few vodka gimlets, shaken please, on the weekend while chasing girls.] I cannot ignore the obvious conclusion one must draw [not according to the shrink I used for all of three months] from reading Mr. Den Hollander’s very own words, to wit [old English again], that he may indeed be mentally incompetent to practice law [now Mundy’s a licensed psychiatrist]. Mr. Den Hollander’s allegations are not simply far-fetched and irresponsible, but paranoid delusion [I doubt Mundy even knows what that means].”

Jeff helped me respond to this low blow at the end of my answer to Mundy’s complaint:

“In conclusion, Mr. Mundy seeks to have this Committee punish me for exercising my civil rights as a threatened and aggrieved individual. Mr. Mundy does not cite any ethical canons or disciplinary rules that I allegedly violated. Instead, he resorts to castigating me as mentally

unfit to exercise my rights because while experiencing a terrible situation, in part, intentionally created by Mr. Mundy, I sought temporary, appropriate medical help.”

Mundy shouldn't have gotten so upset over the RICO suit; after all, he and the Commie Ho started this war by using the Feminazi tactic of obtaining a temporary order of protection against me for things I never did. Lawyers always think they can bully people, but the moment someone fights back they scream harassment, just like broads. The Disciplinary Committee decided not to get involved but left its club hanging over my head by stating it would await the conclusion of the RICO suit. Typical, I complain to the Committee about Mundy lying twice to my lawyers about fake evidence in order to intimidate me and the Committee kisses it off as vigorous advocacy on behalf of his bimbo client. But when I file a RICO suit against assorted mobsters, I better win or the Committee will rip up my license to practice law. Reminds me of Russia: the victim's the violator and the violator the victim, or truths are lies and lies true. Perhaps the Soviet Union didn't collapse, but really won the cold war and took over America. After all, what other country was dumb enough to invade a Muslim nation?

When I filed my answer to Mundy's accusations, I tried to find out whether other folks had made disciplinary complaints against him. The Committee wouldn't tell me because all such complaints are kept hidden from the public, the very people who need to know whether certain lawyers are crooked. However, whether any official disciplinary action had ever been taken against Mundy was available to the public. This didn't seem fair. If a complaint is filed with the police against someone or a person is arrested and the charges dropped that's all made public. Why should lawyers get a break? Still, I sent out a request for such information to the appropriate office called the Lawyers' Office of Character and Fitness, clearly an oxymoron, and, as I suspected, his record was clean for the time being.

My interpreter in Krasnodar sent me belated “Happy Easter” wishes, which caused me to break out laughing at the absurdity. Although it was a nice sentiment, I didn’t believe the word happy ever touched my life. It touched the lives of some people, but I’m not sure I ever met anyone. Even the annual rugby reunion for Old Blue, the team I played with in the 1970s as a third stringer, didn’t seem to parade any happy guys. In those days, the guys on the A team were among the best in the country while pursuing high net worth professions of investment bankers, brokers, doctors, dentists, lawyers and the like. The future seemed to belong to them, tough, athletic, smart and somewhat conservative. Now, for most of them, the future proved more of a chore to get through rather than the joy it once promised. Most were successful, some even multi-millionaires, but none of the guys I talked with were looking forward to the future, just back to their glory days. Well at least they had them. That’s more than I can say, and what I did say was about my present, which made all the guys I talked with, except the two I would call friends, vanish, so I left.

### I Got a Line on You

For what it was worth, I informed my lawyers in Moscow, the G.R.U. guys, my Krasnodar lawyer and Nadya about the RICO suit and eventually sent them a Russian translation of the Complaint. The G.R.U. investigators replied that they were still conducting their investigation into the Commie Ho and her mother’s criminal connections and activities in Krasnodar.

Other than my Moscow lawyers, one of whom was American, a couple of translators and the Commie Ho’s old boy friend, the G.R.U. folk were the only trustworthy people I had ever met in Russia. Everybody else, especially the girls, run one scam or another in which they actually believe they have the right to harm others in order to make their lives more convenient.

Most Russians, male and female, act like broads in America who are masters of making crime a virtue and virtue a sin.

American dames and Feminazis chronically suffer from that unique feminine delusion that the mere fact they are female exempts them from civilized behavior. In the name of “choice” and “control of our bodies,” women kill the unborn and partially born with impunity, even though a license to murder isn’t necessary for them to have “choice” or “control” of their bodies. Broads can choose not to have sex or use birth control and save abortion for the rare instance of forced sex, often instigated by them intentionally enticing men, or for a medical emergency, including birth defects of the fetus. But that’s not the choice females want. Self-control or accountability is too difficult for them. They want the choice to act irresponsible and to extort men. Irresponsible by having unprotected sex whenever the whim strikes them because they believe they have a god-given right to do so without paying the consequences—let the unborn child bear the burnt of their lascivious desires. Over 50 million butchered lives since 1973, assuming one per girl and that makes 49% of American women of childbearing age murderers of the defenseless. Abortion on demand also gives America’s new “moral” princesses the choice to extort men without paying any penalty for that crime. A women intentionally becomes pregnant by some guy, it doesn’t matter who, and uses the child in her belly to extort her intended target into giving her something of value: usually money, perhaps a job or even the sacrifice of a man’s life and dreams by marrying her. If the target resists the extortion, she moves on to another of her beaus to shake him down, always secure in the knowledge that she can escape the consequences of her attempted extortion by killing the child inside.

The evil of the modern day Feminazi mantra of “choice” and “control of our bodies” doesn’t end with just killing incipient human beings, which is what the unborn are. As with the



Greek Bacchii, once American females drank the blood of their irresponsibility, they became mad with the freedom to slaughter. Today, highly educated, modern-day, self-proclaiming humanitarian Feminazis support broads that kill their husbands, boyfriends and even murder their own children one after another, after another. It's preferable that the butchered little ones be boys, since boys are about as valuable as bras to the Feminazis, but a slain girl here or there is okay.

The Feminazis successfully use lots of excuses and pseudo science to justify murder, as did the Klan, Nazis and Commies, but for America's new Medusas, it all reduces to their blood lust for power over men. Executioner females need only cry and moan that their boyfriend or husband beat them repeatedly, and the courts will let them off for acting in self-defense when they actually committed premeditated murder. How can the guy defend against the judicial acceptance of Lizzie Borden tantrums—he's already dead. In present day America, the vast majority, if not all females rejoice in the power to get away with killing a husband or boyfriend as a means of intimidation, source of inheritance, opportunity to switch beaus or go lesbian. As for mothers that off their children because they grew tired of the responsibility they intentionally accepted, the Feminazis provide "get out of the electric chair free" excuses, such as postpartum depression, a visitation from the almighty, "the devil made me do it," the husband should have known what would happen even though he wasn't a psychiatrist or some twisted female perception that men don't find mothers attractive. It's all malarkey, but these mass murders of kids actually avoid the death penalty or life imprisonment with such nonsense because Feminazis across this land advocate that such lunatic rationalizations justify killing children.

Eighty-nine percent of the murderers of children during a baby's first week of life are females, usually the mothers. Overall, mothers kill their children nearly twice as often as fathers,

and the mothers usually get away with it—welcome to mommy’s world. Some of the murderesses even set up their own websites from prison in order to flirt with guys over the Internet. These butcher bimbos are seen by Hollywood, the media and courts as heroines because the Feminazis always somehow shift the blame to a man for the acts of a vicious, sadistic female. America’s modern day homicidal maniacs and their Feminazi supporters don’t give a damn what innocents, born or unborn, get harmed, as long as females get their way. Iraq had 30 years of tyranny under Saddam Hussein, but America has had well over 30 years of Feminazi tyranny. America’s unborn populate its landfills; Saddam’s victims lie in Iraqi mass graves—so what’s the difference?

More information came through from my G.R.U. allies on the Commie Ho and her mother, two fetuses that unfortunately had avoided abortion. In addition to my ex-wife and her mother’s association with the Chechen Baraev clan, the two maintained close connections with two notorious gangsters in Krasnodar: Viktor Vladimirovich Kononenko and Magomet Ali Kurban, another Chechen. These hoods through the threat of force enabled Inessa and the Commie Ho to take control of the gym at the Krasnodar Academy of Physical Culture and run it as a private fitness center with the profits going not to the college but themselves and Vice Rector Minchenko. Gee, I wonder whether I could do that with the gym at my alma mater Columbia University?

The G.R.U. also discovered that the Commie Ho had once been the mistress of a Chechen racketeer and warlord named Ruslan Labazanov. A warlord! What century was I living in?

Labazanov started out as a martial arts expert in the Soviet Army but landed in jail for a murder he committed in Rostov in 1990 at the age of twenty-three. Rostov is less than 200 miles north of Krasnodar. In 1991, during a prison revolt organized by Labazanov, he escaped to

Chechnya to become the head of personal security for the rebel Chechen President Dudayev in Grozny. Labazanov had a reputation for viciousness and a willingness to do anything for the right price. Just like the Commie Ho, they must've gotten along well together.

Labazanov, as did other Chechen hoods, made lots of money trading arms, oil and counterfeit bank notes in Russia. Chechnya's President Dudayev and Labazanov eventually had a falling out over the proceeds from a Moscow bank fraud. Labazanov went off to organize his own paramilitary unit, which means armed thugs, in opposition to Dudayev and set himself up as a warlord over a small section of Chechnya. Labazanov used his paramilitary for kidnappings, killings and from 1994-96, running drugs into Miami. Labazanov's criminal empire was on the move until he and his goons killed the family members of Dudayev's bodyguards, which led to an armed conflict that ended with the capture and public beheading of three of his men.

Labazanov, badly wounded, fled from Grozny.

Labazanov then allied himself with the influential Chechen politician Ruslan Khasbulatov, former head of the Soviet Union's parliament. Back in October 1993, Khasbulatov and Russia's Vice President Rutskoi attempted a coup in Russia that ended with Yeltsin sending in the tanks to shoot up the parliament building. There were no real ideological differences between Yeltsin and Khasbulatov, just one mob trying to take over the turf of another, in this case the country of Russia. Ironically again, I had actually met Khasbulatov a couple of times before the coup attempt and knew his chief of staff fairly well, even wrote a couple of papers for Khasbulatov.

Labazanov was built like a fire plug, sported two Stechkin pistols on his gold studded belt, wore a gold watch, a ring with plenty of rubies, heavy gold bracelets and necklaces and a black head band—what a clown. A hired assassin, probably G.R.U., finally took out Labazanov

in 1996. The Labazanov information didn't particularly help my RICO case other than add to the extent of the Commie Ho's nefarious connections. I'll say this, however, she really got around.

My G.R.U. guys said they would soon obtain the addresses of Kononenko and Kurban from the Krasnodar Ministry of Internal Affairs Department for Fighting Gangsterism and Corruption. Now there's a mouthful. Russians always err on the side of more words rather than less. The addresses would enable me to serve the RICO Complaint on Kononenko and Kurban, which I'm sure will give them a laugh. More importantly, the Department for Fighting Gangsterism agreed to start an investigation into the Commie Ho and Inessa on receiving the RICO Complaint from me. My G.R.U. buddies warned me not to snoop around Krasnodar anymore without their protection.

#### Tell It Like It Is

One day while working on a case with Jeff, he asked, "Have you seen any of those new advertisements on buses and taxis for Flash Dancers?"

"No, I generally take the subway." I answered, wondering at what he was getting.

"There's this blonde woman on these large ads that looks like your ex-wife."

"I wouldn't be surprised," I laughed. "She always wanted the glamorous life, although a ho on a strip club's ads doesn't look very glamorous to me. When I see one, I'll check it out."

Over the next few weeks, other friends called me with the same reports: the Commie Ho's face was all over town on Flash Dancers ads. Finally seeing one stretched across the length of a bus stopped at a red light, I looked, got closer, looked again, yes, no, I wasn't sure. Then I remembered the therapist I previously used who described the Commie Ho as a chameleon, able to change her appearance to fit the scam of the moment. Since my friends swore it was she, I

accepted it and decided to eventually subpoena the ad for use in the District Court to impeach her credibility, since she would deny working at Flash Dancers and the ad might help show that she did. Impeaching a witness or party's credibility in court requires an attorney showing that the person lies so much that nothing they say can be believed. It doesn't matter whether the lies are important in that they affect the issues of the case or insignificant, just so long as they occur over and over.

My attempt to interest the media in my RICO case consisted of emailing to the President of CBS News, whom I knew from my days at WNEW TV News and to whom two years earlier I had suggested a story on the truth of the Russian ho market in the West rather than the Feminazi fantasy reported by Christiane Amanpour. If the U.S. media picked up the story, the Russian mob would at least think twice about causing me any trouble no matter where my RICO investigation took me, except for Chechnya. In Russia, organized crime kills anyone that tries to interfere with its cash flow, including investigative reporters, but generally, although not always, avoids knocking off Americans because the politicians, who are the real crime bosses, don't want to jeopardize American aid or business investments of which they steal as much as they can. Chechnya is another story; there's no direct American investment there.

The President for CBS News received a summary of my RICO case and a copy of the Complaint. A follow up telephone call got only his secretary and no reply, so I assumed that as he did the last time I suggested a story, he referred this one to the same Feminazi vice president for prime time programming, Betsy West. She undoubtedly deep-sixed this story also because it would expose much of the truth about Russian broads, which could easily spill over to American females, whose image the Feminazis were trying hard to rehabilitate after thousands of years of female duplicity. She, as do all the other Feminazis in the media, belongs to a special interest

group best characterized as “Sisters United in Deception.” The feminazised media was not about to expose feminine evil when it harmed a man, no matter what nefarious characters aided the female culprit.

Switching to another brewing battle with a duplicitous female, I met in June 2003 with my incompetent, crooked, fat sow of a stockbroker Furgason to secretly record any possible admissions she might make as to why she lost 40% of my net worth. If she made some incriminating remarks, I’d use the recording as the basis for complaints against her individually with various regulatory agencies. The agencies wouldn’t do anything because too many of the rich got richer off the rash of Wall Street frauds concerning .com companies, but I still needed to take that step to get where I needed to go for justice.

At the meeting, Furgason blamed this and that force majeure but never herself. Although toward the end of the conversation, she admitted to knowing that the analysts at Salomon Smith Barney had lied about the stocks they touted before the melt down because their bonuses depended on keeping those companies as investment banking clients. So why did she go along with the fraud? Her male bosses pressured her, which translated that without the investment of her clients’ money in the garbage stocks, she wouldn’t receive a bonus. What a rational. After closing my account, I filed complaints with the Securities and Exchange Commission, the National Association of Securities Dealers and the New York State Attorney General Eliot Spitzer. They all did nothing, and the class action against her firm that I previously joined ended up paying next to nothing because the lawyers took it all.

#### Hot Fun In The Summertime

The Chief Judge for the U.S. Southern District Court of New York scheduled a July 23 preliminary conference in my RICO case in order to find out if any motions would be filed or

whether both sides were ready to go to discovery. Discovery means each side demands documents and information from the other and various people are asked questions under oath in order to gather evidence for more motions and maybe an eventual trial. Defendants of the type I was suing will lie about nearly everything and provide no information or documents, so my task is to show they are lying, which should make the Chief Judge really mad and may cost them fines or result in motion rulings in my favor that might give me a victory.

Jeff came with me to the conference. As we sat waiting my turn, watching one young drug dealer after another cop a plea, a realization jolted my mind—four years ago on that very day, I met the Commie Ho at the party in the basement of my apartment building in Moscow. What were the odds of that? I wished irony would just leave me alone.

My expectations from the Chief Judge were none but hostility to my case. Every private attorney who ever brought a civil RICO case knows the federal judges in the Second Circuit, which includes the Southern District of New York, are renown for throwing out civil RICO cases because they are too complicated, involve difficult issues and consume too much time—the bureaucrat's lament. Somewhere along the line the statute in many courthouse entranceways of that hot-looking blind girl holding a pair of scales changed her name from justice to expediency. These days the driving force in many courts is to reduce the workload while truth falls beneath the feet of the five o'clock employee rush out of the courthouse door.

The clerk called my case; I went to the front table while five or six lawyers for some of the U.S. defendants sat at the table behind me. The Chief Judge sounded annoyed. So what, I thought. The Judge expressed no concern that I had been repeatedly threatened, and when I requested a protection order, he said, "I don't do orders of protection." Gee, I wondered if he did lunch? "If you think you need an order of protection, you go to state court." My past experience

told me that was useless advice, but passing the buck did save him from doing any work. It made me feel like saying but I didn't, "If I were a Jew in Nazi Germany, a democrat in the former Soviet Union or a black during reconstruction, there would be no justice for me either. But I'm not. I'm a middle-aged man in Feminarchy America, which means there still is no justice for me."

The Chief Judge also denied my request for an order directing the defendants not to destroy evidence or transfer funds out of the country in order to avoid execution on a possible judgment. The Chief Judge remarked that everyone knows they shouldn't do that. Okay, everybody knows it, but that doesn't mean they wouldn't do it, especially hoodlums and a prostitute. The Judge obviously didn't understand the complete disregard of the law held by Russian organized crime or that it posed a danger to the much-vaunted United States of America, the winner of the cold war, but apparent loser of the peace. The Chief Judge's ignorance of the Byzantine criminal machinations Russians engage in to make money likely made him disbelieve my allegations. A Russian judge, however, would have not only understood but known that even worse was going on behind the picture painted by my Complaint. What is considered paranoia in America is an understatement in Russia. Then again, maybe the Chief Judge just didn't give a damn because I was a man.

Anastasia and Dima, Vasilyeva didn't show or bother with a lawyer, but sent a letter in Russian to the District Court. At the time of the conference my translator was still deciphering it, and the Chief Judge never made any reference to it. The attorneys for the defendants Flash Dancers, Nicholas Mundy, Peter Petrovich, the Commie Ho and Detective Henning decided to make motions to dismiss, so the Chief Judge set a schedule going through the fall for the defense motions, my opposition memorandum and the defense replies. During this time, I requested that



both sides be allowed to proceed with discovery, but the Chief Judge denied that request too. Everything I asked for, the Chief Judge denied, but this last item to start discovery immediately I didn't want, so by asking for the opposite, I got what I wanted.

The lawyers for the other side were cordial, but there was one bozo, Vikrant Pawar from the New York City Counsel's office representing Detective Henning. He approached me outside the courtroom and asked, "You've just been admitted to practice haven't you?" and "Are you from around here?" What was he driving at? Was he trying to ingratiate himself to get some information he could use or just mentally deficient? He didn't get any answers to his questions. Lawyers never answer an opponent's informal questions concerning facts of the case or their clients or themselves because it's either a trick or an attempt to save the questioner work from finding the answer himself by going through the formal procedures.

A couple of weeks after the conference, F.B.I. Special Agent Mike Byrnes of the Russian Organized Crime Unit, to whom I sent my RICO Complaint, called to say the case was "not within the circumstances that the FBI is concerned with. It's more a state and local matter, and while it's criminal activity, it is more intrastate rather than across state lines or international. It's also more a situation where one person is pissed off at another." How this federal cop concluded the Russian and Chechen mafias were local crime outfits baffled me, and as for the "pissed off" part that's why hoods make threats and Al Qaeda took out the World Trade Center. Knowing that argument was futile, I thanked him for his time, and said I'd be heading to Krasnodar at some point to continue my investigation with the help of the Krasnodar M.V.D. Department for Fighting Gangsterism and Corruption. By then, the Department had started interrogating some of the Krasnodar defendants in my RICO case as part of its investigation into the Commie Ho

and her mother's involvement with gangsters running prostitutes and drugs as well as the two arranging for Chechen criminals to threaten my witnesses in the annulment/divorce proceeding.

An hour after hanging up, Byrnes calls me back apologizing for being short with me earlier. "I had someone in my office during the last call and didn't want to go into certain matters with them present." The F.B.I. always had another agent present when they talked to someone so that they would have two witnesses to the citizen's one. Not unlike hoods always showing up in pairs—more intimidating but also allowing the hoods or F.B.I. agents to say whatever they wanted and get away with denying it later. Byrnes' wanting to talk to me privately with the other agent out of the room made no sense, assuming that was the truth, but I didn't really care.

Byrnes continued, "The Complaint is long and I haven't read through it all, but there are some items I'm interested in obtaining more information about, such as the INS employees accepting bribes."

"Okay," I said, "let me know all the items you want more information on, and I'll decide whether to provide it depending on the potential impact on my RICO case." He agreed, and said he'd get back to me. In additions, I sent off a letter to Byrnes stating the circumstances and substance of our agreement under the assumption he would also respond with a letter. I wanted to create a paper trail that I could use in court, if necessary. But as I eventually learned, the F.B.I. doesn't respond in writing unless it comes from its counsel—all the better to hide its incompetence and less than ethical behavior.

#### The Letter

My translator sent me the English version of Anastasia and Dima Vasilyeva's letter to the District Court over which she had difficulty turning the Russian into understandable English

because its author, Anastasia, could barely write in her native tongue. The translators of the Commie Ho's diary made the same critique about her grammatical inability. Maybe the girls in Krasnodar dumb themselves down in order to attract boys, which is what Feminazis claim girls do in American schools for which the fault, of course, is the boys. But the more likely cause is that sluts, Russian or American, adeptly focus their time and energy on the easiest way to profit: suckering men, rather than the three "Rs".

Anastasia Vasilyeva's letter adhered to the first rule of Russian and feminine duplicity by playing the sympathy card. She portrayed her and her husband as poverty stricken, struggling to live the American dream since their arrival in the new world on June 28, 2001. She worked as a seamstress and Dima, real name Nicolay, was currently unemployed. The managers of Krasnodar's top model agency with lucrative local call girl and international prostitute operations were now living in the heartland of America surviving hand to mouth—baloney!

The letter stated they could provide articles from newspapers and magazines vouching for their straight and narrow lives in Krasnodar. Since when are everyday poor folk written up in the press of a city of over a million people? No way, but thanks for the idea, and I got my translator in Krasnodar to dig up some articles. She didn't find anything about call girl operations; the Russian media was even more sycophantic toward the rich than the American press. But Anastasia's mother, Tatyanna, had founded the first Krasnodar "couturier, fashion house, model agency," which was now the biggest, most popular and most lucrative. Chaired by Tatyanna and managed by daughter Anastasia the fashion house catered to TV-stars and other celebrities. The Krasnodar press reported that Anastasia and her famous mother, "fashion's grand lady of Southern Russia," continued to put on their annual January fashion show broadcast by Russian national television and radio and attended by movie stars and the pick of society in "luxurious

cars with haughty well-groomed ladies and their solid companions.” Not bad for struggling immigrants living in America. The annual fashion event started in 1998 to celebrate “Tatyanna Day” named after the Russian Orthodox angel “Tatyanna.” That alleged angel probably ran prostitutes as well. One Russian society reporter described the January 2003 grand fashion event: “The theatre was crowded, the boxes were occupied by high-ranking persons as it should be. The beau monde (whatever that means) and others came here this day partly by tradition, partly wishing to join the beautiful, and partly because of the declared prestige of the event. We should pay tribute to the architect of the celebration—the notions ‘fashion’ and Tatyanna Vasilyeva have blended into one in society’s conscious a long time ago.” The event displayed ‘children of all ages’ from the Models School of Anastasia Vasilyeva and ‘were declared to be the pride of our genetic reserve.’” Anastasia’s budding young money makers “put on a display dedicated to the region’s four nationalities: Adygs, Armenians, Chechens and Russians.”

Anastasia’s letter claimed she and her husband hadn’t left the U.S. since they arrived in June 2001; therefore, she must have missed this grand showcasing of her future prostitutes, but she didn’t. Not only did the media spot her at the event, but my Krasnodar translator found out that Anastasia periodically returned to Russia while Nicolay, a.k.a. Dima, spent most of his time there—tough to find a job in America while working in Russia, which technically meant he was unemployed here but not Krasnodar. Anastasia traveled to Krasnodar at least twice a year, once in the summer and once in the winter to sign papers, do an in-person check on the operations—probably to make sure hubby Nicolay wasn’t stealing too much—and push her pet project the Models School of Anastasia Vasilyeva for training children in the glamorous life of fashion and hoing. The Vasilyevas probably crossed over to Canada and traveled back and forth from there

using their second Russian international passports, just as the Commie Ho does, in order to hide from U.S. Customs and INS their travels on mob business.

The busy operation of the Vasilyeva's House of Fashion also included periodic smaller fashion events, such as at the Kuban State University Women's Club. Probably a recruiting gimmick to meet the insatiable demand for female assets. The Fashion House put on a show in August 2003 written up as "a real miracle happening: beautiful creatures in fantastic dresses seemed to have been flying in the air. Music, lighting, spirit of creativity—everything made for the sensation of a miracle." Right, the miracle of feminine self-delusion given that most of those "beautiful creatures" were sluts.

Besides falsely claiming poverty to the District Court, Anastasia emphasized that she and her husband were undergoing great emotional distress over their youngest child's birth defects, which required them to "spend all our time at the hospital ... we are always next to our child." Anastasia used her child's illness as the basis for the lie that the two remained in America, and, therefore, couldn't conduct an international prostitution ring as my Complaint stated. Their child probably had birth defects. Girls in Krasnodar often give birth to deformed children—something in the air, water or wherever. But their detailed description of the health of their child, tragic as it was for the child, was another obvious play for sympathy. The child's illness, however, did explain another reason for pleading poverty—Medicaid. A pretext telephone call by a buddy confirmed my suspicions that these wealthy criminals of Krasnodar were using U.S. taxpayer dollars meant for the American poor to pay their medical bills.

My associate telephoned the Vasilyeva's home using the pretense of collecting an overdue hospital bill for her child. "Hello, this is the Acme Collection Agency. The Children's Hospital referred an unpaid bill for your child's treatment to us for collection."

“We don’t pay for it,” Anastasia quickly and obligingly replied. “It is Government Title 19, so we do not pay it.”

“All right, maybe there has been a mistake. I will check with the hospital and the Government. Sorry to bother you.”

Title 19 is Medicaid. The Vasilyevas know, as do most Russian immigrants and illegal aliens, how to work the system in America. By pretending poverty, they avoid taxes on the large sums they make from white slavery while the U.S. taxpayer picks up the hospital costs for them and their child.

A second rule of Russians for tricking Americans is to pretend they don’t understand English. This way they can retract anything previously said or claim an honest misunderstanding. But there’s nothing honest when it comes to most Russians. The “no speaky English” pretense also allows them to eaves drop on English conversations because foolish Americans keep talking under the assumption the Russians don’t understand English. Anastasia claimed her and her husband’s poor English as the reason for writing the District Court in Russian, but their letter showed a pretty good understanding of the accusations against them that were made in English. Too good a job actually, for it had the ring of an attorney helping them, but whom?

Third rule for Russians, females and lawyers running a con is to lie, prevaricate and dissemble. Anastasia referred to the model agency for which she was the Director, which means CEO, as merely her and her husband’s “workplace.” They recounted my interviewing them back in April 2001, but spun the conversation to depict themselves as ignorant innocents. “We were shocked by the questions. We said that we had no proof and that we knew nothing bad about his wife.” Knew nothing bad! They said the Commie Ho admitted to working as a prostitute in the Cypriot brothel. That one of the girls they sent along came right back home because she decided

against working as a whore. Models from their “workplace” said the Vasilyevas ran a “dirty girls list” and that my ex-wife was on it.

Fourth rule for Russians, broads and lawyers, depict the accuser as guilty of something just as bad or worse. Anastasia claimed, “When Roy Den Hollander understood that we couldn’t help him with anything he got nervous.” When Russians use the word nervous, it means panicky. Under the Commies, exhibiting nervousness was synonymous with guilty conduct for violating one of Lenin or Stalin’s edicts. The Russians are masters at displaying no genuine emotion because often it led directly to the Gulag. Anastasia was trying to tell the Court that her claim of my nervousness meant I was engaged in some criminal activity.

Some parts of the letter were just bizarre. When Anastasia’s husband introduced himself to me in Krasnodar in April 2001, he used the name Dima, which is the name I used in the RICO compliant. The letter states Dima is his christening name, but Nicolay his given name. According to Anastasia, my referring to her husband as Dima “proves that Roy Den Hollander is using false facts and also doesn’t have a serious attitude to the Court.” The first part of that quote was infantile, but the second part may hold some truth.

More importantly, Anastasia’s lame effort to make me out a liar gave me some useful information I didn’t have before: her husband’s official first name Nicolay and his middle initial “N”. I already knew Anastasia’s middle initial “A”, but needed their full middle names or patronymics for the G.R.U. boys to dig up any records in Russia indicating criminal activities. Unfortunately, on coming to America, Russians never give out their full patronymics only the middle initial because they know that’s not good enough to track down their records in Russia for so many people there have similar first and last names. Anastasia’s letter, however, also gave the address at which she and Nicolay were registered in Krasnodar. All Russians are required to

register themselves with the local government as living at a particular address. Some Russians do move around but still keep the same registered address in order to avoid the bureaucratic nightmare of changing it or to hide from the police or mafia, in Russia the two are considered almost synonymous. The Soviets had broken down every city into districts to keep the records from arrest to marriage to abortion to death for all the people registered in a particular district. Even when a person no longer lives in a district, he still has to use the government services offered in the district where he is registered or the government bureaucrats will not help him. Anastasia gave the address at which she and Nicolay were registered in Krasnodar, which meant I now knew the district that kept records concerning them that included their patronymics. Svetlana, my lawyer in Krasnodar, was asked to get their full names.

Anastasia also claimed in the letter to have documents proving the two of them had no criminal records and were not members of the Russian mafia. Who the devil issues non-mafia membership documents? It can't be the American INS. The INS doesn't even bother conducting background checks on aliens applying for permanent green cards, and its computer system breaks down once or twice a week, but that doesn't really matter, since many employees don't know how to use the computers anyway. Besides, INS agents have the highest incidence of criminal activities of any federal agency. They smuggle aliens, counterfeit and sell INS documents and pass aliens who funk the naturalization exam. Any document from the INS automatically makes it suspect. But whichever agency provided Anastasia's "certified innocent" documents, if they actually existed, I couldn't find out until the case went into discovery.

Other information Anastasia told the District Court, I could check right away. Any evidence showing that statements in the letter were false, could be used to attack both Anastasia and Nicolay's credibility by arguing they were consummate liars and nothing they told the court



should be believed. One statement to test was Anastasia claiming to work as a seamstress in an American shop. Anastasia even gave the District Court her boss's name, whom Anastasia suggested the court contact to vouch she made little as an employee and did not run her own lucrative business. Russian mobsters always have a front job and this was Anastasia's since no person, not to mention a Russian female, would give up the CEO position in her mother's premier fashion, model and call girl agency to sew clothes in America.

Another avenue to check was Nicolay, who, according to the letter, worked immediately after the couples' arrival in America at a McDonalds, probably the first Russian organized crime figure to do so. He left that job after six months to spend his time at home with the kids, both under four, and to learn English. The guy who gave his first wife in Krasnodar \$140,000 for a divorce, so he could marry a rich broad like Anastasia and help run the "dirty girls list" for Krasnodar's movers and shakers worked at McDonalds and now took care of his kids. I don't think so.

These ploys concerning Nicolay obviously exploited the Feminazi icon of the sensitive husband doing what the wife should and the patriotic alien trying to become a citizen—both also a first for a Russian hoodlum. Any person who grew up or lived in Russia would laugh at such claptrap. Russian husbands, even those with legitimate jobs, don't stay at home raising young children, and the only patriotism Russian hoods have is for the U.S. greenback. But in modern day America, the Feminazis' gambit of reversing Mother Nature's roles for the sexes, so girls can play at being a man until it becomes dangerous, appeals to bleeding heart liberalism and might sucker the Court into believing Anastasia and Nicolay's lies.

The part of the letter, however, that stood out for me as particularly in need of investigating was "On December 25, 2002 our father came from Russia. Special agent services

and FBI/Federal Bureau of Investigation inspected all of us. The name of the agent is Barry P. Babler. The services and FBI had no issues.” Why was the FBI checking up on a guy from Russia visiting his daughter and then go on to check the daughter and son-in-law? There was something about these people that interested the FBI, but what, and how do I find it out?

Another defendant also tried to sympathy his way out of the suit. Dr. Marc Paulsen, the guy who admitted to producing the Commie Ho’s masturbation video and paying to have sex with her, had his lawyer, who missed the preliminary conference, send me a letter requesting I drop Paulsen from the suit. Paulsen’s lawyer claimed, “Mr. Paulsen is medically sick and will undergo surgery soon. Also, he is not a pornographer.” Right! So what does he hire Red Star models for, and why did U.S. Customs give him a hard time about importing porn videos from Russia? The sickness part either was likely just another lie. Beside, why should I feel sorry for him or any of the other purveyor’s of evil in this case? None of them ever felt sorry for me and probably no one else other than themselves. For them compassion is only a one-way street pointing in their direction; well here I come in my truck. My response to Paulsen’s lawyer included wishes that Paulsen’s operation went well, a lie, and that Paulsen could join my side by testifying against the Commie Ho and her Moscow pimp, Leo.

My worry that the District Court might dismiss the case, that the Second Circuit may uphold such a dismissal and the U.S. Supreme Court deny me an appeal led to an idea triggered by my buddy Mark. He had begun a business setting up websites in the summer of the third year of the third millennium for entertainers looking for patrons. Not being an entertainer, except in my efforts with pretty young ladies, Mark’s website gave me the idea on how to find clients, a special kind of client. All I needed was 40 men who had also been scammed by Russian mafia prostitutes, introduction bureaus, marriage agencies and advertisers of honest Russian girls who

were really sluts, and I could bring a class action RICO case against the Russian and Chechen mafias and their allies. If the Federal courts threw out my first RICO case, they couldn't stop me from coming back with a class action RICO. That would really tick off the Feminazi-sycophantic bureaucrats and make it a lot harder for them to deny justice, since there would be a group of men instead of just one—united we stand, divided the Feminazis walk all over us. Feminazis had been picking off men one by one for decades. Another reason for a class action was that I just might get lucky enough to find some guy who was ripped off by a few of the same scoundrels as me. The way to find my 40 men was through a website. The result was: [www.been-scammed.com](http://www.been-scammed.com).

When the site initially got up and running it said:

Screen 1:

Scammed by a Russian woman?

Lost money?

Want Justice?

Join the beginning of a class action lawsuit against those involved in tricking American men into costly and harmful relationships with Russian women who are no more than liars, cheats and prostitutes.

Screen 2:

Have you been a victim of a fraudulent Russian dating, introduction or marriage service whether through a web site, magazine, newspaper or Russian model agency?

Have you suffered financial loss, emotional distress or other harm as a result of using one of these services?

Have you been taken advantage of by a Russian female?

If you have, then find out whether you qualify to join a class action lawsuit to recover your losses and any damages caused you. Any recovery might be tripled depending on the legal nature of the claim.

The law firm of Roy Den Hollander is looking for victims of these Russian organizations, and their American accomplices, that promise honest relationships with beautiful, wholesome Russian women but end up with the American man defrauded of his money and time.

Perhaps one of the following has happened to you:

- Met a Russian girl on the Internet. After weeks of great emails, she said she was poor and asked to borrow money for food using your master card number. At first it was \$50 and \$100 dollars, but as you cared more and more for her, she started taking up to \$1000. You told her you couldn't afford that, but she said "too bad," then "goodbye."

- Shelled out over \$20,000 for what you thought would be a loving Russian wife. Traveled to meet her in Russia, had a great time, everyone was so nice to you, and you fell in love. Brought her back to the U.S. for a visit, and all she wanted to do was lay around watching soap operas, spend your money on jewelry and run up your phone bill talking in Russian to a guy named Vladimir whom she said was just a "good friend." You were crushed. Your buddies convinced you to put her on a plane back to Russia, but before you could, she disappeared. Now the U.S. Immigration service is giving you a hard time.

- Traveled to a social gathering in Russia that was advertised in a magazine with pictures of beautiful Russian ladies at a classy hotel nightclub. When you got there, the hotel was a rat hole and the girls hags. You demanded your money back, \$5,000, and these big Russian goons pushed you into a corner for a talk. You were happy to get back to the U.S.A. in one piece.

- Found it difficult to meet new people after losing your wife, so you answered a magazine ad to correspond with Russian girls. For \$1000, you got ten letters with pictures of very pretty women, but when you tried to call them, they didn't exist.
- Spent thousands of dollars traveling to Russia to meet a decent girl through an introduction service, but they all turned out to be high-priced hookers.
- Married a Russian girl who turned out to be a prostitute, member of the Russian mafia, a drug addict, adulteress and thief.
- Married a Russian lady whom as soon as she received her green card, divorced you by lying that you beat her up. The American female judge believed the phony tears and gave your Russian wife \$70,000 of the money that you worked hard for.

If you have had a similar experience, then you probably qualify as a member of the proposed class action lawsuit. Your next step is to fill out our short survey. All communications are protected and cannot be disclosed unless you okay it.

You will then be informed as to whether you qualify for the proposed class action lawsuit. If you qualify, your next step will be to decide to join us or not.

Joining will cost you nothing, no matter what the legal outcome. If successful, all attorney fees and costs will come out of any recovery.

Don't be a victim. Join us in our legal action. Fill out the attached survey form.

Sponsored by: Truth, Justice and the American Ideal

Designated lead counsel: Roy Den Hollander, Esq.

Apart from this public effort to set up a class action RICO case, I again tried to win some notoriety for my individual RICO suit. Lynn Vission had written the book *Wedded Strangers* about a number of marriages between Russians and Americans since the 1930s. She gave

lectures on the inter-country coupling that I attended at Columbia University before working for Kroll in Moscow and at the Foreign Language Library in Moscow just after my marriage to the Commie Ho. Perhaps she could use my story for a subsequent edition of her book that she once mentioned she was working on. Unfortunately for me, she was not planning another edition but instead working on a book about the children of Russian-American marriages. Thank goodness I couldn't help her out on that topic, since luckily I didn't have any children with the Commie Ho. What a disaster that would have been; how do you tell a kid that his mother is whore. Vission said in her email, "I have received hundreds of emails from partners of Russian-American marriages, I have not, so far, been contacted by American spouses in a situation similar to yours." An understatement for sure. In response, I told her about the proposed class action RICO website for which she very graciously sent me the web addresses for sites frequented by American men who had married Russian girls or pursued them and suggested I post a letter with those sites advertising the class action RICO. Thanking her for the suggestion, I put it on my "To Do" list.

### Something in the Air

All this prose make's it sound that most of my waking hours were spent fighting for a reckoning with evil, they weren't, but soon would be. My private Salsa lessons with Isabella had ended and my confidence in dancing it had come a long way with the thirty odd choreography routines I kept in a notebook. Isabella suggested I take her group class to continue my progress. She even told me to come a month for free. When was the last time a luscious babe offered a guy something for free, probably Delilah pushing haircuts. Still, I jumped at the opportunity.

After the first group class, I asked Isabella a little confused, “During our private lessons, you taught me to start by stepping back with the left foot, but in class you have the guys step forward with the left foot. Which is it?”

“Oh, it doesn’t matter. I’m just doing that so we can get into the turns and other movements quicker.” She smilingly reassured me with a sensuous hand on my arm.

Made sense to me, so I continued with her classes and paying the fee starting the following month, which I could easily afford. My work for Jeff was making me over a hundred grand a year. But with the money came the soma like illusions of normalcy rearing up from the parts of my unconsciousness contorted by American society. These serpents tempted me with the security of insidious cowardice and surrender while my Salsa teacher oozed sex-stirring fantasies of romance and companionship all of which combined into a formidable tag-team laying siege to the gates of my crusade. I knew exactly what was happening, all the parental and social programming were setting me up for another fall. The seducing succor of the complacent pawn seeped around and through by resolve for justice.

Then I received a call from one of Jeff’s bosses at the insurance company. This was strange because I worked for Jeff, and he usually dealt with the guys at the insurance company to which we provided litigation services. The insurance company officer, probably from the former Soviet Union, nastily accused me of padding my bill and incurring needless expenses by asking the insurance company’s private eye to track down an appraiser the company had used in a case. The claim files showed the appraiser once possessed and might still have some key documents that would benefit one of the cases, which I told him. But he was unable to admit his mistake and continued his caustic rant by insinuating I was lying because he couldn’t remember the appraiser’s name—a typical female tactic when shown up to be wrong. The case was old and the

appraiser landed in jail for a while on unrelated grounds, but the appraiser's name was right there on the documents, as I pointed out to the insurance officer. But he would hear none of it and hung up in a huff—another typical female tactic for covering up incompetence. I called Jeff.

“Why did this guy end up calling me over a billing, I work for you,” I complained to Jeff.

“Well, I was busy, so I told him to call you.”

“You should have warned me. This is your responsibility not mine.”

“I know, I'm sorry.”

I was pissed. As my brother once remarked, “You don't like being pushed around,” to which I would add, especially when acting diligently. The incident made it clear the time had come to put away illusions of normalcy and fight the Commie Ho and her mafia associates full time, to ignite what I hoped was the final phase. A cold feeling of joylessness grew with a desire to set my determination. No more dilatory daydreams about Salsa romance. Go to the clubs to flirt and try to pick up chicks for fun but nothing more, only mutually beneficial sexual associating—nothing more.

Spending too much time with the same girl makes a man weak. Girls are cowards and lack honor. Who was the last girl that acted in any way honorable? Joan of Arc was six hundred years ago. BROADS got nothing to tell me other than “yes” or “no”. They're only pushers selling endorphins pumped into a man's brain by their presence and pheromones. No cold turkey idiot would ever ask a pusher for advice about life or believe what one said. Pushers are only interested in money, have lots of customers, lie constantly, never make refunds, wait for the addicts to come to them and are never on time. God damned the pusher girl. No, I didn't need some girlfriend pushing me into acting the coward in order to exploit me for her own ends or making me vulnerable through that unique stupidity of men to confide in a broad only to have



her use the information as a knife in his back later. What I had to do required strength, more than I ever used before.

My working for Jeff ended with my resignation and I set my course. At first, I wound up tight like a girl set on marriage, which caused me sleepless nights until I remembered one of Mark's key teachings in the martial arts. The only way to put up a good fight is to relax until the instant the ferocity is needed. So I relaxed and set to work creating the instant of justice.

Initially, I began reviewing RICO cases in the law library because in September the American defendants would ask the Court to dismiss the case, which I would oppose. Late one afternoon at the library, the lights went out, the computers crashed—the electricity had stopped. Oh boy, *The Day the Earth Stood Still*, I hoped! Now the rich and their Feminazi lackeys will get their comeuppance! But it was just another New York City blackout, although this one extended across the entire northeast. By evening the bars were over flowing onto the side walks with people downing as much as they could while the drinks were still cool and the ice held out. Walking the nearly pitch-black streets bubbled up ancient fears as people materialized right in front of me without warning then vanished just as quickly back into night. Darkness fearful, dreaded and black became the thought the mind lacked. There was the sense that the security of civilization had momentarily evaporated, although the experience of cruising around invisible was peaceful with the buildings, such as the Flatiron and Empire State, looking beautiful without lights against a night sky filled with stars that otherwise don't exist in the glare of city lights.

Following the mid-August blackout, I flew out to the Vasilyeva's to snoop around looking for evidence of falsehoods in Anastasia and Nicolay Vasilyeva's letter to the District Court. As part of my preparation, I telephoned F.B.I. Special Agent Babler, left a message I would be in his city from August 21<sup>st</sup> to the 25<sup>th</sup> and requested an interview with him concerning

Anastasia and Nicolay's letter; a copy of which I mailed him along with my mobile number where he could reach me in New York.

On Thursday, I left for LaGuardia airport so that I would arrive the two hours before my flight that Homeland Security advised in order to pass through the beefed up security for domestic air travel. Once again, I should have known better than to listen to government retards. It took me less time to get to the gate than before 911 even with the security personnel incapable of speaking understandable English. The airports must have out sourced those jobs. The trick was to just nod my head to these maulers of the English language to keep moving toward the metal detector. One grandmother in front of me made the mistake of trying to communicate with these illiterates, so they pulled her out of the line. Guess the two hour advanced arrival warning was meant for gray haired, stooped ladies like her. The Government doesn't want to violate that totalitarian left taboo of profiling: don't discriminate against our young male brothers who want to kill us, search for the threat among the elderly and folks from Scandinavia. What cretins populate the Government.

In Cincinnati, I waited for my connecting flight. These small airports sitting out in Middle America where nature trumps concrete are nice. They carry a peacefulness and easier way of life free of an atmosphere charged with the hurry of adrenalin and the worry of anxiety that grip large concrete urban centers. After an easy stroll around, I reluctantly turned to my travel reading: the second translation of the Commie Ho's diary. A young American man living in Moscow did this version, which I wanted as a check on the first written translation done by a Russian service used by my Moscow lawyers. Reading again the Commie Ho's inner workings with the distance of hate and time was no less revolting, although the heartache had vanished completely. My translator prefaced his work with "This woman is real perplexing, if you don't

mind my saying so. She involves herself in all kinds of dark and questionable behavior, at the same time throws on these religious sayings and ‘prays’ for help. Can’t quite make heads or tails out of her, but it does make for interesting reading.” My interest, however, had waned, and after twenty minutes of wadding through the sewer of her mind, I put it aside, figuring there would be plenty of time to finish it later. Once again, one of my predictions went awry.

On Friday morning the day after my arrival, I drove out to an upscale suburban shopping mall where Anastasia Vasilyeva claimed she worked as the family’s breadwinner sewing clothes for Cynthia Zahnow in a tailoring shop. It looked like just another mall to me, but was the Fifth Avenue of this suburban area. As we walked into the mall, I saw on my right a woman’s clothing store with manikins draped with the current fashionable look. Something about it struck me as not right, even a little *déjà vu*. When I saw a tall good-looking young babe standing inside, obviously a sales girl, a line popped into my mind, and I walked inside with every intention of flirting with this babe in her late teens or early twenties.

Inside, there were more tall fashionably dressed manikins, both alive and not. The couple of living ones smiled requests at us two middle-aged guys silently asking us to drain our bank accounts on their commissions in return for flirtations that promised delights never to be delivered. I walked up to the girl I saw from outside as she beamed, “Can I help you?”

“Yes, I’m looking for a tailoring shop” and gave her the name. “Do you know where it is?” Okay, so it’s not much of a line, but such prosaic utterances usually provide the opening needed. This girl was taller than me by two inches in her heels, poised and simulating an open invitation.

As I glanced around, she answered, “Of course, they do all our alterations for us and are in the back.”

“What kind of clothes do you sell here?” I asked, no longer interested in flirting but trying to pump some information because my déjà vu had turned into a memory. This store’s set up, fashion and its smiling salesgirls was a carbon copy of the Vasilyeva House of Fashion 6,000 miles away in Krasnodar.

“We only sell designer clothes and specialize in wedding dresses. Would you like to look at some?”

“No thanks, I have no need for a wedding dress. You look like a model. Are you?”

“Well, thank you. Yes I am. Most the girls who work here are models.”

“Does the store help you with modeling, show you what to do and arrange for fashion shows and the like?”

“We regularly put on fashion shows in which the girls model the latest styles and the store helps in all of that as well as our training.” I bet they do, I wanted to add.

“Do you work here all week long?”

“No, different girls come on at different hours. It’s only part time since many of us are in college.”

“What if a customer wanted to take one of the models to dinner?”

Without blinking an eye, she said, “Well that does happen, but we have to run it by our manager first.”

No doubt she misspoke, meaning to stay pimp instead. Having gotten pretty much what I wanted, couldn’t very well ask if they imported sluts from Russia.

“Would you direct us to your tailoring shop?”

“Of course,” she responded and walked out of the shop with our eyes following the movements of her cheeks and calves. “It’s just down there on the right,” she said pointing.

“Thanks.” Even the arrangement with the tailoring shop in back of the fashion store was nearly identical to the modeling and call girl agency run by the Vasilyevas in Krasnodar. This was no coincidence or that Anastasia, the boss in Krasnodar, was a mere seamstress here.

As we walked into the tailoring shop, I went up to a female in her forties and asked for Cynthia Zahnow.

“I’m her,” she said.

I introduced myself as the attorney on the RICO case in New York and started asking questions, which Zahnow was dumb enough to answer, for a while. The Q and A took place in the small public area of the tailoring shop with two of her employees watching and my associate as my witness. Zahnow claimed Anastasia had worked as a seamstress for her but left a few weeks ago, how convenient. Then Zahnow started evoking sympathy to try to fog the situation. Must be Russian I surmised.

“Anastasia’s son was born with birth defects, so she needed a job with benefits to pay for the child’s medical care. I can’t afford to pay my workers benefits, so I found her a job at the Boston Store downtown. She’s probably at the children’s hospital this moment.”

Mentally, I asked myself what’s Anastasia doing at the hospital if she is suppose to be working, and what employee benefit plan would pick up the cost of the pre-existing defects of Anastasia’s child? This syrup was just an effort to cover Anastasia and Nicolay’s Medicaid fraud about which Zahnow probably knew and maybe abetted. I brushed the sympathy ruse aside. Besides, Anastasia got what she deserved for most likely having this child in the U.S. for the sole purpose of making it more difficult to deport her for illegal activities. Anastasia, and now her alleged former employer Zahnow, really milked this kid’s misery for their own suspect ends.

“What does her husband Nicolay do?”

“He worked for a while, but now stays at home with the other child.” How convenient, no traceable job. All during my stay out West and after, I periodically called the Vasilyeva’s house but Nicolay never answered. How could he? Nicolay spent most his time in Krasnodar running prostitution.

“Do you know why the F.B.I. was investigating Anastasia’s father?”

“The F.B.I. visited the store saying it was investigating the father but didn’t say why.” Zahnow replied.

“What’d the F.B.I. ask you?”

“Oh, I don’t remember exactly. Stuff like how long Anastasia work here, how well I knew the family. But their investigation delayed her father coming here for six weeks.”

“How well do you know the family?”

“We’re friends. Anastasia’s father was coming to visit to help with the children.” The sympathy diversion again and another lie derived from trendy Political Correctionalist propaganda about America’s neutered man: “Mr. Sensitive Androgyny.” No way I was buying. Anastasia’s father traveling to the U.S. to take care of her kids was just as unlikely as Nicolay staying home to take care of one of them or both. More likely the father was either bringing money or information to help the call girl operations in America or taking money back with him to some offshore haven, just as the Commie Ho did.

“Do you know what Anastasia’s patronymic is?” Thought I’d give this a shot since it would save me some money if my Krasnodar lawyer hadn’t already checked the records for the district where Anastasia was registered.

Zahnow began to realize her ploy for pity wasn't working and that she had probably already said too much. "I'll check my records; give me a call on Monday." Fat chance she'd give it to me. By then, she would have reported back to Anastasia who'd tell her to keep her trap shut.

"Do you know Nicolay's patronymic?"

"No," she now turned cold.

The fact that Zahnow knew what patronymic meant made me think again she was Russian. "Are you Russian?"

"No," and she laughed just like a Commie does when trying to make someone feel ridiculous for suspecting something. Zahnow's ancestors actually came from Poland, close enough. She then volunteered, "I know what is going on in this case. Anastasia showed the kook's Complaint to everybody. Are you the kook?" Zahnow now moved to the classical Russian and female tactic of name calling to enlist social opprobrium against a seeker of the truth. What most people don't realize is that lawyers consider slurs from an opponent the highest form of compliment.

"Who used the word 'kook' besides you just now?" Zahnow was now on the hook for defamation, but I wanted to see whether I could catch Anastasia in it. Zahnow refused to say and the interview ended. I gave Zahnow my car, my associate and I left. As we walked toward the exit, I began to say something to my associate when she motioned me to look to my left. Turning, I saw Zahnow using another classic Russian and female trick of sneaking up behind people and eavesdropping.

"Talking bad about me?" She agitatedly said at having been caught.

“No, you haven’t been defamed, but I have,” I replied. Zahnow quickly walked on ahead into the women’s fashion store we first visited. She probably wanted to throw-a-fit, yelling and screaming at us but after landing before a judge for disorderly conduct a few years back, she kept herself under control.

Anastasia’s job, whether still at the tailoring shop or another store, was just a cover that allowed her and Nicolay to claim poverty in order to scam Medicaid while her child’s illness combined with Feminazi fantasies of the “soft man” as personified by the false image created for Nicolay, creates the illusion of the two spending all their time in the U.S.

Next stop—the F.B.I. About an hour later, at a little after 1 PM, I walked into the reception area of the local F.B.I. office. No guards, no reinforced doors and no metal detectors as in New York City. My associate had stayed in the car. My only chance of getting any information was alone since the F.B.I. didn’t like witnesses unless the witness was another agent so as to back up the Bureau’s position or lie on what transpired. Besides, I doubted Special Agent Babler would be around during lunch or even see me if he were.

I gave my name to the receptionist, she told me to have a seat. Not two minutes after I sit down, Babler comes out by himself fashionable tan and well dressed. This guy’s living the good life out here. After introducing myself, I told him the status of the RICO proceeding and that I had a few questions about the Vasilyeva’s letter to the District Court. Handing him a translated copy he could use as a reference in case he no longer had the one I mailed him, I expected him to invite me inside to talk with another agent present as they usually do, but Babler didn’t. Strange I thought.

“I’m sorry for not responding to your telephone call from earlier in the week.” Babler sounded nervous, acted nervous, looked nervous and even perspired a little. “What are your



questions?” So as we stood there in the reception area with no one in listening distance, I started my questions to which I expected the usual F.B.I. reply “no comment.”

“Why did the F.B.I. conduct a six-week investigation of Anastasia’s father and her family before allowing him in the country?”

“We didn’t investigate the whole family.” So either Anastasia lied to the District Court about her and Nicolay passing F.B.I. scrutiny or Babler was lying to me.

He continued, “It wasn’t an investigation, just a routine inquiry into Anastasia’s father after he arrived, which didn’t take anywhere near six weeks. These types of inquiries never take six weeks, not even a month, and are done only after the visitor shows up.” That’s not what Zahnow said. Somebody doesn’t have their story straight.

“Why Anastasia’s father?”

“It was just a random check of papers that came across my desk to see if the paper work was accurate.” As I recalled from the Commie Ho’s paper work for a visa, the documents were in Russian.

“If it was just routine, why did Anastasia mention you in her letter to the Court?”

“After she received the RICO Complaint, Anastasia came to me saying she thought it dealt with the Russian mafia. She asked me for legal advice, but I told her I couldn’t give her any and didn’t. We aren’t allowed to give the public legal advice of any type. I’ve read the entire Complaint and have a copy on my desk.” All 91 pages he read! Sounded as though Babler had more than a routine interest in my case, but why? Babler still appeared nervous, and his answer didn’t really explain Anastasia’s reference to him in the letter, unless her Soviet mentality made her believe she could bluff her way out of the case by claiming a nonexistent

investigation found no criminal doings. In Russia, gangsters often hire F.S.B. or M.V.D. officials to provide them with a clean bill of lawfulness.

“Do you read Russian?”

“No.”

“It must be difficult working on Russian matters not knowing the language?” I tried to get him to elaborate on how he dealt with documents in Russian.

“Not really.” He tried to change the flow of the conversation toward me. “I’m surprised you aren’t on our list of people who travel periodically to Russia.” Obviously he checked that list, which I didn’t know existed until then, but why did he even spend the time to bother? Or was this some lame attempt at intimidation? Watch out, we’ll put you on our list. Who cares!

I turned the interview back to my questions. “Do you know Anastasia’s middle name?”

“No, but it would be the first name of her father, which I recall is Anatole.” Was this accurate or intentional misinformation?

“Could you check that for me?” I requested, fully expecting a “get lost!” But Babler was still nervous and answered, “The name is in my records back in my office, call me in an hour and half and I’ll have it for you.”

“Okay,” I said surprised, thanked him for his time and left.

Two hours later, I called Babler back. He was no longer nervous but in the typical F.B.I. authoritarian arrogant mood. “I’m not going to give you the name of Anastasia’s father because it would impact one of our investigations and our rules prohibit releasing any information concerning an investigation.” So, the former routine inquiry was now an investigation. Babler then switched to the understanding cop role in an effort to convince me there was nothing the authorities in the U.S. were doing or could do, meaning I should either leave the bureaucrats to

their Club Fed ways or get out of the way of their investigation. I couldn't figure out which, but it didn't matter because I wasn't giving up.

Babler added, "I was involved in another investigation of a gentleman in a situation similar to yours. But nothing could be done because the fraud occurred in Russia." I knew that was a lie. Even if all the criminal acts I alleged occurred in Russia, which they did not, whenever it was reasonably foreseeable that criminal conduct would impact the U.S., like tricking men into bringing mafia prostitutes to America for the mob's white slave trade, those acts violated RICO. Federal law enforcement agencies had plenty of power to not only bounce the Commie Ho, Anastasia and Nicolay out of the country but also break up the Russian mob's operations in America. However, I doubted they had the will. Babler's statement was so absurd that it would absolve the cocaine cartels in Columbia from prosecution because all they did was put the dope on the ships headed for America.

Babler moved into the therapist role with "It is not at all infrequent for an older American man to marry a younger Russian woman who only wants to get to America." This ploy of commiseration put me on alert for the proverbial incriminating question meant to nail me to the wall. But instead Babler asked, "Do you live here or New York?" I didn't get it. He knew from my letter and Complaint where I lived, so dismissing his question as irrelevant, I answered, "New York."

After hanging up with Babler, I called Anastasia's home number several times, but it was busy for over five minutes. Was Babler reporting back to her, maybe, maybe not?

So far, my trip provided some information useful in discovery for impeaching Anastasia and Nicolay and added some specifics to my understanding of their local operations about which I could quiz them in detail, assuming the case made it to discovery. The tailoring shop in the

back of the fashionable designer clothing store with tall pretty young models looked and felt the clone of the Tatyanna Vasilyeva House of Fashion in Krasnodar. Anastasia's letter to the court indicated the tailoring shop was a separate company but the lack of corporation records or a telephone listing showed it was most likely part of the clothing store, just like the operation in Krasnodar. With Canada not far away and notoriously open for allowing in illegal aliens, Russian hos likely entered Canada and hopped a ride across the border into the U.S.

The Vasilyeva's U.S. operations began looking like a carbon copy of their vertically integrated prostitution business in Krasnodar. Perhaps Nicolay recruits the hookers in Krasnodar, arranges passage to Canada using a Canadian "entertainment" company to act as the visa sponsor, just as the Athanasious do in Cyprus. Someone in Canada or Anastasia helps the hos travel across the border into the U.S.. When the girls arrive, Anastasia farms them out to the many Russian mafia prostitution rings in the U.S. or Russian and American mob run strip clubs, which are always looking for new talent. The fashion and tailoring shop does a legitimate business but might also provide a cover for a "dirty girls list" using the shop's models just like the Krasnodar House of Fashion. Unfortunately, the only way to find out was locating a girl who had worked on the inside, but I had neither the time nor resources.

As for figuring out the truth about Babler's strange behavior and his involvement, if any, with the Vasilyevas would require subpoenaing F.B.I. records and deposing him once the RICO case moved into the discovery stage, if the court didn't throw it out first. But even in discovery, getting my hands on F.B.I. records and questioning Babler would be difficult. All I had as a reason was Babler's weird behavior during a ten-minute conversation that only I witnessed and his discrepancies with what Zahnow told me and what Anastasia said in her letter. My intuition knew Babler was hiding more, but that's not a reason the District Court will listen to. Even my

associate thought I didn't have much to go on concerning Babler or the fashion shop's involvement with the Vasilyevas' operations in America, but I knew the fog would eventually clear on some of the scenes that I could not now see.

Over the weekend, my associate and I took in a Latin festival. It surprised me that Latinos lived in the North Country, but what did I know. The demographics of America had changed dramatically during my adult life with the politicians pandering to the Latin vote by opening the southern border to anyone from Mexico, South America and elsewhere. Personally, the Federal Government should only let in the young Latina babes so as to once and for all destroy that prevalent Feminazi myth that a girl can act like a man and be beautiful at the same time. Imagine the contrast: straight hair, no make up, Feminazis with nothing to reveal clunking down the avenues looking like Soviet era matrons while decked out, coifed, painted Latinas with multiple moving parts seduce their way into the imaginations of those men that the Feminazis haven't turned into girlie-men. Which brand of female has more power? It's not the she-male Feminazis. Like most men, I don't pay attention to she-males. There's nothing they can tell me that's worth hearing, and there's definitely nothing they can show me that I want to see.

The Latin festival featured a lot of different acts and music, the language of which I couldn't understand, just like when I stayed in Ecuador some years earlier thanks to a jungle girl I met in Coca in the middle of the Orient. For the remainder of the weekend, my associate and I hung out in the country, watching the sunsets and me cursing to myself, as I do every day the parents the universe stuck me with. Life could have been enjoyable, interesting and worthwhile but for those two sociopaths.

Monday morning 8:15 AM, my ringing mobile wakes me out of a sound sleep. Normally, I'd ignore it at that hour, but it might be important.

“Hello,” I answered.

“Mr. Hollander?” The nasty sounding voice inquired.

“Yes.”

“This is Officer Sean Schmidt from the Town Police Department. You are going to be arrested for aggravated harassment if you try to contact Cynthia Zahnow again or visit her shop. You have no legitimate reason for being in touch with her.” This caused butterflies in my stomach because I just woke up, which was this cop’s intention a la Franz Kafka whom I’m sure he never read.

Schmidt continued, apparently for purposes of added intimidation, “Ms. Zahnow told me that an F.B.I. agent had also talked to you about your inappropriate contact with Ms. Zahnow.”

The butterflies didn’t last long; anger began to seethe through me as it flowed into my voice. “Listen here officer Schmidt, there is right now in the Federal District Court in New York a pending RICO case (I emphasized Federal and New York so he’d know he wasn’t dealing with some bumpkin case in some dink state court) in which Ms. Zahnow will most likely be called as a witness. One of the defendants in that case sent a letter to the Federal Judge in which she claimed to work for Ms. Zahnow. I, as the attorney and plaintiff, have a right, do I make myself clear, a right to investigate claims made to a Federal Judge by interviewing Ms. Zahnow, and I do not appreciate the local police department interfering with a Federal case!”

Schmidt’s voice changed to sounding civil but to save face he repeated, “If you contact her again you’ll be arrested. She says you’ve been coming to her business and also calling her.”

“That’s false! I visited her business once for a fifteen-minute interview for which I have a witness and never once telephoned her. She, in fact, is the one who agreed to call me today with information I had requested from her during the interview. Obviously, she is not going to

make that call, so my next contact with her will be to subpoena her as a witness, and I doubt whether you guys will dare arrest me for that.”

“We have no problem with that.” What else could the flat foot say.

“What did she say about the FBI?” I dropped the angry tone in an effort to obtain some information. I didn’t really think he’d answer, but he did.

“She said an F.B.I. agent contacted her and told her to call the local police to complain about being harassed by you.”

“Did she say who the F.B.I. agent was?”

“No.”

“Well, I’m going to stop by your headquarters later to talk to your Chief about this.”

“You’re free to do that.”

When I hung up, a quote by A. A. Milne came to mind:

“Sometimes when the fights begin, I think I’ll let the dragons win, But then again, perhaps I won’t, Because they’re dragons, so I don’t.”

Obviously Babler was the F.B.I. agent since he was the only agent I talked. Either before or after my interview with him, Zahnow or Anastasia talked with him about my snooping around. If either contacted him before I did, that might explain why he was so nervous. Babler in turn must have reported to one or both of them my interview with him—so much for the vaunted confidentiality of the F.B.I. At some point, most likely on Babler’s suggestion—so much for not giving legal advice—the three agreed to have Zahnow file a complaint with the local cops using that chestnut of Feminazi intimidation against men: a broad faking fear to the police while she lies about male harassment.

Babler's left field question about where I lived now made sense. Babler knew that the cops couldn't charge me with harassment for talking to Zahnow about the RICO case, and as a lawyer himself, he knew I knew that. Babler was simply telling me to get out of town, go back to New York or he would make even more trouble for me. To make sure I got the message that he was behind the threat, he told Zahnow to tell the cops that the F.B.I. was involved. If I had lived in town, the intimidation, to Babler's bullying point of view, would not work because I would have no choice but to fight back since fleeing would not be an option. These federal pigs tick me off as much as organized crime goons. Both are always trying to push people around, "Get out of town by sundown," what a bunch of creeps. Well, I got out of town, since my flight left that afternoon, but the trouble I made for Babler was just starting. Nobody, not even a Federal agency is going to pull my tail and not get chewed a little bit.

My associated and I had a couple of stops to make before the airport.

She said, "Maybe you've stumbled into a hornets' nest. What other explanation is there? The F.B.I. might be running an investigation and doesn't want you interfering. Then again this guy Babler could be on the take. Maybe they pay him in girls for his protection. It has to be one or the other but the real question is which?"

At the Town police headquarters, I vehemently complained to the Acting Chief, also sporting a deep tan, that I didn't appreciate the intimidation implied in the threat to arrest me. I filled him in on the RICO case, why I was in town and made clear that F.B.I. Special Agent Babler had used his police department as a tool. He politely listened as a matter of customer relations, since there was nothing he could do about Babler. But when I returned to continue my investigation, assuming the case made it to discovery, the local cops would think twice about believing some Feminazi. He did, however, arrange for me to talk with Officer Schmidt in



person, which always helps. Schmidt had no further information but agreed to provide a statement if needed about the content of his conversation with Zahnow. The Acting Chief also provided me with a copy of Zahnow's complaint against me.

A little before 1 PM, I stormed, almost, into the F.B.I. office. "I want to know why the F.B.I. is interfering in a RICO case in the United States District Court of New York." I angrily told the receptionist and demanded to see the supervisor. When I saw the look of shock on her face, I said to myself go easy this is not New York City. She said the boss was out of town for the week, which I didn't believe.

"Okay, let me see his assistant than."

She rang a number, talked with someone and said, "He's busy, but call back in an hour, don't come back to the office, just call."

Persona non grata, huh! I knew then I'd never reach any of the bosses. Babler must have told his bosses I was from New York City and would probably return there and step back from investigating my case's connections in their jurisdiction. So by ducking me, the local F.B.I. figured the incident would fade into oblivion. Evildoers always count on the victim letting their evil go. From the airport, I called back and as expected the acting supervisor was still busy, but his secretary assured me he would telephone me in New York City the next day. So how did she know I would be in New York the following day?

On the plane to Cincinnati for my connection to New York, I picked up the second translation of the Commie Ho's diary that I had begun on my way out.

The Cincinnati airport was busier going back. Walking toward the gate, I spotted, how could I not, one of those young voluptuous ladies that makes a man forget all caution. This blonde bombshell came out of the ladies room in her color for the day pink: pink jeans, pink top

and pink Yankee cap. First time I ever saw a pink Yankee cap before. She had trouble, or pretended trouble, with pulling her carry on bag. It tended to roll over on one side as she moved along swinging her hips walking to the gate. The obvious line immediately came to mind, “Need some help?” and then segue into a comment about her pink Yankee cap to which she’ll laugh. But I stopped myself, she’s a blonde and I have the diary of another bottle blonde to finish. So, I found a relatively empty group of seats and sat to my reading.

The rows of seats at the gate faced each other, probably some Feminazi psychologists’ idea to promote the feeling of comradeship. Some motion caught my eye and I looked up from my reading to see the blonde bombshell with her pink Yankees cap parking her nicely shaped rear in one of the seats in front of me. She starts trying to make calls on her cell phone. What girl doesn’t when she has five seconds to spare? But this girl couldn’t get through to any one. Before I can stop myself, I say, “Having troubles with your cell phone?”

“Yes, it must be the airport. It keeps fading in and out,” she replies a little hesitantly.

“Maybe it’s Cincinnati. You can try using mine if you like. It might work.” I said looking her over: nice large breasts tightly packaged but a bit of a tummy roll, probably went on an eating binge recently because compared to the rest of the body it didn’t belong there.

“No thanks, it’s not important.”

“You going to New York?” she asked.

“Sure thing,” I answered. She received a call, so I went back to my reading, but her call last all of 30 seconds.

“I’m also going to New York,” she resumed.

“What for?”

“I go to school there, N.Y.U.”

“Good school, are you heading back from your summer vacation?”

“I’m coming from my home near New Orleans. You know Britney Spears is from there.”

Who? I pondered silently searching for some recognition of the name in my brain as my face must have stared at this girl in bewilderment. Then I remembered Spears was a singer, but I thought she was from England. The bombshell continued with something else, but I couldn’t hear amid the airport noise and my middle-aged eardrums, so I smiled and thought of something to say. I almost remarked ‘looks like you gained some weight at home’ but decided against it and instead asked, “What’s your name?”

She thought some, guess it wasn’t on the tip of her tongue, and said, “Kelsey”

“Pretty name,” I said as she smiled. “Mine’s Roy. How do you find New York?”

“Lonely!” She now looked sad with this obvious opening but I let it go.

“How old are you?”

“I’m twenty-two.” And very delicious I wanted to add, but her demeanor now turned wispily serious as though her youth was draining away.

“You must have lots of beaus chasing you in New York. There’s no reason to be lonely, go have yourself some fun.”

“I know, but I also have my career to think of,” she said with in a tone of burden.

“I thought you were in school?” I responded always the lawyer looking for inconsistencies.

“I was, but now I’m a dancer.” So maybe I heard wrong the first time.

“That’s a tough profession, especially in New York but I guess that’s the place to pursue it.”

“It would still be nice to find somebody.”

Always the optimist without sensitivity, I said, “You’ve got ‘til your late twenties to get married. Enjoy yourself for now, but later on don’t let your career interfere with raising a family. I’ve seen too many girls sacrifice their family for a career and they are now miserable.”

“What do you do?” She asked.

“I’m a lawyer.”

“There’s a lawyer who lives down the block from my family in New Orleans. He’s got a big house, but he’s never around, always working.”

“Yeah, it tends to consume your life.” I gave her my card and said, “If you need a lawyer, give me a call?” Her reaction told me I should have said, “If you feel lonely give me a call and we’ll go have a drink.” All right, so I blew it.

Our plane started boarding.

She said, “I always wait to get on after everyone else boards.” So I waited with her wondering how she ever found room for her carry-on if she waits until everyone is on board. Then I realized, a girl who looks like her will have guys lining up to find room for her baggage or volunteer to put it under the seat in front of them no matter how badly it cramps their legs.

As we walked down the gateway, I thought of trying to get the person next to one of us to switch seats to continue our talk but nixed that. I wanted to finish the Commie Ho’s diary, which would make an interesting topic of conversation with Kelsey, but would drive her away. Mark always told me to shut up about my Russian adventures when hustling a dame, and he was right. Once I breach that subject, the girls vanish into the night air.

“Where do you live in New York?”

“Manhattan.” Nice vague answer that.

“What clubs do you hang out at?”

“I like Cancun,” and she mentioned some other place of which I never heard.

“Yeah, I know Cancun, on Eight Avenue in the high forties nice little bar. I like going to the Latin clubs like the Copa, Noche and Gonzales y Gonzales. Only I still can’t dance the salsa. Keep taking lessons, but I’m not there yet. But the music is great, and I figure the more I go, the sooner osmosis will take over. You should give them a try. You’re a dancer and it should be easy for you.”

“I don’t know about that.” She had lost interest, so when I got to my seat I wished her well and never saw her again. Once I went by Cancun just on an odd shot, but when I told Mark the story he said we’d have to hit the place around 2 AM when girls like Kelsey hit bars like Cancun.

#### It’s Just a Matter of Time

By the time I arrived back in New York, I was even more fed up with this Federal Bureau of Intimidation than when I had left. Who did they think they worked for anyway: mobsters and terrorists? They were no better than the goons I was after in the RICO suit. These federal pigs spend much of their time trying to scare taxpaying citizens into doing what they want. They exploit the unwritten threat that if the average guy does not cooperate with and supplicate himself to their authority, then the entire weight of the Federal Government will land on his head. They don’t dare act that way with the rich and politically connected or even the criminals they’re supposed to put in jail. My seventh grade civics teacher really got it wrong when teaching us about the F.B.I., just as wrong as those TV fantasies about Eliot Ness. In reality, today’s federal cops didn’t take their jobs with some noble thought of bringing evildoers to justice, but for the authority to push ordinary people around and the time to work on their tans at the beach. Did federal employees in the fifties have character and honor, or as a kid, was I sold a

bill of goods that I'm still trying to shake out of my head. One thing is certain, however, they don't scare me anymore.

Blackie came up with an idea for dealing with these federal fops. As a onetime bureaucrat himself, he knew what they didn't like—work, which they only did to cover their butts. By starting a letter writing campaign of complaints, the F.B.I. would feel compelled to respond in some fashion to protect what fearsome symmetry it still commanded after its 911 screw ups. In responding, these modern-day Max Sennett coppers might goof in their haste to get it done as quickly as possible so they could get to the beach. Any mistake might provide some useful information. As Blackie said, “The more you are a pest, the better it is for you, especially since you sure have been getting screwed over by the good old U.S.A.” I couldn't argue with that, and being a pest should come natural to me.

The first letter went to the New York F.B.I.'s Mike Byrnes in the Russian Organized Crime Unit. The letter recounted our telephone conversations from two weeks previously when as soon as Byrnes got someone out of his office so he could speak freely, he asked for more information on some of the allegations in my RICO Complaint. My cover reason for sending the letter was to remind Byrnes that he had not yet notified me of the topics in the Complaint in which he was interested.

The next letter went to the F.B.I. Director in Washington, D.C. with the opening, “I want to know why the local office of the F.B.I. is interfering with my investigation of the facts in a civil RICO case presently in the U.S. District Court for the Southern District of New York?” I had no respect for or fear of these knaves and tried to show it. The Director, probably an honest and competent man, would never see the letter, but some cowardly bureaucrat in his office would. By emphasizing that the defendants included Chechen Islamic mafiosi and Russian

gangsters, even a Feminazi bureaucrat would have to take some action just to protect her rear and the F.B.I.'s. To put a little heat on Babler, I pointed out that he had talked with me alone; took company time to read my 91 page Complaint; admitted the routine inquiry of Anastasia's father turned into an investigation—F.B.I. policy is to avoid confirming or denying any investigations; and provided legal advice to Zahnow and Anastasia that Zahnow file a harassment complaint against me with the local police. Into the mix, I threw that the F.B.I. office's acting supervisor never called me back as promised—for what that was worth.

The letter to the Director listed the incident as one in a series of “bizarre” responses by the F.B.I. concerning the events in my RICO case and set forth the others as John Madison-Pierre's threatening telephone calls. In closing, my letter stated, “I want to know why the FBI is protecting two Russian alien defendants who ran and apparently still run an international prostitution ring centered in Krasnodar, Russia. I am taking this route of contacting you before I decide whether it is necessary to take up the District Court's time with a motion for a preliminary injunction against the F.B.I.” Somewhat gleefully I thought, let's see how those guys like having the threat of Government power turned on them. Bureaucrats, as with lawyers and prostitutes, always become irate when someone does to them what they do to others.

Next came a letter to Vadim Thomas. He was the New York F.B.I. Special Agent whose family came from the Caucasus in Southern Russia, the same general area as the Commie Ho. He and Mario Pisano had met with me in February 2002 at F.B.I. headquarters in New York City and later determined the type of narcotics the Commie Ho brought into the country and identified the guy using the pseudonyms John Madison and John Pierre in the threatening calls. My letter recounted, “unfortunately the F.B.I. did not have a two speed tape player, so the unknown man making the threats sounded more like Mickey Mouse than an associate of Flash Dancers, which

you [Thomas] suggested he probably was.” The purpose was to not only mock the New York F.B.I. to its bureaucratic face, but to get on the record that Thomas suggested the goon worked at Flash Dancers. The letter requested from Thomas the test results on the substance and the name and business address of the man they tracked down. He was not going to give me either, but his denial could be added to the record.

In early September 2003, F.B.I. Special Agent Byrnes left me a voicemail message in response to my letter. He asked that I call him, so he could tell me the areas of the RICO Complaint about which he wanted more information. These coppers, just like hoods, never put anything in writing. Is it sloth or are they trying to hide something? Well, I didn’t trust any government employee to tell the truth, so I either taped them or created a written record. My letter in response offered to provide information he wanted in return for information that I needed: the laboratory report on the substance I gave the F.B.I. and the identity of the threatening caller John Madison-Pierre. Since the F.B.I. decided not to investigate any of the threats my letter argued, “I do not understand why [the F.B.I.] will not release the information concerning the identity of the man who made the three threatening calls. Given special agent Mario Pisano’s statement that the F.B.I. would not even interview the man because of what he might do to me, and Pisano’s added precautions not to open my door to anyone I don’t know and to be careful when out in the public, I understand that the FBI does not want to bother with the safety of a tax-paying US citizen—fine. But that is no reason to thwart my efforts to protect myself. I am still fearful for my life, which causes me to periodically change my living pattern and, in accordance with Pisano’s advice, take extra precautions when outside of my apartment.” That last sentence was baloney, but I was trying to put Byrnes on the bureaucratic spot that if something did happen to me, the press might come looking for him and others in the F.B.I. to



answer why they did nothing to protect a U.S. citizen. With this letter, I started putting down Jeff as receiving a copy. I figured that having two lawyers involved would reduce the chances of the F.B.I. doing something stupid again and make them realize I was not just a lone flake they could ignore.

By mid-September, Byrnes responded to the letter with another voicemail asking me to call him, but I was busy at the time on other matters, so I let it ride. A week later he leaves another message telling me it was okay that I did not promptly return his earlier telephone call because I might have been on vacation. That ticked me off. Who did these Club Fed indolent boors think they were? Citizens don't need an excuse or permission not to return calls from the F.B.I.—we pay their salaries. This arrogant commissar would have to wait.

Near the end of September, Byrnes finally reached me, by telephone, to say the F.B.I. could not release any information about the laboratory results or the man making the threats. He used the Privacy Act as the reason for not giving me the information. What kind of privacy rights the substance that I gave to the F.B.I. to test had—left me at a loss. Nor could I understand how the claim of privacy could protect the identity of a hoodlum that intentionally called my telephone number to threaten me on behalf of an illegal alien prostitute. By the F.B.I.'s reasoning, if an al Qaeda operative in America telephones the President and threatens him, the President can't find out who made the call because privacy rights protect the caller. The F.B.I.'s rationale was not only stupid, but also a lie, and, unfortunately, a typical example of how law enforcement agencies now work in America. When the average citizen requests help, he can expect law enforcement agencies to misapply Congressional Acts and U.S. Supreme Court decisions meant to protect that citizen by twisting those laws and decisions to protect criminals or the rich or the powerful or illegal aliens or broads or the agencies themselves.

After refusing to help me, Byrnes, in true bureaucratic fashion, requested that I help the F.B.I. by providing it with information to continue its investigation. That last word “investigation” was important because now I could tell the District Court the F.B.I. was investigating some of my RICO Complaint’s allegations, which immediately made them more believable to a judge unschooled in the workings of the Russian mafia. It also told me there was more going on in the F.B.I. than I knew. Byrnes wanted to know about the bribing of INS employees to obtain prostitutes visas. Byrnes got some of the information as a return favor for confirming an ongoing investigation by the F.B.I. Never heard from Byrnes again and didn’t expect to.

Three weeks after sending the letter to Special Agent Vadim Thomas, I mailed him a reminder setting a deadline of October 10, 2003 for a reply or I would contact a supervisor or the inspector general. Private citizens can play the bureaucracy threat game too. A couple of reminders also went to the F.B.I. Director that I had not received any response to my complaint about Special Agent Babler. Inundate the bureaucrats with paper and they’ll screw up somewhere. And they did, in one of only two written replies I received from the F.B.I. The Bureau obviously has a good reason after all for not putting anything down on paper.

The useful F.B.I. letter came in response to my complaint to the Director about Special Agent Babler. The Acting Chief of the F.B.I. Investigative Law Unit wrote that the unit conducted an inquiry into the events by interviewing “cognizant personnel in the F.B.I. office.” Good, that meant Babler, and it should teach him a lesson to stay off my back when I return for more investigating if my case reaches discovery. The Investigative Unit concluded it was satisfied that Babler “acted appropriately in his contacts with the parties in [my] complaint and did not, in any manner, interfere with [my] investigation.” The part of claiming no interference

with my case was expected but not the confirmation of Babler having contact with “the parties in [my] complaint” while I was out there, which meant Anastasia. I had assumed Babler would just deny it, but he didn’t.

The letter’s next paragraph was even better: “Specifically, the agent made it clear to all parties who contacted him that the F.B.I. had no interest in the matters alleged in [my] civil Complaint and that he could not advise them as to how to respond or proceed.” The “all parties” phrase indicated to me that Babler talked with both Anastasia and Zahnow while the “no interest” part created the false image that the F.B.I. was not involved. If “no interest” then why did Babler read the RICO Complaint and keep it on his desk in connection with the “investigation” he referred to when refusing to give me the name of Anastasia’s father.

The really good part, however, was: “The only exception was the agent’s advice to one party to contact the police because that person had alleged that you were harassing her.” Great, the F.B.I. confirmed that Babler told Zahnow or Anastasia, probably both in a conference call, that Zahnow should file a harassment complaint against me. The letter shows Babler knew an attorney was doing what attorneys do when investigating a civil case but went ahead anyway and advised a defendant or a potential witness, or both, in that case to frighten off the investigating attorney by falsely claiming aggravated harassment. Babler, Anastasia and Zahnow’s conduct looks an awful lot like a conspiracy to cover-up something. That appearance of a conspiracy to interfere in a Federal proceeding opens up a legitimate avenue for discovery as to why Babler gave such advice; what are his connections with Anastasia, Zahnow and the fashion store; what’s his interest in the RICO case; and why the investigation into Anastasia’s father? The F.B.I., however, may refuse to release any information about the investigation into the father for the

reason that it's ongoing. In which event, I'll try to go through the G.R.U. guys in Russia to find out what the F.B.I. is doing with respect to the Vasilyevas.

The F.B.I. letter in closing added that Babler's refusal to give me the first name of Anastasia's father was required by the Privacy Act. So why didn't he say so, rather than using the ongoing investigation reason? No, I wasn't buying; the FBI was just trying to cover-up Babler's slip of referring to its investigation that involved the Vasilyevas. So in the end, thanks to the F.B.I., and assuming my RICO case makes it to discovery, I'll have a decent chance to subpoena some F.B.I. records and question Babler under oath. This letter from the F.B.I. is an excellent example of why its employees usually don't respond in writing—they're not sharp enough.

Having obtained some useful information from the F.B.I. Investigative Unit, I tried again. This time requesting that Babler be reprimanded, which would never happen, but that was just my cover for what I really wanted to know: whether Anastasia or Zahnow or both were told by Babler to contact the police and was it normal F.B.I. procedure to investigate visitors from Russia? This time the Investigative Unit wised up by telling me to make a request under the Freedom of Information Act for the answers to any questions. Knowing that with law enforcement agencies, such was a waste of time, I didn't bother. The relationship between totalitarian governments and the people they rule is always an adversarial one, apparently the same is true today in America.

In order to lay the basis for using the District Court's power to probe the F.B.I.'s activities, I made a motion to supplement my Complaint by adding Zahnow as a defendant and accusing her and Anastasia of conspiring and tampering with a witness, victim and informant in violation of 18 U.S.C. 1512. The law forbids harassing a witness, victim or informant, in this

case me the plaintiff, in order to hinder him from providing information to a judge concerning the commission of a Federal offense. The whole reason behind getting the cops to threaten me with arrest was to keep me from digging up more information on the Vasilyevas' committing federal crimes. In my description for the Court about what happened, F.B.I. Special Agent Babler played a prominent role, but I didn't include him as a defendant because my intuition told me otherwise. Federal judges tend to view citizens who sue Federal Government bureaucrats as enemies and throw such cases out of court. The judges, bureaucrats themselves, also fear setting a precedence that might include them in such lawsuits. Besides, keeping Babler out might avoid my running into the "attorney work product rule." If Babler were a defendant, the F.B.I. could argue that the interview notes from its inquiry fell within the "attorney work product rule"; therefore, I couldn't get near them.

The only outstanding items from the "Make Myself a Pest" campaign against the F.B.I. were replies from my letters to Special Agent Vadim Thomas. In an effort to turn up the pressure on Thomas, I telephoned the New York City F.B.I. Operations Division and complained about Thomas and Mario Pisano's conduct in handling the threats by John Madison-Pierre and not telling me the test results for the substance I gave them. The F.B.I.'s Office of Professional Responsibility, an oxymoron, eventually called me back. When I answered the telephone a broad said, "This is agent Lu Leiber from the F.B.I.'s Office of Professional Responsibility."

"Oh, what's going on?" I asked in a surprised and wimpy fashion as a result of the lack of sleep. The moment the words left my mouth, I knew they were a mistake because the Feminazi on the other end would interpret them as meaning I was frightened by her position of authority. Whenever a broad thinks she has a man cowed, she'll go for the throat immediately. Leiber did

just that. Immediately, I could hear in the affected nastiness of her voice the instantaneous incarnation of the authoritative, scolding female. I hit my record button to get this call on tape.

“We received your complaint against Special Agents Pisano and Thomas and found no grounds for their doing anything improper. The FBI is under no obligation to give you the results of the substance tested or the identity of the man making the threats. As far as we are concerned the matter is closed. Besides, you are calling in the year 2004 and these events took place in 2002.” Her voice dripped with princessly pomposity in her disdain for having to converse with an insignificant male peon.

“No,” I angrily retorted, “You’re calling in the year 2004. I sent my letters requesting this information in 2003.”

“They are not obligated, Mr. Hollander to respond.”

“So maybe you will give me the site to the F.B.I. rules and regulations where it says they are not obligated?”

Sounding as the scornful school matron in order to hide ignorance, she replied, “Mr. Hollander, any other issue?”

“Actually, it’s Den Hollander that’s the whole last name.” A minor put down, but why not, she was a Feminazi who stole that job from a man, so any attack was justified.

“Again, three answers, to provide you with the analysis results, we are not obligated to do, so that’s our first answer.” But it was confirmation on tape that the F.B.I. has laboratory results; therefore, the Court couldn’t deny a subpoena request based on finding the request was nothing more than a fishing expedition.

She continued, “Number two the threat, and there was an investigation that was conducted by the agents.”

“Right and they found out who made the threat?” Just pumping her for information.

“Yes they did.” Good, another confirmation on tape that will help me obtain a subpoena of F.B.I. records to finally track down this goon, assuming my case makes it to discovery.

“We are not obligated to provide you with that information because the threat was not deemed to be life threatening or serious bodily harm.” How would she know? Imagine this bimbo’s reaction if the threats were made to her—call out the Marines, the Green Berets and Navy Seals! If there was no danger why did Pisano tell me to watch out in public?

“Okay, and that’s it?” I asked. “I thought there was a third in here somewhere.”

“No.” She said there were three just seconds ago. Maybe she dumbed herself down in kindergarten math to be more attractive to boys.

“So how do I appeal this?”

“It’s really not an issue of appeal. If you feel that you don’t want to accept this, well, the third issue...” Ah, there it is, she could count, but her memory was that of the typical vacuum-head bimbo. “I will tell you this. We are under no obligation to provide you with the results of an ongoing criminal investigation.” Thank you again, this time for confirming the F.B.I. was conducting an investigation, this one in New York City. Was its investigation connected to something larger?

“What ongoing and criminal investigation is there?” I reached for her snatch but she blocked me.

“Well if that’s what you were looking for, well that’s number three. We do appreciate people calling us and giving us information.” Now she sounded like an airplane stewardess from the 1970s.

I replied, “Well, there’s one American citizen who will never call you guys with information again; that’s for sure. But I still don’t understand why you even brought up the fact of an ongoing criminal investigation. The guys tested the substance, they found out who the guy was that made the threats and they did nothing. Pisano told me they weren’t going to do anything.”

“I’m not in a position to comment on that, I cannot comment on that. If you feel that you’re not satisfied with this, you can certainly write to our legal department here in New York.”

“Okay, I really didn’t expect you guys to do anything about my complaint being the Federal Government.”

“Well, you know, Mr. Hollander...” I guess she forgot my whole last name, probably the vacuum tube in her head blinking out. “I’m actually calling as a courtesy, as a courtesy, I am calling you to explain...”

Now I got angry and cut her off, “Courtesy! Courtesy! Wait a minute, wait a minute! You people work for me and all the other citizens of this country.”

She mounted her authoritarian horse again. These broads always want to be on top. “I don’t work for you Mr. Hollander, I work for President Bush!”

So I knocked her off, “You work for the citizens of this country! And you know for whom President Bush works? He works for the citizens, or should.”

“This conversation will go no further.” She said in resignation.

I was on a roll. “The courtesy here is that I’m listening to you.”

“Mr. Hollander, I appreciate the information.” Ah, sarcasm.

“The courtesy is that I am listening to a nasty government agent telling me that they’re not going to help a citizen of the United States.”



“I’m not being nasty with you. I’m trying to explain to you.” We were now sounding like a bickering couple. I wonder what she looks like—no I’m not going there, she’s a Feminazi.

“Yes you are... I understand it when you start saying in that tone of voice this is a courtesy call...”

“No I am not, but Mr. Hollander, please, I don’t work for you, and I’m sorry if you feel otherwise.”

“No, but you work for the citizens of the United States of which I am one.” Now I was enjoying antagonizing her.

“No, I don’t work for you okay, is there anything further you would like to say, okay?”

“You don’t work for the citizens of the United States?” I asked, badgering her some more.

“Is there anything further that you would like to say?” She ignored it.

“Of which I am one?” I continued.

“Is there anything further that I can help you with?”

“No, obviously not.”

“Thank you for your help,” she ended as we said out goodbyes.

The call provided me with confirmations on tape that the F.B.I. knew who threatened me, knew the substance the Commie Ho smuggled into the country and had an on going investigation in New York—not bad. It also, hopefully, ruined Miss Leiber’s day. Shortly after hanging up, it struck me that John Madison-Pierre, who threatened me three times, also referred to his calls as “courtesy calls.” At the time of the threats, that term sounded strange to me because I had never heard it before concerning telephone calls, so I filed it away with all the other puzzle pieces waiting to fit. But now, this F.B.I. agent used it, a number of times. Maybe it’s lingo unique to

the F.B.I. or federal coppers in general. Perhaps the goon who made the three threats was an F.B.I. agent, and dismissed that idea as too much television. But, now I wasn't so sure. It would explain the F.B.I.'s refusal to tell me his name and Pisano trying to scare me off, but where's the motive? All of those threats came over a year before I filed the RICO case, and two of them before I ever talked to the F.B.I. But they did occur after a New York City INS agent told an Assistant U.S. Attorney in 2001 that the INS was still checking the organized crime connections of the Commie Ho.

When I heard that back then, I couldn't figure out why the INS agent had mentioned mafia connections. My original complaint in March 2001 to the New York City INS didn't mention any gangsters because I didn't think any were involved at the time, but now I knew different. Did the Commie Ho and her Russian and Chechen mob associates have sufficient influence in any federal law enforcement to have an agent threaten me? The Russian and Chechen mobs had a lot of money and plenty of influential contacts. Or was INS, F.B.I., Customs or D.E.A. behind the threats so that I wouldn't interfere with one of their investigations already under way in 2001? Then again, maybe none of the above was true? Right now all I saw was another shape in the fog that would clear some day, assuming I was around to notice.

### Once Upon a Time

As another summer of discontent ended in late September 2003, I made another try to interest the media in my RICO case. This time contacting another guy whom I had first met in the 1970s while working at WNEW TV News, Bob Iger. Back then, Bob was starting his way up the corporate ladder at ABC Wide World of Sports and eloped with a very straight-laced, preppy lady with whom I worked, Susan. Her spur of the moment marriage surprised everyone in the newsroom, so I nicknamed her Suzy Cream Cheese after a song by Frank Zappa. Bob and

Susan were smart, decent people and we became, if not friends, very good acquaintances. Cream Cheese once lent me one of Bob's books that they thought might enlighten my dead-end nature.

*A Fan's Notes* by Frederick Exley juxtaposes the author's real and partly imagined life with that of a fellow student of Exley's from the University of Southern California: Frank Gifford, the New York Giants' great football running back and receiver. Gifford was one of my heroes. As a kid, I watched him play on TV every other weekend. There were Giants in those days and none with more guts than he. When Gifford joined the team in the early 1950s, he ran faster than anyone else in the league and played both offense and defense when other players, as now, stayed with one or the other. With time his speed began to fade, so he relied on his smarts. In 1960, he got blindsided during a passing play and suffered a severe head injury that forced him into retirement. But in 1962, he came back as a flanker to make one unbelievable catch after another as the Giants made it to the NFL championship game two years running. He retired for the last time in 1964 and went into broadcasting TV Sports.

In 1980, I actually met him on a story I was producing for my employer at the time WABC TV Eyewitness News where Gifford had previously worked. After a short interview for the camera, I asked him for his autograph, babbling about those great catches he made of the bombs Y.A. Tittle threw. Apparently, it had been sometime since a fan complimented him on his football achievements since his wife remarked, "I don't believe this!" But Gifford seemed pleased that someone remembered. I still have his autograph, the only autograph of any successful person I ever wanted.

*A Fan's Notes* seemed written for me, since Exley couldn't do anything right either, bouncing from one useless experience to another like a pinball. In one episode Exley meets a tall beautiful blonde, the girl he always dreamed of but never got because he didn't have the glory or

fortune of a Frank Gifford. But on this occasion, for some unknown reason, the tall blonde beauty goes for Exley. Unfortunately or maybe fortunately, his anxiety prevents him from consummating the relationship, so she vanishes to find someone else. If only that had happened to me with the Commie Ho, but no, I was even unluckier than Exley.

After reading the book, I returned it to Bob and Cream Cheese and thanked them for their attempt to help, but my life didn't change. It's unlikely that people with a bad upbringing can really change their lives. Lots of folk disagree, and many are decent people like Bob and Cream Cheese who try to help with a little advice. The three of us kept in touch into the 1990s and then, as with many American couples, Bob and Cream Cheese divorced. Cream Cheese started buying into the Feminazi propaganda that husbands should sacrifice their careers to make the wife's role easier by shouldering much of the family burden evolutionarily slated for women. Cream Cheese went to work for a video production company and Bob became Chief Executive Officer for Walt Disney, which owned the American Broadcasting Company for which I had once worked. So, I sent Bob a synopsis of the RICO case billing it as "Frederick Exley in Russia" and suggested that Disney's subsidiary ABC News might be interested. Never heard back.

In another effort to interest the media, I contacted a guy who had written articles on the Russian mafia while working for the American Bar Association's Organized Crime and Corruption Project on Russia. He now worked in the Chief of Staff Office for the Department of Homeland Security, but no longer wrote articles about the Russian mob or had any up to date information that might help my case. Too bad, his insight into the Russian mafia was the most accurate I ever came across:

"The Russian mafia differs from the Italian mafia as the latter has been portrayed in *The Godfather* and other movies. In some respects the Russian mafia is even more frightening because it represents a virtual, if not actual, partnership between Government officials and criminals. Many believe that this corrupt influence reaches to the highest levels of the Russian

Government, a belief for which there is ample precedent. Throughout the Soviet era, the Communist Party was largely seen as the most powerful of all criminal organizations in the world. The Party controlled not just one aspect of an illicit economy but the entirety of a nation and its resources.

“During the Soviet era, the mafia and government officials formed partnerships that controlled the lucrative ‘black’ and ‘grey’ markets of the Soviet Union. Nonetheless, communist authorities themselves took second place to no one in criminal behavior. Russians first began to use the word ‘mafia’ in the 1970s to describe the large networks of corruption lurking inside regional and central government ministries. Regional party chiefs became their own regional chieftains, feudal overlords of vast criminal networks. The Government and the mafia became one.

“The Russian mafia is distinctively menacing in light of its close connections with key sections of the government bureaucracy. While it is true that as the Communist Party faded from power, more conventional organized criminal structures emerged, these connections persist.

“The Russian mafia also represents an attitude, not merely an organization. This attitude, developed during the years of Communist Party rule, is rooted in the belief, held by many government officials to this day, that if something is not nailed down or something is placed within their power, they can treat it as their own property. These former Communist apparatchiks are not averse to taking, selling, or auctioning off to the highest bidder any thing, or authority, entrusted to them. Corrupt former Communist, and now Russian, officials have sold secret military hardware to the U.S., indicating that if the price is right, even treason is not an impediment to a lucrative deal.” Scott P. Boylan, Organized Crime and Corruption in Russia, Vol. 19, Fordham Int’l L.J., 1999, 2013 (1996).

Scott did, however, refer me to an attorney and visiting scholar at Harvard University who also wrote articles on the Russian mafia and had actually prosecuted some Russian gangsters. The Harvard scholar didn’t have any up coming articles planned in which he might use my RICO case, but he did know how the Russian mob operated and tentatively agreed to testify as an expert in order to educate a jury on the workings of Russian organized crime, if my case made it to trial. He also suggested I check out the F.B.I. Law Enforcement Bulletin for information on the Russian mafia that might help my case.

The Bulletin contained lots of information that provided background support for my allegations, which surprised me given the F.B.I.’s general uselessness. The Bulletin described the Russian mafia’s international enterprises as made up of numerous ethnic groups, including

Chechens, and comprised of amorphous gangs that act autonomously or have loose ties to regional, national or international criminal networks. The Russian mob is not a monolithic institution like La Cosa Nostra with traditional membership rules and codes of honor and respect. The skills and absence of moral principles of Russian criminals pose an exceptional threat to society, both in the U.S. and abroad. The F.B.I. estimated that about 80 major Russian organized criminal groups engage in prostitution, extortion, drug trafficking and fraud schemes and these groups use many financial institutions and businesses throughout the world for money laundering.

The first wave of Russian Mafiosi came to America in the 1970s as a result of détente, but it was the second wave following the fall of the Soviet Union in the 1990s that brought most of the professional Russian criminals to the U.S. According to former FBI director Louis Freeh, “When freedom was established in Russia, it helped spread the existing criminal network to expand abroad.” The Russians formed gangs, some of which affiliated with other domestic and foreign-based organized groups. These gangs are large, well-connected and well-financed and may represent the greatest threat for law enforcement in the U.S. The Russian mob in America is allied with La Cosa Nostra in crimes of prostitution, extortion and fraud, including in the stock market (as though Wall Street Bankers need any help in that area). Its Miami operations work with Colombian drug lords to ship cocaine to Russia in return for Russian military aircraft and weapons while a partnership with Turkish criminals smuggles drugs from the Near East to America. Russia’s M.V.D. estimates that over 100 Russian mafia gangs are active in at least 50 countries fed by the lifeblood for the Russian mob: money laundering.

A report by William H. Webster, former F.B.I. chief warned, “The Russian Federation itself is likely to become a full-blown criminal-syndicalist state. In many respects, such a state

already exists in Russia with corrupt officials at all levels throughout the government, successful full-time criminals, and businessmen for whom Russian and Western laws are simply obstacles to overcome. Even at the lowest level of the Russian mob, the strong shared interest in self-enrichment, survival and power prevent normal interaction with those outside it. How then can the U.S. hope to build enduring relationships in matters of international cooperation, economics and security with representatives of such a criminal state?”

According to the Webster report, Russian gangs or krishas usually include a financial institution for laundering and investing the profits, government officials for protection from other officials belonging to different gangs and for escaping enforcement of government laws against a gang’s operations, and an armed force—a private militia. “Membership in a krisha carries a price: a share of profits or payoff in services by a company or individual to the krisha. In return, individuals and businesses receive services that ensure personal security, defense from attack and shakedown by another krisha, handling of payoffs and deals, intimidation of real or potential enemies and competitors and other help. A krisha is not only a criminal entity that intimidates, beats or murders, but can also be governmental, able to deploy force for criminal ends. A krisha can manipulate the law and bureaucracy in an individual or business’ favor—or against it.”

Perhaps what I was up against was a U.S.-Russian krisha. Anyway, if the FBI knows all this, why is it not only refusing to help but actually hindering my efforts?

My review of the F.B.I. Bulletin led me to the book *Red Mafiya: How the Russian Mob Has Invaded America* by investigative reporter Robert I. Friedman. According to his book, the Russian mob runs gaudy strip clubs in America where girls dance without clothes and are generally available for prostitution—sounded familiar. The mob traffics in heroin and has even corrupted some NHL hockey clubs. The Russian mafia virtually controls Russia and has spread

to every corner of the U.S., infiltrating banks and brokerage firms. American law enforcement agencies were just waking up to the threat posed by Russian organized crime but may not be able to control it. Many, Russians don't come here to enjoy the American dream but to steal it. Friedman concluded, the Russian criminal empire stretches around the world and poses an enormous threat to global stability and safety.

Friedman appeared to be my best chance of interesting a reporter in my story, but, unfortunately, he was dead. Not at the hands of the Russian mafia, but his belief in Feminazi propaganda. While working on a story of alleged female oppression in India he contracted a disease that killed him.

### Bend Me, Shape Me

The American defendants that responded to my Complaint didn't want the case to go any further than it already had, so they joined together in filing a joint motion to dismiss that included a 66 page memorandum of falsehoods, half-truths and omissions along with 16 exhibits, mostly irrelevant. In Federal court, a motion to dismiss asks a judge to throw out the plaintiff's complaint. The motion comes at the very beginning of the proceeding before the discovery of evidence, witness testimony or hearings on what actually happened that gave rise to a complaint. The purpose of motions to dismiss are to eliminate those cases in which assuming everything the plaintiff says in the complaint is true, there aren't any laws that can do anything to help him recover damages for the harm he may have suffered.

In an effort to allow society to function, conduct that some may find offensive is just not covered under the law. For instance, a guy uses the word "girl" instead of "woman," there's nothing a broad can legally do because the law does not cater to overly sensitive people. When courts assume what the plaintiff says is true, that doesn't mean they accept statements that hold



no credibility in reality, such as “politicians tell the truth.” In order to determine whether statements in a complaint are so absurd that they shouldn’t be considered true, the courts can look to knowledge commonly held by people in the community, including newspaper articles, even the New York Times unfortunately, or to certain documents used by the plaintiff in drafting his complaint. (Since my 2003 RICO case, the Supreme Court has heightened the requirements for a complaint by requiring that what it alleges falls somewhere between possible and probable.)

From the defendants’ opening salvo and through all their papers filed over a period of nearly a year, the attorneys for the American defendants and eventually a defendant in Cyprus, the Bank of Cyprus, used the prevalent lawyer tactics that have made the court system in America a joke for determining the truth.

The opposing lawyers, led by Bradley Dubin, rolled out their litigation of personal destruction under the assumption that character assassination really works: demean, demonize, denigrate, and “dis” the plaintiff in order to distract from the legal issues by making the plaintiff the issue. They accused me of setting out on a “relentless course of harassment” against my ex-wife and anyone who helped her “without regard for ethics or even common decency.” This familiar Feminazi lament was aimed at emotionally turning against me any shrew or hermaphrodite clerks working for the Chief Judge and to use the current political climate in America to pressure the Chief Judge into ruling against a man in a dispute that involved a female as a key defendant.

Today’s male judges often err on the side of less or no rights for men so as to avoid the Feminazis labeling them “male-chauvinists,” the equivalent of being marked a commie in the 1950s. The defendants also depicted me as emotionally disturbed by calling the Complaint the product of “a delusional, imaginary tale of fantasy”—a little redundant that and somewhat of an

overreaction. But the defendants meant to not only bias and apply “politically correct” pressure to the District Court, but to intimidate me with the specter of Feminazi wrath and insinuations of mental problems. Such tactics often succeed in modern-day America, but unlike these half-men, defense lawyers, broads don’t scare me and calling me nuts only brings a smile to my face. In an insane society, a person needs to be crazy to be sane.

The defense lawyers used other tactics typically resorted to by honor-less members of the Bar:

Tell enough falsehoods and half-truths, omit what the defense lawyer doesn’t like and misrepresent the rest.

Overload the Court with exhibits and so-called facts so that in its rush to wade through all the material it will miss an attorney’s intentional deceptions.

Misquote and selectively edit statements by other courts and the plaintiff in order to twist the accusations and the law to fit an attorney’s falsehoods.

The attorneys arrayed against me did all that and more. They loaded up their memorandum with snide remarks in an effort to spew forth so much social opprobrium that I would decide it not worth fighting for my rights. Such a technique often works with plaintiffs who don’t expect their character to come under constant assault in a case in which their character is not an issue. Little did these goofs know that by this stage of my life I was now immune to such sophomoric name-calling.

The defense even tried to avoid the key question on a motion to dismiss by claiming the Complaint didn’t “prove” my case, but complaints aren’t suppose to prove a case, just tell the defendants of what they are accused. A complaint’s purpose is not to prove, at least according to the U.S. Supreme Court. *Hickman v. Taylor*, 329 U.S. 495, 500-01, 91 L.Ed. 451, 67 S.Ct. 385 (1947). The proof comes further down the road, after the plaintiff and defendants have the opportunity to use various court procedures to gather evidence, that’s called discovery. When a

person files a complaint, he doesn't walk into court with stacks of evidence ready to go to trial because in order to obtain most evidence requires a court telling the defendants, or plaintiff, to hand over documents or testify at depositions. For example, if an SUV swerves across the median of a road and hits a car sending the car's driver to the hospital, the driver or his insurance company is going to sue. In order to determine whether the SUV hit the car because the female driver was fixing her makeup, talking on her cell phone, had drank too much, or the SUV's steering wheel locked, or a pot hole punctured one of the wheels or other something else happened that caused the accident requires a court to make the female driver, seller of the car or city provide information to the plaintiff because neither will hand it over voluntarily. That's the proof that discovery produces.

It took me three months in the law library, the entire fall of 2003, to compose a 147-page memorandum in order to counter the defense attorneys' lies and omissions and debunk their deceit filled arguments and implications. My opposition memorandum included a handful of exhibits on procedural matters except for one that contained copies of a website on which Mundy's law firm advertised immigration and domestic relations legal services. On the same web page as Mundy's firm, an agency marketed Russian girls for marriage—nice fit of services. Here was one website where an American man could pick his ho of choice and use Mundy's firm to get her into the country—such Russian efficiency. Also included were lots of photos from that site of pretty young Russian girls, some scantily clad, because I knew Mundy and Petrovich would like that. As soon as their lawyer and lead counsel for the defendants, Dubin, received my response, Mundy took his firm's ad off the website.

The time I had to spend on opposing the defendants' motion illustrates another of their tactics: make numerous lies that either require me to use up lots of time refuting or risk the

District Court believing them. It's always more time consuming to counter a lie than to make one. Again, this tactic of lawyers often works because plaintiffs don't want to spend lots of money on their attorney. But I'm a lawyer, so I didn't have that expense, although the defense figured the time I would have to put in would drastically cut my income, and, like Russians, lawyers can only understand money. So to them, creating a situation that required me to spend lots of time responding to their lies would, under their value system, deter my effectiveness because I wouldn't take the pay cut. They didn't realize, however, that I was in this to my last dollar or last breath, whichever came first. Some people will do anything for money; others will do anything for justice.

In the defendants' motion to dismiss, the lawyers tried time and again to trick the District Court by claiming a case said something it didn't. They even used selectively edited quotes or failed to mention a qualifying sentence in manufacturing the law to support their positions. It's an effective tactic when using a large number of cases, such as over 100 as they did. To accurately understand what a case says requires reading it in its entirety. Judges and their clerks don't have that kind of time to check the veracity of what lawyers claim for a case, and the defense attorneys used that failing of the judicial system to mislead the District Court. So I read the cases and pointed out the defense attorneys' duplicitous version of the law over and over for the Court.

Another nifty trick used by the defense attorneys as I told the District Court was that "They do not refer to any paragraphs or page numbers in the exhibits they talk about. That leads to wasting a busy court's time by requiring it to search through the defense's exhibits in order to check the accuracy of their characterizations of parts of those documents. Perhaps, these lawyers wish the Court to accept their edited version of documents on faith."

The attorneys for the defendants in America also took allegations in the Complaint out of context, misquoted some and simply ignored others to support their objection that the accusations against their clients didn't provide enough information. The defense lawyers, however, filed so many exhibits, allegations and pages of detailed and intentionally misleading arguments in response to the Complaint that their argument of not having enough information looked ludicrous. They clearly understood what I was accusing their clients of doing, and that is all a complaint needed to do back then. But once again, the heart of this tactic was to play on the District Court not having enough time to check whether the Complaint provided the information the lawyers claimed was lacking. So I provided the District Court a listing of the pertinent paragraphs in the Complaint ignored by the defense lawyers, an accurate quoting for those misquoted and established the appropriate context for others in order to fill in the phony information gap the defense tried to create.

When the defense attorneys weren't omitting or misstating my allegations, they were calling them "outlandish, extremely broad and fantastic" or "outlandish, incredible and far-fetched." They used the word "outlandish" a lot to try to convince the District Court that my Complaint described a reality that couldn't possibly exist; therefore, the Chief Judge shouldn't assume my allegations true as generally required in deciding a motion to dismiss. For example, the defense lawyers called my allegation of the global reach of the Russian mafia a delusional fiction that read like a Tom Clancy novel. In response, I requested the District Court to take judicial notice, which it could in a motion to dismiss, of a public statement made by a former Director of the C.I.A. John Deutsch said before Congress, "Russia's criminal groups reach across international borders, including our own ... [and] have the potential to support terrorism, and contribute to the proliferation of materials, technology and weapons of mass destruction."

As I told the Court, “While the last part of this quote concerns the Tom Clancy novel *The Sum of All Fears*, [my] Complaint does not deal with nuclear weapons of mass destruction, just the more mundane, run of the mill Russian criminal operations in America, such as money laundering, illegal money transactions, prostitution, narcotics trafficking, extortion and fraud that are often carried out in cooperation with La Cosa Nostra.”

To further counter the defense lawyers’ dismissal of that mob’s globalization, I used a law review article by Scott Boylan from the Department of Homeland Security. “Not only does the Russian Mafia kill and steal in Russia, it does so in the United States as well. Mafia members are involved in theft, extortion, money-laundering, gun-trafficking, drug running, prostitution, smuggling, loan sharking, contract killing and more. The U.S. Department of Justice has established task forces to deal with the Russian Mafia in New York, Los Angeles, and Miami.” In addition, an article by investigative reporter Friedman in the November 7, 1994 N. Y. Magazine stated that by 1994, the Russian mob had more than 300 members in the New York area alone, making it larger than the Bonanno, Colombo, or Lucchese crime families. Further, Friedman’s *Red Mafiya* book warned, “Blending financial sophistication with bone-crunching violence, the Russian mob has become the FBI’s most formidable criminal adversary, creating an international criminal colossus that had surpassed the Columbian cartels, the Japanese Yakuza, the Chinese triads and the Italian mafia in wealth and weaponry. Presently, the U.S. and Russian Governments are cooperating in efforts to combat criminals operating in the United States and Russia. The FBI has assigned agents to the U.S. Embassy in Moscow, while U.S. Department of Justice prosecutors currently reside in Moscow.”

If my allegations about the Russian mafia were imaginary, I argued to the Court, then why didn’t the F.B.I. save taxpayer dollars by closing down its Moscow office and its Russian

organized crime unit here in New York, which was looking into some of the allegations in my RICO Complaint. So much for the Russian mafia existing only in my imagination, which I wish it did. The defense lawyers were simply copying what mobsters always do: claim their organizations are as imaginary as the tooth fairy, but no one believes that line anymore—I hoped.

Another response to the defense attorneys’ objection that my allegations were “outlandishness” was to tell the Court, “Well, of course they are because they describe the conduct of collaborators and members of the Russian mafia, which, to quote an American executive in Moscow, are ‘frigging unbelievable.’ The Complaint merely depicts the defendants’ deeds, and, if those had not been outlandish, then there would be no Complaint.”

The defense lawyers in trying to convince the Court that the Russian mafia existed only in my delusional imagination also misrepresented the Complaint as stating the only connection among the defendants was that they came into contact with the Commie Ho. To which I replied, “If coming into ‘contact’ with her was the criteria for listing a person as a defendant, then it would be impossible to list them all for Shipilina has literally had thousands of customers who have ‘come into contact’ with her. She is, however, the thread that weaves through a section of the Russian mafia. The defendants are fellow travelers who committed crimes in order to get her into the U.S., keep her here and expand the activities of the Russian mafia to its and their benefit. In the Watergate scandal, reporters Woodward and Bernstein followed the money; here the plaintiff followed the trail of Shipilina. She is a mid-level manager and asset of the Russian mafia, who works with, works for, cooperates with or directs other members and abettors of the criminal enterprise. When I walked into the cross hairs of the Russian mob, Shipilina was the one dispatched by defendant Leo Perlin to sucker me into unknowingly helping the mob infiltrate

another of its members into the U.S. The only way I have been able to expose some of the workings of the defendants was by following the thread of Shipilina.”

“A little common sense is needed to show the absurdity of the defendants’ objection that they are not connected. When I worked as an associate at Cravath, Swaine and Moore or as a political producer at WABC TV Eyewitness News, I never came into contact with every member or associate of those large organizations, but it was clear that we all shared the organization’s goals and worked for that end. On anyone case or story, I was at times the only connection among different members or associates of the organization, all of whom were working to make the organization succeed and providing varying degrees of assistance on that particular case or story. That’s how large organizations work. They muster together resources, which include people, to support the pursuit of numerous activities to achieve the organization’s goals. At any one time, Cravath, Swaine and Moore is working on dozens of cases, Eyewitness News on dozens of stories and the Russian mafia on dozens of targets. Looking at only one case, one story or one target will reveal only some of the organization’s members or associates and some of them will not even know each other, but they all share the common goal and accept the means for achieving it. Otherwise, they will be fired, or, as with the Russian mafia, worst. And no, I am not claiming Cravath or Eyewitness News as being RICO enterprises.” The disclaimer in the last sentence was necessary because when dealing with low-life lawyers who torture the plain meaning of sentences to serve their ends, I needed to stop them from verbally jumping up and down like monkeys vying for a banana claiming I was so delusional that I called those organizations RICO enterprises.

The argument that the defendants were not connected also served as a ploy to maneuver the District Court into considering the allegations against each in isolation—switch the focus



from the forest to the individual tree, which would change the legal outcome. “The purpose of RICO is to reach organized crime groups. If defendants are permitted to narrow the focus to individual defendants in a vacuum, then there is no RICO statute. The cause of action is against the Russian mafia of which the defendants are part. Large organizations work through individual humans who make decisions within their sphere of responsibility and carry out tasks to get them accomplished. It is a one for all, all for one situation. And that is how the law treats RICO participants: joint and individually liable for harm caused by others in an organization or association. The U.S. Senate report on RICO stated: ‘What is needed here are new approaches that will deal not only with individuals, but also with the economic base through which those individuals constitute such a serious threat to the economic well-being of the Nation.’” The only way to take down a criminal organization is by holding everyone who exercises some power in running the operation liable. Without RICO, the law could only reach individual members or confederates, not the whole collective, which was what the defense lawyers wanted.

“The Russian mafia consists of and acts through people, and no one victim, or customer, comes into contact with all the decision makers and support personnel that go into making a mafia successful. But they are there in the shadows supporting those on the front lines, giving aid and direction in order to reach the mob’s goals. For me, the Russian mafia’s retailer or, more appropriately, front, initially was Alina Shipilina, but soon other comrades in crime came out from standing in the shadows to help directly and indirectly with the mob’s scheme as it applied to me. What others are lurking behind the known defendants continue to be revealed as the Krasnodar Department for Fighting Gangsterism and Corruption conduct their investigation, and I mine.”

One diversionary tactic of the defense attorneys kept them harping that the case involved domestic relations, not RICO matters. Their underlying argument was that since a state court had already handled the domestic relations issues and the ex-husband, me, held a grudge over the results, the District Court should find some way to throw the case out. My response emphasized the larger picture, which explained how I got tripped, pushed and drugged into this mess.

“There are really only two ways a middle-aged, American, male lawyer could get involved with such a bunch—money or a woman.” The Feminazi sycophants must have loved that—screw them. “I took the road less traveled or, perhaps, more traveled. An allegory should help. While sailing the waters of the former Soviet Union in my Sun Fish, doing my work for Kroll Associates, along comes this juggernaut of pimps, prostitutes, pornographers, pushers and assorted criminals of Russian, Chechen, American and other nationalities, including a few lunatics from the Chechen Special Islamic Regiment. The juggernaut, ever scanning for the easy prey of softhearted American businessmen, spots me, and sends out one of its prostitutes as bait: a tall, blue-eyed, bleached blonde. Using duplicity and drugs, my Sun Fish is torpedoed, heads to the bottom. I’m sunk—married to a Russian prostitute who is a member of Russian organized crime although I don’t know it at the time. I bring my wife of a few months to America, and the juggernaut of the Russian mafia gets another one of its assets and mid-level managers into the premier hard currency market in the world. While this was happening to me, it was and continues to happen to others. When I finally came up for air and saw what was happening: I struggled, tried to get free, fought back to protect my rights as a human being by using the law and not stepping outside the law—but to no avail. So far, the Russian juggernaut of organized crime has been more powerful, more effective than the law because it uses lies, dissemblances, prevarication, smear tactics, threats, intimidation and bribery.”

“My dark passage began with the discovery of telephone calls that Alina Shipilina made from my apartment in order to market her sexual services to Flash Dancers’ customers. The truth led through a labyrinth of sleaze, crime and corruption that my attorney friend helped me realize was part of the Russian mafia. I am just one of the pieces of wood that the Russian mafia used to fuel its Mordor engine of greed.” The *Lord of The Rings* movie trilogy was big at the time.

“The only reason for the earlier domestic relations’ case was the very nature of the Russian mafia’s scheme, which includes using prostitutes in Moscow to deceive American businessmen into marriage so that the prostitutes can gain legal entry into the U.S.A. I was one of the suckers. But because the trail of the harm done to me lies behind a fraudulent marriage rather than a fraudulent business transaction does not make it any less serious. When criminal instrumentalities exploit human emotions of the heart rather than the pocket book, the victim does not lose his rights under U.S. law.”

“Today, the Russian mafia consists of assorted criminals from the former Soviet Union who have joined with underworld characters in Western markets over the past decade to create a global web of smuggling, protection, extortion, counterfeiting, tampering with witnesses, revenge, evasion of taxes and other illegal activities.” Both the Court and the defense lawyers missed the initials spelling “S.P.E.C.T.R.E.” My memorandum continued, “Russian organized crime groups, working in cooperation with each other and foreign gangsters, infiltrate lucrative, hard currency markets, such as the U.S., by taking advantage of ineffective and un-enforced immigration laws, as well as bribable officials, to illegally gain entry for the organization’s managers and human assets. I am one of the victims of this new Red menace.” Probably should have wrote, “red-lip menace.”

“Operating through some of its members and allies, the Russian mafia tricked me into bringing one of its assets to the U.S.; tried to get me to lie to the INS; secretly fed me drugs; tried to intimidate me; threatened me with physical violence; suborned and committed perjury; engaged in mail and wire fraud; bribed officials; attempted to and did tamper with witnesses and informants; laundered money; and conspired to commit murder for hire. My continuing investigation in Russia has revealed the involvement of a Chechen terror and crime clan in threatening witnesses in Krasnodar and the clan’s known connection with both Shipilinas. As a result, to this day, I continue to follow the advice given me in March 2002 by a special agent for the F.B.I.—don’t open your door to anyone you don’t know and watch out when you are in public.” Okay, so I pretended to be scared.

In order to make sure the Court realized that the Russian mob not only harmed me but other Americans as well, my memorandum continued. “Besides the harm . . . caused me by the defendants, their continuing criminal activities also injure other U.S. citizens, both individuals and companies. Through business alliances among American, Russian, Chechen and other criminals, the defendants further the Russian mafia’s operations. Prostitutes flow out of southern Russia into New York City for sale and use in lap-dancing clubs, such as Flash Dancers, or over the Internet, immigration laws are violated to get the prostitutes into America and keep them here, drugs are brought in from southern Russia to keep high end customers happy and assure their return business, prostitutes also flow from southern Russia to Cyprus and on to the U.S., prostitutes and pornography move from Moscow to southern California or first to Mexico and then into the U.S., the prostitute underground railway extends into America from southern Russia, all these operations are protected with bribery and physical intimidation, profits are laundered and the U.S. system corrupted. It is all interrelated—supply, service and production,

protection, profit maximization, reinvestment and growth—with each defendant playing his or her part in the success of a large organization. An organization that targets tens of thousands of consumers for sexual services with the result of dramatically increasing the health risks to those consumers and their partners. The Russian mafia also places law-abiding entertainment companies at a competitive disadvantage by unfairly competing for entertainment dollars that would otherwise flow to the investors and employees of legitimate businesses in the leisure industry and by increasing the tax burden on legitimate companies that have to pay for the government services the Russian mafia consumes but doesn't pay for thanks to its tax evasion.”

The defense lawyers, sounding like little girls, also accused me of bringing the case to humiliate and insult the Commie Ho and other defendants. If it did—good, but that wasn't a reason for doing so much work. In answering, I played it straight—almost, and wrote, “as Charlie Chan once said, ‘truth cannot be an insult,’ if it injures a person's self-respect than that is the fault of the person, not the reporter. The defendants are simply engaging in character assassination—plaintiff seeks to humiliate, harass and is delusional—in order to shut down the argument and marginalize the plaintiff so that they do not have to argue the merits.”

The defense naturally resorted to the trendy, totalitarian lefty view that the victim is the violator and violator the victim. “Kuba, Mundy and Petrovich paint themselves as innocents that merely represent another virtuous soul, Alina Shipilina. A more accurate picture of Kuba, Mundy & Petrovich is that of a green card and visa mill getting fat on the feeding frenzy of obstructionist immigration lawyers that fail to sort out the truly oppressed from the rank opportunists and fugitive criminals. This is a case about the institutional behavior of the Russian mafia, which includes many criminal members and allies posing as legitimate businesses and law-abiding individuals. This RICO action has been brought against the archetypal, intimidating

mobster, an enterprise of organized criminals, not respected and legitimate businesses and individuals.”

The defense also resorted to the technique made popular by the Feminazis of shaming men into submission to their whims by accusing men of violating the very code of chivalry that the Feminazis profess subjugates females by treating them differentially. Sounds contradictory, but it is not if you are a broad. Feminazis will use any means to their desired end that for all things good in society, females should be treated equally with men, but for all things bad, girls should remain protected on their pedestal of angelic purity—hypocrisy pure and simple.

Just like the Feminazis, the defendants’ mouthpieces tried to embarrass and demonize me for violating the code of chivalry by setting up the Russian language website to gather evidence for the annulment/divorce case. They blustered it was “inappropriate and offensive” for making public the Commie Ho’s “personal diary and nude photographs without her knowledge or consent” and including clips of her masturbation video. The defense lawyers self-righteously condemned my actions, as “criminal matters being handled by Detective Henning.” What a bunch of lying hypocrites. As I pointed out to the Court. They knew no crimes were committed by the website, didn’t even cite to any criminal statutes, because the Commie Ho already had made the naked pictures public by selling them to her prostitution customers, such as “Grandpa” in Cyprus. Besides, I owned the rights to those photos taken by her Moscow pimp Leo. As for the masturbation video, Paulsen abandoned his rights but allowed Perlin to use certain scenes, the ones I had, for advertising to the public his stable of whores. Advertising was one of the usages that the Commie Ho signed away when she got paid for the video. As for the diary, publicizing the truth about the Commie Ho in her own words didn’t amount to any crime. At best, the lawyers might have copyright infringement against me but no crimes—not even a

violation or misdemeanor. Naturally, the Feminazis persuasion sees it differently because as with all broads the truth ruins their schemes, and anyone opening that box, especially a man, should go to jail. But that's not what the law says—yet.

What really made these lawyers' alluding to "criminal matters" despicable, however, was that the documents they submitted to the District Court included an affidavit by Detective Henning that stated he referred the website complaint to the Queens District Attorney who had found no criminal violation. Gee, that was news to me! Anyway, even though the D.A. said no crimes were committed, that didn't stop these lawyers from trying to bias the Court by accusing me of such. The lawyers assumed the amount of documents they gave the District Court would cause it to miss the discrepancy between their words and the facts. But even if the Court caught it, that didn't matter much because the lawyers really wanted to manipulate the Political Correctionalist sensitivities of the Court by painting me as one of the new lepers, the new American bogeyman and escape goat for Feminarchy America—a heterosexual male who refused to metamorphose into the Feminazis' modern day, sensitive, androgynous wimp. The defense lawyers were exploiting the modern-day mind set of Mencken's boobs that whenever a guy didn't cow tow to female whims, or become what they wanted, he should go to jail. The lawyers could have saved their energy and just asked me what I considered myself, and I would have freely admitted to being the Feminazis' worst nightmare—a man.

Henning's affidavit proved useful for other reasons. Henning swore that after he heard back from the District Attorney, he closed the case on June 19, 2002; a year after the Commie Ho filed her complaint that I had violated the order of protection and three months after notifying me early in the morning of my imminent arrest. Henning claimed it took so long, nine months, for him to get around to trying to arrest me because he couldn't find a Russian to translate the

website and because of the 911 tragedy. The lazy, incompetent and deceitful will use any excuse. Henning, however, told me over the telephone in March 2002 that my pending arrest was based on the Commie Ho recently filing a complaint for my violating the Temporary Order of Protection, not on a complaint she had filed nine months earlier and which he just got around to calling me about. No, the whole episode was Henning illegally using his police position on behalf of the Ho and her attorneys to intimidate me into keeping my mouth shut to the INS.

When Henning allegedly heard back from the D.A. in June 2002, he didn't tell my attorneys about my exoneration, although my lawyers had called him a few times over the summer and fall of 2002 to find out the status of the case. Neither did he call me in the early morning hours to tell me. The closing of the case was unknown to me until I read Henning's affidavit in October 2003, more than one year after Henning claimed the D.A. made a decision and more than two years after he claimed the Commie Ho filed her complaint. Something wasn't right. My lawyers or I should have been notified about the case's closing when it occurred, not as a result of an affidavit in a RICO case that no one knew was going to happen at the time.

The RICO suit had forced Henning to submit an affidavit that covered up his work for the Commie Ho and her attorney. So perhaps Henning claiming the D.A. decided not to prosecute was also part of the cover-up necessitated by Henning never having referred the case to the D.A. in the first place. Henning probably thought I would stay shaking in my boots waiting for an answer from the D.A. that would never come or not until Henning, with the Commie Ho and Mundy's okay, decided I had been a good boy, and then he would call my attorneys to say the D.A. decided not to prosecute. It was an ingenuous way to drag out the threat of arrest because



without it, they no longer had a club for trying to keep me quiet or at least curtailing some of my activities.

To confirm my theory, I filed a freedom of information request with the Queens D.A. They had no records concerning me—none. I was right, Henning made up the story about his referral of the Commie Ho's complaint to the District Attorney in order to keep the threat of arrest looming over my head. It was just another effort on the part of Mundy and the Commie Ho to protect themselves from the law by stepping on my rights. They probably thought it had worked too, until they got hit with the RICO case. Boy that must have surprised them.

Henning likely committed perjury before the Federal court, but the Chief Judge wouldn't care unless the case made it to discovery where I could show Henning's affidavit false. In reality, federal and state courts generally don't care how much defendants lie so long as a case is dismissed; therefore, it makes sense for defendants to maximize their mendacity in order to obtain a dismissal. If the gamble doesn't work, the worse a judge will do is scold them—big deal.

Another phony “criminal matter being handled by Detective Henning” was the Commie Ho's report to the police in December 2000 claiming I had tried to extort money from her. She didn't press charges, so the cops didn't investigate, and I knew nothing about it until May 2003 when Mundy filed his disciplinary complaint against me. Mundy clearly told her to file the report but not press charges. Doing so allowed Mundy to duck my disciplinary complaint against him for attempted coercion but was that the reason, since he didn't know at the time I would file a complaint?

What other reasons were there for the Commie Ho to file a report without pressing charges, do it in mid December 2000 and then call me two weeks later from Krasnodar on New

Year's Eve feigning a tear-choked voice to wish me Happy New Year and new millennium. Some people thought the new millennium started in 2001, but the Commie Ho was not one of them. She used it as the typical psychological female trick to create in my emotions the false hope of a new beginning and communicate the phony implication that she wanted me back—she didn't. She just wanted to trick me into helping her with the INS, and this pretense, from the female point of view, was one way to do it. Girls always delude themselves into thinking a guy wants to give the relationship another try, and then try to exploit what sometimes is true for wishy-washy men. But that's not a problem I ever had. When the dating ends, no matter who slammed on the brakes—it's over for eternity.

While drafting my response to the defense lawyers' motion, I finally figured out why Mundy told the Commie Ho not to press charges in December 2000 and explained to the District Court the real story behind the false accusation of extortion that never became a criminal matter. "In late October 2000, Shipilina and I met with Petrovich at Kuba, Mundy & Associates to arrange for a separation, to be followed by a divorce. At this meeting I was advised by Petrovich, after he consulted with Mundy, to lie in an affidavit to the INS in order to assure that Shipilina would obtain a permanent green card. Afterward, I consulted with an attorney friend and in no uncertain terms, he confirmed that my decision not to lie was the only acceptable course of action. I notified Shipilina that I would not lie for her to the INS, after that, on December 13, 2000, she filed the perjured police report alleging an extortion attempt by me. The filing of the perjured report claiming extortion came after a divorce was imminent, and after I refused to cooperate with Kuba, Mundy, Petrovich and Shipilina's shenanigans to defraud the INS. Rather than demonstrating moral turpitude in me, the filing of the false report more reasonably infers an effort to create a false record by which Kuba, Mundy, Petrovich and

Shipilina could pressure me into lying before the INS or use to their advantage in a divorce proceeding that appeared imminent at that time. Otherwise, why file a report on which charges are not pressed unless to hold that ammunition in reserve and press charges later.” Another reason was to use the false report to bolster her application for a VAWA waiver.

The defense attorneys’ demonizing efforts even attacked me for approaching law enforcement agencies and the courts as “objectively offensive and repugnant” and an attempt to “harass and incense.” If the District Court buys that, I argued, it would “send a chilling message to any U.S. citizen who foolishly chooses to fight for his rights. If he loses, the courts will still use that to throw out any cause of action that reveals itself later on. The right to pursue justice through the legal system will be a right in name only. Besides I was the one who received threatening telephone calls, so who’s being harassed; who’s being intimidated by a large underworld entity—not the defendants. I’m the one who has been threaten by a bureaucrat with arrest on a bogus charge and told by the F.B.I., the premier law enforcement agency in the world, to watch out for myself in public.”

The attorneys also claimed that because government bureaucrats did nothing to help me, it proved I improperly used the legal system. To which I responded, “Perhaps these bureaucrats are of the same quality that granted two of the 911 hijackers their visas, just months after killing thousands. During all my requests to the legal system, I thought the judiciary would help me, and made three requests for protection orders—but to no avail. I reported threats recorded on audiotape to the police and F.B.I.—but to no avail. So if anything, I’m a dope, but that is not grounds for dismissing a RICO complaint—I don’t think!”

The defense lawyers, like all sleaze attorneys, indulged in creating false impressions by omitting facts and manipulating the meaning of words. For instance, the defense attorneys

manufactured the illusion that Mundy, an upstanding attorney, “reluctantly” filed—long before learning about the RICO suit—a disciplinary grievance against me because of my “assault of frivolous litigation.” There’s that word “frivolous” again. The crux of the false impression is the claim that Mundy didn’t know about the RICO suit when he filed the disciplinary complaint, which allowed his attorney to claim Mundy acted in good faith by using the only means left to him to put an end to my assault of litigation against “innocent” people. The attorneys couldn’t admit the truth that Mundy knew about the RICO suit before filing the disciplinary complaint because it would look like what it was—trying to use the Disciplinary Committee to scare me off of the RICO case, which is a no, no, and Mundy would no longer appear the innocent, upstanding attorney but rather one willing to trample Constitutional rights to reach his end.

Here’s how the defense attorneys created the deception. They recounted the time line of events that showed Mundy filed the disciplinary complaint before he was “served” with the RICO Complaint, which was true, but that implied he didn’t know about the RICO case before filing his disciplinary complaint, which was false. Under the law, “serve” means an official procedure by which the summons and complaint are provided to the defendant. However, a defendant may know about a lawsuit against him even though he has not yet been served. When Mundy filed his disciplinary complaint, he had not been served, but already had a copy of the RICO Complaint as a result of my mailing it to him with a request to allow me to avoid the cost of official service. The defense attorneys conveniently left this mailing out of their time line, which created the intended false impression for the District Court that Mundy did not know of the RICO suit when he filed the disciplinary complaint. Rather stupid on the part of the lawyers since Mundy even talks about the RICO case in his disciplinary complaint, but, once again, the

attorneys were counting on the Court missing that point due to the large number of documents they filed.

Many attorneys will use any ploy imaginable. The defense even made a play for sympathy on the other side of the coin that depicted me as the villain by saying I was on a “quest to harass, intimidate and persecute.” To which I wrote for the District Court, “It seems a little ludicrous that I, a sole practitioner lawyer, eking out a living, could ‘harass, intimidate and persecute’ an entire law firm that advertises on the Internet in Russian and has offices in New Jersey, New York City and Rockland County, New York. Or that I could persecute a lucrative strip club advertised as “Live from the heart of N.Y.C.” in Times Square, a New York City Police Detective, a medical doctor and a wealthy Russian prostitute along with numerous others, including gangsters and Islamic lunatics. If I have caused such trials and tribulations, then why haven’t the defendants filed harassment actions and complained to the police about intimidation? Because there’s no basis. Where are their allegations of my arranging threatening telephone calls and threats of arrest or surreptitiously feeding them drugs? There are none. Only the objection that I sought to redress the harm done to me and protect my physical safety from what I now know is the Russian mafia. The defendants ask this Court to not only grant dismissal because they don’t like me exercising my rights as an American, but also request this Court to act as a medieval inquisitor that would permanently crush my constitutional rights with ‘an injunction barring me from filing any future related claims.’” The American defendants had asked the Court to prevent me from ever bringing another suit based on their actions that had harmed me in any court that existed. Even the U.S. Feminazi court system wouldn’t go that far. I continued, “No the defendants are not the victims. I was the one tricked, drugged and pushed

into this sinkhole of a situation when I ran a foul of a large criminal organization operating out of Russia.”

All the defense lawyers’ lies, half-truths, character assassinations and smear tactics were to bias the District Court against me, to castigate me—an American man—as unworthy of the right to seek legal redress, so that the Court would fine or create a legal loophole to throw the case out. While assassinating my character, the lawyers and their clients hypocritically proclaimed their virtue as do whores their virginity.

### She Works Hard for the Money

At the end of one day while still working in the law library on my opposition memorandum to the American defendants’ motion to dismiss, the idea lit my consciousness to search the Commie Ho’s name “Angelina Shipilina” on the Internet. With a few minutes to waste before my Salsa class, I ran the search. Up pops five pictures of the Ho on [www.Russianny.com](http://www.Russianny.com).

It’s a web site in Russian for Russian professionals living in the Northeast, Chicago, Detroit, Los Angeles, San Francisco and Toronto Canada. The site’s sponsors were running a Miss Russian New York beauty contest in which people registered as members voted for their favorite Russian slut. Only girls 25 years old or under and amateurs could enter. The Commie Ho was 28 and a professional model, but that didn’t stop her from lying her way into the contest. She came in seventh using the theme “bringing light to others”—more like darkness and dread. This was the beauty contest the Ho’s mother Inessa told the Ho’s old boyfriend in Krasnodar about back in March. More information would eventually reveal itself, such as the name of the “good boyfriend” that Inessa also bragged about.

The web site allowed members, mostly Russians, to send private messages to any of the girls in the contest, contact other members through a chat room and message board and participate in the largest Russian Internet dating service in America. All very useful for a Russian call girl operation to reach and screen its customers. This was most likely how the Commie Ho and others like her sold themselves, concentrating on the Russian criminal market, the guys with money. She probably only hoed part-time, since I doubted she'd give up the over one hundred grand a year tax free she made stripping 40 hours a week. Another part of the site listed erotica, so I took a quick look and there was a girl looking a lot like her giving a blowjob. She probably did porn on the side as well. Mark and others who knew her checked the photo out, and they thought it was she. As with the Flash Dancers' advertisement, her appearance altered to match the gig, maybe there was no real her at all, only a changeling, a meta-ho-morph in appearance as well as personality.

The defendants in Russia for whom I could dig up addresses were finally served with the Summons and Complaint in November 2003, except for the Commie Ho's mother Inessa and the purveyor of girls Alexey Smolin. The delay, caused by the time to translate the documents, was permitted under the Federal Rules of Civil Procedure but didn't impact the schedule for the American defendants' motion to dismiss. Why was that, I wondered? Anyway, I still needed to serve Inessa and Smolin. The first try at serving them was to have the District Court mail the documents, but that relied on the local Krasnodar postman to make the delivery. Assuming the postman didn't just throw the packages in the garbage to save work, not uncommon for Russian postal employees, Inessa and Smolin probably bribed him to do it anyway since the Court never received the return receipt card. Next, the Court used Federal Express, and neither bribe nor lie nor threat of force kept Fed Ex from the swift completion of its appointed rounds. Smolin was

served at his temporary place of work the “Lucky Grand” and Inessa at the Academy where I hoped the Fed Ex man might attract the attention of the gossipy Russian girls milling in the hallways.

As for the defendants in America that I could identify, they were all served months earlier but two of them claimed the service improper: the Commie Ho’s Russian lawyer Petrovich, and the Cybertech Internet Strip Club Network. In trying to duck service, the lawyer for Petrovich and Mundy argued that when my process server left the documents for Petrovich at the law firm of Kuba, Mundy & Associates, the service was ineffective because he didn’t work there, which was false. The Commie Ho and I had met the guy at the firm to discuss a divorce in 2000, and I telephoned the firm just before service in the summer of 2003 to confirm he still worked there. Who did these guys think they were kidding—not me, but the District Court. Okay, so I’ll serve him at his home address, which I previously learned from the Commie Ho’s mobile telephone records when she still lived with me.

The address I had for Petrovich’s apartment was a brownstone on the Upper Eastside, not bad for a struggling Russian immigrant. The building contained about six apartments, but Petrovich’s name wasn’t listed on any of the buzzers. So I buzzed all the apartments, a trick I learned from Sam Spade in *The Maltese Falcon*, until an older and younger lady opened the front door to the building. They said Petrovich had moved to Brooklyn a couple of years ago, so I checked the post office forwarding records, nothing. Then I looked on the Internet, nothing, and finally got a private eye but none of the leads panned out. Petrovich had disappeared from the residency roles for New York City, but kept the same telephone number he had for his Upper Eastside address where he no longer lived. In the old days before the breakup of Ma Bell, my friend Alan could find the billing address for any New York number, but not anymore because



the number could belong to any phone company and each had its own procedure for accessing records. These Russian criminals are smarter than al Qaeda. Some of the 911 hijackers were actually listed in the telephone book—no wonder the F.B.I. couldn't find them.

Giving up my search for Petrovich's home address, I decided to prove he worked at Mundy's law firm. Alan agreed to call the firm pretending to be one of Petrovich's clients to see if he still worked there. I couldn't do it because the District Court wouldn't believe an affidavit from me. When I told Alan the name Peter Petrovich, he translated it as Peter Peter, which was correct, but something I had missed. It seemed strange to me for a Russian to have the same first name and surname, but I let it go. The firm's receptionist told Alan that Petrovich no longer worked in the office but from home. Sounded like the law firm had its cover-up in place. Alan also talked with a paralegal at Mundy's firm whom he asked where to send documents for Petrovich. The paralegal said to the firm, which was all I needed. Under the law, by receiving business correspondence at the firm, Petrovich could be served there with legal documents because the law assumes people pick up their business mail. So legally, Petrovich received the Summons and Complaint when they were left for him with the firm's receptionist even though he might now work at home.

In response to Alan's affidavit, Dubin the lead defense lawyer, as well as Mundy and Petrovich's attorney, filed an affidavit in Petrovich's name—lawyers rather than their clients always write these affidavits, although the client swears to them. Petrovich didn't deny receiving business correspondence at the firm; he just swore he did not "maintain" his place of business there. Might be true, I doubted it, but under the law it didn't matter, Petrovich had been served. Dubin also put an unnecessary lie into Petrovich's affidavit that Petrovich "served merely as a translator for the law firm on certain occasions." Dubin also told the Court that he would give

me Petrovich's address if I asked, so I asked but Dubin just ignored it. Why was the lead counsel trying so hard to keep Petrovich out of the case?

Petrovich's affidavit raised another anomaly, why did he use an Armenian notary public from San Francisco County in California to verify he was whom he claimed when signing his affidavit? Had Petrovich skipped town or were the defense lawyers trying to make me think he did? What finally dawned in my often overly thick skull was that the name Peter Petrovich was a fake name he could get away with in America but not Russia. Petrovich is a Russian man's patronymic that means his father's first name was Peter, so Peter Petrovich is a man without a surname, not possible in Russia. Also, he used an Armenian notary public because Armenia once belonged to the Soviet Union, so its people would be at the same level of ethical conduct as Russians—zero. Petrovich is hiding his real name. If the District Court includes him as a defendant, and my case makes it to discovery, he won't be able to keep it a secret anymore. But why should that matter to the defendants and their lawyers unless Petrovich is more important and dirtier than I thought. With his full name, I could easily find any Russian criminal records concerning him and maybe U.S. as well. But I needed his surname to determine Petrovich's real identity, which the defense wants to keep secret.

The other American defendant who tried to duck service was Cybertech Internet Strip Club Network, the Internet purveyor of porn and call girls. Cybertech's attorney called me in December 2003, so he had to have received the Summons and Complaint; otherwise, he wouldn't know who to call.

He started off in the usual obnoxious way of attorneys who think they can intimidate people, "My client was never served, so we are under absolutely no obligation whatsoever to respond to your frivolous Complaint!" I'm really getting tired of that word.

“So how did your client get the Summons and Complaint?” I asked.

“That doesn’t matter. You used the wrong name and left the Complaint at the wrong address. Cybertech Internet Strip Club Network is not the corporate name.”

“Okay, I give up, what is the corporate name?”

“I’m not at liberty to disclose it.”

“So why are you calling me then?”

“I’d like an agreement that you wouldn’t do anything until the current motion to dismiss is decided.” I wasn’t buying that. By agreeing to do nothing, the District Court would conclude I wasn’t serious about suing Cybertech; otherwise, I wouldn’t have relinquished my rights to do something immediately to bring Cybertech under the Court’s jurisdiction. A long time ago at a deposition in a multi-billion dollar hostile takeover, I learned to never agree to anything the opposing counsel requests—it’s always a trick and I didn’t fall into it then. Cybertech’s lawyer was also trying to save himself some work, typical.

“If you have a problem with service, then make a motion to the District Court.” I said.

“I’m not yet admitted to the District Court.” That was the lamest excuse I ever heard.

“Then get admitted pro hac vice.” That means for one time only. He ignored my suggestion.

“The Complaint is in the wrong name and was not left at my client’s office, so my client is not obliged to do anything.” He then tried to pump me for some information as to who was helping me.

“Those are depositions questions, and I am not at present in a deposition.” He shut up, and the conversation ended.

By checking with the New York Secretary of State, I found out he was right about my not using the registered corporate name, which was Cybertech Internet Solutions. But I did use the name under which Cybertech created and managed its pornography and escort services website, [www.stripclubescorts.com](http://www.stripclubescorts.com), as well as Flash Dancers', which was good enough for service since Cybertech Internet Strip Club Network and Internet Solutions were in reality one and the same. As for his objection that service was improper because made at the wrong address, I knew it wouldn't hold up because it wasn't the wrong address. Before having the documents served, I called up Cybertech's CEO pretending I wanted to set up a porn site. He said I could stop by his office at 50 West 33<sup>rd</sup> Street to discuss it. I didn't, but did check out that his office was inside the Paradise lap-dancing club, where guys pay to make out, feel up and do more with the hos in a side room, which doesn't nullify service.

My three months of purgatory in the law library, five and six days a week, finally came to an end when I finished my opposition memorandum on December 18, 2003. Eleven years to the day after my mother's death. No I didn't see any connection, only wondered why I ever decided to become a lawyer? Should have done what I liked, Physics, but we've been through that. Regardless of what the matrix had made me, I was still going to try for some justice and retribution before oblivion because as Bob Dylan said, "In ceremonies of the horsemen, even the pawn must hold a grudge." And I knew against whom I held mine—the Feminazis. Without them, the Commie Ho would have been in jail.

A few days after filing my opposition, I received a tax bill from the State of Massachusetts. It seems as though the only activity the bureaucrats in governments and businesses undertake is to shakedown citizens for more money to waste on benefits for illegal aliens and the corporate rich. Massachusetts was never my residence, except for a couple of

years at Boston University decades ago, so why was it sending me a bill? Because I owned a piece of the Casablanca Restaurant on Brattle Street in Cambridge and was unfortunate enough to receive dividends. The amount was small, and if I was a Massachusetts resident, fully deductible, but because I lived out of state, I got nailed with a tax. That Feminazi sycophant state, which had just ripped off federal taxpayers across the country for billions of dollars to dig a ditch for a leaky tunnel in downtown Boston with huge cost overruns, now wanted more from me because I didn't live there. So what happened to the rallying cry made famous in that state, "No taxation without representation?" Modern-day, Orwellian Massachusetts had changed the old cry for justice to one of "No taxation with representation." My vote didn't count in Massachusetts because I couldn't vote there, so why do I get taxed while those who can vote get a deduction? The state got its money.

Months later, however, Massachusetts sends me the all-too-typical threatening bureaucratic letter trying to trick me into paying again by working the scam that the stress hormones their scare tactic was meant to activate would fog my memory. Well, I had my original records, and wrote back, "You lying, cheating, scam artists, I already paid this bill!" I wanted to add but didn't, "You are of the same mentality as the idiots who let those clowns board the planes to take out the World Trade Center, and now you want money from me I already paid that you didn't deserve in the first place. I hope Uncle Usama targets you next." Russia may be a criminal society, but America is a corrupt one filled with cozeners—a distinction in degrees only. Both countries are jungles with predators and prey—guess who wins?

Around Christmas my attention focused on Cybertech. Its lawyer was going to sit on his ass until the District Court ruled on the dismissal motions. Then, no matter how the Court ruled,

he'd argue that I failed to take timely action to respond to his notice that my Complaint was not properly served, and ask the Court to dismiss the case against his client. So I filed for an "Application for Default" against Cybertech, which assumed the Complaint had been properly served. That should force the issue and prevent Cybertech's lawyer from claiming I sat on my rights.

An Application for Default is just the first step in a long process. If approved, the District Court eventually holds a hearing on whether to enter a default judgment against the defendant. The Court would deny the application, which it did, because default is a drastic measure that says the plaintiff wins as a result of the defendant failing to show up and oppose the accusations against him. Courts don't like to do that, and that wasn't my purpose. The purpose was to get Cybertech to appear in the District Court, a legal technicality by which the Court would then have power over Cybertech. The porn lawyer would then have to either accept the service as proper or move that it wasn't. It also showed the Court that I wasn't sleeping on my rights. In order to goad Cybertech's lawyer into appearing, I sent him a copy of the Application for Default even though it wasn't required. The Application showed the District Court the kind of sleaze operation Cybertech ran and exploited the cliché of illiterate goons pimping girls.

Cybertech ran an on-line prostitution business through its Strip Club Escorts at [www.stripclubescorts.com](http://www.stripclubescorts.com). The copies of the web pages that I included as exhibits in the Application showed some tame pictures of hos for sale as "Dinner Companions," Nightlife Companion," "Weekend Getaways," and "Business Trips." Pretty good advertising for hoods, they spelled six words correct out of eight. Cybertech also offered hos for bachelor parties and translation services, which isn't normally part of a call girl operation unless the sluts are foreign, as in illegal aliens. Cybertech touted "We offer numerous packages to suit your needs whether it

is professional or personal. Call now to find out about custom packages to cater to whatever your individual needs might be. No matter what the occasion, our talents will inevitably be the primary attraction at your event.” By “talents” they meant whores.

Predictably, Cybertech’s lawyer sent the District Court a letter opposing my application with the proverbial insulting language directed towards me. But with that letter, Cybertech appeared in Court, and its lawyer would have to either accept service or make a motion claiming it improper. As for the Application for Default issue, the porn lawyer’s letter meant nothing, as did my letter in response. But my response letter did give me another opportunity to show the District Court some more examples of what Cybertech sold and show up the lawyer as unschooled in the law.

Cybertech’s lawyer claimed my Application “during the holiday season is indicative of the underhanded, though clumsy, manner in which Plaintiff has attempted to gain a judgment over Cybertech without providing that company with a fair opportunity to respond to allegations against it.” To which I pointed out that the lawyer didn’t understand that an Application for Default was just the first step towards a judgment for default, and that no matter how quickly the Court acted, a judgment would not occur during the Christmas season. “In addition, there is no requirement that an Application for Default be served on the defendant. Apparently, Cybertech’s attorney does not know this either. But in the spirit of fairness and openness, the application was served on Cybertech’s attorney. In any event, since service of the application has had the effect of prodding Cybertech’s attorney to finally appear on behalf of his client, I request the Court either set a schedule for Cybertech to answer or file a motion to dismiss. The attorney’s reason for delaying his response to the Complaint served six months ago because he was not admitted to

the Southern District appears disingenuous, since he could have applied to the Court to appear pro hac vice—it's only \$25."

Cybertech's attorney also called the RICO action against his client "ill-conceived," that I "had to know that Cybertech Internet Solutions was not incorporated under the name Cybertech Internet Strip Club Network" and my "failure to exercise due diligence with respect to the matter of properly designating Cybertech in the Complaint is unprofessional and inexcusable." These defense lawyers just couldn't get away from name-calling or making claims as to what I knew. The attorney's reference to Cybertech Internet Strip Club Network, however, gave me an opening to include some pages of smut showing that Cybertech operated a porno and call girl site under the name of Cybertech Internet Strip Club Network. Included in my response were pages from Cybertech's "Global Porn Host" site showing one girl mouthing a silver dildo and another drenched in a white substance dripping from her naked body. That ought to get the Court's attention and tick off the porn lawyer as well as the Feminazi sycophants in the halls of injustice.

Cybertech's attorney further claimed I didn't use its registered name in order to "create the unfair impression that there is a linkage between Cybertech and some of the other defendants." Naturally this less than truthful attorney ignored that Cybertech hosted and managed Flash Dancers website, sounded like a "linkage" to me and probably did to the Court as well. As a final dig at the attorney, I notified the Court that the New York Secretary of State listed Cybertech as an "inactive" corporation, which meant it failed to pay the yearly franchise fee charged every corporation, implying it's a dead beat. The Court decided to include Cybertech in the motion schedule.

On the Road Again



In early January 2004, Blackie called to see whether I'd like to go on one last road trip. His days were numbered, the cancer was back, but he kept hanging in there. For me, life held nothing other than my battle for justice against the Commie Ho, her ne'er-do-well criminal allies and the Feminazis—a true axis of evil. But I had time for a short vacation.

“Where to?” I asked.

“Texas and Mexico where it's warm, and I can walk on the beach one last time.”

“Could be the last time for both of us.”

Blackie laughed, “Yeah, Roy boy, nothing but blue skies ahead.”

To which I laughed appreciating the utter absurdity of our lives and remembering a quote from *A Candle In Hell*, “To realize the uselessness, purposelessness, worthlessness and hopelessness of our lives is to be truly strong.” Both Blackie and I had finally achieved the realization part, knew in our guts the truth of it, but the strength seemed to elude us both. The trip held all the promise of a Pirandello play but still sounded good to me. I always liked the beach. It brought a peace but never any answers, which didn't matter anymore, since I now knew the answers, although too late to do me any good. One final trip to sun, balmy breezes and young girls in bikinis appealed to my foreboding mental state in dreary, gray and cold New York City. Besides, the time spent would bring me a little closer to oblivion.

“When do you want to go?” I asked.

“Well, I'm thinking of mid January for a week. You can fly into Memphis or New Orleans; I'll meet you there. Memphis would be better for me.”

“Let's do Memphis. There's a lull in my RICO work right now. I'm just waiting for the American defendants' lawyers to reply to my opposition memorandum that I filed in December.”

“I thought they already put in their motions.”

“They did, but still get a chance to reply to my opposition. The way the whole procedure works is that the plaintiff first files a complaint. Then the defendants’ attorneys, assuming their clients guilty, use a motion to dismiss memorandum to shout and scream about how evil and misguided is the plaintiff and how innocent are the defendants. After ranting on with as much hostility and ridicule that their command of the English language permits, they throw in a few fake legal arguments and then ask the court to bounce the plaintiff’s case out into the street. The plaintiff, assuming he’s not a goon like the defendants, responds with an opposition memorandum in which he tries to expose the defense attorneys’ lies and asks the court to let the case proceed. Finally, the defense lawyers get the last written word called a reply in which they usually tell even more lies than the first time and more outrageously assail the plaintiff’s character because he has no more opportunities to write another memorandum countering the defense attorneys’ latest falsehoods.”

“So, you don’t get the final word to show up these other lawyers as liars?”

“That’s right, but I can request an oral argument, which I did, and hope this District Judge grants it.”

“Don’t you have a right to an oral argument?”

“No, so you see the more defense lawyers lie in their final memorandum, called the reply, the better for them, since no court has the time to check all the lies, assuming they tell a lot of them like the guys I’m up against. And even if the Court grants me oral argument, there’s no way it’ll give me enough time to expose all their deceptions.”

“What a system! Just like everything else in America, geared for the crooks. So when do they send you their reply?”

“Dubin, the defense’s lead lawyer, called a few days ago to ask me to agree to an extension of time. He said he had been on vacation and didn’t read my 147-page memorandum yet. I’m sure he was on vacation, just as I’m sure he was lying about not reading my memorandum.”

“A hundred and forty seven pages you wrote!”

“That’s how long it took to counter the defense’s lies, prevarications and tricks in their 66-page memorandum.”

“So how’d you know the lead lawyer was lying?”

“Because lawyers always try to create false assumptions in their opponents—the better to upset them with surprises, just a form of psychological warfare. This clown even told me that his second memorandum, the reply, would be shorter than the first. No it wouldn’t; it’ll be longer. That’s why he wants the additional time.”

“Did you give him more time?”

“I told him he could have all the time he wanted. Besides, whether I agreed to an extension or not, the District Court would probably grant it, since courts figure the more time that goes by, the more likely the parties will get fed up with the case and agree to a settlement.”

“Are you willing to settle?”

“It depends; I’ll see. But I’ll have to get passed their motion to dismiss. If the District Court throws my case out, there will be no settlement offer from them unless I win an appeal—if then?”

“Well at least you’re costing them money and a lot of aggravation.”

“Yeah, isn’t that a shame. As a lawyer, you don’t always have to win a case, to win a case.” We laughed and picked some dates for our road trip.

In mid-January I flew into Memphis.

The weather was a little cool but sunny, and Blackie and I figured it'd warm up on our way south. Blackie had changed our destination from Texas and Mexico to Mississippi and the Florida panhandle, "I didn't think Mexico was so far away until I looked at the map," he said.

"You mean you were planning this trip based on what you learned in our third grade class on geography?"

"Yeah," he laughed.

"Oh brother, I can imagine where this trip is going." Laughing myself. "I remember that class, and we like the rest of the guys spent most of our time trying to look up the hot young blonde teacher's dress."

"Yet, I had forgotten about her. No wonder you were always getting into trouble, so you could stay after class!"

Our first stop: Elvis' house. Rather small, and boy did he have bad taste in decorating, but who I am I to criticize the king of rock 'n' roll. We then drove into northern Mississippi just across the Tennessee border where Blackie had booked a room in a casino-hotel. There were a bunch of casino-hotels in this area. Mississippi, always one of the poorest states in the country, finally found a booming industry that attracted the geriatric set. Except for one girl selling spiked juice drinks, who was married and couldn't speak understandable English, at least the English I spoke, I didn't spot one good looking young babe in the casinos we went to. Blackie didn't care, since he liked the thrill of gambling or more accurately the chance of easy money with no work. Gambling only bored me, I wanted to hit on the showgirls, but there were none—not even a show.

Next day we headed due south, still cool weather but now no sun. Miles and miles of nothing, except for one huge confederate flag flying over what looked like a rebel camp. Blackie wasn't up for dropping in to see what was going on there.

"Why not?" I said. "After all, who won the war, them or us? We'll just tell them we're following up on Reconstruction."

"Yeah, I'll let you off, but don't choke on my dust as I leave you there."

At dusk, we found a motel in the Capitol Jackson. At 8 p.m., I left Blackie in the motel suffering from some ancillary lung problems to find me some dinner and check out this rebel town. Stopped in a trendy spot for the worst hot turkey sandwich of my life, then drove around. Nothing moved on the streets other than a car or two. What did these people do for a social life, cotillions once a year? I'll stay in New York City, thank you. I went back to the motel. Blackie and I continued to have lots of laughs about our lives that found two middle-aged Yankee men taking a road trip through the confederacy.

The next day, we reached Biloxi on the Gulf Coast. There were no teenage girls in bikinis, no sunny skies, no hot sun, no balmy breezes, just the cold down pour of rain soaking a deserted beach.

"So where's the tropical beach you promised?" I sarcastically asked. "Want to go take a walk in the cold rain swept sands? We can pick up some monsoon gear."

"Hey, it's not my fault. Last time I was here, it was sunny, warm and girls all over the place?"

"And when was that—July or August?"

"No, it was back in the nineties, same time of year, January."

"Yeah, probably during El Nino! Didn't you check the weather forecasts?"

“Nah, I didn’t have the energy.”

“Oh, you’re wheezing lungs again.” I needled him. “I can see you at home with your wife, ‘Oh, dear get me this, do that, I’m feeling some palpitations.’ Hey come to New York. I’ll get you some Latina ladies to give you real palpitations.” We laughed at the absurdity of our last road trip on which the gods, as with our lives, decided to rain.

Driving along Beach Boulevard, we looked for a place to stay. This part of Biloxi looked real nice with large old houses lined up facing the Gulf Coast. What a great place to live before the casinos invaded with the traffic jams and the usual riff-raff of which we were two. One casino sign advertised Sarah Brightman, so I told Blackie to pull over. I wanted to catch her act. Probably the hottest babe in entertainment, Brightman knew how to make men want her and ladies want to be like her. She was the complete antithesis of the no make-up, sexless Feminazi that deluded itself into thinking it was beautiful. Brightman epitomized what Mother Nature intended in creating woman, pure femininity and very dangerous for men. She would have been a joy to watch and to daydream about, but we were a week too early. What did I expect for a trip organized by my buddy Blackie? We found a nice quiet motel—well, actually the entire state of Mississippi rates as quiet. There wasn’t much to do in Biloxi other than hang out at the casinos and catch a very tame showgirls act that was probably on the high school circuit.

Our second day, still rainy, and while driving along Beach Boulevard we started talking about our childhoods back in Midland Park, New Jersey. Blackie enjoyed his, except for a pontificating hypocrite of an uncle who naturally was friends with my father—Nazis always stick together.

“My days growing up were hell.” I replied. “As bad as things are now, my childhood was worse.”

“What was so bad? Your father was a jerk, but your mother always seemed nice.”

Blackie said.

“Nice like the Queen of the Damned. She only pretended to be nice for those outside the family, but inside, she was the real horror, ranting and raving. She did more harm to my brother and me than our father.”

“I never saw that. Your mother always smiled and acted friendly while your father never said a word, just gave me a cold-dead stare like what are you doing here.” Blackie recalled mockingly.

“Acted is right. Sincerity never existed behind that phony smile of a mask or the melodious voice she used to trick people. The only honest feelings she ever expressed were cold-blooded self-interest, greed and anger. Not unlike the Commie Ho. Actually, I’d like to resurrect mother, so I could lock her in a room with the ex-wife. Father was never as dangerous; everyone knew he was a miserable jerk. I learned by five to never tell him the truth and avoid him as much as possible, which wasn’t hard since he was trying to stay away from mother and the house as much as he could. Given the she-devil he married, I can’t blame him.”

“At least you had your older brother.”

“Not really. When I was eight, they sent him away to prep school, which left me to face the full brunt of the witch’s brew of mother’s failing looks and menopause. It was around then that I somehow became convinced mother was trying to poison me. Maybe it was her ranting that she wished she never had me, blaming me for the ills of her life and the hormonal lunacy of her menopause. Gee, maybe I could have killed her and argued her hormones made me do it? A unique defense and ahead of its time.”

“Yeah, they would have stuck you in an orphanage.”

“It would have been better than where I was. If only I had known? Anyway, whenever I sat down at the dinner table while my brother was away at school and father at one of his political meetings or working overseas, I’d wonder whether it was my last meal, whether she’d get me this time. For weeks, I searched my food in dread, ate as little as possible, refused to eat anything she didn’t and took the portions myself rather than let her dish them out. I believed she was either using chemicals from my father’s laboratory in the basement, where he sometimes did experiments on projects from work, or killer worms from one of the sci fi movies she took me to. Was it all paranoia I was born with? I don’t think so, but it came from somewhere.”

“No, your parents are responsible for that.” Blackie said with certainty. “A little kid doesn’t go around thinking his mother is trying to poison him for no reason at all. A whole pattern of behavior by both of them over years brought you to that point.” Then Blackie raised his voice, “Damn Den Hollander! Your wife ended up doing to you what you feared as a kid your mother was doing. What the hell are the odds of that?”

I sunk back in my seat with the surprise. “Jesus, you’re right! I never put the two together. The Commie Ho actually feeding me drugs with the fear of my mother poisoning me. Is this the fulfillment of a prophecy or my entire life a revolting imagining?”

“Hey, I read your ex-wife’s diary and her slipping you drugs was no imagining. You’re one unlucky guy Den Hollander,” to which we both laughed at the sheer absurdity.

“That’s not all,” I continued. “After I thought I beat the poisoning attempts, I figured she decided to hire a hit man. She’d come into my bedroom at night and open the window right next to my bed for ‘fresh air’. Why didn’t she open the window on the other side of the room like before, I’d ask myself? So there I lay awake most the night, week after week, waiting for her hit man to put his arm through the opened window and blow my head off.”



“That’s why you’ve always been so hostile.” Blackie concluded. “No one could grow up in those conditions and not be angry all the time. My aunt always said your parents were sick.”

“Well, your aunt should have warned me about them and my future wife.”

Blackie laughed, “Looks like the close of your life is making good on warnings from its beginning. Didn’t you say your ex-wife would eventually hire some Russian hit man to take you out?”

“That she will, that she will. I’m sure of it. She’s got the money and the temperament. She already took out a contract with one of her mafia associates in Krasnodar to keep me from testifying against her before the INS.”

“Yeah, but the INS isn’t going to go to the bother of calling you to testify. They let six al Qaeda terrorists become citizens and didn’t care about the 911 hijackers, so why should they care about one Russian mob prostitute.”

“You’re right. That’s why the Krasnodar contract never bothered me, but when the court proceedings end and she eventually becomes a citizen, then she’ll seek revenge for my audacity to expose the truth about her. But I have a contingency plan for dealing with that.”

“What’s the plan?”

“Nah, that would be telling.”

After a couple of days in Biloxi, we tried to drive east to Florida, but it rained so heavy we went back to Biloxi. Blackie did his gambling while I looked for chicks to flirt with, but the best prospect was a high schooler I came across working behind the counter in a stationary store. Needing a pen, I took the opportunity to chat her up. When I let drop that I came from New York City, girls in the provinces always find that alluring, she smiled, told me about her cousin

who was going to attend college there. She got to giggling at an ad-lib joke or two of mine and then her mother walks out from behind the curtains. I bought my pen and left.

On our third day, still raining, we took in a gun show, nothing else was going on in town. The gun show included dealers and individuals selling pistols, rifles, shotguns and even AK-47s. Many experts consider these Russian assault rifles more reliable and durable than the U.S. M-16. The AK-47s sold for \$450 each, not bad if I wanted to take out a Mc Donald's, but I didn't.

Most people mistakenly think the Second Amendment to the U.S. Constitution, which guarantees the right to keep and bear arms, was passed so that Americans could hunt for food and shoot for sport. Not at all, the amendment exists to give ordinary citizens the power to take down an unjust administration whenever, as the Declaration of Independence states, "any form of government becomes destructive of these ends" by which it means life, liberty and the pursuit of happiness. A lot of tin pot dictators throughout history never would have had a chance if their citizens owned as many guns as the average non New Yorker. The effete, feminine, white trash, antigun elite can't seem to understand that. Their new god—the therapist—has pumped them up with so many drugs, excuses and self-righteous delusions that they will live on their knees before any tyranny, all the while believing themselves superior to those willing to pick up the gun to fight for their rights.

Another reason the Founding Fathers wanted Americans to own guns was so they'd have a fighting chance when attacked by some lunatic or outlaw. Nothing better deters cowards and criminals with a gun than another gun in the hands of their intended victim. The Political Correctionalists actually believe the government should eliminate guns from the entire country—the entire law abiding country, but what about the hoodlums and illegal aliens? The bleeding heart lefties have so twisted government priorities that limited resources are used to crack down

on law-abiding, gun-owning Americans who want to protect themselves rather than being used to protect those citizens from criminal illegals.

The following day, still no sunshine, still cold, but less rain, we drove back to the casino-hotel in northern Mississippi near Memphis where we first stayed. No rooms because of what looked like a nursing home patients' convention had filled the hotel. Mother of mercy, could this be my end, wheeling my drooling self into a casino years from now? There has to be a better way. We finally found a motel, and the next day took our separate flights home. What do you say when two old friends know they'll probably never see each other again? Nothing, except the usual goodbyes. Blackie turned and walked to his flight and I to mine. On the plane, I understood that when you are finished, but before it's over, you no longer have those hopes, illusions and preoccupations that get you to the next moment. Life just hangs there barren and empty waiting for the next event to come along, until, finally, there are none left.

### I'm Looking Through You

When I arrived back in New York, an email message was waiting for me from Traviesa—now that surprised me. She had moved out in such a huff just before the 911 attack that I figured there goes another person I'll never hear from again and probably just as well. She and her Austro-Hungarian cousin had depleted my net worth by at least \$2500 through one favor or another.

Girls are always running an angle to get something for nothing from a man by false sweetness and light, pretending to be an object of sympathy and using enticements of sexual delights never delivered. Girls figure all us guy for suckers, and don't give a hang who gets hurt, so long as it's a guy. As with con artists, girls are adept at creating the illusion that a guy can trust them, but once he does—he's sorry. When Traviesa needed a place to stay in April 2001, I

thought about making her pay with sex. But there was something about that girl, maybe her Cheshire smile, that told me when we first met to stay out of her pants. So, what did she want now?

Dear Roy,

You are probably surprised that I am writing you (maybe positive or maybe negative way). It has been a long time so it is hard for me to find proper words, but it is not so hard to write. I want to forget my pride for once because it is childish, even though, it took me such a long time. Lately, I have been thinking a lot and I would like to reach out to you and hear from you again. It bothers me that we said good bye to each other in such an upset way and that time it hurt me because it was not truth, I would never forget what you have done for me and I would be there for you as well.

I am employed in a normal job and I am not little Traviesa anymore... When I think of you I feel very closed to you-when I was lost and alone, confused in a big NY, you were there.... I want to write so many things, but I do not know how you feel about this. I want to know how is everything with you. I want you to know that you were one of my best friends and I think of you quite often. I think we got along great. I remember how you used to say: Where is Traviesa, there is a trouble...

If your feelings are similar and you can break the ice, please, write me. If you are not interested so at least I have tried to tell you that you are still deep in my heart, there is not many people out there like you.....

--Traviesa from Czechoslovakia (That is not in Eastern Europe)

After reading her email, I wanted to drop everything—to run and hide. Traviesa was accomplished at manipulating guys; I'd seen her in action and listened to her stories. Over the years, I have noticed a funny thing about girls: if a guy shows no sexual interest in them, they start confiding all these lured details of their exploits. The kind of stuff most men believe occurs only in porn movies—ha! These girls brag like the guys I went to high school with, only they are telling the truth. Having glimpsed the inner workings of Traviesa from her own mouth and tasted the trouble that bubbled in the wake of her nubile hips, I went on Red Alert!

Most of what she wrote didn't jive, especially that part of being lost, alone and confused in a "big N.Y." While here, she and her cousin lived the nightlife, staying out to sunrise, pursuing this guy or that, usually ones with money. After 911, they both went back to Europe.

Two years later, she's contacting me—why? Revenge, maybe, girls are innately vindictive, and they never forget a slight. But what was her game plan? She couldn't possibly think me dumb enough to let her stay in my apartment again, assuming she made it back into the U.S. Suddenly, I pulled away from those alluring words in the email with the suspicion that perhaps this was not Traviesa at all. Maybe the Commie Ho, who knew Traviesa and my connection with her, concocted this email of pretending to be Traviesa in order to obtain incriminating statements from me for use in the reply memorandum that the defense lawyers were preparing. Perhaps that's why the defense lawyers wanted a time extension: to give this latest con room to work.

Since I'm a party in the RICO case, anything I say, no matter to whom or through whatever medium, is admissible in the District Court, so long as it helps the defendants. If it helps me, I can't use it. The reason for this rule of evidence is that while people always lie about the great things they do, they rarely lie about the bad things. So the courts assume that when a person admits something that can be used against him in court, it's probably true. My experience with the defense lawyers told me they would pounce on any statement they could rend into showing me as a bad character.

Writing back in a friendly manner, I asked a couple of questions only Louisa could answer and for her telephone numbers in Europe in order to let whomever sent the email know I would call to check whether it was Traviesa. She answered the questions and the telephone numbers checked out as hers, so this was indeed the Traviesa I knew and feared. But that didn't

obviate the possibility of her scamming me in order to help the Commie Ho and the defendants in return for assistance from Mundy's firm in getting her tight Austro-Hungarian ass back into America. If Traviesa wanted anything, it was a rich guy in New York City, so she could spend his money and party her firm breasts away. So I played along with whatever her scheme was, but always kept in mind that everything I emailed might go right back to the Commie Ho, Mundy and the other defendants.

When Traviesa asked me about Angelina, the Commie Ho, I answered "Angelina who?" When she asked what I did for a living, I told her I spent most my time on RICO cases, which was true. When she asked about my social life, I told her Mark, who had scored with her cousin, and I chased girls at the Latin clubs. Nothing in any of those answers that the defense attorneys could twist against me.

Traviesa then started writing about romance as girls always do in their eternal effort to make guys think they are "good girls." She complained that men only want a good time, but she wasn't "like that." She needed "feelings first, not just this."

How many times have I heard that malarkey from a dame? The truth is that girls do want "just this," just sex. There in lies their power and greatest thrill, more of a thrill and more power for them than guys. But they pretend otherwise in order to shake down a guy for as much as possible. To "sex him" as they say, meaning metaphorically and literally: shake those boobies, but when he comes for the goodies—"Stop! I'm not that kind of girl unless you do this or that for me." Baloney, they're all that kind of girl. For years, I stupidly believed girls were actually capable of trust and loyalty and treated them as such. They aren't. The only way to deal with them is to see them for what they are—play toys, and that's it. Any other view opens a man to their sexually exploitative ways while behind his back they laugh at his foolish belief in their

fidelity. A girl wants men—that's plural—to comprise all the pieces on a chessboard that she controls with the centerpiece her prince charming who can afford all the things she wants and is dumb enough to believe what she tells him. As Lord Byron wrote, "Man's love is of man's life a thing apart, 'Tis woman's whole existence." Girls put the same effort and deviousness into sexual affairs as men do their careers and war.

Traviesa's overly used complaint about men found no commiseration in me. Girls always try to make men feel guilty so that dames will benefit from every man's efforts to make amends. Feminazis use the same tactic, but expand it to sucker guys into giving them jobs, status and respect they don't deserve. It's important to remember that Eve suckered Adam into biting the apple—not the other way around. Although unsympathetic with Traviesa, I was courteous and advised her to stop blaming men, "You obviously have not read the book you borrowed and still have, I assume, *The Anatomy of Love*. You have to make an effort if you want someone to help you raise your children. There are no more old maids, but plenty of middle-aged Feminazis incapable of compromise that will cry themselves to sleep every night until they die because they don't have a man."

Traviesa's emails, however, kept playing the sympathy card, "I know I should give in, but maybe there is someone still waiting for me. Here is not easy to find someone. It is not like N.Y. where you can pick up chicks. People here are more responsible then over there. By the time they reach my age, 26, they are either married with at least an apartment or they have a serious relationship. At the clubs and bars you can find only teens or some empty losers. I do not go out often, almost no clubs...."—more feminine clichés. It must be a law of physics that hot-looking babes in clubs rarely go to clubs since that's what they always tell me. Guess I'm

supposed to believe my running into them in a club is an extraordinary bit of luck that beat the universe's odd? I don't think so. Good-looking girls live in clubs.

On another sympathy note, Traviesa claimed that before the Communists took over her country, her family of royal blood owned woods, lands and, I assume, serfs. Ignoring this fairy tale trap, I reverted to the lawyer in me and suggested she look into suing the current government to get back her family's land or for reparations. "You may become a landed princess after all," I wrote with my tongue in my cheek.

Whatever Traviesa or perhaps the Commie Ho wanted from me with these emails, they weren't getting. Traviesa stopped writing for a couple of months, and I assumed the scheme ended, but then one last email arrived just a few weeks before the defendants' reply memorandum was finally due. The email and its timing made some of the hidden intentions clearer. She apologized for not replying to my last email sooner and closed with the clincher: "In May there is a lottery going on the green card, so maybe I will be lucky. You know I am a big spender, so N.Y. is the place for me, where I can improve myself, this job is taking away my motivation and ideas." If only Traviesa was behind the emails, she obviously wanted my help to get her into the U.S. in return for dollars or maybe sex. If the Commie Ho stood, as she usually does in the shadows, then the two of them were setting me up for violating the immigration law.

Normally anyone, particularly criminals and terrorists, can violate U.S. law with impunity, especially the immigration statute. But for a lawyer who has complained to the INS Inspector General about that agency's failure to enforce the laws, the bureaucrats would make an exception to nail me for even the appearance of impropriety. No I'm dumb, but not that dumb. So I suggested Traviesa get her hotel employer, which runs a hotel in New York City right across the street from Flash Dancers, to send her to America, and ended with, "Face it Traviesa, you're



not going to be happy until you find a rich guy in New York City.” That ended that scheme. Traviesa or the Commie Ho standing behind her wasn’t fooling me anymore. No dame was. After decades, I finally understood the Janus, spoiled nature of girls. They all suffer from that unique feminine illusion that the mere fact of their being female exempts them from civilized behavior.

When a girl speaks words of endearment, paints herself up and dresses in tight revealing clothes, she’s advertising sex, not using sex to sell something, but selling sex in return for a heavy tax on a man’s life. Like all good advertisers, she intentionally aims to stimulate and manipulate the emotions in men with deception. But when the guy fails to do what she wants or the guy she wants doesn’t respond, she curses out criticisms as did one girl in my Salsa class who used the Feminazi tactic of trying to publicly shame men into obsequiousness. Out of nowhere, this girl starts haranguing guys in general for not dancing enough to suit her taste, and exasperatedly claimed, “You can’t ask a guy to dance because it will insult their machismo.” So I chimed in “Maybe guys want to select, rather than settle. If you walk into a used car dealership, and a driverless car pulls up along side of you, pops its door open, I don’t think you’re going to get in for ride.” Boy did that tick the broads off. So what, it was the truth. Girls will tell any lie, cheat any guy and commit any crime to get what they want, and they want everything—name it, they want it. They are the primordial apostles of greed, whether for money or power.

Feminazi or not, if female, she’ll ruthlessly exploit the attraction, protectiveness and tolerance Mother Nature bred in men for girls. For example, a friend and I were walking down the street when this middle-aged broad, obviously a Feminazi, walking towards us sees my friend and breaks into a big friendly come hither smile. Seeing those high beams on him, I’m thinking

she's either a long time friend or some older female who's got the hots for him. Listening to their conversation, it turned out she was a civil court judge trying to move up the ladder to the New York State Supreme Court, and wanted my friend's help. On saying goodbye and again asking for his help, she shines the smile again and kisses him on the cheek with half a hug. As she walks away, my buddy turns to me to say, "She's a lesbo." I laughed, what a phony! Her sexual airs were only feigned female flirtations to get what she wanted. Give her a little authority, and she'll cut my friend's throat merely to confirm her power. My pal thought little of her judicial ability, and said he'd oppose her for the Supreme Court. In a meritocracy, she won't have a prayer at any judgeship, but this is Feminarchy America where females are obsessed with power and will use sex or any other means to get it.

The problem with females as judges or politicians is they are constitutionally unable to handle the pressures of administering the law and politics. They lack the political tolerance and self-restraint that democracy requires. Their passive-aggressive personalities make it impossible to rely on their words while their mixture of timidity and hysteria make it both a waste and danger to give them power. They are unable to compromise because compromise assumes a rough equality, which their innate arrogance will not allow for fear it may unmask their feelings of inferiority. For example, Catherine the Great ended up bankrupting Russia and creating the problems in Chechnya that still plague her country with slaughter in the subway, on airplanes and in schoolhouse bombings. When females move into men's roles in society, it leads not only to less effective social institutions as a result of their incompetence and lack of requisite abilities but to a society permeated with corruption and cover-ups as broads abuse their authority the way princesses did and hide their ineptitude—after all, nobody lies as good as a dame.

Despite females' inability to handle jobs evolutionarily suited for men, Feminazis ceaselessly whine about "equal pay for equal work." The she-males of America, which is what the Feminazis and their advocates are trying to turn us all into, claim females receive around 77% the pay of men for doing the same job. Sounds like discrimination, but is it?

According to the *U.S. Bureau of Labor Statistics' 2007 Time Use Survey*, men spend 144% as many hours working as females do. So for every hour the average guy works, the average girl works 42 minutes. If both are paid \$1 for a full hour of work, then the guy should receive \$1 for each hour he is on the job, but the girl, since she only works 42 minutes out of the hour as compared to the guy, should receive \$.69. An appropriate number for a girl, but less than the \$.77 she now receives. So girls are actually paid more than guys when measured on a per unit of time basis. It's understandable the Feminazis didn't figure this out, since math is not a girl's strong point, so they would logically ignore the mathematical way of making comparisons.

The Feminazis also ignore that the real measure should not be "equal pay for equal work" but "equal pay for equal quality of work." Take professional basketball, why should WNBA players receive as much money as the guys in the NBA who play better ball. Now if the WNBA went topless—maybe. Holding down a similar job doesn't mean the performance is equal. If it did, then an employer could hire four girls for the price of three men, maintain quality and increase his output by one-third, which would enable him to cut prices and drive his competitors out of business.

Putting the truth about salaries aside, how come the Government and media never talk about the inequality of inheritance between husbands and wives? Spouses inherit money because they put energy, effort and time into a relationship, not unlike building a business partnership. Actually, the laws of many states consider marriage an economic partnership.

When the partnership ends with the death of one spouse, the other is guaranteed a certain percentage, but more often than not ends up with the full value of the partnership. Surviving spouses are usually females, but that wasn't always the case. At the beginning of the 20<sup>th</sup> Century the average life span for men and females was the same at around 47 years. Over one hundred years later, however, as the result of a disproportionate amount of medical research spent on female-specific ailments and society channeling a disproportionately high percentage of men into the most dangerous jobs in the "tombstone basement," females live an average of six years longer. Since they live longer, females receive more inheritance dollars from men than men receive from females. Sounds like discrimination to me.

In the name of equality, the Feminazi rallying cry, all females receiving an inheritance from deceased husbands should be taxed to the extent that allows for balancing out the inequality of inheritance. The proceeds from the tax should go to all living married men and widowers in order to make inheritance "gender" neutral. Equal inheritance for equal work adheres to Feminazi, or more accurately, female logic, but it will never happen because it benefits men. Feminazism exists solely to benefit females that can't attract a man because of their looks, failed upkeep or attitude. By neuterizing both sexes, these failed females hope to feel less inferior.

### Every Breath You Take

While waiting for the next flare up of legal hostilities, I began searching for where the Commie Ho currently stripped. The last sighting of her at work dated back to October 2002, when my bartender friend Tom caught her stripping at Flash Dancers. But the following summer my process server couldn't find her there, so he ended up handing her the RICO papers at her apartment in Astoria, Queens. The bouncers at Flash Dancers told my process server that she no longer stripped there, but what about all those bus and taxi posters running around New York

City with her mug on them advertising Flash Dancers? False advertising, or one blonde ho was as good as another? Who knew, but I sure wasn't going to believe muscle-heads in a strip club. To find out whether the Commie Ho still worked at Flash Dancers or some other ho den I hired an investigator. He checked Flash Dancers off and on but no Commie Ho, and concluded she no longer shook her tits and ass at Flash Dancers. The Commie Ho would never switch to a legitimate day job—not enough money, so she was stripping at some other house of ill repute. But which one?

No matter where the Commie Ho lap danced, she'd lie about stripping to the Court, and I would have to prove that as part of my strategy to impeach her credibility. Like all girls, the Ho hides behind a mask of virtue that compels her to lie about the tawdry world from which she makes so much money, at least 500 to 600 grand tax-free from a little over three and a half years in the American dream: July 2000 to February 2004. On her earlier return visits to Krasnodar, she used to tell her acquaintances that she worked as a translator in Moscow, but after my visits in 2001, no one believed that line anymore, if they ever did. In America, she used modeling as her cover. But what Russians or the average American thought about her, I didn't care. It was the Court I wanted to convince of her habit for lying. All I needed to do was catch her in a series of lies, and the District Court would stop believing anything she said, no matter how crucial to her defense—I hoped.

The Commie Ho had not only lied to the INS and the Department of State about her occupation, but also lied to the New York State Supreme Court and the I.R.S. in claiming to work only as a model and bartender. The bartending was false and modeling only partly true, but they created the false impression of how she earned her money because they left out lap dancing. The Commie Ho still didn't realize that by omitting an important part of the truth, a

federal judge or jury would see it as an intentional lie. She always thought that lying by omission was not lying. The moment she lied under oath about not stripping, I would need evidence to prove she lied. That evidence would go a long way to impeaching her credibility by showing she worked mainly as a stripper who made a lot more money that she never declared. Despite the Feminazis' attempts to make such a profession respectable, most judges and jurors consider the girls working in strip clubs as walking frauds and prostitutes.

My search for the Commie Ho's place of employment began by obtaining her Equifax credit report through one of my investigators. Sometimes these reports contain a person's current employer. Different P.I.s are good at different tasks. This one had access to lots of different records while another private eye did excellent surveillance. The Commie Ho's Equifax report, however, didn't show any employer, but it did list four credit cards for her, three from banks—Chase, Citibank and Providian—and one from Macy's. If, as she had done in the past, the Commie Ho used the bankcards for transferring money overseas, it would leave a record trail I could subpoena. The credit cards also provided me with another knife into her credibility because she'll lie about having them in order to cover up her money laundering. Both uses, however, would have to wait until the case moved to a later stage.

My private eye tried another method for finding where the Commie Ho worked. Every state keeps records on a quarterly basis for the employees in that state who receive W-2 tax forms. Hooking doesn't generate W-2s, but some lap-dancing clubs do hire the girls as employees for a small amount, as with waitresses, which requires issuing a W-2. Such clubs take a cut of the money the hos make giving lap dances with the hos receiving most of it. Flash Dancers didn't do this, but if the Commie Ho switched to a club that hired her as an employee, there would be a record. A check of New Jersey and New York, however, turned up nothing, so

I assumed she worked in a club like Flash Dancers where the strippers pay the club a set fee each night and work only for “tips” from the customers. Clubs such as Flash Dancers avoid filing a W-2 or even the 1099 required for independent contractors because each time a girl strips, the club claims the guy who paid her the \$20 hired her. That’s the superficial interpretation. The I.R.S. is suppose to look at the reality of a transaction, which means the girls really work for the club because it provides the facilities, tells them what to do and makes money off of the young hos offering their charms to the club’s customers. So why doesn’t the I.R.S. bust these clubs for literally billions in unreported income? Because the Feminazis in the government believe any means of transferring wealth from men to females is justified and should carry no tax.

The only alternative left for uncovering the Commie Ho’s place of work meant tailing her. But to do that, first required locating her at a point in time and space. As of the service of the RICO papers in July 2003, she was living in the apartment in Astoria, Queens to which she had moved in December 2000. Checking the outside apartment buzzers for her building at 28-15 34<sup>th</sup> Street, she was still listed in apartment 4H under Chipilina, one of her aliases. To make sure, I called her apartment telephone number, but she had changed it and switched to an unlisted number. One of my private eyes track down the new number, which also confirmed her address as the Astoria building. This told me she still leased the apartment, but whether she lived there or with some guy elsewhere, I didn’t know. After making a number of calls to her unlisted phone number with no living person answering, I still didn’t know.

She was living there when my process server had caught up with her, but that was eight months ago. Since then, she could have sublet her apartment, and it wouldn’t have shown on the telephone records or the apartment building’s outside buzzers. Her apartment’s mailbox inside the building’s lobby listed no one, which it had since she first moved in, so I couldn’t tell

anything from that. The building didn't have a doorman, which made getting inside easy but information via a bribe impossible. Hiring someone to knock on her door wouldn't work because after she opened it to my process server, she'd never open it again to someone she didn't know. The Commie Ho generally didn't make the same mistake twice. Despite my uncertainty, I needed to start somewhere. Logic pointed to her still living in the same apartment, since cohabiting with her main sucker would make it too difficult to hide her true profession. The surveillance would first try to pick her up at her subway station, 30<sup>th</sup> Avenue, in Astoria and follow her to work.

In order to save money and because I had the time, I decided to do the tailing myself. The disguises that Bob, my makeup artist client, gave me back in 2002 should prevent the Commie Ho from recognizing me. Hey, if his work was good enough for *Saturday Night Live*, it should serve my purpose. Besides, the Commie Ho couldn't see that well in the evening light because of her laser eye surgery, and that's when I would try to pick her up.

Her schedule was probably similar to the one she had at Flash Dancers. My earlier surveillances for the INS revealed that she left her apartment at around 6 PM and walked to the 30<sup>th</sup> Avenue Station on the N line, one of the last remaining elevated subways in New York City. Usually, she approached the station going west on 30<sup>th</sup> Avenue to the Northeast corner subway stairs at 31<sup>st</sup> Street and took the steps two at a time on her overly long legs up to the turnstiles. After paying her fare, she would go up the northwest stairs to the Manhattan bound platform for the N or W train. On the platform between 6:15 and 6:20 PM, she generally walked directly to the northern most bench to sit down. Stripping all night long with her size 11 feet squeezed into 5-inch heels took its toll, so she sat whenever possible—something all girls do. Sometimes before sitting, she would stretch in preparation for work. Her hair was always braided into a



single strain, colored a bright whore blonde that stood out against the requisition all-black Russian outfit. She rarely wore dresses, except for stripping, and never mini-shirts. Too many guys hit on her she said, but her legs weren't the best. In the winter, she added a black down jacket. Flash Dancers usually closed around 4 AM, and she'd hop a cab back to Astoria. Around 4:15 AM, her cab would let her off on the southwest corner of 28<sup>th</sup> Road and 34<sup>th</sup> Street, and she'd walked about a hundred feet to her building.

In mid-February 2004, I began staking out the 30<sup>th</sup> Avenue subway platform in the late afternoon and early evening, invisible behind my disguise. The days alternated among Thursday, Friday and Saturday, the high-income producing nights for lap dancers and assorted hos. Confident she'd show, I first positioned myself on the opposite subway platform, but it proved too cold up there, so I moved inside the station to directly behind the token booth. A New York Times, folded in the customary subway fashion provided additional cover. New York subways get so crowded during rush hours that the only way to read the Times, if one likes fiction, required folding the paper length wise and turning the pages in a mind bending way that only New Yorkers seem to master. The subway fold provided an excellent mobile cover that could expand from nearly seven inches wide to fourteen and twenty eight inches in seconds. The Commie Ho, however, never appeared, and she wasn't the type of girl a guy could miss unless he was blind, which I wasn't—physically that is.

No longer so sure she still lived in Astoria, or if she did, whether she still worked at a strip club, I resorted to calling her unpublished home number again. If she answered, then she still lived there, and I'd have to change my surveillance times. She didn't answer, not once, but sometimes the answer machine came on, sometimes a fax tone and sometimes it rang and rang, so someone lived in her apartment to change the settings, but whom? On occasion, however, she

would answer her mobile phone, which meant she was still on the planet, but that I already knew. Where was this slut? I couldn't tail her to work until I picked her up at some place and time.

To determine once and for all whether she still lived in the same apartment, I started calling her neighbors on the same floor as hers. The public library carries a directory that lists the names, telephones and apartments for most of the people living in any building in New York City. Here as in Krasnodar everybody knows the local whore, so someone must have seen her around assuming she still lived there. No luck until I reached a young girl, maybe ten years old. Great, she's not about to lie and wants to prove her worth by helping. My pretext was that I worked for a music video production company.

"We just interviewed a girl name Angelina Shipilina for a role, but she failed to leave us her telephone number. All we have is her street address but no apartment number. We're calling people in her building to try to reach her."

"Oh, I know her," the girl said happy to help. "She lives right next to me. She's very tall and blonde and pretty, but I don't know her telephone number."

"That's okay. Do you know her apartment number?"

"Just a minute I'll ask my mom." No, no, no, I'm thinking, not your mother. Mom will grab the telephone, ask questions, become suspicious and might even report back to the Commie Ho.

But the girl didn't leave the telephone to get her mother, instead she yelled right in my ear, "Mom, what's the apartment number next to us?" Her mother answered back and the girl proudly repeated for me, "It's 4H."

"Is she still living there?" I asked after switching the receiver to my other ear.

"Yes, I see her all the time."

“When did you last see her?”

“Just a couple of days ago.”

Bingo, the Commie Ho still lived there, but when did she leave the building to go to work? Could she have actually taken a 9 to 5 job? No way, whores never reform, they just say they do. And she wasn't at Flash Dancers anymore. Strip clubs tend to want fresh meat for their customers, and the Commie Ho stripped and prostituted at Flash Dances for over two years. But at which club was she hoing now? There were dozens and dozens in the New York metropolitan area, which includes not only the five boroughs but also parts of Long Island, Connecticut and New Jersey. The evening shifts, when girls make the most money, start anywhere from 3 PM to 8 PM and end between 12 AM and 4 AM. That's a wide span of time for the Ho to leave for work during which I'd rather not stand on a subway platform in cold.

An idea from my Columbia University Business School training pops into my head to use a statistically valid sample of clubs from which to figure out the most probable times for her heading to work given a travel time of 30 minutes to an hour. Once again I staked out the subway on Thursdays, Fridays and Saturdays— still nothing, so much for the value of Columbia's statistics' courses.

What did the Commie Ho do that left a record of her comings and goings—nothing! But I could get to the same point by knowing when she was usually in and not in her apartment. Most people, even hookers, have a basic schedule to which they adhere even though on the odd day it may vary. Humans are, if anything, creatures of habit. Although I doubted the Commie Ho's humanity, she definitely was a creature. A list of the outgoing telephone calls on her unlisted telephone line would indicate a pattern of when she was at home and when she was not. But how do I get it? A private eye, of course. Unfortunately, the Ho's telephone carrier's

priority to maximize profits through cutting expenses derailed this strategy. The company had previously listed in each monthly bill the time of day for all the local calls a customer made, but a couple of years ago, the carrier replaced reporting the individual calls with the total calls over a period of time. This did me little good. The bills, however, still listed the specific times of the long distance calls, which indicated she was often at home from 10 a.m. to 4 p.m. Monday through Friday, but the information was too little to indicate when she left for work.

The only way to catch her meant staking out the front of her apartment building. Long stakeouts require two guys so that one can keep watch while the other hits the local restaurant for a restroom or deli for food and drink. One leftwing blogger I knew always needed money. We staked out her building from a rented car parked on her street. If she left, I'd drive pass her, turn the corner and leave my partner off to pick her up and tail her to work.

When we started my partner said, "I checked those photos of her on that Russian web site, so I'd be able to recognize her. She's a hot looking babe."

"And that's all. She has no sense of right and wrong; lacks a conscience, integrity and a sense of fair play; is amoral, self-centered, selfish, self-righteous, hypocritical, duplicitous, a phony, pathological liar, dissembler and prevaricator with no socially redeeming qualities whatsoever—a barbarian life force driven by its self-indulgent wants and needs. The nobler qualities of human civilization are absent—compassion, empathy, dignity, self-respect and a respect for others!"

"Ookay," my partner said, "Why don't we talk politics while we wait?"

So we did, as we sat and sat, day after day, early morning, afternoon and early evening but no Commie Ho. I put the stakeout on hold, thinking she might be slipping out the back door

or was on vacation in Cyprus or Las Vegas. To determine which, I started snooping around the building on my own.

Dressed in my disguise, I'd wait for a tenant exiting the building, asked for directions to the super's apartment, which they always happily gave while letting me inside, or watched for people turning into the entrance way and quickly moved in behind them, fumbling for my non-existent keys, so they'd hold the door open. Given my appearance, white and anywhere from 40 to 60, no one questioned me. Inside, I checked the side and back of the building. She could go out the back, but to make it to another street required going over a seven-foot wall, not too difficult for a guy, but a girl dressed for work, even in slacks, unlikely. Upstairs, I listened at her apartment door, no noise, looked under it, but no light. Rang the bell and ducked into the stairwell from which I could see the top of her door and whether it opened—it didn't. After doing this a few times on different days with no luck, I switched tactics.

On the roof of the building next door at night, I could see her apartment windows, which weren't visible from the street because her apartment overlooked an alleyway. The windows were always dark. I kept going back looking for the light in the window so that I'd know she was not out of town and could restart the stakeout. On one sojourn while walking up the stairs to the roof door, I saw a red light that I'd never seen before. My next step brought an ear-piercing alarm. The human flight emotion tried to take over, but I said if you run you stand out, so I walked slowly back down the stairs, four flights with the alarm wailing its high pitch noise throughout the building, and not one person came out of their apartments to check it out.

Why was I not surprised? This was the same borough where in 1964 Kitty Genovese pleaded for help after a man stabbed her. The residents heard the cries but did nothing, so the guy came back twice as she lay bleeding on the sidewalk yelling for help, stabbing her each time,

sexually assaulting her and finally killing her, and none of her neighbors did a thing. Might history repeat itself with a tall Russian blonde whore? I couldn't be so lucky. The newly installed roof alarm cost me an excellent spying spot, but I found an alternative by using an alleyway from the next street over to get into the backcourt yard of her building. From there I could see the apartment windows, but still no lights at night.

Where the devil did this ho disappear to? Nearly a month and a half of trying to track her down and still no success. Was the Matrix interfering in my life again? No matter, I knew if I stuck with it, I'd find her.

The lefty blogger, who helped me on the failed stakeouts, came up with an idea that proved the turning point because of workers unable to follow instructions. He suggested sending her by Federal Express a box of chocolates from a fake modeling agency. By paying in cash and using a telephone number that's always busy, there was no way to trace the sender. Eternally busy telephone numbers are maintained by Verizon for technical reasons in every exchange. When making pretext calls, it often avoids suspicion by leaving one of these numbers as a call back because whenever the target tries the number, it's always busy. That allows one to call the target again for information and pretend he couldn't reach me because of trouble on my line or just a lot of calling going on. Either way it doesn't blow a cover, at least initially.

Sending chocolates from a model agency was a great idea because the Ho couldn't resist sweets or the delusion that the world saw her as a glamorous model rather than a whore for money. When Fed Ex knocked on her door, she would open it, if at home. If not, then by requiring delivery only to her, Fed Ex would go back and back until they found her home or learned from the superintendent that she no longer lived there. Tom Hanks never gave up when he played a Fed Ex delivery manager in *Cast Away*, so the guys in Queens should do the same.

Once Fed Ex made the delivery, it would post the date, time and her signature on its web site. I'd recognize that signature anywhere. The Commie Ho always feared someone forging her signature, so she perfected an intricate scribbling of her name that no one would ever bother trying to forge—not unlike Swiss bankers.

After a week of trying, Fed Ex finally delivered the package, but not to the Commie Ho, instead to someone who signed as “A. Anthony”—so much for the truth of Hollywood movies. I called Fed Ex from a local pay phone, using a calling card, pretending to be the CEO of the phony modeling agency that sent the package and asked to talk to the deliveryman. Who was “A. Anthony” and didn't Fed Ex deliver the package to the Commie Ho. The Fed Ex customer rep said she would have the deliveryman call me back, which did me no good because I wasn't about to give out my real number. So I made up another story by telling her I was attending meetings out of town and could give her my hotel number knowing Fed Ex wouldn't make any costly long distance calls. The customer rep in turn arranged a time for me to reach the deliveryman at Fed Ex's office—just what I wanted.

The deliveryman told me the Commie Ho had not answered her buzzer from the outside entranceway on three attempts, so he left the package with the building superintendent's 10-year-old son. Great, the kid probably ate the chocolates himself—I would have, at that age. Fed Ex really ticked me off. The deliveryman was supposed to go inside, up the elevator and knock on her door. Instead the idiot took the usual American easy way out by not bothering to go to the apartment at all. But the deliveryman did give me a telephone number for the superintendent.

A couple of years earlier, I had talked to the super on the pretext of looking for an apartment but really to confirm the Commie Ho's address for INS. His accent and appearance led me to believe he came from southern Russia, which meant I couldn't believe anything he said

about a fellow Russian. But as a result of my recent telephoning of some of the Commie Ho's neighbors, I learned the super came from Croatia, which meant he hated Russians. People who lived in any of the countries occupied by the former Soviet Union, despised Russians. The super, therefore, could be relied on to provide that most damaging of commodities to a Russian—accurate information, so I gave him a call.

“Hello, may I speak to the super,” I asked.

A young girl snootily replied, “He’s not here right now! Who’s calling?” Must be the pubescent girl I ran into on my visit to the super’s apartment two years earlier.

“This is Federal Express,” I lied. “We’re trying to track down a package that was given to A. Anthony a few days ago on Monday at around 3:40 in the afternoon.”

“That’s my younger brother.”

“How old are you?”

“I’m 14.” No wonder she sounded snooty, the boys probably just started chasing her, so now she believes herself a femme fatale. Didn’t take long for her to metamorphose into a teen queen. But she was still young enough for me to cautiously rely on what she said. Give her a few years and the lies will flow like breath from her painted lips.

“Do you know what happen to the package that was meant for Miss Shipilina?”

“Anthony brought it to our apartment in the basement, and she came down to pick it up.”

“Do you know what time that was?”

“Around 4:30 PM.” Apparently, Anthony notified the Commie Ho somehow, meaning she was at home when Fed Ex rang her buzzer from the outside entranceway, but didn’t answer, or she arrived shortly after.

“Is she usually home late in the afternoon in case we have to deliver other packages?”



“She’s rarely in her apartment. She’s a model, and I see her go out at 5 o’clock, 8 o’clock at night. She’s always out.”

“When will your father be home?”

“Try back tonight after seven.”

That evening I reached the super. He repeated his daughter’s story of the package.

Then I asked, “When is a good time to make deliveries to her?”

“It’s best to find her before 11 in the morning. She goes to work in the afternoon, maybe 3 or 4.” Just what I needed, I thanked him and set up another round of surveillance with the same guy as before, starting at 11 AM Monday, April 12, 2004.

We parked across the street at the corner facing south with me in partial disguise. Within minutes of settling in for a long wait, the Commie Ho bounds out of the entranceway of her building. Wearing black leather pants and a black backpack in her concession to American style, her vat-dyed blonde pony tail bobbed from an erect head looking straight ahead as she swung her arms loping down the street on those long legs and moving at a speed that for others would be a run. Battle stations, battle stations, the cry went off in my head. We buckled ourselves in; I started the engine and zoomed passed her taking a quick look to make sure it was she. At the light, I turned right and let my “I Spy” partner out, then took off down the block to get out of sight. We assumed she’d also go right at the corner to head for the 30<sup>th</sup> Avenue subway, but she didn’t. Five minutes later my partner calls my cell. The Commie Ho had gone to the New York Sports Club on 30<sup>th</sup> Avenue at 38<sup>th</sup> Street. Driving the car to a parking lot across from the gym, I met my partner and we continued the stakeout.

“That girl is all legs!” My partner exclaimed. “I had to run just to keep up with her. But she sure sticks out in crowd. She must be six-three! And that blonde hair is like waving a flag.”

“Yeah, she’s easy to spot. Makes our job a lot easier.” I replied.

“Why does she walk so fast?”

“Maybe she’s afraid something will catch up with her.”

We sat in the car waiting for the end of her workout.

About an hour later, hair now up in a bun, she bolts out of the gym as from a starting gate and moving at the same fast pace. My partner jumps out to give chase. As we had agreed, I drove the car back to the corner across from her apartment figuring she’d head back home for a shower. The Commie Ho has a phobia about using public facilities, even Laundromats. Germs, I think, rather bizarre for a prostitute, the type of person that most folk consider synonymous with filth.

Sure enough, she arrived back at her apartment with my partner well behind her breathing hard trying to keep up.

“Damn, she moves fast. I’ve got to get myself in better shape.”

“Expensive Russian prostitutes definitely keep themselves physically fit. There were a lot of them at the gym I used in Moscow. They were among the few Russians that could afford one.”

“Physically fit is right.” My partner agreed, “It’s just the rest that seems lacking.”

“Exactly.”

At 1:20 PM she again zooms out, moving south and still fast, but no backpack, hair in a ponytail. My partner sets off in pursuit while I waited in the car for his cell phone call. Once again, she doesn’t go to the 30<sup>th</sup> Avenue subway, but walks further south, making a cell phone call and stopping in a store. Then she walks west to the elevated subway at Broadway, the next stop down the line from the 30<sup>th</sup> Avenue station. My partner is right behind her, panting away,

but manages to get on the same train to Manhattan. I drive into the City to wait for his next call. While parked in Manhattan by the 59<sup>th</sup> Street Bridge, I tried to figure where she was heading, but soon gave up.

My cell rang.

“So where are you?” I asked knowing it was my surveillance partner.

“Union Square, but I lost her. She got into a SUV outside the Virgin Record store driven by a guy in his 20s, white, light brown hair, silver Forerunner Toyota, license AGE 9596.”

“Okay, I’ll run the license to find out whom it’s registered to.” We agreed to try again a week from Tuesday. The SUV belonged to a Joseph Martin, 6 Bradford Avenue, Rye, New York. The driver of the SUV was probably one of her prostitution clients or some poor sucker with romantic delusions about her. Either way, I knew she benefited materially from the rendezvous. But I still didn’t know the place where she stripped. When she worked at Flash Dancers, she often took Sunday or Monday off because the money wasn’t good. Maybe she was off this Monday, and turned a trick to pick up extra cash.

Tuesday, April 20, 2004, the Commie Ho whips out of her building at 11:33 in the morning, arms churning back and forth, pony tail swinging its way to the same New York Sports Club where my partner spots her running on a treadmill. After the gym, trucking at the same fast pace, she goes back to her apartment for about an hour then heads off to the 30<sup>th</sup> Avenue subway wearing a white jacket with black pok-a-dots. She catches the train to Manhattan, gets off at 34<sup>th</sup> Street, Herald Square, and walks a block to the IRT number One train, which takes her further south to Chambers Street. It would have been more convenient for her and have saved a fare, if she switched at Times Square. At Chambers Street she walks toward the river to a luxury high rise at 22 River Terrace. My spy can’t follow her in to see which apartment she went to because

of the doorman. After three hours of waiting, we figure she's in there for the duration and go home.

The next day, Wednesday, at around 1:20 PM the Commie Ho comes walking up her street, carrying shopping bags, wearing the same clothes from the day before and enters her building. That's the last we see of her and end the surveillance at 6 PM. Apparently, she made a night of it at River Terrace—fun or business.

On Friday, we started late at 1 PM certain the Commie Ho would either enter her building coming back from the gym or exit heading for the subway and Manhattan. This time we parked on the same side of the street as her building, just between it and the corner. Sporting a fake mustache with a cap, I sat in the driver's seat. At 3:30 PM, my peripheral vision catches movement on the sidewalk a few feet from my window, as I turn to look, the Commie Ho wheezes pass. Rats, did she see me in the car? She was wearing her backpack, dressed in blue jeans with studs running down the legs, what kind of fashion is that? She probably came from the gym but by a different route that took her right passed us. Well, I knew if she saw me, she'd call her clients at the police station just a block away to come hassle us. We waited, but no cops, so she didn't see me.

At 4:30 PM, she leaves at her usual gallop in her favorite outfit, black slacks and a white jacket with black pok-a-dots. At the 30<sup>th</sup> Avenue subway, she sits on her favorite bench and, as usual, boards the last car of the train. She's consistent—until 42<sup>nd</sup> Street, Times Square. Then something new happens, she steps off the train, waits, and suddenly steps on again just as the doors are closing. My partner made it back into the car, but only barley and obviously. At 34<sup>th</sup> Street, she hops off, looking nervously behind her with fear pulling the corners of her eyes tight. My partner backs off trying to follow her at a distance, but it's clear she spotted the tail. After

ten minutes of twists, turns, double backs and feints around crowded Herald Square, she managed to lose him.

The surveillance was placed on hold in order to let some time pass for her to fall into a false sense of security. But early one afternoon four months later, while rushing for the BMT subway at 42<sup>nd</sup> Street, I froze in my tracks. The Commie Ho was not ten feet from me, wearing a jackal look of discontent and cowardice, staring nervously behind her as though checking for someone following. She hadn't seen me yet, but the moment she turned her head forward again, those laser enhanced, blue gray eyes would pass right over me. The only thing to do was use one of Mark's martial arts' tactics and I thought myself invisible. She turned her head from looking over her left shoulder, swept her glaze right over me without seeing and continued down to the train. The Commie Ho still suspected a tail, so I put the surveillance on hold indefinitely.

The information from this chance encounter and the earlier surveillances indicated to me that she probably no longer stripped, but just did call girl work, a profession much easier to hide from the District Court and the INS. Also at 28, the lap dancing clubs might consider her too old, but she could still hook for \$200 to \$300 an hour and those were Los Angeles rates. The best she did stripping was a little over \$100 an hour and that required standing on her feet all night long. So hooking meant more money, less work and no sore feet—right up the Commie Ho's alley. Another reason for believing the Commie Ho had switched to fulltime hooking was that during the on again, off again surveillance from February to April, I obtained the Commie Ho's mobile records for two months running. One month she made 290 out going calls and the other 370 in addition to the approximately 150 calls made each month from her apartment telephone. The Commie Ho's activities looked a lot like those described in the grand jury transcripts of Los Angeles' largest prostitution ring run by a Russian mother and her daughter.

While I hadn't found any connection between the L.A. ring and the defendants in my RICO case, that didn't mean the model used in L.A. wasn't also used in New York City by the Commie Ho and her associates.

The L.A. call girl ring had offered two types of services: "in-call" and "out-call." With in-call, the guy visited an apartment maintained by the ring where he was charged \$200 an hour. Out-call was where the girl went to the guy's apartment but charged more, \$300 an hour. To make an appointment, the guy would call the dispatcher's number, or go on line and make his request for a blonde, redhead or brunette and leave a contact number. The dispatcher rounded up a girl and called the guy back to finalize the arrangements. Business for the L.A. ring had usually started in the early afternoon and gone to the early morning hours. The Commie Ho's call volume, connection with [www.Russianny.com](http://www.Russianny.com) and her history pointed to her concentrating her time on Russian mob prostitution in New York where she acted as a dispatcher, semen depository or both.

### You'll Lose a Good Thing

In order to dig up more information in Russia for my RICO case, I took a lesson from my annulment/divorce case and used a website. Boy that should annoy the defense lawyers! They'll shout and scream to the Chief Judge and call me this and that—tough. Nadya, my Krasnodar translator, went looking for a Russian website designer who also knew how to advertise. The site would be in Russian and aimed at people, mainly in Krasnodar, so I wanted a Russian from that area familiar with attracting attention to websites. Similar sites for Mexico and Cyprus were planned.

I sent Nadya a CD with the contents of the site. The introduction page stated:

**United States dollars for information concerning any of the people mentioned in the following diary of Alina Alexandrovna Shipilina (Chipilina) also known as "Angelina," a**

**runner up in the Miss Krasnodar Beauty Pageant of 1997. Miss Shipilina lives in Krasnodar, Russia and New York City.**

Click on [Nude Photographs](#) or [Masturbation Video](#) to identify Alina Alexandrovna “Angelina” Shipilina, a.k.a. Chipilina. Click on [Other Photographs](#) for more pictures of Angelina.

Click on [Diary](#) and [Newspaper Article](#) to read about the life style of this Russian prostitute.

Please contact [rdhhh@yahoo.com](mailto:rdhhh@yahoo.com) with any information or questions. Valuable information will be rewarded with dollars.

Following are the full names or additional information on some of the individuals and organizations talked about in Miss Shipilina’s 1999-2000 diary that may help the reader identify them. Information on anyone mentioned in the diary, not just those listed below, is being sought for a case in the U.S. Federal Court of the Southern District of New York and will be rewarded.

*U.S.A.*

Flash Dancers Topless Club  
Barry-Night Manager Flash Dancers  
Tatianna, former stripper at Flash Dancers in 2000  
Nikita, former stripper at Flash Dancers in 2000  
Marc L. Paulsen, California doctor

*Russia,  
Krasnodar*

Anastasia A. Vasilyeva  
Tatyanna Vasilyeva Fashion House  
Alexey Smolin  
Dmitri Morosov  
Inessa Alexandrovna Shipilina  
Olga Ponomarenka  
Katya Gerokaris  
Mariya (Masha) Alexandrovna Chebotkevich  
Enya, winner of Miss Charming and Russian Radio in March 2000 Miss Krasnodar Beauty pageant.  
Natasha, tall young with black hair who lives at 138 Rashpilevskaya Street.  
Lena, the poor nurse who prostituted herself with Angelina and Olga Ponomarenka.  
Nadya, who went to work in Cyprus with Angelina in December 1999.  
Inessa, a model at Vasilyeva Fashion House.  
Larissa, girl friend of Marios Athanasiou, manager of the Zygos and Tramps brothels in Cyprus.  
Volodya, sculptor in his late thirties, married.

Andrei, drove a white Mercedes in 2000.  
Mkrtchan, previously taught at the Krasnodar State Academy Physical Training, wife  
Tanya.  
Rey, pimped for Krasnodar models, including Angelina.  
Roma, client of Angelina for whom she wore a black wig in 2000.

#### *Moscow*

Natasha Gubina from Vidi Vinci Casting.  
Phodes Studio Co.  
Leonid Perlin, President Phodes Studio Co.  
Tanya, Phodes Studio Prostitute

#### *Other Russian Locations*

Vladimir Gavrilov of St. Petersburg  
Yulya Alyabyev in Kanevskaya  
Alexander Andreevich Rybakov, former police official in Grozny in the 1980s and early  
1990s, born July 25, 1952 in Mednogorsk, Russia.  
Aunt Sveta, owns house at 11/1 Skvoznaya, Yablonovskiye.

The only way Russians would respond to such a site was by offering U.S. currency. The defense attorneys would claim the information tainted because money exchanged hands, but I could overcome that with sworn affidavits or a precautionary instruction from the Chief Judge to the jury. After all, lawyers always pay private investigators for information and they pay sources, as does the Federal Government. Anyway, the information would most likely lead to more for which I could use the District Court's powers to obtain testimony and documents.

Nadya expressed some concern that the site might break the law. Law, there is no law in Russia, at least none that are enforced, not all that different from America. But some Russians still fear as they did when living under the Soviets. Under the Commies, such a site would violate the law because it told the truth, which was strictly forbidden. But apparently Nadya's concerns went deeper than she originally expressed. She emailed me to say, "Don't you think it's criminal to write such things about other people?" This was a strange remark coming from her since she knew the Commie Ho wrote the diary, sold the photographs and made the video for



money. All the site would do is tell the truth. Then I remembered my female Russian instructor in Moscow who refused to translate the Commie Ho's diary when I first copied it. She didn't want to invade the prostitute's privacy, and Cheryl, the Feminazi, refused to read it for the same reason. Two girls, like all girls, who would go out of their way to find incriminating evidence to batter a man, didn't want to see the truth about one of their own. Girls united against men. They will hide any secret, no matter how foul, justify any deed, no matter how harmful, so long as it puts a man in jeopardy or protects the truth about how girls really operate. The girls I had come across always tended to lie to men for each other, but was there really a genetic worldwide conspiracy reaching back into time to promote the illusion of females as "sugar and spice and everything nice"?

Nadya's remark was put out of my mind for she had dug up a lot of useful information in Krasnodar over the past three years while collecting a monthly stipend. Assuring her there was nothing criminal about the site, she eventually found a "pcman," who would set the site up and advertise it in Russia for \$700. A little steep I thought, especially for Russia where it amounted to half a year's income for the average household. But Nadya knew how to operate in Russia, and I trusted her.

A problem arose when the Internet host required blacking out certain parts of the Commie Ho's body, such as the close up of her massaging her snatch in the video clip. That struck me as strange because Russians not only allow people to murder and steal at will, well almost at will, they never let morality interfere with making a ruble or buck. But I didn't care, just as long as viewers who knew or previously came across the Commie Ho could identify her. Clearing that up took a couple of months.

Nadya finally emailed me the site's address, but clicking on it only brought up the window "Network Problems." Nadya assured me she'd get the pcman to fix it. Another month goes by. Nadya then tells me that the pcman subcontracted the work out, and she needed to complete some paper work, another month, another stipend. She eventually emails me a different site address, but again up pops "Network Problems." Okay, I finally catch on; my trusted agent in Krasnodar is either scamming me or has defected to the Commie Ho's side. After all, the Commie Ho can now pay more than me having made by then around 600 grand tax-free in four years. Nadya's monthly stipend ended, so much for pretty young Russian girls in their mid-twenties.

Nadya had first started working for me at twenty-one, and, like other early twenty something Russian babes, she always stuck to her work agreements, but by the mid-twenties these Russian girls transmute into thieves in the night and turncoats. Guess they figure they are running out of time. Nadya ripped me off for \$700, but she would have made more in her monthly wage by keeping her end of the bargain. Oh well, and I never even hit on her, although spent a lot of time gazing at her attributes. Just can't help looking more at a young girl's breasts than her face when talking to one. However, with older broads my eyes ignore them completely while conversing, which is as seldom as possible.

### Trouble In Paradise

Uncovering more information on the Commie Ho and her mob associates' web of revulsion for my RICO case continued to consume a lot of time, tolerance and appetite for boredom. The pursuit of justice carries a heavy dose of the meanness of reality that deters many from paying its price. But there's no way other than to pay that price to keep the fundamental problem with people from swamping the planet. No matter when, or where, it's always the

same. People with power, whether individually or as part of an institution, group or government, decide they will take what they don't deserve because they can. Naturally, they always justify in their own minds violating the rights of others with such lame excuses as some god or goddess told me to, it's the correct thing to do, we're superior, we know what's best and any other lunatic rationale humans can invent.

Look at the Bush Administration, it goes knocking on Iraq's door saying, "Listen up boys, this here's your lucky day. We're going to remove Saddam, then make you just like us. That's right, soon your children, 12 and younger, will have the opportunity to buy any addictive drug nature or modern chemistry can make; your daughters, sisters and wives can make big bucks in the soft-core and hard-core pornography industry—hey, a hundred grand a year is more than you'll see in a lifetime, and thanks to Billy Bob Clinton, the girls can give blowjobs while claiming, if their mouths aren't too full, that it's not sex; every house will have a TV with shows oozing sexual thrills, naked breasts at half-time and dirty innuendos for the kiddies to salivate over; however, ninety per cent of you guys will stay condemned to the worst and most dangerous jobs, but the females, just look at the Abu Ghraib prison photo album, will now run the show in order to make up for centuries of you boys sacrificing to protect and provide for them and their children; of course, you'll still have to die to protect the girls from foreign enemies, but now the girls will control your lives according to their whims—isn't that great; you guys will automatically become second and even third class citizens, but it's the correct thing to do—believe us; you'll even have a stock market and homes to invest in so as to build a nest egg for retirement that corporate executives, stockbrokers and financial analysts can steal without the government doing much of anything about it, other than give those wealthy crooks larger tax breaks and low interest loans that you'll have to make up by paying more tribute to our, we

mean, your government—isn't the American brand of freedom and democracy wonderful; true you wouldn't be able to believe what the media says because it uses fake documents and makes up stories, but that's no different than under Saddam, so the media's a wash." Somehow I don't think the Iraqis or anyone in the Middle East wants our democracy, freedoms and injustices.

If America came to my door with an offer like that, I'd pick up a gun too. Now that I think about it, America actually kicked down my door in the 1960s with a similar ultimatum. When I stepped out of high school, the draft said, "Come her boy!" so I went to college instead. But when I twice left college, the Selective Service was on me like a fury trying to add black ink with my blood to the financial statements of members of the military-industrial complex. Profits for the complex that Eisenhower warned against grew geometrically during the war as more and more blood of young American men—not girls, but men, washed the jungle floors of Vietnam. Corporate America and that butcher Lyndon B. Johnson, for whom more females voted than men, weren't going to vampire my blood for a buck. Anyone who did a little research knew the government lied; the real reasons for the war were profits and L.B.J.'s political career. L.B.J. didn't want to appear soft on communism because by his cold war mentality pulling out of Vietnam would hurt his chances of re-election in 1968. Boy was he wrong.

Twice I had to fight and beat the draft: the first time by going underground in California, then back to college; the second time a couple of sympathetic doctors, one whose son also carried the draft on his back, gave me the notes needed to escape the hamburger grinder for good. All an experience today's Feminazis can't even begin to imagine unless America's current wars bring back the draft. If that happens, all those broads who think they are as tough as men will start bawling and pleading that the draft shouldn't take them because they're girls. They'll begin the old whine, "But men start the wars," to which I always retorted, "Tell that to the guys

pushing up daisies in the Falkland Islands, the Seks butchered by Indira Gandhi, the Arabs killed in Golda Meir's 1967 War and those slaughtered during Queen Victoria's Boer War or because of Catherine the Great's lust for beachfront real estate on the Black Sea. No, when the draft comes knocking the next time, none of the traditional feminine wiles will work, not after all the changes in the law and culture they've wrought over the past forty years. The U.S. Supreme Court will reverse its decision allowing the Government to discriminate by drafting only men, and the Feminazis will finally know not just the benefits but also some of the real hell of manhood. I can't wait.

Despite the stupidity and waste of the Vietnam War, sometimes I regret not having gone. In the sixties, I didn't want to die a sucker, which my instinct told me would happen. But looking back, what was I saving myself for? Since then, I ended up falling sucker to one female scheme after another: taking care of the Nazi Ho in her old age, investing with an incompetent and corrupt stockbroker in league with other Wall Street crooks and corporate thieves, marrying a narcotics slipping Russian mob prostitute and falling prey to the Feminazis terror responsible for denying me good jobs that I wanted and invidiously discriminating against me in America's courts and government agencies. Had I'd gone to Vietnam, I would've avoided all the subsequent harms caused by those broads. But I didn't go, so now, as it turns out, I'm a bigger sucker than had I gotten my head blown off in the jungles of Southeast Asia. Better a life of promise cut short, than a life of promises never fulfilled.

Lots of Iraqi and Muslim men apparently feel a life cut short rather than years of U.S. feminism scams and discrimination is a price worth paying. After the end of 30 years of tyranny under Saddam Hussein, why should they risk a Feminazi tyranny like the U.S. has had for the past 30 years with its institutionalized discrimination, defamation and intimidation of men

in order to serve feminine malice? Muslim men aren't stupid. They understand American priorities as illustrated by the Attorney General of the United States boasting at a press conference about the successful prosecution of a twenty-year-old guy who posted nude photographs of his seventeen-year-old girl friend on the Internet. The girl was clearly a ho; otherwise, she wouldn't have allowed her boyfriend to snap the pictures. She also probably encouraged him to post the photographs, since hos always fantasize about strangers seeing them engaged in sex, naked or partly unclothed. If they didn't, they would not wear dresses so easy to look up or blouses so easy to look down.

The Attorney General seized the opportunity to pander to broads. Since the girl wasn't yet 18—why should one year make a difference—the Department of Justice called out its Feminazi storm troopers, expended valuable time and resources to destroy this guy's life by throwing him in jail for child pornography. As if the Justice Department didn't have better things to do, but that's the American way these days, and Muslim men know it. So they're not about to sit idly by while America creates a similar Middle Eastern Department where the wheels of justice run over mostly men for grievances hypocritically touted by broads. Muslim men don't want a democracy where females receive preferential treatment for the most desirable positions while they receive preferential treatment for the worst; where the system of justice and prosecutorial discretion rides the public relations bandwagon of demonizing men; and where fighting for your rights as a man means mockery, ostracism and poverty. No, the men in the Middle East and other Muslims are wise to fight and die against the modern American way. Better a dead hero than a live coward.

Muslim men have their own paradigm for organizing society, so who are the American and British one percenters and the Feminazis to make them think differently? If guys in the

Middle East want civil wars, let them. America had a civil war, so did England, why should Middle Eastern countries be any different? But the American and British rich don't want civil wars or ongoing guerrilla rebellions because it threatens their oil revenues and reconstruction profits. The Feminazis also want the Western domination of the Middle East so as to spread their self-exalting belief system that translates into money, power and status for females with a subservient population of men who cater to their whims and think the world of them. American men might enjoy living as hermaphrodites ruled by she-males, but the U.S. Feminazis aren't going to turn Muslim guys into girlie-men.

The guerillas in the Middle East know the consequences of allowing the U.S. collective to turn their country into an economic colony, so to prevent it, they're killing Westerners and those who work for the West. The corporate rich, through the Federal Government, media and academia, self-righteously denounce the guerillas as brutal, evil, barbarian terrorists. But are they? Who invaded whom?

If during the Cold War, Commies from the Soviet Union came marching down my street in suburbia, I'd start shooting too. After all, what right did the Commies have to enter my neighborhood? Sure the town's female Mayor was a Nazi, but after they removed her, they should have left. As far as disputes among neighbors on the block, we'd deal with that in our own fashion. We wouldn't need some Commies telling us what to do. Same applies to the Israeli-Palestinian conflict. If while living in New Jersey, I awoke one morning to find a bunch of guys with long beards camped in my back yard, dancing around singing like Zero Mostel, I'd call the police to kick them off my property. If the cops refused because the police chief had cut a deal with the squatters, I'd throw them off myself. I wouldn't give a damn what some book

their ancestors allegedly wrote 2000 years ago said, off they go, with force if necessary. But jingoism, even the American kind, always fails to give the view from the other side.

When people lose their land, have authoritarian governments imposed and their belief systems violated by nations with powerful militaries what are they expected to do? Roll over like a dog, or fight back with any means they have against any targets available to them. Sure the rebels, guerillas and terrorists in the Middle East use personal means to injure and kill others, many of whom are noncombatants, but that's because they don't have the helicopters, tanks and fighter jets that the U.S. and Israel use for killing and injuring their opponents, many of whom are also civilians; oh, excuse me, "collateral damage." If the U.S. gave the Palestinians apache helicopters, tanks and fighter jets, the Palestinians won't use their children as waking bombs or blow up Israeli citizens, they'd go after Israeli government officials, the military and the nation's infrastructure—just like the U.S. does in war. What do the Americans and Israelis think? That a Palestinian girl with no hope for her future children is going to walk up to an Israeli tank made in America and blow herself up. So she dents the tank, and it needs a new paint job, big deal. No, she's going to try to spill as much blood from those on the other side as the latest Apache helicopter rocket attack did in her refugee camp. Same thing throughout the Middle East, only now America is now wearing Israeli boots.

Perhaps I am not completely alien from those victimized in the Middle East by the American rich and the U.S. Government. Both threatened my liberty, interfered with my pursuit of happiness, stood idly by while gangsters threatened me and denied me justice all because an accident of nature made me a man born into a society that turned into a feminarchy. Every day slaps me in the face with the realization that I live in a society controlled by a few, the rich, that benefit from having many, the Feminazis, discriminate against men like me. In this American



society, my rights are repeatedly violated because of who I am. It's not so much different for Muslims fighting against America for their land and way of life, only they generally end up dead. But, depending on the point view, there are some things so dear, some things so precious and some things so eternally true that they are worth dying for.

No, I'm not about to convert to some religion that prevents pretty young girls from flaunting their delicious curves, but I would provide America's Islamic opponents, not the Chechens however, legal services and be a better mouthpiece then those guys hiding in caves. Now that would be an interesting battle in this jingoistic environment. But I am stuck in this story of my anti-Feminist crusade, whose end is my reckoning.

## **Stupid Frigging Fool**

By Roy Den Hollander

### Part 7

#### Back On The Chain Gang

“Hello,” I said answering the telephone.

“Mr. Den Hollander, this is Bruce Claugus. I’m representing the Bank of Cyprus.”

“What can I do for you?” I courteously and insincerely replied.

Pompously Claugus said, “We just received your RICO Complaint last Friday and would like you to stop by our offices either today or tomorrow to discuss it.”

Gee, how nice of this puffed-up attorney to give me a choice of today or Wednesday. The really bizarre part, however, was asking me to stop by his office. The case was still in the motion to dismiss stage, and none of the defendants were about to consider settlement until at least discovery. So there was nothing to discuss. A face-to-face meeting made no sense unless he wanted to psychologically maximize the impact of some less than subtle threat. Then again, maybe this wasn’t a lawyer at all, but someone wanting to catch me at a particular time and place. Whatever the purpose, it surely wouldn’t benefit me.

So I asked him, “Why?”

“We conducted an investigation into your allegations and found them groundless.” Next to “frivolous” and “baseless,” “groundless” is another most favored word of defense attorneys whose clients are guilty. Once again, I hit my record button.

“Okay, you’ve told me, so why do you want to meet?” Another question went through my mind that I didn’t bother asking. If these lawyers received the Complaint on Friday but today was Tuesday, March 30, 2004, how could they conduct an investigation in such a short time and

over the weekend no less? No, he lied; he was trying to get me into a situation where he and another attorney or two would lean on me, and, if I didn't break, they'd simply lie to the court about what I said. Since I was both the plaintiff and my own attorney, anything I said the defense lawyers could try to use against me in court as a party opponent admission. And in a meeting with two or three other lawyers, the court would believe them as opposed to just me.

Claugus answered, "Since we were unable to find any evidence of your allegations that means you're barking up the wrong tree." Oh brother, does this guy really expect me to believe that if they found evidence of their client laundering money for the Russian mafia, they would tell me? No, they'd tell me just what he's saying in this lame authoritarian attempt to psychologically undercut my resolve.

Claugus then segued into a phony sympathetic and confidential tone, "It seems to me the nub of your complaint. Let me close my door here, hold on." I liked that touch: just us two guys talking. "You know it seems to me the nub of your complaint is that you married badly and then had trouble getting rid of this woman. Same thing happened to me. But I didn't blame my banker or her banker." Was this supposed to make me believe we were brothers in harm? I didn't respond, just let him talk as I learned in the media decades earlier when doing undercover stories: let them ramble on, they may put their feet in their mouths and it makes for a clearer sound track.

"We had absolutely nothing to do with this!" Back to sounding authoritative while repeating the same tired cliché that defense lawyers always say about their clients, as though anyone believes them. "So we're given the choice of either persuading you to drop us from the Complaint or defend the thing. We're prepared to do either." Naturally they are, since either

serves their interests: impressing the client if I let them go or making money, but why bother telling me what I already knew?

So I responded, “Well then defend it because I’m not going to drop the Bank of Cyprus as a defendant in the Complaint. I can tell you that right now.”

“Alright, we’re going to proceed to defend, to defend vigorously, and we expect to be fully exonerated.” Another hackneyed lawyer expression. Claugus then switched to the typical lawyer threat for scaring people off of their rights, “and when we do that, we are also going to move for sanctions. This is utterly and completely ridiculous. I’ve practice for 28 years, never seen a complaint as preposterous as the one that you brought, at least as to my client. I don’t know about any of these other things and allegations that you make. But the Bank of Cyprus is completely in the clear. And the information we already have indicates that. And if you are not prepared to listen to us and respond responsibly, then we’re going to take whatever steps we have to in order to get ourselves exonerated and make ourselves whole for whatever it is we have to spend to deal with this complaint. Are we clear!!”

Now that last sentence was a combative remark deserving a two-knuckle punch to the bridge of his nose, but I was on the telephone and this pretentious lawyer only bored me. So, I matter-of-factly responded, “Are you threatening me?”

“No I’m not threatening you!”

“Ohhhh yes you are.”

“I’m explaining to you.” Lawyers always say that after they’ve threatened someone who wouldn’t do what they want.

Still matter-of-factly I replied, “No, you’re trying to intimidate me, and you’re trying to coerce me. Now I told you in the beginning, I am not going to drop the Bank of Cyprus from

this Complaint. If you would like some productive information and are interested in what is going on currently in this case, I can give you the name for the lead attorney for the defendants, which I will do as a courtesy to you. If you are interested?" If John Madison-Pierre and the F.B.I. can sarcastically use the word "courtesy," so can I.

"What I want to know most, is how it is you specifically think the Bank of Cyprus is implicated in anyway?" Claugus knew better than to ask a question like that of an opposing attorney. It's such an obvious sophomoric trick to get the other side to admit something that will certainly be twisted out of context. But this guy actually believed I would try to convince him of the merits of my allegations against his client. There's no way that a lawyer collecting high fees would ever be convinced that the sun rises in the east, if his client's case depended on it rising in the west.

"Well, that's a deposition question, now isn't it?" I answered. Silence, which I chose to break. "I've given my answer to your efforts of what I consider are meant to intimidate or threaten me."

"I'm not trying to intimidate or threaten you. My client based on the investigation that we have done had nothing to do with any of this. We're going to defend."

"I expected that."

The sparring over, Claugus asked for the name to the lead defense attorney, which he should have requested in the beginning and saved us both the unnecessary sand throwing.

So now there were seven lawyers for the defense with whom to fight: three from small law firms, one from the City and three sole practitioners. Seven guys who in the proud tradition of the law as it really works, not as portrayed on television, believe winning is everything.

Of all the defendants served up to this point; that is, the ones whom I could identify and find addresses for in America, Russia and Cyprus; only Flash Dancers, Cybertech Internet Strip Club, Mundy, Petrovich, the Commie Ho, Paulsen, Henning and the Bank of Cyprus hired attorneys.

The Mexican defendants had not yet been brought into the case. My Spanish translator needed more time than she originally believed to work on the Complaint, so it delayed serving the bloated drug-trafficker Alfredo who spent a weekend in Italy with my then wife of two and a half months, the assorted white slavers: the Julia Heart Agency, now called Malbros, and its former manager Maria Serrato, both of which recruited hos; the strip joint The Men's Club, which hires the hos; Salvador, Leo's partner for funneling Russian sluts into Mexico; Max Garcia Appedole, who bribes Mexican officials to provide the whores work visas. But it didn't matter because in federal courts there's no deadline for serving foreign defendants.

By the end of March, the Spanish version of the Complaint was ready to go. The Mexican government, which considers America the dumping ground for those citizens it can't take care of due to chronic corruption, actually requires stricter procedures for service than other countries, such as those in civilized Europe. Guess Mexican officials need to assuage their suspicion that we Americans might lie about legal proceedings in our courts. The south of the border pillars of truth and justice required the clerk of the U.S. District Court to sign in pen, not with a stamp signature, all the summonses. The signed summonses then went to the United States Department of Justice so that the Attorney General could sign a document, in pen, saying the signature of the U.S. District Court's clerk was really the clerk's. The Department of Justice sent the documents back to me, and I forward them onto the United States Department of State so that it could confirm the signature of the U.S. Attorney General with a document signed in

pen. Finally, the documents were mailed to the Mexican government agency that serves foreign court papers on its citizens.

Mexico really wasn't concerned with American veracity. It imposed all those medieval requirements in order to make it very difficult or impossible to sue members of a corrupt banana republic's criminal elite whose government encourages its poorer citizens, already fleeced, to move across the border to violate American law and burden the American infrastructure for which the U.S. middle class—as long as it lasts—pays.

The American Government, allied with the criminal officials in the Mexican government, do nothing about the influx of illegal aliens because the Republicans want cheap labor and the Democrats cheap votes. Eventually, there will only be the rich and the poor in the United States of Mexico. Injustice is the nature of human society. Those that run a society, in America the one percenters and in Mexico the crooked government elite, do whatever increases and protects their wealth and power. If history has taught anything, those that run a society care nothing for its other members—not unlike the feminine perspective.

April Fools' Day brought the much-delayed response to the RICO suit from Cybertech Internet Strip Club's attorney. Ten months after Cybertech first received the Complaint by mail, eight months after official service and three months after my default motion prodded Cybertech's attorney to make an official appearance on behalf of his client by sending the Court a letter, the lawyer finally tells the Court that Cybertech joins with the other American defendants in their joint motion to dismiss. Why so much time, especially after dropping his false claim that the Complaint was never properly served on Cybertech? The attorney obviously didn't want to do much work, and didn't, as his second letter to the Court showed by its absence of any legal citations, meaning he didn't even look up the law. Perhaps such sloth resulted from

what he told the Court caused his delay: “dealing with other pressing matters.” What could those have been? Maybe screening the new talent recruited by Cybertech’s V.I.P. Escorts, [www.vipescortsinc.com](http://www.vipescortsinc.com). Still, why did the Court put up with such delays? That’s not what law school or Cravath had taught me, but, maybe, times have changed since the 1980s to the feminine way of doing business.

True to form for attorneys representing purveyors of porn and escorts, Cybertech’s lawyer made a couple of derisive remarks in his letter by declaring that I sued Cybertech “with no small degree of absurdity” and engaged in “fanciful conspiracy theories.” He also rolled out the deceit maneuver in which he fired-off a couple of lies that I countered.

The first falsehood used one of the favorite tactics of the lead defense lawyer, Dubin: simply claim I didn’t say something when I did. Cybertech’s attorney declared the only allegations of wrongdoing against his client were RICO violations. The RICO statute specifies certain crimes as violations of the act, but mafia organizations usually engage in other crimes as well, and scholars of the law advise including those crimes when filing a RICO complaint, which I did. For Cybertech the non-RICO crimes included promoting prostitution. The evidence for which included detailed color copies from Cybertech’s website, [www.stripclubescorts.com](http://www.stripclubescorts.com), showing plenty of spread legs and naked breasts of the hos available for rent “worldwide.” Also included was a copy of the form for booking a whore. The form asserted V.I.P. sluts come “discreetly dressed or as requested in accordance with your chosen venue or function” and “many of our ladies like to work duos, so please [Click Here](#)”—I guess that meant top and links. Cybertech’s call girl website also provided hookers willing to travel to exotic places anywhere on the globe for a sufficient number of Benjamin Franklins. Other non-RICO crimes were



Cybertech employing girls not lawfully admitted to work in the U.S., violating federal and state tax laws and conspiring to violate federal and state laws.

The attorney's second and more blatant lie came in declaring "I would like to stress to this Court that Cybertech has no employment relationship with any of the other defendants...." To which I responded, "If that were true, then why was Cybertech listed as the host of Flash Dancers web site, [www.flashdancersnyc.com](http://www.flashdancersnyc.com). Sounds like an 'employment relationship' to me." For good measure to show the interconnection of Flash Dancers and Cybertech, I threw in a page reached through the Flash Dancers website of Cybertech's Showgirls fully naked, with spread legs and manipulating themselves and each other. That ought to attract the Court's attention. For a while, I even tried searching the Cybertech sites for the Commie Ho, but all those naked girls dancing in my head was too much stimulation for me.

In order to support his lies, Cybertech's lawyer pompously asked the Court to trust what he said. To which I replied, "That is a unique basis for deciding a motion to dismiss: if the defendant's attorney says in a letter that his client did not do the acts alleged, then the complaint should be dismissed. Such a rule would have the benefit of quickly clearing a court's docket, but the impact on justice would be pretty dismal."

Cybertech's lawyer never responded to the evidence that showed him a chronic liar. Attorneys always try to get away with ignoring that which shows them up as liars and their clients as scoundrels.

All the factual claims by the defense lawyers, including Cybertech's, that kept popping up at this stage of the case never should have because in the beginning of a lawsuit in 2004, federal courts were only concerned with whether a complaint painted a picture of harm that the law could rectify. In order to determine that, the Court was suppose to assume that what a

complaint said was true and decide whether the law reached that situation. Determining the factual truth based on admissible; that is believable evidence, comes later. For instance, I didn't include the Commie Ho's diary, investigator reports, affidavits or other documents showing some of the defendants' RICO crimes because under the Federal Rules of Civil Procedure complaints only make allegations; they do not present evidence that supports the allegations. Much of the evidence for proving the allegations is gathered later during discovery, which gives both sides special powers to find evidence that a person couldn't find without those powers. But when dealing with bureaucrats interested in expediency, that's not always the case, so the defense lawyers, as did the 911 terrorists, played upon this bureaucratic plague of sloth by attempting to have the Court try the case before discovery even began.

People often forget that there's nothing special about judges. They're bureaucrats like all the rest of government employees. Many are lazy, incompetent and uncaring, as were those in the INS, F.B.I. and C.I.A. who failed to do their duty before 911. They just didn't give a damn how many people ended up dead or harmed, so long as they didn't have to interrupt their eight hour lunch breaks. For many bureaucrats, their convenience comes first, which means even in federal courts some judges are driven by expediency rather than justice, reciting not the mantra "equal justice under the law" but "how can I make it easier on myself." Other judges, however, still follow the call of trying to deliver justice to all, even those classified as members of one of society's disfavored groups at a particular point in history, such as heterosexual, middle-aged men with little money in current-day America.

The defense attorneys' strategy relied on the judge falling into the category of just another bureaucrat, so they tried to exploit present day societal biases against men in an effort to get the Court to dismiss the case. My strategy was to point out what the defense attorneys were

doing so that the Chief Judge would be prodded into remembering what he learned in law school and make a decision based on the law and not politics.

### You Cheated, You Lied

By mid-May, the attorneys for defendants Flash Dancers, Cybertech, Mundy, Petrovich, the Commie Ho, Paulsen and Henning finally filed their joint reply. The lead attorney for the defendants, Dubin, originally had requested in January a “short extension of time” that ended up lasting three and a half months. He needed the time to draft the defendants’ 88-page reply memorandum of law, or more accurately lies, half-truths and prevarications, which ran 22 pages longer than his prior year’s collection of misleading statements in the defense’s initial joint memorandum for dismissal. Once again, Dubin included lots of exhibits that didn’t belong in a motion to dismiss reply. Back in January, he had claimed the reply memorandum would be shorter than the first, but I never believed him, so that lie didn’t count.

The procedure and different papers in this case can get confusing, so here’s a summary. The defendants living in America whom I could identify hired lawyers, except the Vasilyevas. The defense lawyers appeared in Court to tell the Chief Judge they were moving to dismiss; that is, throw my RICO case out of court. Dubin, the lawyer for Mundy and Petrovich, acted as the lead counsel for the defendants in America who had lawyers. Dubin drew up the initial memorandum of law to dismiss, 66-pages and plenty of exhibits, in which the other American defendants with lawyers joined. That memorandum was filed in September 2003. Detective Henning’s attorney, Vikrant Pawar, from the City’s Corporation Counsel Office also filed a short memorandum and affidavit in addition to signing onto the joint memorandum for dismissal. The Vasilyevas didn’t bother to hire an attorney, nor make a motion to dismiss nor sign onto the joint memorandum. In December 2003, I filed my memorandum to oppose a dismissal, 147-pages

with a handful of exhibits, which refuted the joint memorandum and Pawar's papers. In mid-May 2004, Dubin filed the 88-page reply memorandum to which the other American defendants with lawyers had joined. The Vasilyevas' continued to do nothing.

The Federal Rules of Civil Procedure didn't permit me to file a response to the 88-page tome, so naturally Dubin lied like there was no tomorrow because there wasn't. The only way I could counter his falsehoods and omissions was in oral argument before the Court, which I had requested, but to avoid work, especially in civil RICO cases, the U.S. District Court for the Southern District of N.Y. usually doesn't allow oral arguments. So it was a worthwhile gamble for Dubin to fib, and fib he did, more so than in the initial joint memorandum supporting a motion to dismiss.

Beginning to suspect Dubin was Russian, I did a little checking. He comes from a family of Jews with ancestors in Eastern Europe and Russia—I knew it! But for a Jew, he didn't seem too bright, since he often repeated the same lies and vilifications over and over by rote. Then again, repetition often sways those who lack the capacity for critical thinking or are pressed for time; that is, government bureaucrats.

Dubin's reply rant was a calculated scheme to deceive the District Court and play on its institutionalized biases. His reply resorted to just about every lawyerly trick used in today's litigation of personal destruction: misrepresentations, mischaracterizations, prevarications, half-truths, misleading statements, smears, edited quotes, taking a quote that applies to one topic and using it for another, using quotes out of context and the trademark of most lawyers—dissembling. Legions of attorneys resort to such methods because it's easier to just make up the facts and the law while demonizing their opponent. Such lawyers figure: let the other side spend the time correcting their falsehoods and character assassinations because a court wouldn't. Such

attorneys also understand all too clearly the special difficulty in countering those lies aimed at manipulating a judge's emotions by painting their opponents as psychologically unfit or socially unacceptable. The strategy of lies and personal attacks often works against individuals because many judges' carry a disdain for the common man and believe the rights of corporations and law firms are more important than the individuals on whom such organizations step.

The defense's reply strategy relied on a trinity of falsehoods: what the lead lawyer said I said but didn't, what he said the law says but doesn't, and what he said are facts but aren't. All the other lawyers for the defendants in America agreed to these tactics as part of their two-prong strategy to have my case dismissed.

The first prong aimed at assassinating my character that even took a concept from the Spanish Inquisition by trumping up charges to which they proclaimed me guilty because I did not first prove my innocence in my Complaint or memorandum of law. That's not the function of a complaint or the papers in a motion to dismiss, not to mention a judicial proceeding in a non-feudal country. Judges aren't supposed to put up with either side trying to win by calling its opponent names or impugning a party's character, but that didn't stop the defense lawyers from trying. There was no way for me to stop them with a lawsuit because no matter how false their harangues, slander and libel are allowed in judicial proceedings.

Dubin's personal attacks declared my motivations improper, as if he knew what they were, and as if they matter under the law, which they didn't—something he even admitted. Dubin claimed I brought the RICO suit "to re-live the consequences of my marriage and divorce to Shipilina." What? Was he nuts? No man would ever want to relive that experience. He maligned that I was "unable to let go." Oh yeah, who kicked whom out of whose apartment? Dubin even ridiculed me for a "fascination" with my "wife's infidelities"—the correct word was

revulsion. He also claimed I wanted to “harass” and “punish” the Commie Ho and her fellow defendants: harass maybe, justice definitely, and retribution for the harm caused me by her, her mafia associates and collaborators.

So why did this attorney bother emphasizing my so-called motivations in the beginning of the joint reply memorandum if he knew they didn’t matter under the law? To tell the District Court that political-correct society, read Feminazis, considers me a modern-day pariah, read angry white male, for whom the politically correct will not accept the Court enforcing my rights because the active ingredient in the harm caused me was a slut, read woman fully experiencing her emotions, so the Court had better find a legal way to deep-six my case. The character assassination was simply intended to shut down the legal argument and marginalize me, so the lead defense attorney didn’t have to argue, nor the Court consider, the merits.

The second prong of the attack, which also provided a basis for vilifying me, consisted of information that the lawyer claimed as true but was really false or misleading in order to convince the Court that my Complaint was a “delusional” tale told by a liar. For instance, the attorney wrote concerning his phony facts that “Each and every fact has either been acknowledged by the plaintiff or confirmed by documentary evidence.” Under the law, “acknowledge” means a person admits, affirms, declares, testifies or avows that something said by another is true. I never did that concerning the so-called facts this lawyer used in his memorandum. And even if I did, under the Federal Rules of Civil Procedure a judge shouldn’t engage in resolving disputes over facts or considering evidence until later on in the case after the necessary steps are taken to make sure both sides’ statements and documents aren’t fabricated. Dubin gamed the procedure; otherwise, he never could have gotten most of his disinformation before the Chief Judge, which was crucial in carrying out the defendants’ strategy to paint me as

a liar and a pariah in order to give the Chief Judge a socially acceptable excuse to throw the case out.

The alleged “documentary evidence” the defense lawyer submitted consisted of 47 separate documents, which he disguised as 30 exhibits to make the number appear less. The lawyer lied that because “the plaintiff had possession and full knowledge of each and every document” the Court could consider them in deciding the motion to dismiss. That’s not the law, even assuming I did have full knowledge and possession of each document. The only matters a Federal court can consider in deciding a motion to dismiss are the allegations in a complaint, documents incorporated by reference into a complaint, matters of which judicial notice may be taken, and documents relied on by the plaintiff in drafting a complaint. Only eight of the 47 defense documents were used in drafting my Complaint, none of the others were referred to in the Complaint, and none of the 47 could the Court take judicial notice of. In my response, I told the Court I had relied on other sources other than the eight included in the 47, such as “Shipilina’s diary of over one hundred pages. Gee whiz, the defense lawyers didn’t include the diary in their voluminous exhibits. I guess it doesn’t support their so-called facts and false inferences.”

Among the defense’s “documentary evidence,” for which I moved to exclude, were letters I sent to the Commie Ho before our marriage. Dubin obviously submitted them, in part, to embarrass me, an often tried and often successful tactic to cause a plaintiff so much emotional stress that he will abandon his rights. It didn’t work. These days I’m beyond embarrassment but not hate. Even though some of my sappy romantic remarks in those letters made me want to throw up. The defense lawyer also used the letters to try to impeach my credibility, which was again improper for a motion to dismiss, but okay for a deposition or trial, which come later in the

process. Dubin claimed the letters showed that the Commie Ho, her Moscow pimp Leo and her criminal mother didn't trick me into bringing the Ho to America because I pursued her and knew the Commie Ho's "profession" before marrying her. He used the word "profession" to create the false impression for the Court that I knew she was a prostitute and member of the Russian mob and added that knowing such; I tried to find her work. Right, I'm going to drum up Johns for my future wife; I don't think so. But the lawyer's mind set, meaning he would probably do that for his girlfriend, his lie was a natural result of his values.

The only part of the Commie Ho's profession I knew about before the marriage was the lap dancing, which I learned of in November 1999 after a call about her arrest in Mexico on immigration violations, and I did help her find a job at Flash Dancers believing, like an idiot, it would be temporary until she saved the nest egg she wanted of 50 grand. So, I'm a dope. The defense lawyer knew all that from the Complaint, but that didn't stop him from twisting the letters I had written when I believed she worked only as a model and go-go girl with clothes, although not many clothes, in order to mislead the Court into believing I aided her work as a prostitute and Russian mafia member. Many lawyers never care about the truth or what anyone actually says, so they just make it up assuming the Court will be too busy to straighten out their misrepresentations.

Most of the defense's documents weren't even authenticated, which means a statement by someone in a position to know whether a document is real or a fabrication as with the documents CBS *60 Minutes* boss Betsy West used against President Bush concerning his National Guard Service. West was the same bimbo who ignored my story about the truth of Russian sluts coming to America voluntarily to ho for dollars.



One of the defense's phony documents was an alleged contract between the Commie Ho and me that was clearly pulled from a book of legal forms. Dubin argued the document proved me a fellow traveler in crime by acting as the Ho's agent, implying pimp, even though it had no signatures, no references to prostitution or the Russian mob. Anyone can type up a copy of a form without signatures and claim it's an agreement. Any judge not driven by or scared of the political correctionalist agenda would throw such exhibits in the garbage because they lacked any indication of genuineness.

Taking this opportunity to return a few insults in my motion to exclude the documents, I told the Court, "the defense attorneys were beginning to behave like pro se defendants, and perhaps the special rules accorded non-attorney pro se parties should apply to them. They improperly submit extraneous exhibits on a motion to dismiss and don't even bother to take the time and effort to authenticate them. Then after I make an objection, they still don't do all that is required to authenticate these extraneous exhibits. Rather, they invent an excuse for their failure by claiming some of the exhibits don't need authentication because they are provided as a 'courtesy to this Court.' That's a slick rationale for the whispering of untrustworthy evidence into the Court's ears. By that inquisition-like reasoning, the defendants could fake any document, give it to the Court and the court should believe it because lawyers say it's legit—I don't think so."

An even slicker argument for getting the Court to consider these unauthenticated exhibits depicted me as the heavy for "seek[ing] to have this Court ignore admissible information." By "admissible information" the defense lawyer meant "evidence," but it's not the Court's function on a motion to dismiss to weigh the evidence that might be presented in a summary judgment motion or at trial. Telling this to the Court, "I just don't understand why the defense attorneys

blatantly ignore the Federal Rules of Civil Procedure, unless they are trying to slip something by. And they are. They want the Court to ignore the due process concerns built into the rules and try the case here and now.”

The exhibits even included what the defense maintained were English translations of Russian documents supporting their position, but they didn't bother to include copies of the Russian documents from which the translations were purportedly made. Despite this, they argued that because I didn't say in my motion the documents were inaccurate or not translated properly, they were, therefore, correct translations and authentic. To which I responded, “Where in the law did the defendants find this Joseph Heller Catch-22? If a party doesn't claim the English translations of foreign records are inaccurate, then they are accurate, even though there are no copies of the foreign language records for a party to compare to the alleged English translations. Give me a break, except for a handwritten document in Russian, which is unlikely a public record unless the Russians have run out of typewriters, there are no copies of the original Russian official records from which the English translations purportedly came.” That didn't stop the lead lawyer. Dubin argued that the Russian version, even though absent, serves as the evidence, and, therefore, the English translation does not require authentication. Interesting argument, lawyers could create any document in English that said whatever they wanted and have a court consider it as truthful by simply claiming it accurately represented the translation of a foreign document for which the lawyers couldn't provide a copy of to a court. Clearly an Orwellian argument.

The lead attorney, however, did include the Russian language papers from the Krasnodar criminal defamation case against the Commie Ho's mother but no translation into English. Probably slipped his mind, or more likely to cover his lie to the Court that the papers represented

a civil suit brought by me in an attempt to harass the Commie Ho's mother. My motion to exclude the exhibits pointed out "The defamation case referred to was not a civil defamation case, but a criminal indictment of Inessa Shipilina brought by the city prosecutor of Krasnodar—big difference!" But what did the defense lawyers care, since their aim was to discredit me before a judge who might not want to deal with a civil RICO case anyway. Some judges just go along with one sides lies in order to get rid of a case they don't like—bureaucrats serving that most important of interests: their own.

Another trick Dubin often used switched around the sequence of events in order to depict me as assuming the risk of what happen. For example, he claimed I learned about the Commie Ho secretly feeding me drugs and that she was a prostitute before the wedding but went ahead and married her anyway. I maybe dumb, but not that dumb. As my Complaint clearly stated, that knowledge of the Ho's actions didn't come until months after the wedding and after reading her diary, which I found in her bags. The lawyer also mixed up the allegations in my Complaint so as to rewrite it to the defense's advantage, which once again is not allowed on a motion to dismiss. In one instance, the defense attorney twisted my Complaint as asserting the Commie Ho fed me drugs while she was in Mexico and I in Moscow. How did she do that? By emailing me meals. She only fed me lies during that time. Dubin also lied that after I learned of the Commie Ho's adultery and went back to New York in June 2000, I then contacted her "in the hope that she would return." In order to reach that deception, he turned a "goodbye letter," the one I sent from England, into a "come back letter." This lawyer also had the nerve to criticize me for trying to save my marriage by demanding the Commie Ho obey her marriage vows when she was in America. Duh, isn't that the reason for marriage vows?

On it went with the defense's joint memorandum changing dates, mischaracterizing the Complaint and simply lying:

My investigation in Krasnodar to find evidence for the annulment/divorce case became a "fascination" with the Commie Ho's affairs and an "effort to punish her." Guess as a man, I not only had no right to make accusations against my wife in an annulment/divorce case, but no right to dig up evidence to prove those accusations.

The Commie Ho declining to press charges when she went to the police in December 2000 to report attempted extortion by me turned into "merely," another favorite word of attorneys, creating a record because I had abused the legal system by filing a lot of suits. At that time, I had filed no lawsuits.

By not denying the accusations in Dubin's initial motion to dismiss memorandum meant I had admitted them, which included harassing the defendants. Baloney, the law doesn't require a plaintiff to deny a defendant's accusations until the defendant serves an answer with counterclaims, which the defense lawyers had not done, and the use of the legal system to sue others for violating a person's rights is not harassment—it's the very reason the judicial system exists.

Dubin even claimed I never received any threatening telephone calls when his client Mundy had tapes of two of them, thanks to the state court motion to reform the divorce settlement, and declared that I never accused Mundy and Petrovich of instigating them when I had. Dubin argued that because the F.B.I. didn't arrest the guy making the threatening calls, they never happened. Well, the F.B.I. didn't arrest in time the 20<sup>th</sup> 911 hijacker taking flight lessons in the Midwest either. Maybe the F.B.I. will make an arrest of John Pierre-Madison when I end up dead, although I doubt it.

Dubin naturally ridiculed me as mentally unstable for seeking help from a psychiatrist to deal with the hell the Commie Ho, Mundy and the New York State courts had put me through. The New York State Bar Association encourages lawyers to seek medical assistance during troubled times, but if they do, it's a certainty that other lawyers and judges will use it against them. No more shrinks for me.

The defense lawyer intentionally mixed up Silpe's July 2001 sell out of me in the annulment/divorce case with the November 2001 settlement by saying the sell-out was no such thing because it came in November after a long period of time and an extensive written agreement that I approved.

Dubin also resorted to the sarcasm used by a few of the other attorneys in the case who depicted me as claiming the RICO action spanned the globe. Not true, I said the Russian mafia spanned the globe, and this suit involved only a part of that organization's activities in five countries on two continents.

Dubin also lied that the Complaint's only references to Mundy and Petrovich were for representing the Commie Ho in the annulment/divorce action and immigration matters when paragraph after paragraph cites them for coercion, bribery, intimidation, obtaining visas for Russian prostitutes, suborning perjury, mail and wire fraud and money laundering.

Dubin didn't confuse the Complaint's allegations; he intentionally misrepresented them and repeated his lies more than once betting that the Chief Judge would not spend the time necessary to see through his falsehoods, omissions, switching the chronology of events and the false impressions the joint memorandum created. That's why he filed so many documents, to scare the Chief Judge off from making the effort to understand the allegations against the defendants and the chain of events.

One lie by the lead counsel, however, made me smile. He declared it was I who was the mafioso. If the people with whom I used to work in the news media could hear that, they'd have a good laugh. Whatever reputation my time in the newsroom created, it wasn't that of a mafia sycophant.

In the seventies and early eighties when I worked in the media, New York City's mobsters consisted mainly of Italians, Irish and Jews operating as "families" with "made members" and those not officially on the inside, but close, called "good friends." Not too many folks were "made members," and I only met one in my news career, a cousin of Joey Gallo. But lots of politicians, public officials, union officers, slumlords, nursing home operators, law firms, newsmen, contractors, methadone and medical clinic managers and businessmen did and received favors from the made mobsters and were accorded the title "good friends." The mobsters and their good friends made up a shadow government of influence peddling that favored certain business operators and politicians. Corruption weaved throughout the City and at the heart were the mob bosses' power over unions, certain industries and violence that they brokered through guys like Roy Cohn and Bill Shea, as in the former Queens stadium. Power brokers such as Cohn and Shea cut the deals that enriched those on the inside with the money from those on the out, the average taxpayer. I hated these guys, didn't know why, just did and still do.

On one undercover story, I ended up sitting in Roy Cohn's town house on the Eastside with him and two other guys working out the details of a Studio 54 fundraising event for the newly elected Surrogate judge, a "good friend" of Cohn's, the Gambino and Mangano families.

In New York City, the Surrogate judge determines which lawyers received the millions of dollars each year the judge parcels out in lawyer fees. When a person in the City dies, the

individual's estate goes before the Surrogate judge, who, depending on the situation, can appoint the judge's lawyer friends to protect the interests of one or more heirs to the estate. The appointed lawyers, however, generally protect no one's interest but their own by padding their fees and sometimes just looting the estate, which the Surrogate usually approved.

The fundraiser we were planning, which was Cohn and the judge's idea, gave lawyers the opportunity to buy a piece of the action from the Surrogate Court by effectively bribing the judge with ticket purchases. The money raised by the fundraiser, after paying off campaign debts, would go right into the judge's pockets. Even some of the campaign debt payments would go into the judge's pockets because they were falsely listed as coming from fronts set up by other "good friends." These fronts never lent the campaign any money or provided services, so by paying them off with the fundraising proceeds simply channeled money to the judge.

Cohn originally wanted Bill Shea to help him push the tickets, but Shea thought it a little too obvious a bribe scheme. Shea preferred secret bank accounts and exchanges of envelopes with cash. After talking on the telephone with Shea, Cohn remarked, "I just can't deal with all this negativity. Bill will buy a couple of tables but won't help sell the tickets. We'll have to do that ourselves."

Since joining the judge's campaign as assistant manager, I had kept Joe Conason, a reporter at the Village Voice, informed on the various shenanigans of the campaign. After telling him about the bribery-fundraiser scheme on which he did an article, the New York State Commission on Judicial Conduct started an investigation. The fundraising efforts immediately stalled, the judge, who directed me to keep an index file of the lawyers who contributed and how much, deep-sixed the file, but not until I made a copy. The fundraiser went off, but the judge

didn't show along with many others and very little was actually reported, since the preferred ticket sale was in cash.

After the stink over the fundraiser, the judge took bribes the old fashion way, through a combination lawyer and bagman, whose brother had lost lots of money with his partner Meyer Lansky in a Havana casino after Castro took over. The bagman eventually ended up in jail for five years.

The reform wing of the New York City Democratic Party that controlled the Commission on Judicial Conduct cut a deal with the regular wing of the party to whom the judge was aligned and who was represented by a lawyer for John Gotti. The agreement kept the judge on the bench provided she gave patronage, millions of dollars in lawyers' fees, to both factions of the Democratic Party, which included lawyers friendly with the Commission, Cohn, the Gambino and Mangano families and the judge.

There were other mafia news stories I worked on, but rarely did the real culprits: judges, lawyers or businessmen ever pay the price. Then in the 1990s, a new corruptor came to town, the Russian mafia, and I, like an idiot, helped bring in one of its assets. So, I couldn't help but laugh at the irony of unwittingly having aided the new mob and being accused as one of its associates.

Dubin also included in the joint reply memorandum a type of bootstrap logic. He claimed my allegations false because the Federal Government, according to him, had never investigated two of the key defendants, Mundy and Petrovich, for their Russian mafia connected activities. He didn't know that, or maybe he just lied, but even if true, the 911 Commission's Report showed the Federal Government renown for not investigating comrades in crime. Besides, as the U.S. Supreme Court held, the purpose of the civil RICO statute was to allow



private citizens to take down criminals and their abettors that government prosecutors couldn't because of limited resources. The really outlandish part of the defense attorney's claim, however, was that he completely ignored that my papers stated the F.B.I. had confirmed its Russian Organized Crime Unit had started an investigation based on my Complaint. True, the F.B.I. didn't mention Mundy and Petrovich specifically, but neither did it rule them out. Dubin conveniently ignored that because he figured the Court would miss it among all the pages of documents in the case.

Hypocritically, Dubin even rebuked me for trying to find out the truth as though I, the target, had no right to investigate the defendants concerning the harm they caused me. What a system of justice America has evolved into where lawyers can actually use against an injured party that party's efforts to uncover facts for a court. Guess the new rule of procedure is that evildoers can't be investigated because they are evildoers. Depicting me as a social outcast, and his clients as pillars of the community, he declared I had telephoned strangers to ask "appalling questions." Not true, but if I had, so what, that's a plaintiff's or defendant's right, at least it used to be under American jurisprudence. The defense lawyer had conveniently juxtaposed questions I had asked the Commie Ho to my asking them of strangers, and the questions directed to the Commie Ho were based on her "appalling" diary. But that's the way such lawyers work, tell a lie and then use that lie to sully an opponent.

Often when I pointed out an obvious fabrication by Dubin, he'd simply ignored it. Many lawyers and judges do the same—no sense drawing attention to the pathology of lawyerly lying. But there were some lies so blatant that this lawyer needed a smoke screen to shift attention away from his blatant falsehood. My opposition memorandum slammed the defense attorney for his intentional deception that Mundy's filing of a disciplinary complaint against me was not

aimed at scaring me off the RICO case. The attorney claimed Mundy didn't know about the RICO case when Mundy filed the disciplinary complaint; therefore, Mundy couldn't have been using the complaint to intimidate me. But Mundy did know, and after I showed that to the Court in my memorandum, the defense lawyer tried to distract the Court from his original lie by calling me hysterical for exposing it. What a jerk, my mother was hysterical, not me. Anyway, according to his reasoning, telling falsehoods didn't matter if they caused an emotional reaction in an opponent because such reaction was a sign of guilt. Sounded similar to the rationale of a prosecutor at a witch trial where putting on a strong defense to false claims meant toasting at the stake.

Dubin claimed the Internet website on which Mundy's law firm advertised with agencies selling Russian bribes and hos was created by me. What a beckon of darkness was this guy. On receiving my memorandum, he actually called me to say he couldn't find the site, so I told him how to search it. He replied, "Hold on, I'm going to try on my computer right now. Okay, I found it, thanks." He himself confirmed its existence, but in his reply memorandum and after Mundy's advertisement was removed, he calls it "suspect" and goes on to accuse me of setting it up in order to explain the copies of the site included in my exhibits. First, I'm accused of fabricating the Ho's diary and then Mundy's website aimed at providing hos bound for American immigration services. Where do these people come from—Russia!

The defense's reply memorandum also made some trivial objections that my complaint and opposition memorandum were too long. The Complaint was only so long as to give the defendants fair notice of the claims against them. As I told the Court, if they had violated fewer laws, it would have been shorter. The opposition memorandum was only so long as to expose the falsehoods of the lead defense lawyer in his dismissal memorandum. If he had lied less, it

would have been shorter. And, if I had the opportunity to respond to the reply memorandum, my response would have been even longer than my first memorandum since the defense attorney told more lies in his reply memorandum. Putting aside all that, under the Court's rules and the individual rules of the Chief Judge, the lengths of both my Complaint and opposition memorandum were within the rules. Besides, the American defendants up to mid-May 2004 had submitted 353 pages of documents to my 273. So why was the lead attorney complaining? Once again, he knew the Court would not bother counting the pages each side filed, so he tried to create the false impression that I was to blame for loading up the Court with paper.

The length of my opposition memorandum also ticked off Dubin because it countered most of the lies he told in his first memorandum. He called my relentless exposure of his falsehoods "nit-picking," and the omissions he had made as "trivial." Then he accused me of diverting the Court's attention by spending "countless pages" disproving his misrepresentations, half-truths and false impressions, and even accused me for doing what he did by "referencing inadmissible evidence and harping on mundane details." The guilty, especially lawyers and girls, don't like others showing them up as liars, and will always criticize their opponents for doing what they do, whether or not true, so as to distract from their own mendacity.

Like whores, many attorneys will never admit the truth while criticizing everyone else. Dubin denounced me for using "buzz words" to appeal to the Court's emotion, such as white slavery, narcotics trafficking, bribery, money laundering, extortion, threats, murder for hire and fraud—all of which are legal terms specifying crimes committed by the defendants. What terms would he have me use? If I euphemized them to "inappropriate social conduct," he'd then complain about vagueness. Dubin also criticized me for using public statements by the F.B.I. and C.I.A. about the Russian mob's activities in the U.S., which he called "delusion,"

“outlandish,” “incredible” and “far-fetched.” He went so far as to rebuke me for paranoia by trying “to lull the Court into believing that the Russian mafia presently exists.” Well if it doesn’t, then who washed billions of dollars through the Bank of New York, runs lucrative gasoline tax fraud and insurance scams in the New York City area and operated Los Angeles’ largest prostitution ring. He reminded me of some people in the 1940s and 1950s, like J. Edgar Hoover, who always claimed La Cosa Nostra a myth—until Appalachia.

Dubin even found fault with me referencing my education and employment history after he went to such lengths to tear down my reputation and paint me as a pariah. How else can someone counter such smear tactics? This guy would use Moses’ Ten Commandments against him. And no, I’m not implying any comparison.

Many lawyers and all Feminists follow the Old Russian adage, “the law is like a wagon axle, it goes in any direction you want to pull it,” and apply the motto, “don’t let the facts get in the way of a good story.” For example, the lead defense attorney claimed I “blatantly admitted that this action was a fishing expedition.” “Blatant” is another favorite word of exaggeration for lawyers. But in this case, not only did I not “blatantly” admit, I never admitted to a “fishing expedition” at all. Fishing is not one of my past times, other than for girls, which is more like a hunt. In another instance, Dubin misrepresented my Complaint and memorandum as saying that my ex-wife “holds together” the defendants. The Commie Ho was a mafia prostitute, recruiter of other prostitutes and money laundered, not a capo. Although one day, who knows? She had dealings with the defendants, just as anyone belonging to a large organization and its affiliates would end up working with any number of different persons in different sections and locations.

Paulsen’s attorney filed a short reply in addition to signing onto the joint reply in which he flat out lied that my Complaint only accused his client of crimes occurring in October 1998.

That would mean the four-year period in which to bring a RICO suit against Paulsen had run before I filed the Complaint. I'm not that stupid. The Complaint alleges, present tense, Paulsen imports and sells pornography from Russia into southern California. Paulsen's mentally challenged attorney also puffed himself up to self-righteously declare my Complaint a "vindictive assault" and "act of vengeance" that the Court should not countenance in order to "maintain the integrity of the judicial process," which is lawyer lingo appealing to the desires of many judges for expediency over justice. Paulsen's attorney even threw in the comical overstatement that his client "vehemently denies all the allegations of the Complaint." Just "deny" would have sufficed.

Flash Dancers' attorneys also included a short reply in which they couldn't even distinguish between my papers and those of the defense's joint reply when they complained to the Court about me submitting a "book of exhibits." The number of my exhibits were five, which added up to 35 pages; the defense submitted 47 separate documents of over 200 pages.

Flash Dancers' reply tried to correct its lawyers' earlier mistake of ignoring many of the Complaint's allegations against it by calling them immaterial and redundant. They weren't, but these lawyers needed to gloss over their sloppiness somehow. They also called my pointing out their failure as "nit-picking." "Nit-picking" when they get caught, but an "egregious fraud on the Court" or "admission of wrong doing" if I had done it. Flash Dancers' attorneys, as with Mundy and Petrovich's, also mischaracterized some of the allegations against their clients in order to leave out important sections to which they had no defense. When I caught them, they told the Court, it was an error of no consequence. Nice tactic, if a lawyer gets away with it, a court may rule in his favor, if he gets caught for lying, it was inadvertent and unimportant—a no lose situation. In another trick, the lawyers misled the Court about one important case by claiming

the case addressed a different issue than it actually did. Obviously they were betting the Court would never check. Regardless of their subterfuges, at least Flash Dancers' lawyers didn't engage in personally insults.

Detective Henning's attorney, Vikrant Pawar, didn't put in a reply; he just went along with the lead defense attorney in the joint reply as did the Commie Ho's lawyer, Jack Sachs. Sachs was an old guy, and I couldn't help thinking with a smile about the line from the movie *Raging Bull*, "Did you fuck my wife?" Sure she was no longer related to me, thank goodness, but he, like hundreds of other guys probably did. Only in this instance, she was paying him rather than he her.

To sum up, during this early stage of the case, the Federal Rules of Civil Procedure required that the District Court ignore all the claimed facts presented in the defense lawyers' memoranda of law and exhibits because the Court is supposed to focus only on the allegations in my Complaint in order to determine whether the law can provide a solution. Dubin and the other defense lawyers, however, ignored the rules to argue the merits of the case during a motion to dismiss in order to finesse the Court into using their false and one-sided depictions of the facts to determine the defendants were innocent angels persecuted by me the devil; therefore, the case should be dismissed. Had the defense lawyers played by the rules, fat chance, and waited for the proper time to submit their so-called facts against me, I would have had the opportunity to shoot down their claims for lack of evidentiary foundations or use cross-examinations to show they lied. But by throwing in their accusations during a motion to dismiss, no such opportunities existed. Very tricky, this Star Chamber tactic that eviscerated my due process rights on which the Federal Rules of Civil Procedure are based. So I did the only thing I could, cited the law that

showed such a tactic improper and moved the Court to exclude from its decision the smears, extraneous exhibits and alleged facts the defendants submitted.

### Party Lights

After reviewing the defense lawyers' joint reply and the short individual replies from a couple of the defendants, I decided not to work six days a week preparing for an oral argument, even though it represented my last chance to convince the Chief Judge that the defense attorneys were lying and violating the rules. The chances of the District Court granting me oral argument were slim to none because of its animosity for civil RICO cases and the popular perception that men no longer deserved the protection of the institutions they had created. Instead, I used my time to continue investigating the defendants, writing this magnum opus<sup>1</sup> and waiting for the Bank of Cyprus to file its separate motion to dismiss.

Out of all the foreign defendants in Russia and Cyprus that I had tracked down and served, and there were nearly twenty, only the Bank of Cyprus bothered responding. The papers for the Mexican defendants were still bouncing around Mexico's Direccion General de Asuntos Juridicos, which under Hague Convention was delegated to serve the papers. The Russian and Cypriot defendants ignored the action brought against them in a U.S. Federal Court, as would the few Mexican defendants that were finally served eight months later by a Writ of Notification. Everything takes longer south of the border.

Except for the Bank of Cyprus, which had an office New York City, the U.S. Government couldn't touch these other mob associates. The District Court couldn't enforce any decision against any of them unless their respective governments abided by the promises officials made in international treaties. An unlikely occurrence since governments riddled with

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<sup>1</sup> A magnum opus is an overly long text written to justify the author's existence. The problem is that such works are so long that no one reads them, so the author's effort to justify his existence fails.

corruption, such as Russia, Cyprus and Mexico, don't live up to their agreements unless it benefits their citizens at the expense of Americans. Besides, the foreign officials responsible for executing an American court judgment will simply take bribes from the foreign defendants to do nothing. In those countries, the line between government and organized crime blur to indistinction. Enforcing a U.S. court decision even in a civilized country like England often ends with the same result but for the different reason that the cost in time and money is too high unless multi-millions of dollars are involved.

So much for the long arm of the law unless you're rich or a corporation, which was why my case against the American defendants was crucial. If the District Court dismissed my case against them and not the others and neither the Second Circuit Court of Appeals nor the U.S. Supreme Court overturned the District Court, then, technically, I could still go ahead with the case against the Vasilyevas, who wouldn't bother defending, and the foreign defendants who were served but never appeared. The problem, however, was enforcing it. The Vasilyevas, like all Russian criminals, keep their assets well hidden and outside America, and enforcing a judgment in Russia, Cyprus or Mexico didn't promise much, if any, success. But there was another problem as well. If the case against the American defendants, except the Vasilyevas, was thrown out of Court, the Chief Judge might not even allow me to obtain a default judgment against the foreign defendants. There might still exist a shot at one against the Vasilyevas, but as for the overseas mobsters, the District Court would probably rule that requiring them to show up in New York City would be so "oppressive and inconvenient" for the foreigners that the case should be brought in a foreign court.

The Court could also dismiss the case against the Vasilyevas even though they didn't put in a formal motion for such, which would assure the Court getting rid of my case against the



foreign gangsters. It's called dismissing a case for forum non conveniens, and the reason courts do so is supposedly to increase the chance of a fair trial. But when civil RICO cases are involved, the courts use it to get rid of the lawsuit, even when it leaves the plaintiff with no alternative but to go into an overseas court. Talk about inconvenience and oppression: the expenses and problems in dealing with the even more corrupt court systems of many foreign countries simply make the plaintiff drop the case. But many American judges don't care, so long as the case is out of their courts—once again expediency rules.

My investigations during June 2004 came up with one interesting piece of information. One of the two brothels in Limassol, Cyprus, which mobsters in Krasnodar owned and the Athanasiou family operated, advertised on the Internet. The Tramps website, [www.cytramps.com](http://www.cytramps.com), touted international entertainment, showed partially naked hos and advertised exclusive lap dances, which meant intercourse, blow jobs and the like in a private "Lap Dance Lounge."

While I was looking over the site, Mark called to see whether I could meet him at a local club later that night. After telling him about the website I found, he suggested looking up who ran the site for which he gave me the name of an Internet service that kept such information. Christakis Charalambous created and operated the Tramps' site. This guy had the same last name as the defendant who was a chief in the Cypriot Migration Office. My Complaint accused Andreas Charalambous of receiving bribes for providing Russian prostitutes with Cypriot visas in order to keep the Athanasiou brothels stocked with hos, and using his contacts with American immigration officials to expedite travel visas to America for some of the Russian sluts. Two guys with the same last name didn't mean anything. For all I knew, Charalambous might be as common in Cyprus as "Jones" in America. To make a connection between the two would

require the private detective my Moscow lawyer Xenia used to investigate the other Athanasiou brothel Zygos, where the Commie Ho once sold sexual favors. In order to save money, that task went on my hold list until the Court ruled on the dismissal motion.

It was the weekend, so I headed down to Houston Street and the club Carnaval that Mark currently promoted. In New York City, nightclubs, big and small, hire guys, called promoters, to drum up business. The promoters often get a percentage of the money spent at the bar based on how many customers from the promoters list show up. Promoters also try to get people to hold private parties at a club for which they also receive a cut. Mark introduced me to one of the owners, the female bartender and the bouncer at the front door: all friendly, cool people. These weren't the dishonest slime populating the courts and halls of power in America.

The Carnaval folk were a mixed group: the owner I met was Dominican, the bouncer black and some of the bartenders and waitresses white chicks. It was also an easy place for meeting pretty young babes—too easy and too many of them white, but who am I to complain. Usually when I go up to a pretty young white broad in a club she freezes, sometimes even backs away—too many demon tales from her Feminazi mother about older men. But when Carnaval's owner or Mark introduced me as their lawyer to the white chicks hanging out at the club, the girls started pumping pheromones in my direction. If I got too close, I could actually feel them seeping into my body along with the heat that young girls naturally radiate. By the time they turn into Feminists, however, they're absorbing rather than emanating it. Enjoying the company, I lived in the fantasy that these tomatoes were interested in me when in reality my connection with Mark, the owner and the bouncer gave me what they really wanted: the currency to get them in the club without standing in line or that most important of known commodities to young

babes—the free drink. Okay, I played along, kind of, got free drinks for myself but never a girl. So I exploited their perception. Why not, dames tricked me plenty of times.

One night, Mark and I were standing in front of Carnaval making like big shots talking to a couple of babes Mark knew, one from Italy and the other Croatia. New York City is full of girls in their late teens and early twenties from overseas, especially in the spring and summertime. They come here to ho their firm bodies, find suckers to spend money on them and to tell their friends back in the old world about their sexcapades in Manhattan. Anyway, we were all laughing, smiling, flirting, they're smoking and I'm telling a few absurdities about my Russian experiences when up pulls a taxi with the Flash Dancers' advertisement on its roof with the Commie Ho's picture gazing at us. "Oh no," I said and every one looked.

"Mark said, "That's his ex-wife from Russia."

The girls remarked, "She's beautiful."

"Yeah, but you should see what's inside," and before Mark could stop me, I was on a rant. "Now let me tell you a thing or two about gorgeous girls. Nuts, dangerous, psychotic, truly demented cuckoos and as cute and cuddly as a flight of tracer bullets. They can have lovers the way other people eat cherries, but if you take another girl, even to the luncheon or drive-in, then wham-o! They lie to me and to you and to their husbands, to their lover, to their analysts and the cashier in the supermarket. Oh, I know, I've been accused of treating girls badly, and I have, but only in self defense."

Looking a little taken aback, the two girls asked in unison "What happened to you?"

"Noooo, don't tell the story!" Mark cautioned trying to save my prospects with one of these two, assuming both hadn't already started searching for an escape from me. He always warned against my telling the ho story, shaking his finger "no" and then laughing because he

knew I would anyway with the inevitable result of once again sinking my chances with a babe. Control was beyond my grasp, so as usual I blabbed on evoking the usual shock, laughter and pretenses of commiseration. Maybe I told the story to be the center of attention, but more likely I enjoyed rubbing the faces of pretty young babes into the reality of the evil they cause men. The two girls excused themselves and scurried to the safety of their other girl friends in the club.

Mark asked, “That stuff about gorgeous girls was new. Did you just make it up?”

“No, I memorized it from a movie.”

“Well that alone sure alienated those two.”

“Yeah, but there’s plenty more where they came from. Let’s go back inside.” Mark went over to another female friend of his, and I hit on some babe at the bar.

All girls want men who are dumb to their metahomorph ways, so they can wheedle something they want from a guy. Whenever a broad hears my story of the Commie Ho, she knows this guy understands her tricks, so better for her to attend to someone less enlightened. But as deep as my understanding may go, some metahomorphs still succeed in scamming me. For instance, my Salsa teacher Isabella set off all the warning bells not to become romantically involved with her—so I didn’t. But I did trust her to teach me Salsa. During our private lessons in 2003, I was making progress, even Mark said so on the few occasions some girl asked me to dance Salsa or Mark nudge her to ask me. When the private lessons ended, Isabella told me to take her group class on Friday nights to keep from losing what I had learned—made sense to me. Eight months later, my dancing had worsened, and I felt more confused then ever out on the floor. At first, I assumed middle age made it next to impossible to learn any new physical activity, but I pressed forward suckling on the feel of the nubile young bodies in my arms during class.

One day a couple of other students asked me if I knew the difference between Salsa on 1 and on 2. Never heard there were different ways to dance Salsa, so we asked our teacher Isabella. She said it didn't matter, that at some point we'd be able to do both. Well, I just wanted to do one of them but couldn't. So, I did some research. Turns out the music for Salsa on 1 and on 2 differ by which beats the music emphasizes and that signals the dancer what to do when. Most of the Latin music played in New York is written for Salsa on 2 dancing while in Cuba it's for Salsa on 1. Since I had no intention of immigrating to Cuba despite the plethora of cars from the 1950s, Salsa on 2 was for me, and that's what Isabella had taught me in the private lessons, but her group lesson danced Salsa on 1. She tricked me! Conned me into taking her group class by covering up the distinction between Salsa on 1 and on 2 with that fib about starting differently in order to get into the turns more quickly. The dance routine in her group class started differently because it was a fundamentally different version of Salsa dancing than what she taught me in the private lessons. Thanks to her, I now had two conflicting ways of moving to Salsa music battling me into a wallflower. What is with these girls? My own teacher, instead of helping me, exploited my reliance on her knowledge to make a lousy few hundred bucks extra. That's called fraud, and I could sue her in small claims court, but I had other things to do. From here on I vowed to mistrust broads completely about everything, and have nothing to do with them on any level except partying.

Look at what happened to Bill O'Reilly. He thought chicks deserved a fair chance, so he hired some to do research and production on his show. Jobs traditionally held by men because men are best suited for such positions. One of the females, probably at the instigation of some Feminazi attack group or the girl's weekly consciousness lowering coffee klatch, sued O'Reilly for millions, injuring his reputation and credibility, but making lots of money for herself out of a

settlement or, more accurately, “sex-mail.” Interesting that blackmail is a crime but sex-mail is not. So in the end, O’Reilly knew how Justice Clarence Thomas felt.

Guys have got to learn that the days of chivalry are dead. Broads are the enemy—wise up, that’s the way they see men. Dames will do any harm to any guy to make money or to vent vengeance over some illusionary slight to their princess egos. They are on a crusade to let loose every evil desire against men that enters their chemically unbalance brains using the rationale that men deserve such for shielding girls from much of the horrors of life all these millennia or that men are the ones responsible for causing females to harm men. Don’t look at me, it’s feminine logic, and you or some guy you know is probably next.

Girls always twist a way to blame men for something bad that happens while stealing credit for the good. Take the view of a white college coed I flirted with one Saturday night at Carnival. While I watched her tits as we chit chatted, she said, “I’m lucky I have such great parents. Most of my college girl friends were abandoned by their fathers.”

Red alert! Red alert! Feminazi propaganda on the attack, I put the alcoholic buzz from my vodka gimlet—Absolut and Roses Lime—on hold and stepped on the gas speeding my brain to find a dagger of reality to stab into her bigoted brain.

“What do you mean their fathers abandoned them?” I asked in a civil manner trying to set her up.

“Lots of my friends’ parents got divorced.”

“So the divorce caused the abandonment?” I feigned naivety, waiting for her belief in feminine superiority to box her in.

“Of course it did! Otherwise the fathers would have stayed at home.” Now I had this ditz.

“But why do your girl friends blame their fathers for abandoning them when 80% of divorces are initiated by the wife?” I mildly stated this statistic, one of many the Feminazis conveniently ignore in their bible of hate against men.

“Eighty percent! I don’t believe that!”

I didn’t expect her to, so I pushed my knife of truth a little deeper. “It’s an old figure from when I was in law school, probably higher now with the increase in female liberation.” I added a slightly mocking tone to the last two words.

“Well, I’m sure the husbands probably caused the wives to file for a divorce.”

“Unfortunately, there’s no statistics on that, since most states are no-fault divorce. But despite who was at fault, what usually happens when a couple with children gets divorced?” I wasn’t finished with this acolyte of American feminine ignorance.

“What do you mean?”

“Who ends up with the kids?”

“The mother.” At least this bane-in-waiting got that right.

“And even when the husband wants the kids, the courts usually give them to the mother. Sounds like discrimination to me. So who’s causing the father to abandon the kids then?”

“I don’t think the father wants the kids very often.”

“Alright, so in the typical divorce the husband pays the mother money to take care of the children.”

“Not all the time, some fathers don’t pay.”

“But most fathers do. Don’t forget that there is only one type of person in America that can be put in jail for not paying a debt, and that’s a father who doesn’t pay child support. Funny,

I thought one of the reasons the founding fathers broke with England was over debtors' prisons. I guess they were only thinking of girls at the time."

"The fathers should be made to pay for the children, since they're making most the money."

"Are they? If you work out the the amount of money earned on a per hour basis, girls actually make more than guys, and an analysis of a university study shows that girls control over a majority of the wealth in America." My reliance on what for her was higher math went right by her, so I said, "Despite the money lots of girls have, I don't see any girls paying for any dates or to get into clubs?" Perhaps I should have said drink; maybe she would have bought me one. "But assuming you're right about who's wealthier, a father that doesn't pay goes to jail. So what happens to a mother who moves out of state with the children away from the father's work place?"

"Why should anything happen to the mother? She can go wherever she wants."

"In our typical divorce settlement, the court orders the father to pay some or all of the support for the kids and tells the mother to make the kids available for the father to visit, usually on the weekend."

"Right, so?"

"But if the mother moves the kids out of town, maybe to keep them away from the father, what can the father do?"

"Go back to court."

"But the court can't make the mother move back to where the family lived before the divorce. That's against the U.S. Constitution. It's also against the Constitution to put people in jail for failing to pay a debt, but the courts over look that legal nicety. So in the end, the father



has to pay money or go to jail, but the mother can keep the kids away from the father by moving out of town. Who then is responsible for the abandonment?”

“That doesn’t happen that often.” Just the type of dismissive remark I’d expect from a budding Feminazi.

“Maybe yes, maybe no; maybe rain, maybe snow.” A saying I adopted from a Young Communist Pioneer of the former Soviet Union. The flirtation dead and my instruction in reality over, I excused myself for another drink.

The other evil perpetrated by a mother to alienate the father from his kids, I left out of my argument. It’s an all too common scenario where the mother drums into the children’s dear little ears that their father didn’t care enough to send money for them when the wife actually used that money for jewelry or some other vanity. Whether wife, mother, ho or stockbroker, broads have an uncanny aversion to honesty that somehow enables them to escape paying for the harm they cause. No reason to waste anymore of my time disabusing this girl of her biased illusions. Females always ignore the truth when it knocks them off their self-created pedestals.

Hustling girls at Carnaval made me miss the challenge of approaching babes no one knew, preferably of a darker complexion, and pitching an ad-lib line from which to spin off other verbiage in my quest for telephone numbers. So, I started hanging out at the China Club in Times Square. My new Salsa instructor, whose group class I began taking after the annoying experience with Isabella, promoted the China Club’s Friday night Salsa with free admission for both girls and guys before 11 PM. Most clubs in town let the hos in for free before a certain hour, usually midnight, but not the guys. In the old days when guys had money and girls didn’t, it made sense, but today, with broads relentlessly stealing guys’ jobs, it discriminated against men. The clubs should respond to the times by cutting in half the price for men while making

the girls pay the same as guys. It's only fair, and the clubs will make just as much because girls want to dance more than guys. But no, fairness doesn't apply to men in America.

The China Club attracted Latina ghetto girls, tourists and white thirty-somethings. Since Mark spent his evenings promoting Carnaval, I began chasing girls with a guy from the former Soviet Union. When hunting at a club, I always preferred having a partner. Maybe it's a precaution reaching out of the genetic mists of prehistory when guys hunted dangerous animals. After all, what more dangerous animal is there today than a broad letting loose the viciousness within her? Then again, maybe the company alleviates my insecurity. The Soviet Union guy, also middle age, went for the older white broads. He was relatively new to this country but would soon catch onto which girls were most desirable. For me, the young ghetto babes looked just delicious, but I found it difficult to pull them into a conversation. Maybe their English wasn't too good; still they did dance with me. My Salsa dancing never approached those girls' abilities, but they possessed the civility to smile, laugh at my jokes and touch my arm with a thank you. The arrogant, eastern, quasi-intellectual, white-trash Feminazi elite could learn a lot about manners from these women.

As summer approached, Mark found a better deal promoting a club across the street called the Flat. The Flat didn't start moving until after mid-night, so I'd go to the China Club until around 1 PM, when the Soviet Union guy went home, and then head over to the Flat for free drinks. At first, I didn't think much of the place until one night I wandered into the back rooms. Whoa! A little bit of heaven right here on earth. Lots of beautiful black babes, all made up, dancing with each other or waiting impatiently for some guy to ask them. The young girls, late teens to mid-twenties, outnumbered the young guys, always good news for me considering my middle-agedness. Most of the young black guys in their knee length shirts and bell-bottom pants

with the bell part beginning at the waist just stood around moving their bodies in place to the music. I didn't get it. Okay, it wasn't the culture I grew up in, but when young babes are clearly anxious to dance, the guys should pounce. Don't let that prey get away. Well, they did, except for one or two guys. Find with me, since it gave me more candies to pick from, but being the only cue ball in the room, I knew I needed some credibility. I went downstairs and asked Mark to help me out. Something I did for him at times when he was eyeing some white babe. He came upstairs with the white chick he was hustling. Mark and I talked a little so that the black girls saw I was cool and with my credibility established, I started flirting and dancing, yummy. The Flat quickly became my favorite club in New York City.

### Walk Like A Man

On the Summer Solstice of 2004, the District Court notified me of a change in judges. The Chief Judge unloaded my RICO case on a recent appointee to the bench, Peter Kevin Castel. At least the new judge was also a man, although after decades of intense Feminazi anti-men indoctrination, it might not save me from the feminine Federal Government's pervasive bias against my sex.

Judge Castel graduated St. John's Law School in New York City, considered an adequate school but nothing special—third tier. He did, however, reach the partnership ranks for Cahill Gordon & Reindel, a prestigious New York City law firm that made lots of money during the corporate takeover days of the eighties. Near the top of his profession and making lots of money, he accepted, at age 54, President Bush's nomination, and a significant salary cut, to become a judge in the U.S. District Court for the Southern District of New York. A Republican appointed judge might show some objectivity, but these days, even the heirs of Eisenhower and Reagan fawned over the Feminists, only not in as servile a manner as Democratic

hermaphrodites. President Bush's National Security Adviser, after all, was a female and instrumental in bringing us the stupidity of the 2003 Iraqi war, America's second defeat. The only hope with Judge Castel was that as a former partner in a hotshot law firm he might have a brain.

Judge Castel required both sides to produce a joint status report that outlined the nature of the case, scheduling deadlines, motions made, motions undecided and other procedural matters. The lead defense counsel Dubin telephoned me to say he had run into a lot of difficulty getting the other defense attorneys to agree on even a tentative status report and thought it would take too much time for him to also broker in changes that I would surely want. He asked me to agree that each side does its own report, which I did.

The defense lawyers did their usual sniping in their version of the status report: the plaintiff is "pro se," which implied I didn't know what I was doing; "suing sixty three defendants," actually it was nearer to seventy; "spanning the globe," which implied conspiratorial delusions; filed "a 91 page, 915 separately numbered paragraphed, complaint," which told the new Judge this case would take a lot of time and energy; and "this action, as well as the plaintiff's abusive litigation preceding this action, are nothing more than an attempt by the plaintiff to use this forum to re-live the consequences of his marriage to and divorce from the defendant Alina Shipilina while at the same time attempting to punish Ms. Shipilina and anyone who has ever come into contact with her or assisted her in preventing him from harassing her," which painted me as the cliché Dirty John tying innocent Nell to the train tracks, or buzz saw, while Dudley Do-Right, in the form of Mundy and other defendants, rush to Nell's aid.

In modern times, however, toadying lawyers and the Feminazis use different terminology for demonizing a man as Dirty John. Today the catchwords include "abuse," "harassment" and

“white male rage,” which the defense lawyers implied, in order to peg me as the modern-day leper against whom any action, no matter how violating of my rights, is justified. Any man in 21<sup>st</sup> century America who dares to use the law in fighting for his rights against a scheming, lying female who breaks U.S. laws will end up smeared and even put on domestic court pink lists. Just another tactic for coercing men into subjugation before the Feminazis’ bloody throne.

In responding to the lawyers’ status report, I reverted to my old TV news writing style:

“Pimps, prostitutes, pushers, pornographers and assorted criminals from the former Soviet Union have joined with underworld characters in Western markets over the past decade to create a global web of smuggling, protection, extortion, counterfeiting, tampering with witnesses, revenge, evasion of taxes and other illegal activities. The R.I.C.O. complaint alleges a Russian-New York enterprise [enterprise is the legal word for a R.I.C.O. group] that violates R.I.C.O. and numerous other laws. The enterprise brings prostitutes to New York and other states in the U.S.A., passes drugs and huge sums of money back and forth between the countries, creates and traffics in pornography, and threatens physical violence to anyone who might get in its way. A central associate and site of the enterprise’s illegal actions is the establishment called “Flash Dancers Topless Club,” located on Broadway and 52d Street in New York City. In addition, the enterprise often acts in other countries where there is a link of some kind, such as a connection to brothels in Cyprus and Mexico City that some defendants run, or to specific participants in the enterprise traveling in other places.

“The plaintiff, a business consultant and attorney representing himself pro se and former writer and political producer for WNEW and WABC TV News in New York, instituted the R.I.C.O. suit to recover damages for loss of profits to his business, loss of business opportunities, harm to his business reputation and other injuries, which resulted from the plaintiff unwittingly falling victim to one of the enterprise’s schemes: duping and secretly feeding narcotics to American men so that they will marry Russian mafia members, usually prostitutes, in order for these mafia molls to obtain legal entry into the U.S.A. to carry out and expand the enterprise’s activities.”

“This case grew out of discoveries by the plaintiff that began while managing Kroll Associates in Moscow. A number of the plaintiff’s witnesses in Krasnodar, Russia have been threatened, and the plaintiff has received threats. The F.B.I. has identified the threatening caller, but is afraid that by interviewing him it would provoke him to harm the plaintiff. As such, the F.B.I. has told the plaintiff not to open his door to anyone he does not know and to be careful when out in public.”

“This is a civil R.I.C.O. action under 18 U.S.C. 1961-68 against the Russian Mafia, the Chechen Baraev Islamic Terror and Crime clan and a relatively small number of alleged members and associates of those organized crime groups.”

Judge Castel set a conference for July 13, 2004 in order to map out a schedule for any remaining motions. The Commie Ho's attorney, Jack Sachs, asked the Judge to excuse him from the conference since he had already booked a cruise. Fine with me, but Sachs used his request to repeat some of the lead lawyers' swipes by harping on the number of defendants and the "unusually voluminous papers considering the action was brought by a single individual." If I had been a single corporation, I guess volume wouldn't matter to him. Sachs was out of line with his querulous complaining in a letter requesting excusal, so I sent a response to the Judge:

"I don't see what bearing it has on Mr. Sachs' request to be excused by saying he represents 'one of the sixty-five defendants, in various parts of the world....'

Sachs and the lead attorney, Dubin, apparently used different systems of counting for determining the number of defendants.

"Mr. Sachs is clearly trying to bolster the defendants' position as presented in their memoranda of law, which criticizes the number of defendants and their locations.

"I also believe it improper for Mr. Sachs to unilaterally respond to your Honor's request for a joint status report, and under the guise of doing so, imply there is something amiss with an individual filing papers of many pages, which again is another argument presented in the defendants' memoranda of law.

"There is a proper place and time for presenting arguments, and I do not believe it is fair to use ministerial letters for reiterating one sides' position."

After Judge Castel's status conference notice and the tiff with Sachs, the Bank of Cyprus submitted its separate motion to dismiss with a memorandum in support, and I began working on my opposition memorandum to it.

On July 4<sup>th</sup>, five years to the date of my arrival in Hell to work for Kroll Associates, I tuned in a movie on TV after doing some work on my opposition memo to the Bank of Cyprus' motion. The first time I saw the movie *Tombstone*, starring Kurt Russell, was eleven years

earlier in Moscow. Back then, I was in town writing a couple of articles for a Moscow business weekly and visiting my Russian girlfriend of the moment.

One day, she calls me up sobbing, “Roy, my father came home drunk and attacked me.”

Even then, I wasn’t so dumb as to believe this completely. “What happened?”

“He came into the kitchen and demanded I cook him some soup.” Isn’t that what daughters are supposed to do I thought but didn’t say.

“And..., anything else?”

“I told him, ‘Do it yourself’ and he attacked me!” More sobs.

“Relax, did he hurt you?”

“No, I’m all right, but I want you to come over and beat him up!”

“Now? Can’t this wait?”

“No! You must come right away while he’s still here. You’ll come if you love me.” I didn’t love her but did enjoy her 20-year-old body.

“Okay, I’ll hop the Metro.”

Walking from the Metro stop to her apartment, I kept wondering what am I doing in the middle of this in Russia of all places?

At her apartment, my girlfriend takes me into a room where her father, Vladimir, is lying on the couch with a rag over his face and her mother is standing a yard or so away from him looking like the Queen of Hearts who misplaced her axe.

Okay, so I start acting tough, “Come on Vladimir, get up, let’s duke it out.” All the time hoping he doesn’t accept since he’s bigger and younger than me. His wife and daughter are constantly railing at him in Russian.

Vladimir sits up dejectedly and says, “I don’t want to fight,” as the rag falls from his face exposing a huge black eye. Immediately, his wife rushes in and whacks him hard with her hand across the injured eye. Oh brother, get me out of here, I’m thinking.

“What happen to your father’s eye?” I asked my girl friend.

“When he asked me to make him some soup, I threw the tin of Campbell’s at his head, telling him to do it himself.”

“You bounced a can of Campbell’s soup off your father’s head?”

“He deserved it. He should treat me with more respect.”

Wanting to escape as quickly as possible, I let it ride and decided to dump this broad at the first opportunity.

Later, I talked to my girlfriend’s best friend who told me the truth that Vladimir never attacked her over the soup incident and never abused her at any time. My girlfriend blew up at her father for who knows what reason and got away with nearly blindly him in one eye. If anyone was in need of a battering, it was she, but this was Russia emulating America. The father did nothing, not a thing, just took these broads’ punishment because the combination of Czars and Commies had emasculated most men of Russia, including him. Exactly what the Feminazis were doing to modern-day American men.

Anyway, back to the movie. In the lead up advertising campaign to the opening of *Tombstone* in Moscow, the producers used the slogan: “Just Is Coming.” In 1993, if ever a place needed justice, it was Russia. Russell did a great job playing Wyatt Earp, as did Val Kilmer portraying Doc Holiday. The movie embellished the true story, but the character portrayals most likely depicted what these men were really like. No bowing and scraping to evil for them. Justice and honor meant more than living as someone’s dog, even a broad’s dog.



In real life, Wyatt Earp showed up in Tombstone, Arizona with his brothers to make money, which led to them running a gambling saloon. Tombstone's power elite, the Clanton Gang, interfered with Earp's business, so a feud ensued that led to the gunfight at the O.K. Corral where three of the Clanton Gang ended up dead. The Clanton Gang used its political clout to put Wyatt Earp, his brothers and Holiday on trial for murder even though they acted in self-defense. The jury acquitted them, so the Clanton Gang murdered one of Earp's brothers, shooting him in the back, and crippled another brother in an ambush. Since the Clanton Gang controlled the town, any appeal to the law was useless. Wyatt Earp, his injured brother, the Earp wives and Holiday left Tombstone, probably to the jeers of the power elite, the Clanton Gang. Wyatt Earp and Holiday regrouped with a few friends and went back looking for the four members of the Clanton Gang that killed Earp's younger brother and crippled the other. One by one they tracked them down and shot them dead.

Was it vengeance or justice? Webster's Dictionary defines "vengeance" as "the inflicting of punishment in return for an injury or offense," and defines "justice" as "the assignment of merited punishment"—not much of a difference, if any. Perhaps people with guts call Earp's actions justice while cowards denounce it as vengeance. In the movie, Doc Holiday said that Wyatt Earp was not on a quest for vengeance but for a reckoning. Okay, but either way those four dead perverters of power got what they deserved.

The corrupt government in Tombstone, Arizona, which stood by while the Clanton organized crime group murdered Wyatt Earp's brother, issued warrants to arrest Earp, Holiday and their friends for murder in killing the four Clanton members. Why is that not surprising? But back then, as long as Earp and friends stayed out of Arizona, no other state would bother

them. So by taking the law into their own hands, Wyatt Earp and Doc Holiday won one for justice.

What ever happened to those olden days when American society praised heroes rather than cowards pumped up with psychotropics who stand idly by as their rights are violated in order to preserve their pathetic little lives and creature comforts in a genderless hell? The 21<sup>st</sup> century American version of justice has replaced the finality of bullets with a Feminist corrupted federal government that reaches into every state where arrogantly mouth words of coercion, falsehoods and chicanery carry no consequences. For example, lawyers can now say pretty much anything they want, no matter how out-of-line, and get away with it.

In my RICO case, just before the status conference began in Judge Castel's courtroom, attorney Vikrant Pawar approached me in the hallway. As an attorney for the City's Corporation Counsel Office, he represented Detective Henning, the cop who threatened me with arrest in order to intimidate me into not cooperating with the INS.

With no one else in the hall, just the two of us, Pawar said, "Off the record, can I say something?"

This surprised me, what could he possibly have to say. Reverting to my old news days, I said, "How do you define off-the-record? Information that I can use but can't attribute it's coming from you, or information I can't use?"

He ignored my question and said with a smirk, "I hope you survive this motion to dismiss!"

What the devil did that mean, my mind raced for an answer? He couldn't be so stupid as to threaten me in the courthouse, maybe he wanted to psyche me out before the conference or just try to bully me. Pawar looks and sounds like he's from India or Pakistan, so I toyed with

saying, “Haven’t they out sourced you yet?” But played it conservatively and in lawyer jargon responded, “That’s an inappropriate remark that I’ll raise with the Court.”

Grinning, Pawar said, “I’ll just deny it,” and walked into the courtroom. If this country still allowed dueling, Pawar never would have dared made such a remark because of the possible consequences.

The courtroom was empty except for the seven defense attorneys on my case. Claugus avoided the routine hand shaking, maybe he carried a grudge, so I purposely went over and said hello to him. A group of law school summer interns entered to sit in the jury box as observers, and then all rose for Judge Castel’s entrance. Judge Castel referred almost exclusively to the defense attorneys’ status report; I wondered why? As he asked us questions, he seemed a little slow on the uptake and unfamiliar with the case. When going over the motions made so far, he missed completely my pending request to throw out most of the defense’s exhibits and references to them in the defendants’ memoranda that tried to improperly interject at that stage of the proceeding their factual allegations against me. After reminding the Judge and describing the gist of the motion, he set a schedule for the defense’s opposition memorandum and my reply.

On the Bank of Cyprus’ motion to dismiss, Castel shortened the schedule set by the original judge for the Bank to file its reply. Claugus pleaded for more time until September 3<sup>rd</sup> by invoking the same old whine used by Dubin that my papers, but not the defendants’, had been “voluminous to say the least.” Castel denied his request, “You put an awful lot of pressure on the court because I want to get this motion done quickly, and that I will view as coming out of my time.” His time, what’s he taking about? His time is the public’s time. He no longer serves the pecuniary interests of himself and his former law firm, but the public’s. Guess he was

planning a couple of weeks in the Hamptons at summer's end, and didn't want this case interfering. Did that bode good or ill for me?

After Castel set the schedule for all the remaining papers, I requested the Court's help in serving the Complaint on some of the foreign defendants for whom I couldn't find addresses.

"There are a number of defendants whom I have not been able to serve process on, and I am requesting the court's assistance under Federal Rule 4(f)(3), which allows service by other means as directed by the court. If you will just bear with me, I have three separate groups here.

"First, there are three defendants, Khachaturyan Aspyan, the Albatross Club, and Rey, a well known procurer. What I am requesting of the court is a letter to the Chief of the Department for Fighting Gangsterism and Corruption in Krasnodar, Russia. His name is Vladimir Naidenko. I believe a letter to him from the Court requesting his department to provide the Court with the addresses for these three persons will enable me, under the Hague Convention, to serve those defendants. I can provide the specifics as far as Mr. Naidenko's address, and if you want, to draft a letter, whatever is required, I can provide all that information to the court.

"Second, the Baraev Terror and Crime Clan in Chechnya. I have no way of finding out the address of its current boss. However, the G.R.U., which are the initials for military intelligence in Russia, has a southern operation, and a letter from the court to that office may result in an address for the current boss. The G.R.U. knows who is the current Islamic Terror and Mafia don for that clan and may have an address to which I can send the Complaint and Summons in accordance with the Hague Convention.

"Third, I have been unable to find the addresses for four other defendants, although one of the defendants, Ms. Shipilina, has knowledge of the addresses for those people, but I don't think she would be willing to provide them unless the court was to order so. They are Tanya-Phodes Studio prostitute, Stephanos, Juginta Raszyukevichina and Salvador-Phodes Studio partner."

Castel ignored ruling on the letters to the Krasnodar Department for Fighting Gangsterism and Corruption and to the G.R.U. Either he forgot or didn't want to bother doing the work at that time, so I would have to remind him down the road. He did, to my surprise, order the Commie Ho to provide me with the addresses of the last four defendants, if she had them. She did, but I also knew she'd lie by saying she didn't.

Sure enough when Jack Sachs, her attorney, returned from his summer cruise to Alaska, the Commie Ho perjured herself by claiming she didn't know any of the addresses. What did she

care; American laws couldn't touch her. However, not only did she lie under oath about not having the addresses, Sachs allowed her to lie about the nature and extent of her relationships with these four. Castel didn't order her to recount those relationships, just whether she knew their current addresses. There was no way I could prove she had their current addresses, but I could prove by using her diary that she lied about the kind of relationships she had with them. So what did that matter? Except for impeaching a party's credibility, courts don't care about false statements unless they impact an important issue in a case, and that's what the Commie Ho did by lying about her relationships with those four defendants because the relationships among the defendants are a material issue in any R.I.C.O. case. Lying about those relationships was perjury, another Federal felony—but, again, who's counting?

### Two Faces Have I

The Bank of Cyprus' motion to dismiss papers adopted the personal attack strategy of the other defense attorneys, but the Bank's lawyer, Claugus, added a new wrinkle—self-righteous disdain. Claugus arrogantly assumed a lawyerly perch of all-knowing superiority to pompously hurl personal invectives with no bearing on the issues and to foist advice and criticism he had no right to make. He haughtily advised me, the plaintiff, “to look else where for the cause of his misfortune, including to himself.” He sarcastically remarked, “The marriage seems not to have been made in heaven” and presumptuously declared, “the plaintiff's beliefs are unbelievable,” pure “imaginings,” an artful way for calling me paranoid. My opposition memorandum emphasized the cheapness of his tactics: “Such subjective and snide remarks are meant to taint the plaintiff. It's a subtle form of litigation by personal destruction, but just as malicious in its attempt to mock a party and distract the Court.” I requested the Court to reprimand Claugus and the other defense attorneys for the same shared strategy of personal attacks.

Claugus' effort to tear me down personally required twisting, spindling and mutilating the Complaint to such an extent that it led him to some lame falsehoods, but what else could he do? Claugus claimed I had accused the more than sixty defendants of "conbing to cause the Plaintiff's marriage to Alina Shipilina and their subsequent divorce." The Complaint didn't allege that, and Claugus knew it. But he also knew the Court might buy his lie, which would help sidetrack the Court from the merits by painting me as delusional. The defendants who combined to sucker me into marrying and bringing the Ho to America were her, her mother Inessa, her Moscow pimp Leo and drugs. These three humans made up one tiny part of the Russian mob's empire building activities, the drugs one of its businesses.

After the Ho landed in America, I became suspicious that something was wrong and started looking for the truth, which led to a cascade of events, twists, turns and harm that four years later resulted in the RICO suit against the collaborators of the Commie Ho of whom I was aware. These confederates, now defendants, violated various laws under RICO in order to make sure the Ho, a Russian mafia prostitute and mid-level manager, remained in the U.S. making profits and laundering money for the mob.

Claugus' falsehood had copycatted the lawyers for the American defendants who previously misrepresented the Complaint as saying that the defendants had banded together, looked up my name while I worked in Moscow and said, "Let's get this sucker." The Complaint never stated or implied anything like that, but it didn't stop Claugus and the other defense lawyers from saying it did to make me appear delusional.

Claugus' effort to paint me as delusional exposed his ignorance of the RICO statute. Under RICO, not every defendant needed to have met with all the others in some dark alleyway to plan the Commie Ho's ascension to the U.S. market or keep her there at my expense.

The defendants only had to participate in some activities connected with the Russian mafia to the extent of having some discretionary authority for carrying out parts of these activities.

Confederates and members who didn't even know the Commie Ho existed could still be held liable for the harm down to me because, as the U.S. Supreme Court ruled, people who actively and knowingly work for a criminal organization that engages in criminal activity are liable for the criminal acts of other members and abettors. *Scales v. U.S.*, 367 U.S. 203, 226-27, 6 L.Ed.2d 782, 81 S.Ct. 1469, 1485 (1960). Under RICO, even though people involved with a criminal organization did not directly cause someone harm, if they played a consequential role in the organization, they were still liable for the harm others inflicted.

In my case, all the defendants actually knew and interacted with the Ho, that's how I found out about them. They all were involved in some form or another by supplying assets and marketing products and services to hard currency markets, keeping Russia mafia personnel in those markets, providing legal and financial services and making lots of money for themselves by doing so. Some of them used prostitutes mixed with narcotics to create fraudulent marriages; some engaged in immigration fraud, white slavery, importing pornography, bribery; some trafficked in drugs; some used coercion, intimidation, murder-for-hire, perjury and official misconduct to protect mafia allies; and others maximized profits with tax evasion and money laundering. Claugus patronizingly dismissed all those criminal activities as merely "colorful" or "unfortunate affairs," implying them a product of my delusions. Skipping over his implications, I assumed a Claugusian air of pomposity for my attack: "Perhaps the Bank of Cyprus does not consider the Russian mafia or organized criminals in general as a threat to civilized societies, but Congress does. The impact of organized crime is to 'weaken the stability of the Nation's economic system, threaten the domestic security, and undermine the general welfare of the

Nation and its citizens.’” *Beck v. Prupis*, 529 U.S. 494,496, 146 L.Ed.2d 561, 120 S.Ct. 1608 (2000)(quoting Pub.L. 91-254, 84 Stat. 922).

The paranoid portrait Claugus tried to draw of me included “Plaintiff has come to believe global organized crime” caused his “loss” and made him a “pawn in their activities.” At least he didn’t deny the existence of worldwide crime syndicates, which the lawyers for the American defendants had done. To fend off this sortie, I told the Court that the RICO suit, rather than being a paranoid nightmare, simply depicts the business acumen of modern day Russian organized crime and how far and deep it reaches into many aspects of American life. In this age of a global economy, Russian gangsters have also gone global in order to prey on victims any way they can.

Claugus even tried to recast the Complaint’s allegations of money laundering by the Bank of Cyprus for the Russian mafia as domestic relations. That’s a bit of a stretch, but one Claugus intentionally used to remind his Honor about the perils in modern-day America of using the Court’s powers to enforce the rights of a middle-age man tricked by a pretty young lady, even if she is a front for the Russian mafia. In my response to this common lawyerly ploy of exploiting trendy societal biases, I wrote:

“The Complaint does not allege the Bank culpable for errant matchmaking as the Bank’s memorandum infers with: ‘Defendants did not marry Ms. Shipilina. Plaintiff did. Defendants did not divorce her. Plaintiff did. The Bank played no role in this sorry affair.’ True, it would have been better them than me, but that’s not what the Bank is accused of doing. The Complaint alleges the Bank furthers the Russian mafia’s Scheme of infiltrating and expanding the mob’s activities in America by laundering the illegal funds made by mafia prostitutes, pimps, pornographers and pushers. The Bank’s marriage to the underworld of the former Soviet Union clearly produces heavenly benefits in the form of lucrative profits. A divorce between these powerful entities seems unlikely unless the purpose of RICO as stated by the U.S. Supreme Court is fulfilled in eradicating organized crime, which is a ‘highly sophisticated, diversified, and widespread activity that annually drains billions of dollars from America’s economy by unlawful conduct.’ Such a parting of the ways would be fortunate, not just for the plaintiff, but others victimized by the Russian mafia.”



Consistent with his self-enthroned grandiosity, Claugus condescended with “His is a personal misfortune common to half the population and, like others, he must seek a personal recovery. The Court should facilitate this recovery by dismissing the Complaint.” Obviously, he referred to America’s 50% divorce rate, but I responded by bending his meaning as he and the other defense lawyers so often did mine:

“I would not put the number anywhere that high, but the statement does indicate the Bank possesses information concerning other victims of the Russian mafia. Regardless of the Bank’s effort at denigration, the Complaint alleges harm to the plaintiff’s business and financial interests, which does pertain to a particular individual, the definition for ‘personal’ in the *American Heritage Dictionary*. The Bank, however, might be using ‘personal’ in the sense of ‘personal injury.’ The Complaint does not request recovery for personal injuries. Still, the Bank seems compelled to provide legal advice to the plaintiff on just that issue when it states, ‘he must seek a personal recovery.’ The Bank then goes on to provide legal advice to the Court by stating it ‘should facilitate this recovery by dismissing the within Complaint.’ I am unaware of such a legal standard that calls for the dismissal of a RICO suit because it will in some mysterious fashion aid in the recovery for personal injury, especially when the Complaint clearly states the harm to the plaintiff from the Russian mafia’s Scheme was to his business and financial interests. Perhaps the Bank’s real intent was to personally belittle the plaintiff for seeking from the Court redress of the harm caused by the Russian mafia whose money it allegedly launders.”

Following in line with the other defense attorneys, Claugus attempted to push the Court into trying the case on a motion to dismiss in violation of the Federal Rules of Civil Procedure. This was not the time in the process for the Judge to act like a kindergarten schoolteacher listening to disputed versions of what happened; that would come later. But Claugus ignored the rules in order to corrupt the process by submitting affidavits from a few Bank of Cyprus employees and asking the Court to accept as true their untested say-so. Had Claugus waited until the proper time, either on a Summary Judgment motion or at trial, many of the so-called facts in his affidavits would have been shown as false and misleading.

One affidavit portrayed the Bank of Cyprus as a small, parochial savings and loan operation that knew all its customers personally. The Bank provides Internet and telephone banking services around the globe—can’t get more impersonal than that. With a little sarcasm, I

told the Court, “Such an electronic global reach must make it difficult for the Bank to personally know its clients.” It does, however, make it easy to launder money since a click of the mouse or a telephone call could discretely send money whizzing into virtually any financial institution on the planet by way of the Bank’s 2300 correspondent relationships. This lawyer-proclaimed small bank was actually the leading financial institution on the banking and tax haven of Cyprus where, according to the *U.S. International Crime Threat Assessment*, banking and corporate secrecy, little or no taxes, and simplified incorporation procedures make it easy for terrorist groups and organized crime groups to launder funds. Gee whiz, did the most successful bank on the island do such things? Clausus’ affidavits also failed to mention that the Bank used special procedures to keep secret the real owners of the businesses that used its services, maintained a branch in the offshore center of the Channel Islands, ran a “busy” office in Moscow and, through a wholly owned subsidiary called CISCO, ran an international brokerage firm and managed investment funds.

Another Claususian method of misleading the District Court with the affidavits involved switching an allegation against the Commie Ho to one against the Bank so that by using a little slide-of-hand, he could claim to prove the newly transferred accusation wrong. Yes, a motion to dismiss isn’t suppose to resolve fact disputes, and Clausus’ tactic is all part of the defendants claiming they’re the good guys so the Court will throw the case out. My Complaint accused the Ho of keeping a small portion of her RICO profits in the Bank’s Global Equity Fund. My private detective in Canada, Elaine, dug up the information from her sources in Cyprus, along with the account number. Clausus’ affidavits claimed a search of “all relevant Bank records” had found no account in the Commie Ho’s real name. The slide-of-hand Clausus used was that the word “Bank” in his affidavits referred only to the Bank of Cyprus, Ltd., which is just part of

the overall conglomerate called the Bank of Cyprus Group. The conglomerate also contains Bank of Cyprus Mutual Funds, Ltd., CISCO and other legal entities. But the search of records didn't include those other subsidiaries, which was strange, since the Complaint specifically stated the Commie Ho kept an equity fund account, not a checking or savings account, which are the only accounts the Bank of Cyprus, Ltd. maintains. If they wanted to confirm the equity account, they should have searched the other subsidiaries. Perhaps they didn't want to find it. Turning my verbal blade a little in Clausus' ego, I remarked in my opposition memorandum to the Court:

“The Bank's chivalrous act of spending time, money and effort to aid Shipilina with two affidavits must be greatly appreciated by her, but raises the question as to why the Bank would try to help a person it considers is just one of many 'disparate' defendants. Actually, it looks more like a family associate helping out one to whom it is joined at the pocketbook. The Bank's affidavits that refute the allegations against Shipilina in the Complaint raise more questions than they answer, which can only be resolved in discovery. But after magnanimously assisting a fellow 'disparate' defendant, the Bank states, 'Nor has the Bank ever done business in New York with the plaintiff or any defendant.' The plaintiff never alleged he did any business with the Bank. But the real purpose behind the Bank's statement is to improperly interject this so-called fact into a motion to dismiss. A motion to dismiss raises only an issue of law, not of facts. Other lawyers do the same thing as though they were in state court trying to argue the factual righteousness of their cause whenever they open their mouths rather than following the proper procedure. There's a time and place for everything. Trying to three-card Monte so-called facts before the Court on a motion to dismiss is procedurally incorrect. The facts will be determined through discovery.

Throughout his memorandum, Clausus just couldn't let go of his simulated all-knowing air, “The dispute, if there is one, is between Plaintiff and his ex-wife. Organized Crime did not cause Plaintiff's misfortune.” In my response, I wrote, “How is it that the Bank of Cyprus' attorney knows the Russian mafia did not cause the plaintiff's claimed harm? Is the Bank omnipresent or perhaps, more tellingly, on intimate terms with the Russian mafia.” Without coming up for any humility, Clausus' memorandum condescendingly continued on “The Court, the Bank, and Plaintiff all have more productive uses for their resources.” Where did this guy

get off speaking for me or even the Court? I'm surprised his ego could fit through the Courthouse entrance. My response, "Perhaps the Bank's attorney is referring to the lucrative business the Bank conducts with confederates of the Russian mafia. The plaintiff, however, can think of no more productive use of government resources than, as the U.S. Supreme Court stated, 'bringing to bear the pressure of private citizen attorneys on a serious national problem for which public prosecutorial resources are deemed inadequate.'" *Agency Holding Corp. v. Malley-Duff & Associates*, 483 U.S. 143, 151; 97 L.Ed.2d 121; 107 S.Ct. 2759, 2764 (1987). As with all defense lawyers, Claugus presented his client as the victim and demanded a "measure of justice" by throwing my case out, to which I responded, "By allowing the case to proceed, the Court can prevent more than a measure of injustice to the plaintiff." But did anyone care?

Laugh, Laugh

My opposition memorandum to the Bank of Cyprus' motion to dismiss and its vituperative memorandum had included a footnote recounting the comment by Detective Henning's attorney outside Judge Castel's courtroom before the July status conference. Pawar's behavior was used as an example of the proclivity for the defense lawyers to avoid the truth:

"The willingness of defense counsels to hide the truth was demonstrated just before the July 13, 2004 conference before your Honor. Vikrant Pawar, attorney for defendant Henning, approached the pro se plaintiff in the hallway outside the courtroom and said with a grin, 'I hope you survive this motion to dismiss.' The plaintiff responded, 'That's an inappropriate remark, which I will raise with the Court.' Pawar smilingly retorted, 'I'll just deny it.'"

Pawar didn't like that footnote, bullies always turn to cowards when their prey fights back. When he received his copy of my opposition memorandum, Pawar telephoned me.

"I received your papers and I'm upset. I'm a bit surprised although honored"—if honored, why was he upset? No, the honored part was him trying to appear untouchable, a common attorney ruse. "Honored that you would include me in your papers and mention our

conversation that you placed entirely out of context. So I'm not going to respond to it in writing,"—gee, thanks, as if I cared—"but I am surprised that you would resort to the same tactics you accuse others of doing..."

I cut him off. He wasn't going to get away with accusing me of anything nor play his game of covering up his own stupidity. "Look Mr. Pawar, if you have an objection, I suggest you bring it before the Judge as I have done. As I told you at the time you made the comment, it was out of place, and just looking at it on the face, it almost sounds like a threat." Then with sarcasm dripping from my voice, "But I don't think you're that stupid. So if you have a problem with what I wrote, send a letter off to the Judge. You said it and that's it."

"I'm not going to trouble the Court with this trivial matter..."

I interrupted him again, this time bristling with anger, "Trivial, huh, okay fine, if you think it's trivial than good."

Pawar then tried to pass the buck of his boorish conduct to me. Lawyers, as with broads, always try to scapegoat others for the wrongs they have done. "You should know that if you're going to mention a conversation taking place between two parties, the least you could do for the Court is to mention the entire context of the conversation not just pick what you think would be appropriate to color the Court's judgment." The only part of the conversation I left out of my footnote was Pawar asking me whether he could say something off the record and my asking what he meant, but he never answered, so there was no off the record agreement.

"Look," I said, "there's no way that conversation could ever be construed as settlement talks, and if it was a settlement talk, then the conversation could not be mentioned to the Court. The conversation was pretty obvious. It was basically a threat, but I'm not even going to bring that up." Why bother, it wouldn't do any good anyway in America. "If you've got a problem, I

suggest you bring it to the Court. You've registered your objection with me. In fact you did it right at the end of the conversation when you said you would deny what you had just said."

"If you perceived it as a threat, I'm sorry you felt that way." He was sorry for nothing, except that I complained about his statements to the Judge. "It was a comment between two attorneys who were conversing about stuff..."

"The only conversing was you making that comment. That was the sum total of the conversation. You didn't come up to me to say you wanted to talk settlement or negotiate, which would have been off the record and can't go before the Judge."

In response, this refugee from the Indian subcontinent tried to move up a caste while belittling me. "In my court experience and my dealings with many Federal judges, I've come across many pro se attorneys"—that's considered an insult among lawyers—"but for you to take my comments out of context, well I'm just going to let my objection stand. I have been discreet, and I'm sad to see that you included the conversation in your papers." About as discreet as an 8<sup>th</sup> Avenue hooker, I said to myself.

"You have the ability, and you have the recourse, and there's a procedure for you to put your comment in context, as you call it. So it's all up to you."

"I know what I have, and it's not a big deal to respond to something like that." No, it was a big deal because he got caught acting like some schoolyard tough and couldn't come up with a reasonable explanation. All he could do was hope the Court missed the footnote. He wasn't about to bring any more attention to his foot-in-mouth disease by sending the Judge a letter complaining.

"Okay then you shouldn't have even bothered calling me," I disdainfully replied.

"I called to let you know how I felt about it."

To which my breath exhaled in exasperation. Who cared what this guy felt, he didn't give a dam about anybody else. "Well I'm sure you know how I felt about it, so now we're even. I know how you feel about it, and you know how I feel about it." Pawar finally hung up—good riddance!

Switching back to my battle with the Bank of Cyprus, I contacted my Moscow lawyer Xenia to see whether her investigator in Cyprus had any useful information on the Bank. After Claugus replied to my memorandum, my only opportunity to expose the lies he would most assuredly include in his reply would come in an oral argument, assuming the Court—slim chance—granted one. But if it did, I wanted more information for beating Claugus over the head with even though at this stage of the case the Court should focus on what's in the Complaint and the law. Xenia agreed to ask him, then said in a nice way, "Roy you spend many years for struggle, but Alina lives in N.Y., and everything seems to be OK with her. You work on this case 4 years, and you still think that she will be deported? Maybe you just forget about her experience, and start to live for yourself. Sorry—it is not my business at all, but I think that she will stay in the U.S. anyway."

"I understand your point of view and appreciate the input. My friends here say the same. But for me, nothing is more important than justice. You have no liberty, no freedom, no pursuit of happiness without justice, so I push on. I'm sure some more interesting things will happen."

At the end of August, I received Claugus' reply to my opposition memorandum. It wasn't nearly as nasty as the first one and less pompous, probably because another attorney was involved in the writing. The reply, however, continued harping on the "voluminous output" of my papers. What was with these lawyers? Didn't they ever take an Evelyn Woods speed-reading course—J.F.K. did. The papers I filed under the first judge followed his rules, and my

opposition memorandum to the Bank submitted under the second judge, Castel, kept within his page length requirements. The defense lawyers sounded like broads reaching for any ammunition to get back at someone who exposed their duplicity. The Bank's lawyer even criticized me for daring to oppose the motions to dismiss. What was I suppose to do, say they're right, never mind and go home—truly a delusional expectation.

Putting such lame rebukes aside, the Bank's reply continued one of the defendants' key connivances of trying the case on a motion to dismiss. The Bank stated I failed to "establish" links among the defendants, failed to "establish" the Bank played a role in Russian mafia operations and failed to "establish" the Commie Ho's bank account—they skipped over the fact that it was an equity account in a separate subsidiary of the Bank of Cyprus Group. Under the law, "establish" means "to prove," but, once again, the function of a federal complaint in 2004 was to give notice to defendants of the accusations against them. The proof comes later after discovery. The Bank of Cyprus' attorneys and the District Court know all this, but still the defense attorneys argued as though all the evidence had already been produced and introduced in a summary judgment motion or at a trial. So why did the Bank's attorneys circumvent the proper procedure? To get the Judge and his clerks, to do the same thing. Lots of judges and their clerks don't want to do a lot of work, are sloppy thinkers and make decisions based on their personal emotions rather than the law. The Bank's attorneys, along with the other defense lawyers, tried to color the Judge's perception of the case so as to influence him into making the type of knee jerk decision that the rules prohibit: determining what occurred based on the Judge's personal proclivities rather than evidence, then covering it up with a fabricate legal argument. It happens all the time.



The Bank's attorneys presumptuously claimed that a dismissal "will spare all parties—including Plaintiff—any further disruption, turmoil, or expenses." These two-faced lawyers were trying to appear magnanimous before the Court in their concern for my well being. They could have saved the keystrokes that composed their hypocritical compassion and inflated self-importance as to dare to speak for me. I was in this war until the end of days.

When arrogance didn't serve the ends of the Bank's attorneys, they, true to form, continued to lie about my Complaint and even distorted the meaning of an affidavit from their fellow defendant the Commie Ho. The Bank's attorneys claimed, "The only specific associations alleged by Plaintiff between the Bank and any of the defendants is [sic] that between Ms. Shipilina and a 'Stephanos' and an account she purportedly maintained with the Bank." Not so, the Complaint accuses the Bank of laundering money, the Ho's account is an equity fund in a subsidiary of the Bank of Cyprus Group and not necessarily connected with Stephanos, one of the Ho's frequent customers at the brothel Zygos in Cyprus, who may be an employee of the Bank or some other financial institution in Cyprus.

The Commie Ho had sworn in a prior affidavit: "I knew a man named Stephanos, who worked in a bank there. I never knew his last name, nor do I remember in which bank he worked. I never had any reason to know his address, not can I tell if this is the same person to whom plaintiff refers." The Bank's attorneys distorted the Commie Ho's affidavit to conclude that the Bank "has never done business with Ms. Shipilina." Even the former Soviet Union's version of the New York Times, Pravda, would find such an inference hard to buy. The Commie Ho's affidavit never mentioned the Bank of Cyprus and never denied her keeping an equity account with it. It talked about a guy named Stephanos working in some bank in Cyprus. But that didn't mean the Commie Ho never did business with the Bank of Cyprus. The Bank's

lawyers used the simple trick of setting up a false premise from which to spin off equally false inferences.

The attorneys never checked the records of the Bank of Cyprus' subsidiaries that held mutual fund accounts, or if they had, they didn't tell the Court whether they found the Commie Ho's equity fund or not. Instead, they argued no such account existed because I didn't provide the Court with a copy of her equity fund statement. It's a nice Catch-22 tactic. Putting aside the Federal Rules of Civil Procedure that do not require a complaint to present evidence, the only way to legally obtain a statement copy was for the Court to issue a subpoena, but the Court would not do that until the case moved into discovery. Sure, I could have acquired a copy from my private eye, but the moment I submitted it to the Court, the defense attorneys would let loose a cacophony demanding the prosecution of me for privacy invasion. So in the Orwellian logic of many lawyers and some courts, because I didn't have a copy of the Ho's bank statement, the attorneys declared no connection between the Russian mafia and the Bank, which meant the Court should throw the case out; that is, throw it out before I got a chance to obtain a statement copy through discovery.

The Banks' attorneys, dancing through their lies and intentional muddying of the Complaint, again twisted, ignored and rewrote the law to fit their misrepresentations of my Complaint. Repeating the same trick they used in their first memorandum, only this time referring to a different case, the Bank's lawyers omitted the same crucial part of the law for determining whether to dismiss a case: "On a motion to dismiss under Rule 12(b)(6), the court must accept as true the factual allegations in the complaint." *Harris v. City of New York*, 186 F.3d. 243, 247 (2<sup>nd</sup> Cir. 1999). They also, not surprisingly, left out that case's warning that "any party moving for dismissal faces a difficult (though not insurmountable) hurdle."

As for the law of RICO, the Bank's attorneys declared that a person is liable for violating RICO only if he "conducts or directs" the entire organization. That's wrong under U.S. Supreme Court decisions, wrong in the Second Circuit and wrong in the First Circuit Court of Appeals. A defendant need not be an executive so long as he participates in the operation or management of the organization. Another trick out of their bag of deception used rulings from cases that didn't apply, such as a fraud case even though no accusations of fraud were made against the Bank. But for the Court to discover that those cases used by the Bank's attorneys weren't relevant required the Judge or his clerks to read them. Would they take the time? Not likely.

The Bank's attorneys also came up with some new names to call my allegations after I debunked their former labels of "insufficient," "conclusory" and "bare." All of the defense attorneys prior to the Bank filing its reply had used that trinity of adjectives but never defined the words' meanings, so I used Federal cases that did. The cases made clear that such descriptors didn't apply to my Complaint. The Bank's attorneys must have agreed since in their reply memorandum they started using "wild speculations" and "lacking even the most tenuous support" to replace the former adjectives. The cases still showed my allegations weren't either of the new descriptions, but I'd have to wait to tell the District Court that at oral argument, assuming the Court allowed one.

Other subterfuges used by the Bank's lawyers included switching allegations from one section of the Complaint that satisfied a particular requirement of RICO over to another section dealing with a different part of the law. How did attorneys so full of themselves miss the boldfaced underlined headings of my Complaint on their way to rearranging its allegations? They didn't, but hoped the Court would. In addition, they regularly ignored paragraphs in the Complaint when convenient for their arguments, used the type of lingo that comes from

watching too many *Perry Mason* shows and gave the wrong citations to cases to hide their misstatements of the law.

The Bank's lawyers concluded their reply with possibly prophetic words: "The unfortunate problem that exists in this case cannot be solved in a court of law. Plaintiff must look elsewhere and the Court should facilitate this effort, to the extent it can, by dismissing Plaintiff's complaint." The problem with looking elsewhere is that no elsewhere existed. It made no sense to look to the U.S. Government for protection because it's not about to open a wide assault on the Russian mafia, its collaborators and those who profit from its operations. High-ranking Washington officials want the government of Russia to support the War on Terror and contain Russian nuclear stockpiles. Since many mobsters in Russia are either members of the Russian Government or exert influence on it, this means letting the Russian mob and its confederates profit in America. And why not, the Red Menace wouldn't hurt the rich, only the average powerless American who will have to take to the courts for justice. But if the bureaucrats stop him there, where else can he go—public with civil disobedience?

### You Talk Too Much

At the end of August 2004, I waited in hope for the Southern District Court to allow oral argument on both the American defendants and the Bank of Cyprus' motions to dismiss and to help me serve some Russian gangsters in Krasnodar and the Baraev Islamic Mafia Clan in Chechnya. The first request for the Court's assistance to serve those defendants was in July, but civil servants tend to forget because remembering doesn't increase their job security. So I reminded Judge Castel with a letter asking the Court to contact the Krasnodar Department on Fighting Gangsterism and Corruption for assistance in serving the Russian mobsters and to contact Russian Military Intelligence for Southern Russia for assistance in serving the Baraev

Terror and Crime Clan. As the letter stated about the Chechen clan, “Since the death of Movsar Baraev, I do not know who is heading this Clan now, and although the Clan controls an area just south of Grozny, Chechnya, I’m not about to visit the area to inquire as to the new head and his address.”

While waiting on the Court, I also drafted a Supplemental Complaint and requested a pre-motion conference for approval to make a motion to file it. Each Federal judge creates his own rules for certain procedures in his court, such as the length of papers, which motions require a pre-motion conference and how to contact the Judge’s chambers. Judge Castel, unlike the Chief Judge who previously handled my case, required that before making most motions, a party must first request a pre-motion conference. It’s probably part of the U.S. Government paper work reduction act or bureaucratic desire to read as little as possible. At a pre-motion conference, a judge tries to get both sides to resolve the procedural issue without having to file motion papers.

The Supplemental Complaint would update my original Complaint with events that occurred after April 2003, when the Complaint was filed. A basic policy of the Federal Rules of Civil Procedure requires that a party be given every opportunity to join all of his grievances against other parties regardless of when they arose, and supplemental complaints were the means for adding additional claims and defendants after a suit had already begun.

My Supplemental Complaint included the F.B.I.’s interference in my efforts to checkout the information in the Vasilyevas’ letter to the District Court. Special Agent Babler was not added as a defendant because that never looks good to a court, but I did recount his key role in trying to run me out of town. The new defendant from that episode was my favorite tailor shop manager Cynthia Zahnow. The Supplemental Complaint asserted that Babler, Zahnow and

Anastasia agreed on a course of action at Babler's suggestion to intentionally thwart my investigation by having Zahnow make false harassment accusations against me to the local police. Their aim was to scare me off my investigation and back to New York. The Supplemental Complaint included as an exhibit the letter from David Larson, Acting Chief for the F.B.I. Investigative Law Unit that confirmed Babler gave advice to Zahnow or Anastasia or both to contact the local police concerning me. The conduct of these three amounted to tampering with a witness, victim or informant, but I only accused Zahnow and Anastasia of that crime.

The next set of allegations in the Supplemental Complaint accused Mundy of committing mail fraud by using the U.S. Postal Service to file his Disciplinary Committee complaint against me and tampering with a witness, victim or informant by trying to use the Committee's power over attorneys to scare me into withdrawing my RICO suit. Since the purpose of his Disciplinary Complaint was to prevent the RICO case from exposing the illegal efforts to keep the Commie Ho in America, it amounted to an attempt to further those efforts by keeping them secret from the District Court. It didn't matter whether anything Mundy said in his complaint was true or not, only that he sent it through the U.S. mail, which meant mail fraud.

Finally, as to my favorite defendant, the Commie Ho perjured herself and committed a couple of additional RICO crimes when answering the Court's order to provide last names and current addresses for a number of the foreign defendants. Her lawyer allowed the Ho to swear to a paragraph in which she lied about her dealings and relationships with each of the four defendants by claiming only minimal contacts. As with all pathological liars in fear of getting caught, she spent her effort trying to create a plausible cover to trick the Court into believing she only fleetingly knew these people: "In 1999, in Moscow, I was introduced to a woman named

Tanya, who I believe at the time was seeing one Leo Perlin, another co-defendant, who I believe was a principal in Phodes Studio Co., yet another defendant in this matter. From the start we did not get along, and the few times we were together were very unpleasant. I did not socialize with her, nor did I have any reason to know her last name, or address.” About defendant Salvador, the Ho lied on with “I met a man named Salvador during my brief stay in Mexico, in 1999. I was never informed as to the nature of his business connection, if any, with Phodes Studio. I never knew his last name, and although I was at his house once or twice, I went with other people, and was unaware of his specific address. I have had no contact with him whatsoever since I left Mexico in 1999.”

The Ho’s diary paints a different picture. In August 1999, she, Tanya and Leo flew to Mexico City together. Salvador, Leo’s partner, met all three at the airport and took them to their hotel. Salvador showed the Commie Ho around Mexico City, took her to restaurants, a beauty salon and even carried a nude picture of her he got off the Internet from Leo’s website. The Commie Ho, Leo and Tanya traveled to Acapulco together where Salvador joined them. Salvador paid the Ho’s expenses and for her. Leo had brought the Ho to Mexico, in part, for Salvador, and most of the time when at Salvador’s house, she was alone and usually naked. Tanya and the Commie Ho both ended up working as strippers and whores at The Men’s Club and even roomed together for much of their three month stay until Mexican immigration arrested the two and bounced them out of the country on the same flight back to Moscow. After her deportation from Mexico, Salvador blamed the Commie Ho for the problems his prostitution and pornography business subsequently ran into with Mexican authorities. She probably spilled her guts to the immigration authorities.

Although, Leo wasn't one of the four defendants in the Court Order, lying about her relationship with him still amount to perjury because she made her statement under oath. The Commie Ho's diary clearly shows she knew Leo very well as the sole owner of Phodes Studio and her Moscow procurer for years. The diary even admits she entered into a business deal to recruit prostitutes for Leo to send overseas. In addition, Leo took the all-nude photographs of her that she sold to "grandpa" in Cyprus as evinced by her diary and handwritten letters to Leo. According to Leo, he also used the nude photos to advertise her sexual services and arranged for her to star in the masturbation video that defendant Paulsen shot in one of Perlin's apartments in the same complex where I had once lived.

The Commie Ho's sworn affidavit about her relationship with Azul admitted a few facts, but committed perjury by what she left out. The Ho always believed that telling the truth did not mean the whole truth, or lying did not include leaving out facts that would change the entire meaning of what she said—a Feminist by any other name. "I first met Azul during my brief stay in Mexico in 1999. After I left Mexico, I had only one contact with her, a telephone call to me in New York in the year 2000. I believe she said she was calling from the Netherlands at the time. During the time I knew her I became aware that she traveled a great deal, and in the short time I knew her she never gave me any address, let alone one at which she could be reached years later." Azul did travel a lot, especially in Mexico when she and the Commie Ho went together on prostituting junkets with their clients from The Men's Club to Cancun, Puerto Vallarta and Acapulco. The two were best friends, and after the Commie Ho left Mexico by way of the immigration boot, they stayed in touch. The old address I had for Azul came from the Commie Ho's papers, but after Azul's husband learned of her whoring, he kicked her out, and she went to live with one of her customers in the Netherlands. The Commie Ho, when she still lived with



me—what a revolting development that was, called Azul every so often in the Netherlands.

That's how I got the number for Azul and even talked with his latest sucker a couple of times to pump some information until the Ho told him to shut up.

The fourth defendant, Stephanos, was the Commie Ho's favorite customer when she hoed at Zygos. Although not very well endowed, she liked his "smell," and in September 2000 she visited him in Cyprus at the bank where he worked—all according to her diary.

By making such false, misleading and incomplete statements in order to protect the Russian mafia and its confederate's efforts to keep her in America, cover up the mob's illegal activities and with the foresight that the document would be mailed to the Court and other parties in the case, the Commie Ho committed mail fraud, a RICO crime. In misleading the Court with her misrepresentations, prevarications and half-truths, she corruptly influenced and impeded the administration of justice—a Martha Stewart crime, also covered under RICO. She also committed perjury, but American courts don't care if girls lie—it's expected.

Two of the defense lawyers opposed my request for a pre-motion conference concerning the Supplemental Complaint by responding as though the motion had already been made rather than just arguing for or against the conference. They knew better, but some lawyers always use any communication with a court to mislead it and carp against their opponent—it's a requirement of litigation by personal destruction. Once again, I counterattacked, first against Dubin's deceptions:

"The defendants' lead lawyer falsely claims that the proposed Supplemental Complaint, as it concerns Mundy, is 'merely repetitive of the allegations and predicate acts already set forth in the plaintiff's initial complaint.' Unless he ascribes to a Doctor Who view of time, his statement as to the factual allegations makes no sense. The Supplemental Complaint alleges events that occurred only after the filing of the original complaint; therefore, the events in the original complaint and Supplemental Complaint cannot be 'repetitive', since the events in the Supplemental Complaint had not yet occurred on filing of the original complaint.

“In addition, the defendants’ lawyer claims, ‘all other allegations set forth by the plaintiff in his proposed Supplemental Complaint have been addressed,’ by the motions to dismiss. There are no references in any of the memoranda of law to the events that transpired in August 2003 or to Shipilina’s delusive declaration to this Court.”

My response to Jack Sachs, the Commie Ho’s attorney, made for a more interesting knife throwing contest. The Ho must have flipped when Sachs told her the Supplemental Complaint had used her sworn affidavit to charge her with more felonies. Not that she worried about committing crimes, she didn’t, but the Supplemental Complaint meant more money to pay for Sachs’ time in responding.<sup>2</sup> In order to calm her down over the additional outlay of assets, Sachs wrote a particularly emotional and virulent letter, probably with the Ho’s input, objecting to the pre-motion conference. The knife I used for this duel aimed at personally aggravating Sachs as much as possible, since that’s what he tried to do to me.

“Jack Sachs’ August 30, 2004 letter to the Court opposes the plaintiff’s request for a pre-motion conference but then rambles on to argue as though he were responding to a motion already made using the type of vitriolic invective that overly protective boyfriends do: ‘Plaintiff’s wrath, as befits a scorned lover, manifests itself in the supplemental complaint.’ Who is Mr. Sachs trying to impress with this sophomoric name-calling? His client is not accused with breaking hearts but breaking the law.

“Mr. Sachs complains that some of the allegations in the proposed Supplemental Complaint ‘libel’ his client. All the attorneys know, including him, that no matter what names he and the others call the plaintiff in this proceeding there is no recourse to a libel claim, so why even raise that non-issue.”

No, that last sentence is not a writing error. I intentionally switched the phrase that logically followed—“that no matter what names I called the defendant”—to the one written in order to throw the Judge off, make him stop, question what he just read, so he’d go back and re-read with more care than just breezing through my letter for its gist.

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<sup>2</sup> Under VAWA, the Department of Justice Office on Violence Against Women pays an alien’s legal fees and expenses once she has accused her U.S. citizen husband of abuse. The Office pays for immigration proceedings and any domestic relations cases, such as for a divorce. The office, however, will not pay an alien’s legal fees and expenses when an alien is accused of criminal conduct. Since the basis of even a civil RICO action is criminal conduct, an alien defendant has to foot the bill for her defense whether she wins or loses.

“Me doth think Mr. Sachs protests too much, especially when the proposed Supplemental Complaint paragraphs he claims as libeling his client, don’t deal with his client unless he now represents Inessa Shipilina and two notorious organized crime figures in Krasnodar: Magomet Ali Kurban and Viktor Vladimirovich Kononenko.”

Overly wrought by the Commie Ho’s anger, Sachs had confused some paragraphs in the Supplemental Complaint as dealing with the Ho when they didn’t. His fervently induced sloppiness caused me to laugh.

Continuing on:

“Mr. Sachs emotionally objects to alleged ‘pejorative adjectives,’ but doesn’t specify them. Further, he doesn’t claim they are false because much of the Supplemental Complaint’s section on Shipilina is based on his client’s own diary. Mr. Sachs also calls the allegations in that section ‘unsubstantiated conclusory statements’—a little redundant on those modifiers. But, a complaint that complies with the federal rules of civil procedure cannot be dismissed on the ground that it is conclusory or fails to allege facts. The federal rules require (with irrelevant exceptions) only that the Complaint state a claim, not that it plead all the facts if true would establish that the claim was valid.

“In a somewhat whiney manner, Mr. Sachs complains that the original complaint is too long and the proposed Supplemental Complaint ‘is duplicative’ of much already pled. As concerns his known client, Alina A. Shipilina, the original complaint does not deal with Shipilina’s false declaration to the Court. That event occurred after the original complaint was filed, so the Supplemental Complaint cannot be duplicative.

“The pre-motion conference request is for permission to move for a Supplemental Complaint, not to supplement evidence. We are not at that stage although that hasn’t stopped Mr. Sachs from demanding proof. Mr. Sachs absurdly believes the Supplemental Complaint must prove to Mr. Sachs’ satisfaction its allegations. A supplemental complaint stands with the original and is a mere addition to, or continuation of, the original. *U.S. v Russell*, 241 F.2d 879, 882 (1<sup>st</sup> Cir. 1957). And the function of a complaint is to give notice, not prove. *NOW, Inc v. Scheidler*, 510 U.S. 249, 256, 127 L.Ed.2d 99, 114 S.Ct. 798 (1994).

“To compound his sophistic arguments, Mr. Sachs claims that certain accusations are ‘fabrications’ or ‘rampant speculation’ largely because the plaintiff used the term ‘on information and belief.’ Mr. Sachs may not like it, but the courts permit plaintiffs ‘to assert facts that they believe to be true, but that lack evidentiary support at the time of pleading,’ especially when the evidence is within the defendants’ knowledge or control. *Moore’s Fed. Prac.*, 3<sup>rd</sup> Ed., § 8.04[4]. Besides, complaints do not provide evidence. *Hickman v. Taylor*, 329 U.S. 495, 500-01, 91 L.Ed. 451, 67 S.Ct. 385 (1947); *Geisler v. Petrocelli*, 616 F.2d 636, 639-40 (2d Cir. 1980). Of course, these types of arguments should wait for the formal motion, if the Court allows such.”

Sachs harping on my lack of proof included his assertion “it appears that few, if any, of the events cited in the Supplement Complaint ever *really happened*, as the rule requires.” He knew that wasn’t what the rule required; he just wanted to add to the chorus calling my Complaint and Supplemental Complaint a fiction. Sachs, like the other lawyers during this initial stage of the case, intentionally misread the law as requiring that my Complaint include admissible proof of the accusations against their clients when they knew very well that couldn’t happen until after the discovery phase—again a Catch-22. The defense lawyers used this tactic because it allowed them to call me a liar, delusional, paranoid and other opprobrium in order to bias the Court against me. That’s just the way mentally challenged attorneys fight legal disputes.

One final dig at Sachs:

“In closing, it appears that Mr. Sachs’ unnecessarily nasty letter, which makes arguments more appropriate of an opposition to a motion rather than a request for a pre-motion conference, is largely the result of the inartful drafting of his client’s affidavit that gave rise to supplemental allegations against her, and, therefore, Mr. Sachs’ strident effort to prevent a pre-motion conference.”

Sachs obviously felt like a buffoon in front of the Commie Ho for doing such a bad job in preparing her sworn affidavit, so, under the stress of redeeming himself, his letter went a little too ballistic.

### Tired Of Waiting For You

My efforts to interest the news media in my RICO case, so far a failure, continued with sending Lou Dobbs a letter. His show seemed a logical choice because it did plenty of stories exposing the U.S. Government’s failure to stem the wave of illegal aliens into this country. Although the Commie Ho didn’t slink her way across the Rio Grande, she and other Russian mob prostitutes illegally sleazed their way into America and remained here thanks to mobsters, crooked lawyers and do-nothing bureaucrats. Dobbs’ show never sent me a reply, so next I tired

the columnist Michelle Malkin. Sure, she's a career female, but I didn't think her a Feminazi because of her redeeming features of Asian heritage and having written an excellent book, *Invasion*, on the horrors caused by the incompetent and corrupt INS, such as illegals senselessly slaughtering some Americans and increasing taxes for the rest of us. Again no reply, maybe all girls, regardless of ethnicity and politics, are the same. Next on my media list was an attempt at cashing in on my one semester at Columbia University's School of International and Public Affairs, which I attended before switching over to the Business School. A Graduate Fellow at the School of International Affairs, Stephen Handelman, wrote the book *Comrade Criminal*, which I had read to help prepare for the job with Kroll Associates in Moscow. The book detailed the dual personality of the Russian government as both state institutions and organized crime groups. Handelman also worked as a columnist and commentator on Russian crime, so he might have some interest in my case, but once again, I never heard back from another member of the anti-masses media.

My last shot with the media was Joe Conason, or Conoclone as I used to good-naturedly call him. He was working as the national correspondent for the New York Observer and previously wrote the column "Running Scared" for the *Village Voice*. Joe was the reporter at the *Voice* to whom I started slipping information on the mafia judge backed by Roy Cohn and the Gambino and Mangano crime families. Eventually, I went on the record with what I knew about that small segment of corrupt politics in New York City, but that was over twenty years ago, would he remember me, would he care? Over the years, he appeared on television a number of times arguing with other political pundits. He seemed to have turned into a rather self-righteous ideologue of political correctionalism, always interrupting his opponents as though freedom of speech meant only the freedom to agree with PC. He, like so many other Jewish intellectuals,

had fallen for Feminazi propaganda, probably something to do with domineering mothers, but I assumed his hatred of injustice stronger, so I sent him a letter with the summary of the RICO case. Guess I was wrong; he too never bothered to respond.

The news media had always been corrupt to one extent or another. Not so much by money but by chasing social status, currying access to the powerful and foisting its members personal values on society at large. Reporters are observers, not players, and they resent that. After all, the point in life is to make the news not report it, so media members try to excerpt influence by coloring or creating a story that will exalt their beliefs, portray as evil their philosophical opponents, gain them admittance to an exclusive night club or invited to a fat cat's private party.

For example, back in the 1970s, when I wrote part of the weekend news show at WNEW TV, Senator Church's Committee was investigating the C.I.A. One of the Committee's revelations was that the C.I.A. used reporters to spy for it when they traveled overseas. The Saturday anchor for WNEW's news show had done just that. When the news of reporters spying for the C.I.A. became public on a Saturday, my producer assigned me to write the C.I.A. story. The anchor, however, came over to me to say he'd write the story, which he did and in such a way as to make an alliance of spooks and the free press look natural for a democracy.

Today, the key corruption in the news media—whether left, right or middle—is the insinuation of Feminazi tenets into stories as a result of so many broads now working in the media. Any girl in a position of power will exploit it not for justice but herself and her special interest group. As a result, they always belittle and blame men while aggrandizing and excusing females. As for the alleged men in the news media, their childhood fear of mother and teacher cause them to grovel for female approval, not unlike a lap dog.

Even more gutless than news reporters are politicians. They generally bow lower and scrape harder before Feminazi deceit. An article from the Daily News that my pal Alan sent me reported on the New Jersey Attorney General going after some Russian guy for allegedly tricking Russian broads into coming to America to work as musicians only to take away their passports on arrival and “force” them to work in strip clubs. The Attorney General pontificated, “The fearful plight of these women, who were forced to dance nude and perform other abhorrent acts, cannot be measured in a 12-count indictment. Their plight can only be measured in human tragedy.” This Feminazi-sycophant politician made me boil to the point of sending him a letter to verbally slap some reality into his delusional view of broads, but I doubted it would have such an effect.

“With all due respect, you don’t know a damn about the Russian mafia’s underground pipeline for bringing Russian prostitutes and strippers to America. These ladies come of their own free will to make big money. The average monthly salary in Russia is \$150. They can make many times that in one night at a lap-dancing club and even more as prostitutes. Prostitution was always the former Soviet Union’s key capitalistic enterprise with the pimps being both men and women. Now it’s Russia’s key earner of hard currency because the fall of the Iron Curtain unleashed tens of thousands of prostitutes and assorted criminals into the world.

“The Russian sex industry works quite simply: model agencies throughout Russia, some run by men, some by females, are swamped with pretty young girls wanting to sell their assets in hard currency markets. The agencies, often via bribes, obtain the girls travel visas so they can work overseas in lap-dancing clubs and brothels. Some agencies send the ladies to work at clubs in Mexico City, such as The Men’s Club, and then smuggle them into the U.S. The girls know before they leave what they are going to work at, how else could they hope to make so much money. They sell their bodies willingly because that’s how they become millionaires by Russian standards.

“The standard agency fee is around 20% for making the travel and visa arrangements and paying the airfare. The strip club or brothel takes around another 15%. That leaves the prostitutes and strippers 60 to 65% beside the private prostitution deals they cut with their customers and whatever they can cheat from the money they owe their agencies. It’s rather difficult for a model agency in Russia to keep track of how many times a girl gives a lap dance or performs sexual acts in America. These Russian model agencies also function as matchmakers, suckering American men into bringing these prostitutes to America, and pornography producers for the American market.

“I suggest you talk to the Deputy District Attorney for Los Angeles County, Marcia Daniel, who recently prosecuted the largest prostitution ring in Los Angeles’ history, run by a 42 year old Ukrainian woman and her 22 year old daughter. Ms. Daniel will tell you how the underground railway funneling Russian prostitutes into America works. But you are probably not interested since you are obviously pandering to the female vote. Oh, and by the way, when a Russian has her passport stolen or “confiscated,” all she needs to do is contact the nearest Russian Consulate to obtain a replacement.

“You may feel like a white knight, but the folks in Russia and those here that understand the twisted nature of that country are laughing at your gullibility. You should take a lesson from former President Harry Truman, ‘Those Russians, they lie.’ And Russian women are the best at it in large part because they can cry at will.”

New Jersey’s protector of Russian prostitute chastity never responded to my letter.

The Daily News article, surprisingly, did get a couple of facts straight: the Russian mob operated the pipeline funneling hos from the former Soviet Union to America and ran some of the strip joints, or brothels, in which they worked. If the District Court for the Southern District of N.Y. only knew as much as the Daily News did about the Russian mafia, my RICO case chances would improve.

Fed up with reporters, politicians and bureaucrats who childishly believe snow white didn’t pay for her room and board with sex, I vowed never again to waste my time on trying to enlighten brainwashed giriemen.

As for the class action lawsuit against Salomon Smith Barney that I had joined two years earlier, progress consisted of one lateral pass after another going nowhere. The moldering case kept switching me from one law firm to another with each firm uncannily lacking the ability to obtain my records from the prior firm. The fourth firm had recently requested from me the same documents all the others had and warned that if I didn’t provide them, the firm could not proceed on my behalf. Proceed to do what, pass the case off to another firm? I sent the records for what good it would do.



## Diamonds Are A Girl's Best Friend

Over the Labor Day weekend, Mark and I caught a new club on 10<sup>th</sup> Avenue and 17<sup>th</sup> Street called *The Park*. Mark had been telling me about the place for a few weeks as great for chicks. One of Mark's previous martial arts students, Vincent, a black belt, ran security at the club. Vincent helped us look like big shots at the club, always useful with chicks since to them appearance counts more than substance. When Mark and I arrived, we walked to the head of the line passed the little princesses watching and wondering who were those two guys? In their eyes, we looked professional, but did we have pull? The bouncer at the door knew Mark and called on his walkie-talkie for Vincent to come to the door.

Vincent and the two of us stood outside in the summer weather talking while the girls waiting to enter the club scrutinized three guys, two black and in their thirties, one with dread locks, one with a shaved head and a middle-aged white guy with gray hair cut in a butch from the mid-twentieth century.

This was the first time I met Vincent, an intelligent guy and clearly one for watching your back in any type of altercation. Besides his job, he was doing what I regretted not doing my entire life—studying physics. Once he got his doctorate, Vincent planned to work in Puerto Rico, another dream of mine never fulfilled: warm tropical weather and hot brown-skin girls. What a great life style he was working towards, but more than a comfortable life drove Vincent. When he mentioned the philosophy and Tarot courses he also took, I knew this guy, like I once did, wanted to understand how the universe worked and why things happened. I envied him his future, but for me, I had already lived mine. All that remained was my reckoning with evil.

After looking like V.I.P.s talking with Vincent outside, he escorted us into the club with the door bouncer parting our way passed those in line. The girls eyeing Mark and me now knew

we had the pull to treat them in accordance with their self-professed birthright as princesses by getting them into the club without waiting in line. Vincent showed us around the club for my benefit, since it was my first time there. The club's building previously functioned as a parking garage, hence the name. The place was large with a couple of bars and a restaurant on the first floor and a combination lounge dance area upstairs that flowed out onto a large balcony with a hot tub. Checking out the tub, no girls yet. Downstairs, Vincent offered us free drinks from the bar, always a bounty that we readily accepted, and a good marketing tool, since we'd recommend the club to others who would pay for their drinks.

Vincent went over to the bar while we waited standing in a walkway from the restaurant area into the bar. Not looking at anything in particular with Mark talking on my right. In another plane of existence, Andy Devine says, "Plunk your magic twanger Froggy!" poof, not Froggy, but a gorgeous, drop-dead blonde in her early twenties stands in front of me. She's tall and I'm looking up caught in the trance of her eyes streaming promises of bliss, hope and happiness. Struggling out of those pools of blue, my eyes move down to a luscious smile, big balloons and the long legs of this six-foot-three tomato, but like a magnet, my eyes jump back to dreaming inside her gaze. Already on the ropes, she takes my hand with a warm squeeze and purrs close to my face, "Will you show me where the ladies room is?"

I almost gushed I'll show you anywhere, but I didn't know where anywhere was so instead said, "I don't know where it is, but let's find out," as I involuntarily volunteer.

"I drank too much," this smiling bacchanal bubbled.

Holding her hand, I wasn't about to let go, we went off to find the big girls room for this seemingly child-mannered object of desire. We could have gone searching for the Minotaur's lair or the Susquehanna Hat Company for all I cared. Leading the way, as men always do when

helping a fair damsel who exuded unspoken delights, I asked a bouncer. He directed us down stairs. Down we went, my hand in hers, talking about nothing I can now remember, although I did detect an accent. At the bottom, we stopped before the ladies room; she turned to face me.

I asked, "So where are you from?"

"I come from Brazil." I'm thinking a Brazilian blonde, loves sex, she's any man's prime desire.

"That's a great country. I always wanted to go there. Are you visiting New York?"  
Maybe she'll invite me to her hacienda.

"No I live in Newark." Wonder what she's doing in Newark?

Before I could ask, she said, "My name's Andrea."

"Nice name," I usually say that when a girl tells me her name; they like it.

"Mine's Roy. Here, let me give you my business card."

"What do you do?" she asked, swaying a little under her cups of wine.

"I'm a lawyer." She got closer, put her right arm on my shoulders around my neck, smiled down at me, laser beaming her pheromones and planted wet kisses on my cheeks, caressing the corners of my mouth.

"Thank you," she smiled and went into the ladies room.

Next move was to wait for her, but something uneasy in my unconscious tilted me to go back upstairs.

Still in a revelry, I went over to Mark and Vincent and said with a grin, "That was easy."

Mark asked, "Did you get her telephone number?"

My revelry crashed, but I couldn't decide whether it mattered, "No."

“Oh no, not again,” he laughed. “You always do that. Girls are too scared to call a guy like you. You’ve got to get their numbers.”

Mark was right. Unless someone reminded me to get a girl’s phone number, I usually forgot, not always but more often than I should—probably an unconscious shield against the horror of another unrepentant psychopath. Maybe that kept me from waiting for this Brazilian who reached as high into the sky as the Ho, smiled just as sweetly and initially approached me out of nowhere.

“Let’s go find her, and this time get her number.” Mark said as we set off on a quest necessitated by my hidden fears or fate. Mark had an uncanny knack for finding people in a crowded New York City nightclub, so I followed him through the caverns of The Park with a growing sense that our expedition would end badly. Rounding one corner into the restaurant, Mark asked, “Is that her?”

“Sure is,” I answered, looking at her standing by a table getting ready to leave with a short Latin guy in his fifties with dyed black hair standing on his tip toes trying to smother her lips in kisses. Andrea was giving him the same treatment she gave me, only now I recognized it as a forced professional smile that looks warm as fire when on the receiving end, but from the side lines, really isn’t anything at all.

Mark and I looked at each other using the same Ludacris lyric, “She’s a ho.”

“Figures,” I said. “The only girls attracted to me are hos, and seems like the only ones I’m attracted to are hos. It must come from my mother.” Mark laughed, and we went upstairs to checkout the talent.

Stumbling home that night from the Hudson to the East River, no buses, so I walked, I asked myself how could some girls wheel so much power over guys. With all my past

experiences and the understanding gained from looking inside the Commie Ho's head by way of her diary, this ho from Brazil wrapped me around her wishes in seconds. How did girls like her do it? What they promised but never fulfilled just wasn't that important to make up for the harm they caused by suckering a guy into believing he was something special or the only true one for them. Whether professional or amateur hos, which together covered most girls, the only socially redeeming value of hos were repeated episodes of sensual gratification, but, as with temporary bouts of consciousness altering through alcohol or drugs, that doesn't provide a guy sufficient reason for living. Life for a man required more, a purpose. No matter how these hos plied their tricks, they were dangerous, at least the blonde ones. Many fears plague me, but the only one that scares me is not being able to do what is necessary to meet my reckoning, which is now my purpose. My resolve told me to stay away from tall blondes, real and bottled—maybe.

#### Time Has Come Today

What's interesting about the ending days of a person's life is that nothing good happens, so it becomes important to revel in the bad—to see it as good.

On returning home from the law library, my mail for September 29 included the District Court's decision on the motions to dismiss. I flipped to the last page where judges always sum up their conclusion: "Plaintiff's Complaint and Supplemental Complaint are dismissed with prejudice." He threw my case out and from the tenor of his concluding section slammed the District Court doors shut behind it as though warning me, "And don't come back here again!" Oh yeah! No bureaucrat tries to intimidate me; back I would come.

Judge Castel dismissed over the issue of "proximate cause." Proximate cause is a nebulous area of the law, especially concerning RICO actions, which allows judges to use a number of different tests or even make one up in order to decide whether the acts of defendants

are closely enough related to the harm suffered by a plaintiff. The law is so imprecise on this issue that it allows judges to dump a case they don't want, and that's how Judge Castel used it. What I didn't expect was for him to deny me at least one chance to amend my Complaint to meet his objections—to allow me one more bite at the apple. But Castel doomed that possibility by using the words “with prejudice.” Very unusual, since Federal courts almost always allow a plaintiff one more shot at drafting his complaint. Maybe the politically correct news media didn't touch my story because it knew more about how the court system really worked than I did. Fine, next stop the United States Court of Appeals for the Second Circuit, which takes appeals from the U.S. district courts in New York, Vermont and Connecticut.

It took me until the end of the week to finally sit down and thoroughly read Judge Castel's decision. When I did, I seethed with indignation at this alleged “Honor of the Bench” who most likely only skimmed my memorandum of law, if that. He claimed, however, to have “carefully and thoroughly considered” my memorandum but said, “Plaintiff made no request to file an amended Complaint in the event the motions to dismiss were granted.” My memorandum stated at page 41, “If this Court dismisses the Complaint or part of it under Rule 12(b)(6), then the plaintiff requests leave to amend.” The memorandum made four more similar requests concerning specific issues throughout the memorandum—five times in all, but somehow Castel, and his clerk, either a broad or girieman—read Feminazi or Feminazi sycophant, missed them. So much for “carefully and thoroughly considered.”

More evidence that these bureaucrats, probably trained in Russia, gave short shrift to my papers was their false accusation that I had violated Castel's individual practice rules. Any schoolchild looking at the record would have seen that. Castel and his clerk simply rewrote the procedural history in favor of their convenience. Sounded to me like the same tactic *60 Minutes*

used against President Bush over his National Guard Service: they decided the result they wanted, then made up the facts to fit it. It was now clear that Castel wanted to quickly dismiss my case and pressure me into not appealing, so he and his clerk lambasted me with the falsehood of violating his rules in order to give them an excuse not to fully consider my papers and discredit me before the Court of Appeals. The District Court's rush to trample my rights in the name of political correctionalism and expediency didn't end there. The Judge and his clerk also tried to scare me off an appeal with insults, sarcasm and misleading statements. They probably liked the way the lawyers for the defense handled themselves, since instead of reprimanding the defense for its personal attacks, the Court joined in the character assassination.

Castel and his clerk were subtler in their litigation of personal destruction while relying on many of the phony conclusions the defense improperly interjected into their motions to dismiss. Copycatting the defense attorneys' ridicule of me and their misrepresentations of my Complaint showed that Castel and his clerk carefully read the defense motion papers but not mine. Castel and his clerk simply concocted a legal argument based on their claiming my Complaint didn't say what it said but said what they said it said in order to dismiss it for lack of proximate cause.

The two even ridiculed my efforts to seek protection from the courts and report the defendants' crimes to law enforcement agencies by sarcastically describing me as "one who is having a difficult time being heard." They'd never, never dare say that if I was a broad and the Commie Ho a male Russian mob pimp!

These bureaucrats, who pushed the law in any direction they personally wanted, probably feared the Feminazi criticism that would result from allowing a middle-aged man to fight for his rights against a prostitute, a respectable profession under Feminazi thinking, and those that aided

and abetted the Ho to enter and stay in America. Also playing into the dismissal with prejudice was the hostility toward civil RICO cases demonstrated by nearly all the lower federal courts in the U.S. All civil RICO actions are brought by individual citizens. In the early nineties, 77% of such RICO cases were thrown out of court in the beginning stage, as was mine, while other types of cases were rarely dismissed.

Congress had intended civil RICO to encourage an army of private citizens to take on complex racketeering actions, but federal judges, except for the Supreme Court, have imposed their own restraints on the statute by writing in requirements that aren't there. Congress feared such might happen, so it wrote into the statute that "The provisions of this Title shall be liberally construed to effectuate its remedial purposes." But that didn't stop the lower federal courts from impeding the statute's operation, so the Supreme Court has repeatedly told federal judges to knock it off. Once the Supreme Court rebuked a lower court with "The short answer is that Congress did not write the statute that way." *Russello v. U.S.*, 464 U.S. 16, 23, 104 S.Ct. 296, 300, 78 L.Ed.2d 17 (1983). The lower federal courts, however, continue to systematically dismantle civil RICO by creating numerous obstacles to keep plaintiffs from reaching the trial stage.

When the Russian mafia showed up on the District Court's steps in the form of my RICO action, Castel and his clerk naturally believed they had the PC right to impose whatever restrictive judicial limitations necessary to dismiss. Lawmakers call this "negative judicial activism" in which appointed judges change the very meaning of and reason for a statute passed by elected representatives. In my case, Congress had passed civil RICO because previous laws had offered too little protection for the victims of organized crime.



Castel and his clerk didn't care about any male rights. They were too steeped in toting the Feminazi line of modern day America as evidenced by the creepy euphemistic language they used. For example, the decision calls brothels and strip joints "exotic dancing clubs." Nobody, other than hos, pimps and Feminazis, call dens of flesh peddling "exotic." Exotic means mysterious, romantic, picturesque, glamorous and out of the ordinary. Brothels and lap-dancing clubs don't fall within any of those definitions. There are over 2000 lap-dancing joints alone in America, and who knows how many double as whorehouses. Both thrive on crass commercial exchanges, just like stock markets and cattle yards but only the activities in strip clubs and brothels are driven by greed and lust rather than greed alone—nothing exotic about either desire. The decision also sanitized "call girl operations" to "escort services." The Court used Orwellian Newspeak in order to disguise the sorted-criminal reality depicted in the Complaint.

Feminazis and totalitarian lefties use Newspeak all the time in describing theirs and their supporters' nefarious acts. They picked it up from Orwell's *1984* or the Japanese three monkeys: hear no evil, see no evil and speak no evil unless it serves Feminazi interests. By controlling the words used in discourse, vested interests can manipulate reality to appear as it does not exist. Control a person's view of reality, and you control that person.

Castel and his clerk's politically correct, elitist efforts to twist my Complaint and the law brought home to my gut what I intellectually suspected all along: there was no redress for my grievances within the American judicial system. In 21<sup>st</sup> century America, the nobler sentiments of men are left for the movies made in the first half of the last century. If I won on appeal, unlikely given the like-mindedness in the Second Circuit Court of Appeals, the case would end up back with Castel who would then finesse another reason to dismiss it. Even if everything went my way, it would be back and forth like a ping-pong ball between the District and Appeals

Courts, and that's what Castel wanted me to take away from his opinion. The message was clear: the Judge was not going to allow my case to ever reach discovery. If I persisted, and luck kept bringing me victories in the Court of Appeals, I would have to pay a prohibitive toll in costs, time and stress. But if lady luck failed me even once in the Court of Appeals with a ruling in Castel's favor, then the only legal option left would be the U. S. Supreme Court, which only hears about one-percent of the eight to nine thousand cases that apply for review every year. So the chance of the U.S. Supreme Court ever hearing my case was nil. Castel's decision made it eminently clear that the only justice in America for a man without fortune or fame was injustice. All those law school cases, TV shows, Hollywood movies and comic books where truth and justice lived synonymous with the American way meant nothing for American men in the 21<sup>st</sup> Century.

Despite Castel's warning between the lines to stay out of the judicial system, I wasn't going down without a fight. At the law library, I researched whether I could do anything legally right away, rather than waiting months for the appeal. Sure enough, I could make a motion for Castel to disqualify himself from the case, and, if successful, ask the new judge to reconsider the motions to dismiss. Maybe a new judge would at least read my papers through, follow the law and not rewrite my Complaint. The chances, however, were small of Castel bouncing himself off the case, but his response might provide some ammunition for attacking his decision in the Court of Appeals. The motion would also get on the public record in the District Court the tawdry tactics Castel used to discredit me. And, since the record of the motions would also end up in the Appeals Court in the form of the "joint appendix" when my case reached there, I wouldn't have to use some of the limited space in my appeal brief explaining Castel's falsehoods and ridicule.

To make my motion, Judge Castel's individual practice rules required sending him and the defense lawyers a letter that requested a pre-motion conference to discuss the issues. The letter gave me the chance to criticize him the way he did me:

"My years of living in this society have made me relatively tolerant of backhanded sniping, even when it impugns my honor by subtly calling me a liar who spins tales or makes fanciful allegations.

Castel's decision started smearing me as a delusional liar on the very first page by claiming the Complaint "spins a tale," and, in the very first sentence of that page, he repeated a sarcasm used by the defense lawyers throughout their papers to ridicule my case and me. My Complaint states the Russian mafia is an organization that "spans the globe." The defense lawyers had picked up on that phrase, twisted it to apply to only the defendants, rather than the Russian mafia, and only to a domestic relations' case, rather than a RICO suit. According to the defense's distortion, my case concerned a worldwide, domestic relations conspiracy—I don't think so. Still, they used the phrase throughout their papers as a moniker for calling the Complaint farfetched and characterizing me as delusional. Lawyers can ridicule all they want, but when a judge repeats their derision in a written decision, it becomes a different matter entirely.

Castel included another attack on my veracity in his opinion by selectively editing an accusation by Jack Sachs, the Commie Ho's attorney, so that it sounded even worse than the one Sachs made. When Sachs opposed my request for a pre-motion conference to file my Supplemental Complaint, he wrote, "*it appears* that few, if any, of the events cited in the Supplemental Complaint ever really happened." Castel decided to go one better when quoting Sachs' accusation by writing, "few, if any, of the events set forth in the Supplemental Complaint ever really happened." Castel didn't bother to include Sachs' qualifier of "it appears." Then to

make this slap across the face appear acceptable while returning a back swing to my other cheek, Castel wrote, “It is not the Court’s role at this stage of the litigation to assess the truth or validity of plaintiff’s allegations, no matter how fanciful they appear or how difficult they may be to prove.” Every law student knows on a motion to dismiss that a judge doesn’t decide fact questions, so why bother including Sachs’ edited quote at all? The only possible reason was to brand me a liar and add a backhanded slap to make sure the Second Circuit Court of Appeals, the defense and I knew that the Judge didn’t believe the Complaint’s allegations and that he thought they couldn’t be proved. Where did he get off violating the Federal Rules of Civil Procedure by making such conclusions before any discovery? He’s a judge appointed for life, so he can do pretty much what he wants.

My letter requesting a pre-motion conference continued:

“But I do find particularly trying when manifest partiality or personal prejudice singles out me, the pro se plaintiff, for criticism, especially when such censure is based on a false premise used to justify a chain of events that led to dismissal with prejudice of the Complaint.”

Castel had falsely accused me of violating his individual rules. He said in his decision, “plaintiff, without prior consent of the Court and in contravention of my Individual Practices, filed a 147-page memorandum of law, along with an affidavit and exhibits.” To which I wrote:

“Yes, I filed a 147-page law memorandum with five exhibits in opposition to the defendants’ joint motion to dismiss while their two key memoranda totaled 148 pages with 47 separate documents attached, but you saw fit to rebuke only me, and that rebuke was unfounded.

“You claim my 147-page memorandum of law contravenes your Individual Practice Rules, but it did not contravene Chief Judge Mukasey’s rules who was the sitting Judge when it was filed. You were not on the case at that time—Chief Judge Mukasey was and my memorandum complied with his rules. Had I known then that you would end up with the case, I would have requested “prior consent,” but I’m not that prescient. Your rules for which you wrongly accused me of violating in a written order did not apply because the case had not yet been transferred to you and there was no notice to me at the time that it would be.

“More important, however, is that the above incidents of partiality or personal prejudice and error in applying your Individual Rules contributed to overlooking controlling decisions cited in my memorandum, not fully considering the legal arguments I advanced and fundamentally misconstruing and overlooking allegations in the Complaint, which was reinforced by your failure to fully consider my memorandum of law. Other indications in your opinion also infer an ignoring of my memorandum but not the defendants’. And no, the motion I made to strike some of the defendants’ extraneous exhibits did not request striking my memorandum of law.

“After having been burnt once and not wanting to be falsely accused of violating any more rules, I am requesting a pre-motion conference in order to move for your disqualification from this case because of partiality or personal prejudice so that an impartial judge may hear any request for reconsideration of your decision to dismiss the case.”

As hindsight now made clear, Castel likely had decided soon after his assignment to my case to dismiss it, which explains his comment at the July conference when he didn’t want to give the Bank of Cyprus any extra time to reply because it would come out of his time. It also explains him admonishing me in his opinion for filing the Supplemental Complaint while the motions to dismiss were pending. The Supplemental Complaint required Castel and his clerk to put in extra time and effort to fashion an additional legal argument for dismissing it along with the original Complaint. That must have annoyed them, and in their rush to throw my case out, they created their own rules of procedure. It didn’t matter to them that the Federal Rules of Civil Procedure not only allow but also encourage a plaintiff to file a supplemental complaint whenever new events occur in a case. Castel and his clerk wanted rid of my case, so they ignored the rules by treating my Supplement Complaint as an Amended Complaint—two distinctly different court papers, but it gave them an argument for dismissing my case “with prejudice.”

Dubin, the lead defense lawyer, responded to my request for a pre-motion conference with a letter that took every opportunity to ingratiate himself with Castel, “I regret having to burden this Court with any further correspondence on this matter.” Right, this pathologically

fibbing lawyer knew as I did that Castel screwed up by accusing me of violating his rules because if I had violated them, then so had Dubin, but neither of us did because the Chief Judge had the case at the time. Dubin naturally failed to mention that. Instead, he gave Castel a couple of arguments, actually lies, for getting around what the Judge had written. Dubin twisted Castel's admonishment of my rule violation into merely a statement made "in the context of providing nothing more than procedural history." Baloney, the statement was false and rebuked only me but not Dubin when by Castel's faulty reasoning Dubin had also violated the Judge's rules. Dubin also suggested what Castel would probably do: deny the common sense meaning of the Court's opinion by simply declaring that nothing Castel or his clerk wrote indicated a failure to fully consider my memorandum—false, but impossible for me to prove.

Other chicanery used by Dubin in opposing my request to make a motion to disqualify omitted the full truth. And why not—a half-truth is often more effective than a full one. Dubin claimed anymore time spent on the case, so far 18 months, would "greatly prejudice the defendants." But he conveniently left out that five of those months of delay resulted from his requests for extensions of time to file papers. Dubin also declared with lawyerly pomposity that Castel should not disqualify himself, which would open the way for another judge to review the case, because two federal judges had already "considered" the RICO action. Technically true, but the amount of time put in by the first judge, the Chief Judge, was miniscule, consisting of one short conference in which he set the schedule for submitting the motions to dismiss. That's hardly enough to satisfy the definition of "considered." Dubin even argued that another judge "should not be burdened with having to address all these papers." But most of the papers he had submitted for that very reason: to so burden Castel that the Judge would dismiss the case on any grounds just to avoid dealing with so many documents.

Dubin finally argued that I had the opportunity to submit lengthy papers that showed I had a fair and reasonable chance to argue against the motions to dismiss. Is he kidding, what's fair and reasonable about submitting papers the Judge barely looked at? That's no opportunity, unless you live in George Orwell's *1984*.

Castel allowed me to make my Motion to Disqualify but refused to grant a pre-motion conference. Rats! I wanted the confrontation; watch him try to explain why he singled me out for criticism.

My motion accused Castel of acting in a manner that raised questions about his impartiality. That's all I needed: show there existed some doubt about his fairness. Too bad I couldn't also make a motion to bounce him off the case for re-writing the civil RICO statute, but the rules don't allow for that. The Motion to Disqualify criticized Castel's falsehoods and snide remarks:

"Such comments by Judge Castel are unnecessary, inappropriate and do not bolster the legal basis for the Decision, but they do discredit the plaintiff for when he appears before the Second Circuit to argue his appeal. As such, the only conclusion is that these remarks manifest Judge Castel's partiality above and beyond that already held by Second Circuit courts against civil RICO actions."

Dubin's papers, as usual, attacked me personally and declared I fabricated a claim of partiality against Castel and misread as sarcasm the Judge's objective words. The lead defense lawyer also claimed, "Plaintiff is desperate and figures he now has nothing to lose." For once Dubin got something right, but he didn't realize it. He just threw it out as a personal attack.

Castel denied my Motion to Disqualify but at least corrected his opinion that my 147-page memorandum didn't violate his rules because when it was filed the Chief Judge had the case. Still, he failed to mention why he had initially singled me out for criticism but not Dubin for filing two memoranda totaling 148 pages. Oh well, sloppiness generally results when a judge

follows his visceral reaction to dismiss a case and then has to play catch up to maintain the visage of exhaustive judicial deliberation.

Castel did use Dubin's suggestion about not ignoring my memorandum by saying he had given all papers "careful and thorough" consideration. As for the personal ridicule Castel had thrown my way, the Judge claimed he didn't say what he had said, or what he said didn't mean what it meant. Actually, he should have declared he didn't write what had been written, since the dramatic difference in writing styles between Castel's ruling on my motion and the opinion to dismiss indicates he likely didn't write the dismissal decision. My criticism of the Judge in the Motion to Disqualify must have caused him to deal with it personally. But as for the defendants' motions to dismiss, he most likely had told one of his clerks to dismiss the case with prejudice and let her, or an androgyny, come up with the reasoning and write the opinion. Castel must have relied on her to get it right, but she didn't. As a judge, he should have paid closer attention, but even so it would have ended with the same result. Castel wanted rid of my case, so any illogical reasoning would do.

Even in Castel's denial of my motion for his disqualification, shades of *1984* appeared. Castel claimed the statement in his dismissal opinion about me filing a Supplemental Complaint "with the defendants' motions to dismiss in hand" was not a personal criticism. Rather it meant that when I filed the Supplemental Complaint, I should have used that opportunity to also change my original complaint to meet the objections in the defense lawyers' memoranda that I then had in my hands. Wait a minute! The defense attorneys aren't the Judge in this case or any case, and a plaintiff doesn't have to accept their arguments and change his complaint accordingly. If a plaintiff has to rely on the defense lawyers interpretation of the law, which is that the plaintiff has no legal recourse, there would never be any lawsuits, and judges like Castel would be out of



a job. The reason we have judges is to interpret and apply the law impartially. We don't use defense lawyers for that, especially four-flushing ones.

Even more absurd was Castel's reasoning that would require plaintiffs, maybe only male civil RICO plaintiffs, to read the future. Normally, after a judge makes his decision to dismiss a case, a plaintiff is granted the right to amend the complaint to correct the problems raised in the judge's decision. Obviously, a plaintiff can't amend his complaint to cure mistakes pointed out by a judge, if the plaintiff has to do so before the judge issues a decision. The law doesn't require plaintiffs to foretell the future because most courts realize humans can't do that, so they usually allow a plaintiff to amend his complaint at least once after a judge issues a decision to dismiss. But according to Castel, I should have filed an Amended Complaint correcting the errors his decision would list before that decision was issued. It's a neat way to Catch-22 my Complaint out of court without the opportunity to amend. Next time, I use a fortuneteller.

The process of appealing to the Second Circuit Court of Appeals began, but my take on future judicial results had changed. Even though Castel had written such an abortion of a decision, I no longer expected further defeat at the hands of the bureaucratic judiciary—I was assured of it. As the lead defense lawyer said when he made that comment about desperation, Castel's decision to dismiss my case did just enough to nudge me over the line into the realm of nothing to lose. When a man loses everything, and there is no justice to be found, he becomes a ghost on the road to Elysian. The courts are useless, unless you are a broad, celebrity, rich or a large corporation, then they'll give you what you want—whether justice for you or injustice for your opponent. Time would come for other action. No point in possessing power if it is not used. I still pursued my legal recourse in the Court of Appeals but more for the chance of making a stab for the Supreme Court rather than any hope of success.

## Smooth Talking Criminal

The time I spent preparing the papers for getting into the Court of Appeals and dodging the hidden traps that slam shut the Court's doors took a few weeks in October during which I missed some Salsa lessons and working out at the gym. Throughout that period, the simmering reaction of fury and hate in my gut kept boiling up. One Saturday night, I almost got into a fight with a twenty-something Asian guy and his friends. Mark had to step in as peacemaker. On another weekend, I made a few unnecessarily nasty remarks to some broads and refused to move out of the middle of the tiny dance floor at Gonzales y Gonzales when some guy asked me so that he could dance with his girl. Good grief, I was acting like I did back in my college days when destination Vietnam hung seemingly forever before me. I didn't need this. It became clear very quickly that Salsa, working out and chasing girls of a darker complexion served a more important purpose than staying in shape or entertainment: they kept me from exploding or doing something really dumb like falling for another blonde.

The weekend before Halloween, Mark suggested we try a place on Fifth Avenue and 13<sup>th</sup> Street called Luan. Free admission and Salsa, how could we lose? We arrived early around 11 PM, the place was nearly empty and no talent except for a few girls barricaded behind tables. Some broads always enthrone themselves in back of a table. What are they protecting—their imaginary virginity? Are they waiting for some prince to scale those ramparts? Too much work and too visibly embarrassing if the guy doesn't come back with the damsel.

On our way to the bar was this tall, tall blonde, blonde cocktail waitress standing directly ahead. My persona immediately changed from Dumb to Dumber. My eyes saw clearly, the club wasn't too dark and she was in range of my less than 20-20 contacts vision; still I walked up to her, to the edge of the psychologically fog-enshrouded cliff. Looked up into the face of a six-

foot, three-inch girl in her early twenties who looked the twin of the Commie Ho and began the pickup. What was I doing? Had Mother Nature programmed me for destruction at the hands of blondes whether real or dyed?

Cocktail waitresses are always easy to talk with—too easy—because they want those tips, as did this one, but getting their telephone numbers while they work is usually difficult. We flirted, or I flirted, while she acted throughout the evening. Mark and I bought our drinks through her, as she requested, instead of at the bar. She and I even danced a little, touching bodies, feeling, holding each other with kisses dangerously near the mouth: clearly a death wish on my part.

“Lucky,” as she called herself, also worked as a model—why was I not surprised. Beautiful, whose barefoot height reached six-foot-one and under contract to Welhelmina, a hotshot model agency in the City that paid for her 85<sup>th</sup> Street and West End Avenue apartment, an affluent residential neighborhood. Lucky came from a small town in Mississippi, which gave us something more to talk about given my recent trip there. But that minor coincidence didn’t matter since Lucky knew how to carry on a conversation with any man, especially one that looked like money. She even asked flat out, “Do you have money? To which I honestly answered, “No.”

Before Lucky moved to New York City, a few months earlier, she traveled around the country appearing in beauty pageants for Hawaiian Tropic tanning lotion. That sounded familiar, although Lucky apparently had more success than the Commie Ho with Hawaiian Tropic. I kept dancing on the cliff’s edge, laughing at the abyss below when I should have been fleeing as hard and fast as possible from my own stupidity. Lucky wheedled me into going outside to the corner store to buy her a handful of her favorite chocolates, each the size of a golf

ball wrapped in red or blue foil. She particularly preferred the red ones that night. Rather than turning the handful over to her at once, I doled them out one at a time over hours, which reminded me of teasing my cat when a kid. But who was teasing whom? When Mark and I left, Lucky gave me her telephone number.

My dance on the edge now turned into a fall powerless for me to stop. The moment we left Luan, Lucky started living in my mind, playing my emotions. Trying to reduce her sway, I presumptuously encapsulated her value to me.

“So what do you want from her?” Mark asked.

“Sex,” I answered. But was that really all? Too bad girls can’t be separated from their bodies.

“You may also want to keep your options open by being her friend,” Mark continued. “Not the big brother type who solves her problems and listens to her complain about her boy friends. Guys always fall into that trap because nature made us problem solvers and caretakers. Girls know that, and they know how to use us for it because they can’t solve problems or take care of themselves. It’s happened to me lots of times, and I’m not doing it anymore.”

“That’s what happened to me with Traviesa.” I replied. She was always bending my ear about this guy or that guy and using me to fix the idiocy she caused. Who needs listening to their moaning and groaning about the problems they get themselves into? What a bore.”

“Right. So, after you call her up once or twice, she’ll make clear whether she’s interested in sex or a big brother or doesn’t ever want to see you again. If it’s big brother, just don’t fall into that role. Go out some place fun with her and flirt. If she starts talking sob stories, be firm and tell her, ‘Listen I came out to have a good time,’ and she’ll knock it off. Keep flirting with her, and she’ll realize you’re not going to play big brother, so she’ll flirt back. Girls always want

guys to flirt with them even if she's not thinking sex—it justifies their existence. And by being a friend, you'll get to meet the other models she hangs around with, and so will I. You can even throw a party at The Park for her and her friends. Vincent will help in making it seem special, and it doesn't cost anything, you're just bringing some people to a club."

"Yeah," I said, sounding like Eddie Haskell, "Vincent will make us look like big shots, always impressive to models."

"Exactly."

Mark's advice, as always on these matters, was excellent. But should I even pursue this physical clone of my ex-wife? The primal archetype emotions stirring in me threatened so much danger, but I couldn't help myself, guess the season of the witch never ends for men. On my first call to Lucky, I got her voicemail, so I left a message. A few days later, I called again, same voice mail, different message: "I thought I'd call for a little Southern sunshine, but you're not around. Maybe I need to take another trip to Mississippi although it rained most of the time I was in Biloxi last. By the way, I have some Red and Blue chocolates you might be interested in. Give me a call, maybe we can work out a deal or just chat or have a drink." She never called back; I was saved, so long as I kept away from the club where she worked.

Lucky's failure to return my calls initially caused me to blame it on my age, but then I remembered my younger days at Cravath and in television news. Girls immediately became more interested when I told them where I worked. Twenty years ago, they saw me as a potential money maker whom they could sucker into providing them the Life of Riley while they spent their time cheating with whoever was in reach. So age didn't really matter. If young, the guy's potential finances mattered; if older, his bank account, but it still all came down to money, and as for the girls, fidelity on their part belonged in another dimension. Lucky, as with all pretty girls,

looked for big spenders with high net-worth or the promise of such, to justify using their most valuable commodity on a guy—time. Like tomatoes, these hos don't stay plump and ripe for long. So a ho is not about to waste time on a guy without promise or cash. Lucky for me, I told her I didn't have money.

The rationale girls use to justify gold digging is obvious: they believe themselves princesses, so men should give them the keys to the vault, no questions asked. Not dissimilar from the Feminazis demanding preferential treatment for whatever they happen to want from society. But what delusion do girls use to justify their pathological faithlessness until finally the laments of the young girls who were once friends coalesced in my head. They always criticized their boyfriends for not lasting long enough inside of them so that they could enjoy the multiple orgasms that Mother Nature had designed them for. A bizarre complaint, probably just more carping against men since Mother Nature isn't stupid. Evolution made a lot of changes over millions of years in order for guys and girls to copulate frequently to assure the species' survival. After all that effort, Mother Nature wasn't about to miss her goal because of sexual dissatisfaction that left girls hungry for more orgasms and guys condemned to just one. It would make no sense. Mother Nature, therefore, gave both men and girls the ability to have multiple orgasms. The problem for puritanical America is that most of its girls, and lots of the guys, haven't gotten the message. They believe ejaculation as the only form of orgasm a guy can experience—it's not. When nearing ejaculation while inside a girl, the guy only needs to relax, stop pumping away and tensing all his muscles in a futile effort to save himself. By relaxing, letting his body go limp, which wouldn't affect the part inside the girl, he can, with some practice, ride the sensations into an orgasm without ejaculating, which produces an experience not unlike the type girls feel running through their bodies. The guy can do this over and over,

never exiting the girl, until she becomes too sore to continue, usually after an hour. For well-worn sluts, it's longer. The orgasms will start off as small and minor, but with practice and over time, they'll increase in strength, and when the man finally ejaculates, it'll be more satisfying.

The guy, however, needs a girl to follow his lead in this, just like with Salsa. The girl must respond to the guy for both to enjoy the potential that Mother Nature gave them. If the girl is a Feminazi, it wouldn't work because she believes it is her birthright to take charge and end up on top. Following her Feminazi beliefs will simply drive the guy to a quick ejaculation because Feminazi propaganda, like all special interest groups, rarely reflects reality. Her ignorance and arrogant disinterest in how guys function will leave her unsatisfied for which she will naturally blame the guy. So Feminazis and girls like Lucky use their ignorance about the ability of one man to run them through their multiple orgasms to justify their whoring around and any other underhanded conduct that harms a man.

Girls of the Lucky ilk threaten more prosaic harms as well. The week of her haunting my being nearly distracted me into missing a District Court deadline that would have ended my RICO case for eternity. The deadline to file the required Notice of Appeal fell on Halloween, which was during the weekend when the District Court was closed so that gave me until Monday. Had it not been for that coincidence, which gave me extra time, I would have missed the deadline—whew, that was close.

To celebrate this gift of the fates over feminine evil, I went to Gonzales' All Hallow's Eve costume party. Long ago I gave up the delusion of the Great Pumpkin and instead went looking for tomatoes on Halloween or any other weekend night. One twenty-something girl at Gonzales' was dressed as a little schoolgirl in knee-high white socks, short-short blue plaid skirt with suspenders and a virginal white-buttoned blouse. Couldn't tell whether she was Jewish or

Latina, a failing of mine that sometimes causes me to hit on Jewish babes, which I classify as white for lunatic asylum. No matter, I wasn't going to allow my line to go unused. Walking up to her, I leaned over so she could hear me and asked, "Would you like some candy little girl?" Good line, huh? I even had the candy in my pocket that I bought with a tip to the attendant in the men's room. Well, she freaked, her eyes widened, she drew back and her voice quaked as she stumbled over words trying to find a response. Her reaction surprised me. Maybe she had gone too deep into the character of her costume; however, a real little girl likely would have handled it much better. Then I realized the broad was white, probably with a Feminazi mother and girlieman father. The mother, seeing a potential rival in her daughter not just for the husband but other older men, probably did what all Feminazi momsters do, brainwashed the daughter into believing older guys evil so the daughter would avoid the pool of men the over-the-hill mother wanted. Even girls have to be taught to hate and fear since a little girl that escaped such programming would figure out a way to get the candy for nothing.

### The Cheater

My Second Circuit Court of Appeals strategy focused on Castel's failure to pay, as he claimed, "careful and thorough" attention to my Complaint and law memorandum. The aim was to expose his ignoring what my Complaint said and then rewriting it to fit his legal argument for dismissing my case—the same tactic the defense lawyers used. Some judges, especially in civil RICO cases, do this all the time. They often make a knee jerk decision to throw out a case, usually one they personally don't like with a powerless plaintiff, choose a legal reason from the list of those most commonly used to dismiss a lawsuit and then distort what the plaintiff's complaint states to fit that reason.



Castel based the crucial part of his legal opinion on the claim that in August 2000 I discovered the Russian mafia had tricked me into bringing the Commie Ho to America. That was clearly false, but it didn't stop Castel. It wasn't until I talked with Jeff in the summer of 2002—two years later—that I realized the Russian mob's involvement. Perhaps Castel has trouble with mathematics, some people do, but I doubt it, since his reasoning for dismissal depended on that falsehood. August 2000 was when I started investigating whether the Commie Ho was providing prostitution services to her Flash Dancers' customers, not investigating the possibility of a RICO lawsuit and the Russian mafia's interference in my life. Even had my Complaint stated that I knew in August 2000 about the Russian mafia standing in the shadows behind the Ho, scheming to get her assets into America, Castel's legal reasoning for dismissal still wouldn't wash with U.S. Supreme Court decisions, but it might with the Second Circuit. Anyway, my Complaint didn't state such because I didn't know it at the time.

Despite Castel's declaration of "careful and thorough" consideration of my papers, he missed when I first suspected Russian mafia involvement. But that miss was necessary for the Judge and his clerk to conclude that all the harm caused me after August 2000 was my fault because that's when, according to their fabrication, I learned about the Russian mafia's scheme and started investigations and court proceedings to fight against it. They claimed it was my fighting that caused me harm, rather than the criminal acts of the defendants I fought against. The temporary order of protection taken out against me, the costs to defend against it, the threats by mafia goons, the time lost from my business in seeking protection from a government that didn't care, the damage to my business reputation, the foregone business opportunities and lost profits, the cost of investigating to find out what the hell was going on so that I could put a stop to it and the expenses for fighting these clowns in court to protect my rights were all my fault

rather than those of the defendants trying to protect and further the Russian mob's profits concerning the Ho and others. That's the reasoning that Castel's simple editing of the date allowed him to use to dismiss my Complaint, and it meant that gangsters who caused harm by protecting or concealing their earlier crimes cannot be held liable under civil RICO. Purely Orwellian, but in the Southern District Court of New York, if the plaintiff learns of RICO acts committed against him, the criminals are then allowed to use more RICO violations to prevent or interfere with the plaintiff's access to law enforcement authorities or the courts.

Castel's rewriting of my complaint actually contradicted the Supreme Court in *NOW v. Scheidler*, 510 U.S. 249, 256, 114 S.Ct. 798, 127 L.Ed.2d 99 (1994), which I used in my appeal. In *NOW*, that organization alleged that the RICO conspiracy "had injured the [plaintiffs'] business and/or property interests ..." and that a defendant had threatened reprisals. The Supreme Court concluded that "nothing more is needed to confer standing on [the plaintiff] at the pleading stage," which was the stage of my case. I liked the irony of relying on a case brought by the enemies of all men: the National Organization of Witches.

As for those members and comrades of the Russian mob, Leo, the Commie Ho and Inessa, who also violated RICO before August 2000 in their efforts to transplant the Ho's profitable ass to America, Castel argued they could not have reasonably foreseen the harm their acts would cause me after August 2000, so he dismissed those claims. Get real, these three plotters couldn't foresee the harm to my business, which they knew full well about, the time away from it and the expenses they would cost me by feeding me drugs and tricking me into bring the Ho to America; they couldn't foresee the use of goons if problems arose and the litigation and time costs to me for dealing with such hoodlums; they couldn't foresee bribing public officials, a common practice among Russians, to keep me from reversing the harm of their

scheme and recovering the costs it would cause me; and they couldn't foresee using perjury, an even more common Russian practice, as part of judicial proceedings to sledge hammer me into silence while depleting my financial resources. When people, especially Russians, intentionally engage in fraudulent conduct, all of that and more are reasonably foreseeable harms caused the target. But the Court ignored that intending an end is meaningless unless the means are also intended.

In effect, Castel drew a Maginot line at August 2000. Any harm caused me after August 2000 as the result of RICO violations by the defendants didn't matter because either the harm was not foreseeable by the culprits, such as the Ho, Inessa and Leo, or my fault rather than that of the defendants. Castel's Maginot line, however, prevented him from using it for dismissing the harm caused me before August 2000. He couldn't argue that my fight against the mob, which he claimed began in August 2000, caused me harm before that date. Even the Court of Appeals would laugh that lunacy out of the courtroom—I think? So what did Castel do? He just ignored parts of my Complaint by declaring the whole Complaint did not allege any harm before August 2000. Simply amazing, given the Complaint specifically stated I put my business on hold in the spring of 2000, which cost me money and consulting opportunities, while waiting for the U.S. Embassy in Moscow to process the Commie Ho's immigration papers. There were also travel costs, filing fees and time lost in bringing this Russian mob slut to America. But that didn't matter to the Judge or his clerk.

By fabricating the August 2000 date in order to rule all injury after that time as my fault or not foreseeable and ignoring my allegations of harm before that date, Castel violated the U.S. Supreme Court's requirement at the time that on a motion to dismiss, a judge must accept all the complaint's allegations as true and draw all inferences in favor of the plaintiff. *California Motor*

*Transport Co. v. Trucking Unlimited*, 404 U.S. 508, 515, 30 L. Ed. 2d 642, 92 S.Ct. 609 (1972).

Instead, Castel drew his inferences in favor of the defendants.

Castel also goofed by not using the U.S. Supreme Court and other Circuit Courts' test for determining whether an injury from a RICO act is reasonably foreseeable to the defendants when they embark on their criminal venture. Rather, he reached into the grab bag of *ad hoc* rules that courts in the Second Circuit often use for throwing out civil RICO cases, and pulled out the "specifically intended injury" one. It states that mobsters must intend the exact injury a plaintiff subsequently suffers. For example, when the Commie Ho and Leo decided to trick me into bringing the Ho to America, which involved immigration fraud, they would have had to plan precisely how I would bring her. Had they planned on me buying a ticket for the Ho from Krasnodar to New York, they wouldn't be liable because I ended up buying a Moscow to New York ticket. For me to recover the cost of the Moscow to New York ticket, Leo and the Ho would have had to plan that I would take her to America by that route. Nuts, and it's not the law nor even remotely realistic. The plans of criminals usually lurk in their minds, so it's next to impossible to allege or prove all the specifics, assuming that criminals even go into such exacting details. And that's just the way many of the judges in the courts want it, so they can throw out civil RICO cases.

For a case to escape dismissal under the "specifically intended injury" test, the defendants would need to use a crystal ball to foresee the exact harm or expense that actually befell the sucker and then intend to cause it to him. The plaintiff would then need a mind reader to tell the court that this is what the defendants specifically intended. An absurd reading of the law, since the RICO statute requires that the mobsters only create a risk of harm to a plaintiff. They don't have to intend the exact manner in which the plaintiff is injured, just create the risk

of it occurring. So when Leo and the Ho schemed to trick me into bringing her to America, they created the risk that transporting her for-hire ass would cost me money, which it did.

Castle, and his clerk, also took the facts in my case and spindled, bent, folded and shoehorned them into a group of civil RICO cases called “employee termination,” “whistleblower” and “shareholder and creditor derivative” actions.

The “employee termination” and “whistleblower” cases involve situations where an employee refuses to go along with his employer’s RICO activities or blows the whistle on them, so the employer fires the worker or retaliates against him in some manner. The reasoning in the employee cases hold that the injury to the worker came from a management decision to fire or punish the employee not from the employer’s RICO crimes. True, if it had not been for the company’s illegal criminal activities and the employee’s whistle blowing or refusal to help, management wouldn’t have decided to fire or punish him. So logically, there is a string of causes and effects, but firing or punishing an employee is not a RICO crime, and the company’s RICO activities were not aimed at the employee but someone else. The obvious distinction between the employee cases and my case is that I was never an employee of the Russian mob, nor terminated by it, at least not yet.

In the “shareholder and creditor derivative” cases, management commits some RICO crimes to destroy the competition, win a contract, escape a debt or some other way to increase profits. Management gets caught, the public learns about the criminal activities and the company’s value sinks. The shareholders or creditors then sue the company and management for the money they lost. The shareholders and creditors can’t win such a case because the RICO activities were meant to benefit the company and, therefore, them. In my case, the Russian mafia could be considered the “company” that used RICO crimes to benefit itself, but I was

never a “shareholder” or “creditor” or, more accurately, a member or associate who benefited from those crimes. Rather, I was a customer, although an unwitting one, but that doesn’t count as a shareholder, creditor, member or associate of the Russian mob.

The Supreme Court simplifies matters by classifying “employee termination,” “whistleblower” and “shareholder and creditor derivative” actions as “pass along” cases. That means the RICO crimes injure someone and because of that person’s injury the plaintiff ends up harmed. In such cases the plaintiff cannot recover. For example, a publishing house uses RICO crimes to cheat its customers, the customers find out, stop doing business and the publisher’s salesmen lose sales. One salesman sues the publisher under RICO but can’t recover because the harm passed through the customers to him. The customers could sue under RICO because the publisher’s RICO crimes cost them money, but not the salesman because his losses were the immediate result of the customers deciding not to buy. Sure, the customers decided not to buy because of the RICO crimes but that doesn’t matter under the law because the harm passed through the customers to the salesman.

Another example of a “pass along” harm case in which RICO did not apply occurred in the 1980s when American Express conducted a clandestine campaign to defame a rival financier, Edmond J. Safra. Safra mounted a global investigation to find out who was attacking his reputation, which was injuring his banking business, and brought lawsuits to fight the defamations popping up in the foreign media. When he discovered American Express executives behind the campaign, he forced the CEO to admit the company’s misdoings and pay \$8 million to charities, the cost of Safra’s investigations and legal fees. American Express stock tanked, and shareholders sued the company and top management under RICO. The shareholders lost because the RICO crimes harmed Safra and only as a result of the harm to him, which was made

public, did the stock decline in value. Safra was a person in the middle between the executives committing the crimes and the shareholders; therefore, the shareholders couldn't recover.

Legal commentators and even the Second Circuit admit that had Safra brought a RICO suit himself against American Express, such a case would not have been thrown out of court. The reason is not because defamation is a RICO crime, it's not, but the means by which American Express carried out its plan to ruin Safra's reputation were RICO violations. Congress passed RICO in order to reach a variety of complex criminal problems, so it doesn't matter what the conspirators' aims are, whether to defame Safra, gain the Commie Ho permanent residency or cheat on a contract. If the conspirators engage in certain acts in pursuing their ends, they violate RICO.

All of this means that people harmed by the spillover effect of injury to the intended victim can't recover. The RICO crimes have to be directed at the person suing, which in my case was me. There was no middleman between me and the defendants' RICO violations. Of course, Castel and his clerk found differently by saying that my "alleged injuries arise not as a result of any conspiracy directed at [me], but rather as a result of [my] discovery and investigation of that conspiracy." *District Court Order*, p. 11. If Safra would not have been bounced into the street for suing under RICO to recover his investigation and legal expenses, then why was I? Because I'm not rich.

Castel and his clerk made lots of other goofs in dismissing my case—over 50 in all, but my appeal focused only on the following:

- Den Hollander discovered the RICO Scheme involving defendant Shipilina in August 2000—false;

- the Complaint alleges harm from RICO violations after August 2000 as mostly resulting from Den Hollander's discovery of the Scheme—false;
- allegations of other injuries after August 2000 were general and conclusory—contradicts Supreme Court rulings;
- the Complaint didn't allege RICO injuries prior to August 2000—false;
- employee termination and shareholder RICO actions apply to this case for determining proximate cause—wrong, I was not an employee of the Russian mob and didn't own its stock;
- the injuries to Den Hollander were not to his business or property—wrong;
- the Scheme involving defendant Shipilina only aimed at entry into the U.S.—false;
- the Complaint did not allege Den Hollander was an intended victim or target—false; and
- Den Hollander did not request leave to amend the Complaint—intentional falsehood; that is, a blatant lie.

### Keep On Dancing

The Friday before Thanksgiving 2004, Mark and I planned on checking out the Cherry Lounge uptown at 138<sup>th</sup> Street, which advertised a Salsa party—free admission. But Mark's younger brother said some female trainers from Bally's health club on East 106<sup>th</sup> Street planned to show up at Luan. Firm young female bodies are always an attraction, but Luan was where Lucky worked, and although her schedule didn't include Friday, I wasn't confident about not running into her. So I punted, left the decision to Mark whose only ambivalence was the price of



admission, usually \$20. He decided on Luan, so I printed out a couple of free passes for Saturday night, crossed out Saturday, penned in Friday and put them in my pocket with a grin. At the club's door, the promoters asked whether we were on a guest list, which would get us in for \$10 each instead of \$20. We weren't, so I pulled out the altered free passes, the promoters laughed and let us in for \$10.

Not too many folks were inside, and no Lucky, whew! More people soon started arriving, and one tall, black chick caught my eye or I caught hers. She walked over to the bar near us looking in my direction. It was obvious what she wanted, but against my religion to buy females a drink. Then she came over to stand next to us by the D.J.'s stage waiting for me to say something, so I did—that's not against my religion.

"Why isn't anyone dancing?" I asked. The place reminded me of the Flat, hot looking black babes standing around waiting for the young guys to dance with them. Only these guys sported really big gold or gold plated medallions hanging on gold or gold plated chains around their necks to go with their extra large jerseys and pants.

"I don't know," she said. "It's always like this. All a guy has to do is hold out his hand and say 'May I have this dance' or 'Would you like to dance?'" Boy, I made sure to remember that line. Obviously, she wanted to dance, but for some reason I didn't go along, and she left to flirt with one of the bouncers. Mark leaned over to say, "She's not interested in dancing but sleeping with you." No matter, the role of quarry didn't suit me.

A co-worker of Mark's younger brother showed up, cute girl but where were the rest of the female trainers from Bally's? There were too many guys in the part of the club we were standing, so I went hunting in a different valley. If I had known the girl from Bally's was only nineteen, I would have stayed put. On my reconnaissance, I talked to a few girls, but none were

very friendly, not interested or too nervous to flirt. I threw a few lines at another tall, black chick who answered only in monosyllables. She was real pretty, so her verbal capacity irrelevant. But while waiting for more inspiration from the muses, her girlfriend returned from the ladies room and they left. So I returned to home base next to the small stage on which the D.J. booth sat. A group of five black chicks, short and one very wide stood by or sat on the stage. Making my move, I started talking and they laughed at some of my jokes.

“Does the D.J. ever play any Rolling Stones?” I asked.

“No! This is Hip-Hop!” Said the cute one with a sexy smile while sitting on the stage with her legs apart between which I happily moved nudged along by the crowd.

“May I have this dance?” I asked holding out my hand.

“No.”

Okay I remembered, still holding out my hand, “Would you like to dance?”

“No.”

Something was wrong, or that girl earlier in the evening lied to me. I kept flirting with these girls, but as the place filled up I noticed other guys asking girls to dance and getting the same glass of cold water in the face. So I asked Mark what was going on?

“Black girls always do this. They have a combination princess and inferiority complex. The princess in them demands supplication, assurances you want her for a steady girlfriend or wife. The inferiority makes them afraid of being used or made a fool of. Lots of young black girls walk around at home with a white towel over their heads wishing they were a blonde, so some of the inferiority comes from color. The whole thing is an attitude I don’t want to deal with.”

So, as is usually the case in America, guys weren't the fault but girls. The reason for the small amount of dancing going on was the chicks, who as masters of the art of deception covered it up by dancing with each other. These black female temptresses couldn't live up to the advertising of their tight fitting jeans. Well, those babes may not like their skin color but I do and started talking again with the five by the D.J. booth.

Once again, I asked the cute one to dance to which she repeated her third no, but this time she also questioned my ability to dance hip-hop. Maybe she had a point. Somewhere along the line, I started dancing with one of the other five whose back was to the D.J. booth. Apparently, my Rock 'n' Roll moves from decades earlier weren't going down well, so the D.J. stepped outside his booth, and from the stage started showing me what to do. The girl I was dancing with couldn't see him standing behind and above her or that I was just copying his moves. All of a sudden, I had a lot more room to dance when some of the home boys and home girls moved back to enjoy the mini-show the D.J., the girl and I were putting on. I still threw in a few moves from the 1960s, such as squatting down with my face in front of the girl's snatch and moving in closer while holding her hips until like an embarrassed virgin she turned away burying her face in her hands. The D.J. and my friends laughed hard, the crowd got a kick and I enjoyed myself. What a great place and great people.

Walking home that night, I mused, as I often did after a particularly fun night at a club and with the remnants of a few vodka gimlets with Absolut and Rose's lime in me, that my life could have really been enjoyable, interesting and worthwhile had the Matrix allowed me to pursue my first best destiny—Physics.

The following weekend, Mark, three of his female friends and I hit a bizarre club, bizarre as to one-third of it anyway. On the lower Westside near 10<sup>th</sup> Avenue, *Spirit*, a large club

fashioned out of an old warehouse, played different music in different sections of the building. Upstairs, a room for Salsa and one for Hip-Hop while downstairs Trance, whatever that meant? When the club finally got moving, I decided to do a little exploring downstairs in the Trance room. Before reaching bottom, I not only heard but also felt the dull mind-numbing thumping of the music. On the dance floor, with little if any discernible variation, the music unpleasantly vibrated to the inner core of my body. There was no hiding from this sound. Lots of fog swirled about creating a clammy Sherlock Holmes London night with illumination too tired to light, except for the periodic bright shafts of a strobe beam that for an instant made a piece of existence perceivable. Through the fog and dark, I made out shadows of young people moving like automatons to the monotonous music. This must be the utopian vision of today's psychiatrists, Feminazis and lefties—Zombieland, a psychotropic hell with no human emotions anywhere. Armageddon aside, I couldn't figure out why they kept it so dark. The near absence of the visible electromagnetic spectrum made it impossible to check out a babe, the very reason for clubs. Girls display themselves, guys make an offer and the girls accept, decline or play games.

Roaming around, I squinted through the haze until I saw a couple of girls standing at the top of some stairs in a doorway of light apparently coming from another room. I headed up the stairs toward them. They were wearing shades, guess the other room's light was too bright for them, but at least I'd be able to see. They were also smoking, weird because New York City law forbids lighting up in a club. At the top, I could see the two were nice looking, so I threw my line gesturing to the doorway of light, "So, what room is this?" "The street," the blonde said in a voice as lacking in variation as the music. Looking out, I replied, "Ahhhhh, reality!" Turned and went back to the floor for another try at flirtation with some girl. In my search through the darkness for a pretty face, I finally caught on to following the fleeting illumination of the hectic

fire of the strobe light beams. It briefly lit the lovely face of a black chick dancing with another girl right in front of me, but the next flash of luminosity answered my bewilderment as to why the paucity of light in this lower depth of the club. They kept the room so dark in order to hide the cold dead eyes involuntarily staring straight ahead into nothingness through the slits of swollen eyelids of these apparent humanoid chicks. Dead or not, this girl with large balloons was good looking. I waited. Her dancing partner moved away toward someone else, but the black chick just kept dancing as though she still had a partner. Seeing my opportunity, I approached her from the side, “How long can you dance to this?” Not bothering to even look at me but still fixed on some abyss in front of her, she insipidly said, “Forever.” Ooooookay, that was enough for me and headed back upstairs to the Hip-Hop room, thinking the disco scene in *Blade* looked like a nuns’ convention compared to this Trance room. Next time in Zombieland, I bring a cross—that should cause a commotion.

On December 4, 2004, I finally finished the first draft of this still unfinished story, four years to the day I bounced the Commie Ho out of my apartment. And no, I didn’t plan that irony.

### Tired of Waiting For You

The appeals process aims at resolving a case within six months but often takes longer. After I filed my Notice of Appeal, I waited for the Second Circuit’s Civil Appeals Management Office to schedule a Pre-Argument Conference. At such conferences, lawyers for the Second Circuit explore the possibility of a settlement between the parties or try to simplify the issues before the case goes to a three-judge panel for a hearing and decision. The defendants weren’t about to settle, why should they, the odds favored them because I belonged to the class of America’s modern day scapegoats and outcasts.

The Second Circuit channels appeals from the district courts along one of two tracks: “Counseled” in which the party appealing has a lawyer and “*Pro Se*” in which the party is representing himself. Although I represented myself, I’m a lawyer, so the Second Circuit’s rules required handling my case as a “Counseled” appeal. Fine with me, since “*Pro Se*” cases usually receive the bums’ rush out the courthouse doors. The “august” Second Circuit Court of Appeals didn’t want average citizens traipsing through its halls, wasting the Court’s time searching for justice.

When the Clerk’s Office for the Second Circuit received my case, they naturally put it on the wrong track: *Pro Se*. It took me three times to enlighten the Clerk’s Office before that bungling bureaucracy got it right. The Clerk’s Office also lost my Pre-Argument Statement papers along the way. Good thing I had a date-stamped copy from when I originally filed them; otherwise, the Court could claim I didn’t submit the papers on time and kick my case out, which would have ended my RICO lawsuit for good. Was it incompetence on the part of the Clerk’s Office for the second most prestigious court in the land or had someone been paid off to liquidate my papers. I’d never find out for sure, although a buddy who works in the Court told me it was probably just laziness in filing the papers. The Clerk’s Office even lost one of the procedural rulings the Court made in my case. Maybe the clerks only use circular files, but that Office is renowned for sloth among the employees of the Second Circuit who don’t work for the Clerk. Something told me that had the Clerk been a man rather than a female, then whatever happened to my original papers or the ruling would not have.

The delays from the Clerk’s screw-ups, however, fitted into my plans, and definitely didn’t interfere with my weekend clubbing. From January into May 2005, I worked on the second draft of this story, which I finished on May 19, 2005. Five years earlier to the day, the

Commie Ho headed to Italy for her prostitution fling with the fat Mexican Alfredo. Time for these ironic coincidences to end.

### Goin Uptown

With Memorial Day approaching, I remembered something I had forgotten to do. A few years earlier, Svetlana, my Krasnodar dyed-blond lawyer, had obtained sworn affidavits from three people in Krasnodar who described the Commie Ho's local prostitution business. My intention was to send them to the INS at the Moscow Embassy, but my short-term memory wasn't too good this millennium—neither was my luck, either in this or the prior millennium. I contacted the Embassy directly and even used a backdoor channel to see whether the INS was interested—they weren't.

The ex-wife was still hoing around New York pretending to be a model, which was easy to tell by simply searching “Angelina Shipilina” on the Internet. In one search, up popped the slut's latest scam. At [www.brideus.com](http://www.brideus.com), she claimed she was 23 and a bride to be, which allowed her to compete for a \$10,000 prize. A real life Gretchen right out of Goethe's *Faust*, “It's gold that counts, money that matters.”

Her age was a lie, since she was 28, but what about marrying again? Her marriage to me was simply to get a permanent green card so she could ho in the most lucrative market on the planet for hoing—America. Under the VAWA waiver, she was pretty much assured a green card by claiming I abused the “innocent” slut, since the INS VAWA Unit in Vermont, which makes those decisions, was run and trained by Feminazis and the law written by the Feminazis prevented the Unit from relying solely on information provided by me.

So why the marriage? It couldn't be for love, she loved only herself, so it had to be for money, but was it because the groom was rich or she wanted to make sure she would stay in

America hoing? There was no way for me to find out who the groom was, since marriage records are kept confidential in New York. And, there was no way to find out what the VAWA Unit was doing or not doing because I was the former husband and the one accused of “battery,” “extreme cruelty” or an “overall pattern of violence.”

During the Memorial Day weekend, Mark called and said he and Ron, one of the black belts who trained with Mark and who cracked my ribs now and then in class, were going to a cookout uptown.

“Free food! I’m in. What should I bring?”

“Just something to drink,” Mark said.

“So how do I get there?”

Ron gave me subway instructions and the street address that was between Eight and Seventh Avenue. Hopping an IND train going north, I exited by Morningside Park and walked east. Found a bodega, bought some Smirnoff Ice and continued walking east looking for Eighth Avenue. My memory told me Eighth Ave was closer to the park, but it had been decades since I last spent any time uptown.

Back in those days, I was working undercover on a couple of stories for WNEW TV News. One was about how Percy Sutton, then the Manhattan Borough President, and his buddies were using their political clout to land State contracts for the development of the State Office Building on 125<sup>th</sup> Street along with renovating some properties they discreetly owned. Naturally, none of these guys had any construction or urban development experience, and their front company that applied for the State contracts was nothing but a shell. The story delayed for a few years their scheme, but they eventually got what they wanted.



The other story had me driving around uptown and the south Bronx carrying a wire and posing as a salesman for a medical laboratory. Medicaid and methadone clinic managers were extorting cash kickbacks from medical laboratories, which did the testing required under State law on the clinics' customers. The laboratories then passed the increased cost of doing business, the bribes, along to the State—read taxpayers. We caught a couple of clinic managers on audiotape demanding kickbacks and some ineffective reforms were made. All in all, this do-gooder stuff is just a waste of time—it never lasts, knocks off a couple of crooks but has little systemic effect.

My search for the cookout continued east looking for Eight Avenue, where was Davy Crockett when I needed him. It must be around her somewhere, I kept thinking. One street sign read, "Frederick Douglas Blvd." Okay, I knew who he was but didn't remember any avenue named after him. Next block was "Adam Clayton Powell Blvd." Which one, I asked myself: Junior or the III. The III had helped with the story on Sutton thanks to an introduction by State Senator Sidney von Luther for whom I had once worked and who had come up with the tips on both the State Office Building and Medicaid stories. Junior of course was the former Congressman who spent much of his time on the island of Bimini. It was a nice day, so I kept walking east looking at the large brownstones and enjoying the quiet, very peaceful up here. A man sitting on a stoop could see I was lost and asked me where I was going.

"Between Eighth and Seventh avenues," I answered.

"They're not called that anymore. They changed the names years back."

"Good grief! So what are they now?"

"Seventh is that one you just crossed, and Eighth the next one toward the park."

“Thanks,” and I headed in that direction. Just then Ron called me on my mobile to tell me he was standing outside the address. I spotted him right away.

The cookout was in the backyard of a spacious, nicely decorated brownstone. I hadn’t seen such a classy interior since I crashed a party at Senator Kennedy’s suburban Washington, D.C. home marking the end of his 1980 run for the Presidency. Okay, it wasn’t exactly a crash. One of Kennedy’s campaign press aids invited me, but they still got upset about having a guy working for the media in their mist—too bad, I wasn’t leaving. Instead, I headed over to the only hot looking chick in the place with the obvious line given the cast on her leg. “So what happened?” Her reply didn’t register as I gazed at the bare part of her thigh just above the cast—yummy. Can’t recall whether I signed the leg or not but tend to think I did just to get a closer view of that young thigh. In later years, she became the divorced wife of a governor of California. Something about him playing around with a maid.

The cookout had two tables, and Ron introduced me to everybody. At one table were his long-time buddies going back fifteen or more years to high school and Mark, and at the other were the parents of one of Ron’s friends, they owned the brownstone, and two others from my generation but all beyond my age of emotional maturity. Most of the time, I sat with Ron and his buddies and proceeded to laugh for the next two to three hours straight. These guys worked like multiple tag teams of comedy while lounging around one of those patio tables with the big umbrella, with coolers of beer, mainly Corona, and now some Smirnoff Ice, strategically planted, so no one had to move unless they wanted food off the grill. They told stories about their passed adventures, ad-libbed and played jokes on each other. I laughed and laughed and once in a while contributed some humor. The best summer holiday of any I ever had. These guys would be great to get into trouble with and the adults from my era to get us out.

## Hot Fun in the Summertime

The Second Circuit's Civil Appeals Management Office scheduled a Pre-Argument Conference for the summer solstice, June 21, 2005. When I arrived, I was surprised to see most of the opposing attorneys, who always showed at the last minute, already present and engaged in conversation that suddenly ceased as soon as I entered the room. Probably planning some deviousness.

We met with a staff counsel for the Court, an arrogant androgyny. What do you expect for a federal bureaucracy? They aren't allowed to higher men.

"Is everyone here?" the staff counsel asked.

"Counsel for the Bank of Cyprus is missing," answered one of the defense attorneys.

That surprised me because next to Mundy's lawyers, Claugus was the most vitriolic and dissembling of all the defense attorneys, as though he took the litigation personal.

The staff counsel remarked, "We're not going to wait, so one of you apprise him of what went on." The staff counsel then started with a question that had been bothering me for a while. When Castel made his decision, there were over 50 defendants in the case but only 13, including the two Vasilyevas, had made any type of request to throw my case out. All the others just ignored it.

"There's a possible ambiguity in the District Court's decision," he said. "The decision doesn't say whether the case is dismissed in its entirety with respect to all the defendants or just those who moved for dismissal. That's probably because Judge Castel just came on the bench. What can we expect from new judges?"

That and worst I wanted to say, but instead chimed in that the decision apparently left open whether Castel did dismiss the case against all the defendants.

“ I’d like the plaintiff to send a letter to Judge Castel seeking clarification as to whether he meant to dismiss the case for all the defendants or not. And copy the letter and Judge Castel’s response to me and all the attorneys in this case.”

“Okay,” I replied, and made a request about the Joint Appendix.

The Second Circuit requires that only one appendix, called the Joint Appendix, accompany the briefs for both sides, and it should contain only relevant documents needed for the panel of three judges to reach a decision. On the appeal of a district court dismissal, as in my case, the Joint Appendix would include the Complaint, Supplemental Complaint, any opinions or orders issued by the District Court, a few procedural papers and other documents agreed to by both sides. The Court’s rules prohibited including memoranda of law filed in the District Court unless staff counsel and the parties agree.

The Second Circuit receives all the documents filed in the district court but doesn’t want its judges wasting their time thumbing through the entire record to understand the case. If a judge wants a document not in the Joint Appendix, he can pull it from the entire file. The plaintiff has to pay for the Joint Appendix, but when the defendants try to balloon its cost by stuffing the appendix with irrelevant documents, such as the hundreds of pages of exhibits the defendants filed in my case, the plaintiff, unless ordered by the Court, can refuse to pay. The defendants then have to pick up the added cost of including unnecessary documents in the Joint Appendix. This keeps the opponents of the person appealing from making the appeal so expensive that the appellant gives up.

My request was to reproduce a handful of paragraphs from my law memorandum to show the Second Circuit that I had actually made certain statements and requests to the District Court. The staff counsel and the opposing attorneys agreed given the small amount of material

involved. Then it was the defense attorneys turn to bring up their requests for inclusions in the Joint Appendix that they had sent me just a week before the conference. Nothing, only silence, and my sensors went to red alert. Their silence made no sense. They had requested to include over 190 pages of extraneous documents, including 54 pages that had been thrown out by the District Court as irrelevant. Something was up.

“Have there been any settlement discussions?” the staff counsel asked.

“No,” I replied and motioned to my opponents. One of them said no, and the staff counsel quickly realized there would be none. He then said, “Over turning a district court dismissal is a difficult task.”

What’s that suppose to mean, I thought. Should I give up right now—never!

We touched on the issues I intended to raise and worked out the briefing schedule with my brief due August 11<sup>th</sup> and the defendants’ papers in September unless they wanted an extra month, which they ultimately did.

Later that day, I sent the requested letter to Judge Castel:

“Dear Judge Castel:

An issue has arisen in the Second Circuit concerning your dismissal with prejudice of this case. Your Memorandum and Order of September 28, 2004 does not make clear whether the action was dismissed for only the defendants who moved under Rule 12(b)(6) or was also dismissed for the defendants who did not make a 12(b)(6) motion or did not appear.

Would you please clarify the extent of your dismissal now that the issue of finality has been raised in the Second Circuit and the case is currently scheduled for briefing?”

The letter also reminded the Judge of my request from the previous year for reimbursement from the defendants for the costs of paying a process server to formally serve the Complaint by hand because they had refused to accept it by mail. Castel responded somewhat indignantly and unhelpfully, “Page 2 of the Memorandum and Order of September 28, 2004

makes plain that ‘... plaintiff’s Complaint is dismissed with prejudice.’” Dismissed with prejudice means I don’t get a chance to amend my Complaint and try again. It has nothing to do with whether the case is dismissed with respect to all the defendants, including those who did not move for dismissal. The staff counsel was right about the problems with new judges. While the words told me nothing, the level of his indignation said get lost and don’t bother me about this anymore. As for my request for costs in using a process server, it was put off until after the Second Circuit made its decision because of a legal technicality.

Most of the summer, I spent in the law library working on my brief that repeated most of my criticisms of Castel’s decision. One new argument about proximate cause was added, which came from an opinion by Justice Clarence Thomas. The Second Circuit would never understand it, but the Supreme Court would, if I got there. Also included was an estimate of the Commie Ho’s tax-free earnings since coming to America, over \$750 grand in six years, to bring home the motivation behind the Russian mob’s RICO violations for scheming to transplant Russian sluts to the U.S., and I called Judge Castel a liar one and a half times:

“The District Court lied when it stated, “Plaintiff made no request to file an amended Complaint in the event the motions to dismiss were granted,” Order 16-2. Plaintiff’s Memorandum in Opposition p. 41-2, states, “If this Court dismisses the Complaint or part of it under Rule 12(b)(6), then the plaintiff requests leave to amend.” Plaintiff also made similar requests with respect to specific issues throughout his Memorandum in Opposition pp. 49-1, 70-2, 76-2, 119-3.”

That’s one time.

“The District Court claims RICO violations occurring before August 2000 “are not alleged to have caused plaintiff injury,” Order at 11-2, 12-1, but the Court lies (perhaps unknowingly).”

That’s one-half time.

Malicious no, accurate yes, but why do it, since the defense attorneys will jump all over me for it. They’ll self-righteously rant how dare I call a member of the justice system a liar, and

then go about doing their mercenary best to pervert that system and prevent justice with their own falsehoods. The reason was to see whether the Second Circuit bothered reading my brief with the diligence that most Americans believe judges use. If the judges read those statements with any amount of awareness, it will cause them to lambaste me during oral argument. If they don't, they wouldn't.

My entire brief boiled down to this: "Where defendants fraudulently induce a plaintiff to take actions and make expenditures, the financial injury is compensable under civil RICO. *Standardbred Owners Ass'n v. Roosevelt Raceway*, 985 F.2d 102, 104-05 (2<sup>nd</sup> Cir. 1993)."

Before filing my brief in August, a problem came up with the Clerk's Office—naturally. Back in February, when the case was still in the "*Pro Se*" section, the Clerk had made some mistakes in listing all the plaintiffs and defendants, so I submitted the corrections as required by the Court's rules. The list of all the plaintiffs and defendants, known as the "full caption," is required on the cover of certain documents, such as the briefs, or the Court wouldn't accept them. A week before filing my brief, the Clerk's Office had still not made the corrections, so I needed to get the Clerk's Office to do its job.

My case was now in the "Counseled" cases section after its transfer from "*Pro Se*." The employee assigned as gatekeeper and who entered papers on the Court's docket in my case was Shatisa Gibbs, young, cute, and I might have pursued her had I met her at a club.

In a telephone call, I told Gibbs that the full caption had not been corrected.

"It's not our section's responsibility to correct the caption. *Pro Se* should have done that before they transferred the case."

The old bureaucratic buck-passing routine, but I was cool.

"So does it go back to *Pro Se* for them to do now what they should have but never did?"

“No, I’ll correct it.”

“Thanks,” I said and dropped off the revised caption. She was good to her word for which I sent her a “Thank You” card after filing my brief.

A couple of weeks later, Mark had a birthday party at the Amsterdam Café across from Columbia University. At the party, I met this bond trader, an arrogant thirty-something Asian guy straight out of *The Bonfire of the Vanities*. Such yuppies don’t bother me, since I was one once, working at the law firm mentioned in Thomas Wolfe’s critique on the presumptuousness of greed in the 1980s. Such hubris still strutted the avenues and bars of Manhattan twenty-years later. After drinking a few rounds of shots, the bond trader suggested hitting a bar in the meat packing district—the then and still current trendy scene for feeling superior to others where inflated egos prowl for recognition in a part of town known for death, stench and now, the flies of Argos. We jumped into a cab and exited on 14<sup>th</sup> Street by the docks in front of the Gaslight Bar. The place was packed with yuppies, conceit and hos, but would we find Ingrid Bergman inside? No, although I spotted a couple of black chicks at the bar, good looking and tall, at least compared to the bond trader.

Going up to the black chick standing, the other was sitting on a barstool, I said something inconsequential—can never remember my opening lines, and added, “My buddy’s a rich bond trader.” So I’m obnoxious, so what, and I was grinning because I knew what her reaction would be.

“Is he buying drinks?” she asked shifting her body closer to me with intense attention.

“Always!” I replied.

She pushed in right next to him at the crowded bar and turned on her brights. He was a goner. My attention shifted to the other chick sitting on the stool, but she was too drunk to



articulate a complete sentence. Instead, she started the physical pawing interspersed with feeble female slaps to my chest, bemoaning in broken phrases the misery of her existence for which, as do all broads, she blamed the nearest man, which was me at that point in time. I'd seen this feminine self-pity all too often before and wasn't buying. It was her life, not mine. To get rid of her, I suggested she take a cab home to which she surprisingly agreed. Usually, they refuse and want to argue. Maybe she thought I was paying her fare home—fat chance! I helped her outside. The Boy Scout is tough to die, but soon there will be no more of them thanks to the Feminazis. At the curb, she decided to take a seat. No, I wasn't joining her. The last time I sat on a curb listening to some stupid broad so that I could get into her pants was back in my hippie days. Since then, I had grown up, and there were plenty of girls back in the bar that I wanted to hustle. Finally, she got up, with a little help from the Boy Scout left in me. I hailed a cab, opened the door, she poured herself in, told me where she lived, I told the cabbie and closed the door—goodbye problem.

Back inside, I hit on some white chick or maybe Latina, but she wasn't so drunk she couldn't talk, got her email, and then the bond trader came up to me all excited about the chick he'd been buying drinks for.

“Roy, she keeps grabbing me, she keeps grabbing me! Where do you know her from?” He mistakenly thought the black chick was a longtime acquaintance of mine whom I sent over to show him a good time. Sure I did send her over, but had never seen her before I walked into that bar.

Laughing to myself, I said, “Good, she must like you (meaning his money) get her number.”

He went back, played around with her for a while and then we left. All this yuppie bond trader could talk about as we crossed the street for a bite to eat was how this chick kept fondling him. For him and most other egotistical yuppies, such occurrences are big-time, which only illustrates the phoniness of their conceit.

He then says to me, “I run with a fast crowd, if you want to hang out call me,” and gives me his business card. Stifling a laugh, I thought if his crowd is as fast as him, I don’t think I could walk that slowly. Never saw him again after that night.

After Labor Day, Mark and I met one Friday night at the bar Cancun. A name that once elicited visions of the Commie Ho sexually entertaining her customers in the resort town of Mexico, but now only reminded me of the dizzy blonde, Kelsey, whom I had met in the Cincinnati airport in 2003 when returning home from my encounter with the Midwestern G-Men. Today, the “G” means “Girlie,” since these government agents not only take sensitivity training sessions so as to act more like girls than men but also carry out the bidding of Feminazis to violate the rights of men. No wonder the F.B.I. can’t stop terrorists when they know they’re coming, however, these G-Men always get their paid vacations, early retirements with inflated pensions and parking spaces.

My pal Alan ran into a G-Man, or more accurately G-Shemale, who kept parking her car in a “No Standing At Anytime” zone on his street in the Upper Westside of Manhattan. The reason for the “No Standing” zone was so that fire engines could turn the corner on the narrow street to get to a possible fire in time. Did this Federal Bimbo of Indolence care—no. Alan told her one day that she shouldn’t park there. She just flashed her badge, which in her twisted thinking gave her the right to endanger citizens because the “No Standing” zone provided her a convenient parking place. Broads have always thought they were princesses, better than

everyone else and not subject to the rules of law or civilized behavior, but now that the Feminazis have stolen positions of authority, females are creating dangers for those they are suppose to serve, which is an oxymoron, since broads only serve themselves.

Walking into Cancun, I looked around on the odd chance that I might spot Kelsey. She had said she often hung out there, but all the times I was there, she wasn't. By now she was probably married and intensely unhappy.

"So who are these babes we're meeting hear?" I asked Mark.

"One is a girl I've know since school days and the other is her friend—both Latina and both married."

We laughed.

I said, "Likely told their husbands they were just going out with one of their girl friends."

"Don't girls always?"

"Absolutely, and then rationalize their cheating. Demons of self-justification made of snakes, tales and everything fake."

"Easy, we're here to have fun."

"I know, just trying out a new attack line that's a take off on sugar and spice."

Both of the girls were in their early thirties, a little old for me, but every time I turned around another drink appeared. Couldn't figure out where the drinks were coming from because I had not brought that much money and neither had Mark. We left Cancun, bounced in and quickly out of a typical boring yuppie New York City bar, and landed at Iguana, a restaurant with a dance floor in the basement. Downstairs, I couldn't see a thing. Didn't this club pay its electric bills? They could have at least provided infrared goggles for spotting the warm bodies. No matter, we had two hot Latinas with us and an evening of fun. Dancing, drinking and

fondling a girl's body in the dark are second nature for a man. His first is individual liberty; for without it, he serves others rather than his destiny.

### Just One Look

On October 13<sup>th</sup>, I received the defendants' opposition briefs. It wasn't a Friday, but did the number bode ill for me? By this stage of the Furies curse on my life, I didn't care.

Schopenhauer philosophized that every man could see a theme running through his life when looking back from near its end, I finally saw mine: I try to fight everyone who violates my rights; I don't often win, in fact I usually lose, but I still fight, and wasn't about to change now, no matter what the Matrix was telling me. November 9<sup>th</sup> was the deadline to file my reply.

One quick read of the defendants' briefs showed that the defense lawyers—Dubin for Mundy, Rudofsky for Flash Dancers and Sachs for the Ho—were up to their same old trick of character assassination, or what the legal profession, the second oldest, refers to as *ad hominem*s.

*Blacks' Law Dictionary* defines *ad hominem* as “appealing to personal prejudices rather than to reason; attacking an opponent's character rather than his assertions.” Sounded familiar; it's the crux of virtually all attacks by the Feminazis, their sycophants and mercenary lawyers. Dubin and Rudofsky also added a few new cheats that along with the *ad hominem*s violated the Federal Rules of Appellate Procedure, the Second Circuit's Local Rules or both. Detective Henning's lawyers from the City avoided the name-calling but joined in the other procedural breaches. So I made a motion to require these four lawyers to redo their briefs without the parts that violated the rules.

Dubin, true to form, resorted to personal attacks the most. If this were the age of Aaron Burr, he wouldn't have lived this long. The Second Circuit's Local Rule § 28 requires that briefs must be free from scandalous matter, which includes personal attacks on opponents. Dubin's

brief of *ad hominem*s called me delusional, an extortionist, a harasser of the Ho and Mundy, a liar, an intimidator, unethical, lacking in common decency, abusive and vexatious.

Dubin packed most of his name-calling into the “Statement of the Case” section of his brief. Under the Federal Rules of Appellate Procedure, which governs all the U.S. Courts of Appeals, a brief is required to contain certain sections that do specific things. The “Statement of the Case” part is supposed to tell the Appeals Court the type of case, the result in the District Court and any procedural history, such as motions that were made. Dubin, however, used that section to replay his strategy of character assassination by personally maligning me with lies and false innuendos in an attempt to shut down the argument and marginalize me so as to avoid a decision on the merits. In doing that he violated Fed. R. App. P. § 28(a)(6). Dubin defended his conduct with the rationale that if the “Statement of the Case” contained the elements required by the rules, it could also be packed with vitriolic vituperative assaults on the opposing party. Under Dubin’s Russian type logic, because the rule commands, “thou shall” rather than “thou shall not,” he could include anything he wanted. Even former President Clinton would likely construe the rule that way.

Flash Dancers’ Rudofsky basically characterized me as delusion while the Commie Ho’s lawyer Sachs submitted a two page brief with only one derogatory clause: “the flights of fancy in Hollander’s pleadings, the florid and offensive language in his brief, and the continuous vilification of Shipilina.” Clearly the Ho didn’t want to pay him any more money or sexual favors to spend the time drawing up a longer brief with a lengthier litany of opprobrious remarks.

Dubin also brewed into another section of his brief under the misnomer “Facts” the same false or half-truth counterclaims and allegations he made in the District Court that were

irrelevant there as they are on appeal. The Second Circuit and the District Court during the first stage of any case are required to consider only the plaintiff's pleadings, my Complaint and Supplemental Complaint, as true, not the defendants' opinions nor their self-serving protestations or duplicitous counterclaims and allegations. Dubin included lots of irrelevant material for two reasons: one, the chance that it would sway the Second Circuit to uphold Castel's decision—after all, it worked in obtaining a dismissal in the District Court, and two, to trick me into using up the limited space in my reply brief to counter his disinformation, which would distract the judges from the legal issues as did Dubin's opposition brief.

Flash Dancers' brief also threw in lots of irrelevant and disingenuous material to spin reality. For example, their attorney Rudofsky actually referred to stripping as “performing” or “dancing” and claimed Flash Dancers, that highly profitable bazaar of naked bodies, a law-abiding and squeaky-clean operation. Filth was more like it. Not that I have anything against dirty girls, such sluts can be fun, but don't try to convince me that they and they're pimps are doing heaven's work.

Rudofsky used audacity to defend his violation of the rules: He criticized me for making the motion to delete parts of his brief, even though that's one of the purposes motions serve in the Second Circuit. Rudofsky argued the issues raised by my motion should have been addressed in my reply brief, which only confirmed the defense's strategy to trick me into loading up my reply brief with the distractions of their procedural violations.

Dubin and Rudofsky even resorted to a real sophomoric tactic in their briefs by citing to a total of 17 cases without including the specific page in the case to pinpoint the support for the position they claimed. This didn't violate any court rules, but it did breach the system of referring to cases that lawyers everywhere in every court in the U.S. use. Why'd they do it? To

get away with lying about what the law says. They knew the Second Circuit was not going to track down the exact page, so the clerk reading their briefs filled with *ad hominem*s might think, gee whiz these defense attorneys must be right about the law because this plaintiff isn't politically correct.

But of all the tactics that Dubin, Rudofsky and the City's attorneys for Detective Henning used to exploit bureaucratic sloth, the most glaring violation of the rules, and the one that my intuition sent me to red alert during the Pre-Argument Conference, was their citing to documents not in the Joint Appendix. Fed. R. App. P. § 30(a) & (b), Local Rule § 11(e) and the Second Circuit's on-line instructions for appeals require all parties to reproduce in a joint appendix documents to which they wish to direct the Court's attention. That means if a party cites to a document as supporting a statement made in his brief, the party must include the document in the joint appendix. Dubin, Rudofsky and the City didn't do that because they wanted the Second Circuit to believe their lies, which was more likely if they made it time consuming and inconvenient for the judges and clerks to dig up the documents from the record because then the judges and clerks probably wouldn't bother. The three attorneys even failed to include the specific page in a document that they claimed supported their statements in order to make it even more unlikely that the Court would check their veracity. My motion called them on their violations of the rules to which they responded in truly Orwellian fashion.

Every joint appendix must contain a copy of the district court's docket sheet, which is just a list of all the legal filings. Dubin actually argued that because the docket sheet in the Joint Appendix listed the legal filings that contained the documents he cited in his brief, those documents were really in the Joint Appendix. That's the same as saying all the people listed in the Manhattan telephone book are really in that book. Would the Second Circuit Court of

Appeals actually buy that? Dubin ended up referring 25 times, usually without giving a specific page, to 35 documents, totaling over 380 pages not in the Joint Appendix. Some of the documents had even been originally thrown out of the case by the District Court. Dubin also tried to justify his end-run around the Joint Appendix by accusing me of a “frivolous attempt to shield this Court from reviewing the full record.” Lawyers, like scoundrels and broads, always attack those who expose their underhanded conduct.

Rudofsky took the Russian approach to justify his using documents outside the Joint Appendix—he lied. Rudofsky claimed that I “wrongly declined” to include in the Joint Appendix “26 documents” that he and Mundy’s lawyers’ had requested. To support this lie, he used as an exhibit only the first of four letters detailing the negotiations over the Joint Appendix, which was sent before the Pre-Argument Conference in June. That letter from Mundy’s attorneys and Rudofsky actually requested 54 separate documents—not 26 as Rudofsky claimed.

At the Pre-Argument Conference, when the defense lawyers kept unusually silent about the documents they wanted in the appendix, I realized I would have to create a record to keep them from pulling a fast one. After the Conference, I sent a letter asking whether they had finalized the documents they wanted, but they never answered that question, hoping I’d let it ride so that later they could claim I never denied their request for so many documents. To head them off at the pass, I sent another letter telling them I wasn’t going to include the unnecessary documents they wanted. Under Fed. R. App. P. § 30(b)(2), they could still have those documents included in the Joint Appendix, but they would have to pay for them. They didn’t and once again failed to respond, but it didn’t matter, since I now had a record of my refusing their request.



Rudofsky also excused the defense's use of documents not in the Joint Appendix by saying Fed. R. App. P. §30(a)(2) states: "Parts of the record may be relied on by the court or the parties even though not included in the appendix." True, but the purpose of that rule is to allow the Court leeway to check the full record if it thinks it's necessary. The rule does not give Dubin and Rudofsky an excuse to ignore their obligations under the Court's procedures or to load up the Court with hundreds of pages of irrelevant documents in order to prevent it from taking the time to expose their lies and prevarications.

The defense attorneys disinformation that they falsely claimed was supported by hundreds of pages of extraneous documents to which they made no specific page cites, their failure to cite to the exact page of some legal cases and the character assassination all played together to exploit bureaucratic sloth. Think about how these guys would have operated in The Third Reich or the Soviet Union. First they'd label me as an enemy of "right-thinking" people in those particular societies—Nazis or Commies. Then they'd throw in a mass of documents and cases to which they fail to give specific page cites knowing that the bureaucrats are too lazy to go through all the material to confirm or contradict their statements. The bureaucrats in those societies, ever obedient to their prime directive to avoid work, would consciously or subconsciously rationalize that since I didn't conform to Nazi or Commie conventions and ideology, the defense attorneys were right about what all the documents and cases said. The bureaucrats rule in the defendants' favor and off I go to a concentration camp. In feminarchy America, it's off I go to the poorhouse and social ostracism—no gulag, yet.

Dubin, Rudofsky, the City and Sachs tried to game the system by picking which rules they would follow and which ones they would ignore, it not only wasted everybody's time, but if successful, would make suspect the system of justice in the Second Circuit.

The return date of my motion was set at November 8<sup>th</sup>, which meant that by the following Monday, the 14<sup>th</sup>, the Court should make its decision on whether to require those attorneys to delete the material that violated the rules.

During the back and forth of papers on my motion, the defendants even tried to finesse the Second Circuit into denying me oral argument. Dubin's boss sent a letter to the Court that "In light of the extensive record before this Court, the number of parties that would have to appear and the amount of time having been devoted to defend the plaintiff's claims, it is respectfully submitted that a further appearance before this Court is unnecessary." That I didn't expect and couldn't figure out why they were bothering. If the defendants didn't want their attorneys to put in the time necessary to prepare for an oral argument, they could simply waive it and save the lawyers' fees. But to try to have the Court deny oral argument for me wouldn't happen. The rules allow any three-judge panel to dispense with all oral arguments in certain specific situations, none of which applied here. Also, the Second Circuit generally follows the principle of allowing oral argument for any party that wants it. So why bother with the request to keep me from making an oral argument? Perhaps they just wanted to increase the pressure by eating up my time in opposing their request, since during this period, in addition to making the motion to delete parts of their briefs, I was also working on my reply brief.

As busy as I was in October and early November 2005, I still went clubbing at least one night on the weekend to keep my sanity in this insane society of political correctionalism. One of the guys in my salsa class, a member of the Freemasons, started managing Club Havana in the Bronx. He and his wife, also a salsa student, invited the class to the Club for a fundraiser to help the victims of Hurricane Katrina and its accomplices the Three Stooges: Larry - Governor

Blanco; Moe - President Bush; and Curly - Mayor Nagin. Sounded fine to me, not because of the do-gooder purpose, but because there would be lots of south of the border chicks.

My new salsa instructor called me Saturday night to say he and some of his students were driving to Club Havana from the upper Westside of Manhattan. Since I lived on the eastside further down, it made sense for me to meet them at the Club, and for some reason, I was looking forward to a lonely, solitary ride on the Number 6 train to the northern reaches of the Bronx. The subway took about an hour, nice and peaceful with few passengers. At my stop, while walking down the stairs from the elevated station to the street, the place became vaguely familiar. Stopping to look around for a clue as to why, the memory from my unconsciousness nagged my waking mind until the answer surfaced.

Over three decades earlier when I worked in the libraries at Columbia University, I dated a co-worker who prior to our playing around used to spit in anger every time she passed a white guy, which made me think she must have run out of saliva frequently. She was also about to join Farrakhan's Nation of Islam, which sounded cool to me. I always liked watching Farrakhan's speeches on cable television. This guy had guts and honor, unlike so many others of various hues in America who were nothing more than pimps and sellouts. Maybe she would become one of those hot chicks dressed in white that guarded Farrakhan during his speeches, but for the time being, this good-looking babe in her Afro was with me. My hair was relatively long then, so I often freaked her out by running her hand through it, which had an alien texture to her. When we started going out together, even riding the bus in Manhattan—not Mississippi in the 1870s, but New York City in the 1970s—it put us through an evil eye gauntlet from all the bigots. It didn't matter the neighborhood, both ends of the color spectrum and everyone in the middle dissed us. So we spent time by ourselves at her place in the Bronx.

During our short romance, I helped instigate and lead a workers' strike against Columbia University. During contract negotiations, our union, Local 1199, had cut a secret deal with Columbia in which the union bosses agreed to keep wages low and prevent a strike in return for Columbia investing in the union's pension fund. When we learned about the conspiracy, we struck, took over a building in the tradition of 1968, and won, a little bit. Columbia's President "Dollar" Bill McGill seethed with anger over our temerity and the hit to his budget while the union maneuvered with my boss in the library to terminate my employment. So what, I thought the strike a small victory for justice and felt good about my part in it, but my co-worker girlfriend said I acted like a fool by making speeches and leading demonstrations against Columbia. So much for the male illusion of impressing girls with victories over injustice and arrogance.

My co-worker was first and foremost a female, and all females want a man to serve them, to sacrifice doing what is important for him in order to provide an environment in which he abides by their lunatic rules that change with the erratic bubbling of those runaway chemical reactions in their bodies. Money is the key, which is why girls are so cheap unless a guy is paying. For guys, money is great too, but sometimes a guy gets pretty sore and money doesn't matter anymore. Back then, I was sore at Columbia and the union for violating people's rights, as I was at the RICO defendants in this new millennium when I walked out of that subway station. Now, however, I was wiser, knew girls had nothing of value to say to me other than "yes" or "no," and that since 1750, when the world's population reached one billion, the only value girls had was partying.

Today, the Feminazi media and female pandering politicians always shout about pollution, global warming, depletion of resources, illegal immigration, war and the violation of

civil rights—but these are just symptoms. The root-cause is overpopulation—too many broads having too many babies. Females should choose to exercise some control over their bodies for the good of future populations, but that will never happen because most broads only care about themselves, which means having children, not creating a valuable life, but to acquire another asset. To most girls, kids are just capital that can be cashed in when the mothers are running low on the funds they bamboozled, or more accurately bam-boob-zled, from men, or when these sanctimonious moms need another sucker because the members of the “fairer sex” finally put their husbands in the grave. Men don’t live as long as females because over the passed hundred years medical resources have concentrated on extending the lives of broads, so when a girl’s main sucker is dead, there’s no better economic substitute than children, who are often easier to manipulate.

Some guys do want children, but usually it’s the girl talking the guy into it. He goes along for her sake not realizing the burden of providing and protecting will fall the hardest on him. Sure, the Feminazis will argue that’s why they want men’s jobs: to help support the family. If that were true, then why do these ardent Feminazis, once they’re married to a successful guy, want to leave work in order to raise the children? The key reason Feminazis want a man’s job is to increase their chances of meeting a guy with money. Why do you think all these hos go to business, law and medical schools—to find an up and coming prospect, or when in the work force, one that’s already made it. They use Feminazi propaganda and intimidation to gain admission to professional schools or land a job with a high paying company, where they can find a sucker, get knocked-up and leave the work force. Their scheme not only wastes the resources used to train them but also steals those resources from some man who would have used the acquired skills in a long and productive career. It’s the same old story of

broads bam-boob-zling men out of money, which in feminarchy America also means jobs, and irresponsibly pushing to have children.

Even the evils caused by overpopulation are more exacerbated by girls than guys. For example, most of the stores on Fifth Avenue and lower Broadway cater to females because the average girl consumes more fashion goods than the average guy. For broads, fashion changes yearly with each season, so to dress themselves as fashionable sex objects requires girls to buy the latest in cloths, shoes, handbags and whatever. But next year, the latest is dated, so out it goes. The same repeats every year to which is added the tons of makeup washed down the drain at the end of every day. Girls end up causing not only more pollution but also a greater depletion of resources in order to keep themselves looking fashionable. Since a chief cause of war is when one country tries to steal another country's resources, females are major contributors in that deadliest of events for men. Looks like broads play a bigger role in the evils plaguing the earth then they let on.

Finished with my reminiscing, I turned north towards Club Havana. Eleven at night and the streets up here were full of small groups of people hanging out. Didn't they have some place to go? Club Havana was in the basement of a building and fairly large. Inside, I headed to the bar but was intercepted.

"Would you like a drink?" asked this delicious, young Latina babe holding a tray of shots.

"How much?"

"It's free! They're made of Absolut Vodka," she said with a Spanish accent.

Hmmm, my favorite kind of vodka and kind of girl. "Are you sure it's free?" I asked, never believing a girl gave away anything for nothing.

“Yes, it’s my job to give away these drinks.”

“Really?”

“Yes, believe me.”

I’ve heard that before, but said, “Okay.” I took a shot, rather good. She started to leave, not so fast I thought. “Here’s a tip.”

“You don’t have to do that.”

“Quid pro quo.” I always try to let these pretty young things know I’m a lawyer. To them it means Benjamin Franklin, as in currency. I added, “You have to make a living don’t you?”

“Yes, thank you.”

She left to ply her wares elsewhere. Looking around for members from my salsa class, I couldn’t find them, so I entertained myself by hitting on a couple of babes and then the Absolut girl was back with another drink. I imbibed and tipped some more.

“So where are you from?”

“I come from Columbia and here for six months with a relative.”

And off we embarked on a conversation. She was 22, lived in Queens and worked promoting Absolut Vodka in clubs, usually Wednesday through Saturday. What else she did for money, she didn’t say. I asked her to dance, but she said she couldn’t while working, and off she went on her rounds.

Trying to estimate how many offers she received each night of work and to annualize it, I gave up having left my calculator home. My mobile didn’t have one, at least I thought it didn’t, maybe it did, but I’d never know. The plethora of services from modern-day electronics short-circuits my memory. As long as my mobile rings, which it did just then, that’s all I need. Aki, a

Japanese girl from my salsa class, called to say she and the others wouldn't make it to Club Havana because they decided to go to a Dominican club on 167<sup>th</sup> Street and Amsterdam Avenue that had strippers.

"I didn't know you liked female strippers Aki?"

"I don't," she emphatically said, "but they play great salsa there. The guys want to go, so I don't mind. I'll just dance."

As I hung up, the Absolut girl came back to offer me an Absolut t-shirt and a dance. I accepted both. Guess the tipping and lawyering worked.

Dancing salsa is not my strong point, and sometimes I end up with a girl who can dance but emphasizes different beats than what I'm familiar with. The Absolut girl could dance, but she moved on different beats, so the dance started badly. Then I remembered a trick my salsa instructor told me: whenever he had difficulty with a girl's style and liked her body, he just held her close—years ago it was called the grind. So I held her close barely feeling the thin dress between us and ground against her stomach and firm young thighs that wielded a truly dangerous power. Once again, I was on the ropes. Her face looked young and innocent, but her body told a different story. She knew how to use sex to get what she wanted. So do the Feminazis, but they use it as an accusation rather than a lure. But whether with the normal girl or Feminazis, for females, it's always about sex.

Two allegories will demonstrate the point:

A girl rips open her blouse, juts out her bare balloons and says to a guy, "You don't get to touch these unless you give me a car!"



Another girl rips open her blouse to show her naked breasts and says, “Talk dirty to me, touch me!” So the typical guy does, and then the girl says, “Give me a car or I’ll sue you for sexual harassment and offensive remarks.”

In the first case its solicitation, in the second extortion, but either way the broad gets the car because of T & A power.

After my dance with the Absolut girl, she handed me some words that were nice to listen to and gave me her telephone number. Watching her walk back to work, I thought that all the academic hubbub over the purpose of females wasn’t nuclear physics. Just look at what a girl’s body is built for. No sense using a car to sail the seas, a plane to drive the highways, a boat to fly the skies or a girl for anything but partying.

Later on, we flirted some more, and I caught the Number 6 local back to Manhattan at three in the morning. Early in the week, I called her, left a message, she called back and we set a date for the Copa. She ended up canceling, saying a job came up in a club in Westchester County. Maybe yes, maybe no, maybe rain, maybe snow. Perhaps, I should have tried one more time, but her work schedule just didn’t jive with mine. She wouldn’t be lonely, and a month later, I saw her at LQ with some Latin guy. Good for her, if he was rich.

#### I like You (A Lot)

In my Reply Brief to the defense attorneys’ opposition briefs, I mainly countered their legal arguments and interpretations rather than bogging down my Reply refuting their false allegations of fact for which they referred to the extraneous documents never included in the Joint Appendix. Their factual lies and deceptions didn’t go unchallenged; rather I relegated my exposure of their mendacity to a footnote at the end. Sure the facts weren’t relevant on a Rule 12(b)(6) motion to dismiss, but in case the Court wanted the truth, it was there in the footnote.

The defense attorneys again tried to rewrite my Complaint to support their legal arguments. They claimed my Complaint did not state that I had suffered injury to my business or financial interests but only personal harm, such as emotional distress. Under civil RICO, a plaintiff cannot recover for personal injuries including stress, broken legs or even death. The defense attorneys knew, but tried to hide, that the personal injuries stated in my Complaint resulted from the non-RICO causes of action that were also brought against the defendants. The defense was trying to deceive the Court by calling all the injuries personal, which they weren't and the Complaint didn't say they were. The defense lawyers also tried to use cases that didn't apply to my situation to argue the harm caused me was speculative. But their cases all concerned damages that might occur in the future. The harm to my business and financial interests had already happened.

On the proximate cause issue, the defense said I was not the specific target of any of the RICO acts nor did the defendants specifically intend any of the harm that befell me. Civil RICO does not require specifically intended targets or harm. If it did, there could be the absurd result that one could be liable under RICO for destroying a shop only if one aimed a bomb at it, but not if one aimed at the shop's key executives, missed and hit the shop by accident destroying it, or if one aimed at the key executives who happened to be in the shop at the time.

Besides, if I wasn't a target of the defendants' intended harm then who'd they trick into sponsoring and paying for the Commie Ho's fraudulently obtained immigration visa, who did they con into paying for her flight to America, who were they attempting to coerce into lying to the INS that included bringing a fraudulent restraining order against, whose witnesses did they intimidate into not providing information to the New York State court, who'd they cost thousands of dollars to defend against a false arrest and for whom did they increase the expenses

of the RICO action by attempting to obstruct it? All that was aimed at me and intended to make justice too costly to pursue and thereby protect the defendants.

The defense attorneys even tried to cover up some of the dumber errors of the District Court. For example, Dubin claimed the District Court's Maginot Line irrelevant and even argued that my actions on and after August 2000 caused the injuries I suffered before that date. Guess he had been reading too much Lewis Carroll where cause and effect are reversed.

The defense attorneys also raised a few issues not addressed by the District Court and misstated the law, as usual, even when the Second Circuit and Supreme Court had explicitly rejected what they were contending. Dubin claimed RICO only applied to criminal associations that would continue to exist if all their criminal activities stopped. That's not the law in the Second Circuit, but even if it was, the Russian mafia controls legitimate businesses, so if it ceased all criminal activities, it would still exist. Rudofsky argued that all RICO allegations must include greater detail than normally required in a complaint even though the Supreme Court ruled that's true for only certain RICO crimes, such as mail and wire fraud.

What a way for attorneys to practice, ignore the cases and just make up whatever serves their interests of the moment. My Reply ended with "The modus operandi of the defense attorneys is clear: misrepresent the law and the allegations, add a good measure of demeaning, denigrating, defaming, demonizing and dissing the plaintiff, and presto, their opponent has no rights left that the government will recognize. It's worked so far."

The week after filing my Reply, I hit a club called Temple on 52<sup>nd</sup> Street between Broadway and Eighth Avenue. My salsa instructor was promoting the club, so I showed early enough to get in for free—a rare occurrence for a guy in New York City. Most clubs let girls in for free up to midnight—the witching hour—or 1 AM, but guys almost always have to pay.

Clearly a violation of the civil rights of men, and if I had the time and money, I'd bring a class action suit against the clubs that do it.

Girls naturally love the preferential treatment. They steal a guy's job, get into a club for free and then expect him to buy them drinks. Chicks make up over 50% of the labor force, and control well over 50% of the nation's wealth that they earned the hard way—they married it. In virtually every urban center in America, girls in their twenties, the only ones worth partying with, make more than guys in the same age group. So who's oppressed? Females claim they are, so affirmative action should apply to them. Not unless they were raised in a trailer park, and most of them weren't, although most of them act like they were.

Temple was near empty, 10:30 PM and only a few people, not uncommon for City clubs. A buddy from my salsa class and I hung around the bar hitting on the barmaid. Then my sensors turned me around to spy two young, hot looking, tall brunettes standing patiently together waiting for the party to begin. Coming up with a line, I moved in their direction. When I got within the range of my contact lens, I saw they were twins—all right! They responded, a little shy at first, but as we talked, I began to feel as the quarry rather than the hunter. Each of them took up a position at a 45 degree angle to my right and left, a "V" pattern, with me almost cornered. Okay, they can devour me; they were pretty and tall in their high heels. Both went to Columbia College, majored in chemistry, which reminded me of cooking, had turned twenty-one in September, the same month as my birthday, although I hadn't seen 21 for decades, and came from a town in the Catskills in upstate New York. A town I used to pass every summer as a kid and later as a teenager when heading to the family cabin in the mountains.

These two were a trip. They turned their high beams on in a coordinated assault on my senses. One picked up the conversation as the other left off, sometimes in mid-sentence, and

they giggled like little girls simultaneously as though on cue. Was it possible that somehow their two minds were metaphysically one? A couple of my childhood buddies were twins, but they didn't have the synchronicity of these two. Did they read each other's mind or somehow live each other's life. I liked them immediately—a lot. Tried for their telephone numbers, but they weren't giving, so reluctantly they provided me their emails. Part of my hustle included talking up my salsa class about which they expressed interest when I mentioned there were usually more guys than girls. It was then I realized I knew these girls or, more accurately, girls like them. They were the girls I had chased all those summers in the Catskills. Girls who grew up in that part of New York had an openness about boys. I still remember this one ten year old girl from upstate answering when asked what she liked to do: “Chase boys!” Unlike Feminazis, the girls up there liked boys and refrained from blaming guys for all the vagaries of life.

We talked on and off during the evening, even danced once until they turned and walked away at exactly the same moment. Oh, well, I had gotten their email addresses, and had agreed to send them the information on my instructor's salsa class. Don't remember too much more of that evening, but a buddy from salsa mentioned I was making out with some tall black chick. To which I asked, “Was she good looking?” He said yes, and I believed him but couldn't find any number or email other than the Twins. My short term memory only recalled a black chick calling me her nemesis, but was she the one? At least it wasn't the blonde I danced with whose pheromones invited men to run their hands all over her. She was with two guys who looked like paying customers.

The Twins responded to my email about the salsa class and gave me one of their mobile numbers. They were in the middle of finals, so couldn't start the class until after the Christmas break, but finals didn't keep them from going clubbing on the weekends. One Saturday Mark,

his younger brother, Chanan, and I met them at Deep after running into a familiar problem at the door of City nightclubs that girls don't. On the Internet, clubs sometimes advertise free or reduced admission for guys before some early hour such as 11 PM. The ads tell a guy to sign up for a "Guest List" or printout a pass from the club's website to take advantage of the bargain. The three of us showed at Deep at 10:45 PM, nearly the first in line, presented our passes for free admission before 11 PM and "Sorry, these are no longer good," the bouncer says.

Chanan wasn't buying this, "What do you mean? We just printed them off your website not an hour ago. Your policies changed since then?"

"Management has instructed me that these pass are no longer good. You'll have to pay \$15."

"That's not fair," Chanan continued. How can you advertise one thing, and then switch it when people show up because of your advertisement."

The lawyer in me chimed in, "It's called bait and switch."

"Yeah," Chanan replied. "They trick you into coming all the way down here to their club and then change the deal. That's not right."

The bouncers were apologetic, since they were just following the manager's orders, but to go inside would cost us \$15 each. We paid, because, I had arranged to meet the Twins inside, who, being girls, were able to enter through the back door for free. This bait and switch directed only at guys was a common tactic among the clubs. The China Club had pulled the same stunt on us earlier in the year. This wasn't going to happen again. When I go to a club now, I bring along a copy of the City's Consumer Affairs Department rules prohibiting false advertising. The Department licenses all these joints, and violation of the rules can result in suspension of their licenses.

Deep had two floors, lots of space and, as the night wore on, plenty of friendly chicks. We ran into the Twins and Mark and I started dancing with them. Chanan, a professional Hip-Hop dancer, started doing his thing by himself. He didn't need to ask girls to dance because when they saw him hip-hopping, a few always gathered around to watch, and one or two would start dancing, or rubbing their bodies against him, usually their derrieres against his crotch. Some of these club chicks sure liked dancing doggy-style. Time for me to learn that dance as delusions of being a babe magnet danced in my head. The Twins nicknamed Chanan "Dancer Man."

A couple of weeks later, Mark called. "I've been looking at your resume and thinking for the passed few days about a way for you to make some money out of the hell you've been going through for the last, what is it, six years?"

"Yeah, it's pretty close to six years. What's the idea?"

"Go public with a website. What you're always saying about the feminists and how they've twisted the system against men is what most men are thinking, but wouldn't say publicly for fear of losing their jobs or being sued. You can take what's happened to you and become a lightning rod for men against the feminists. With your resume, you have the credibility to do that."

The moment I heard Mark's idea, I knew I was going to do it. As Supreme Court Justice Brandeis observed, "sunlight is the most powerful of all disinfectants." The gears of the universe clicked together. By pulling open the curtains, I could expose the sophistry of Feminazism, which had enabled sluts like my ex-wife to commit crimes with impunity, and the Feminazis real desire to create a tyranny over men.

“So how would this work?” I asked, feeling the excitement of another battle on the horizon.

“You set up a website. Write articles for it and publish on the site the story about the Ho that you’ve been writing. You can even serialize the story to keep people coming back to see what happens next. Visitors to the site can make comments or start their own discussions about the articles or the story. It’s called an interactive website. You might even expand into providing legal advice to men on how to defend themselves against the feminists. And the way you make money, is to ask for donations. On the site would be a “Donate” button a viewer could click that would take him to PayPal for making a contribution.”

“This sounds good. I’m running out of money, and my attempts to find a book publisher went nowhere.”

“So publish it yourself. Go directly to the men on your side. There are guys all over the country who feel the way you do. You can be their voice and they’ll support you. Guys will be able to register for the website anonymously, if they want, say what they want and contribute.”

“Right, the men in America, especially the white guys, are too intimidated by the Feminazis to take back their rights. I can be their point man.”

“Exactly, but you’ll take a lot of heat for it.”

“Wouldn’t be any worse than what I’ve been going through, screw those Feminazis. If broads can’t love you, they might as well hate you.”

Over the next month, Mark and another of his brothers helped me refine the concept of the site and how viewers could participate. It took me another few months to set the site up, in part, because creating web pages weren’t up my alley. My old class action RICO site was



replaced with the new anti-Feminazi assault but kept the same Internet address: [www.been-scammed.com](http://www.been-scammed.com).

Girls! Girls! Girls!

In early December 2005, a guy in my salsa class told me about a Hip-Hop class he was taking at Broadway Dance Center. Never heard of the place, but here was my chance to try to learn Hip-Hop. The moment I walked into the Beginner's Hip-Hop class, I felt like a kid in a candy store. The room was packed with around 45 pretty young babes displaying various bare sections of their breasts, legs, stomachs and lower abdomens. Most of their pants or shorts were skin-tight around the ass through which showed the straps of their thongs for the ones who wore any undies. Of the five or six guys in the class, all were gay, except for my buddy and me, no competition here, and I was the only gray-haired Benjamin Franklin in the place. This was too good to be true as a grin swept over my face, but it got better.

The class lasted ninety minutes and was as tough a workout as martial arts only no cracked ribs. During the first half, our instructor Bev B, a hot looking black chick with a great smile, ran us through warm-up drills. One had us doing a body roll leaning back with arms stretched in front and then bending forward at the waist, arms behind with our faces looking straight ahead. I found myself gazing into the rear end of a young babe in tight pants that outlined the source of every young girl's power inches from my face. If I ever have a heart attack, I hope it happens in class during that exercise, so I can fall face first into some young babe's booty. Once in the middle of that drill, the voluptuous Latina in front of me stood up in surprise with her hand on one cheek as though someone had grabbed her rear—must have been my astral body.

After the warm-up, Bev taught us a routine by repeating the steps a few times and then moving on to new ones. As she built the routine, the class became hotter and hotter, the girls sweated more and more, parts of breasts and abdomens glistened, adrenalin and endorphins pumped through brains while the pheromones of these overheated pretty young things filled the air. These cold and distant candy bonbons began melting on their shelves. Hitting on one during a break, she smiled and replied with sweet sounding words. How could she not with all those drugs pumping in her brain and me one of only two heterosexual guys in the class. This was too easy for meeting chicks, although physically, I barely made it through the class. I thanked Bev, clearly one of those few teachers who cared about her students, and left the room to hit on some other hot-sweaty girl watching another class.

The classrooms at Broadway Dance Centre all had big windows on the inside that allowed other students outside the classrooms to watch a class. Students stood two and three deep around these windows or sat in chairs arranged for viewing. The reason for this escaped me, since most the guys there weren't hunting chicks. Maybe it was just the thing to do. Fine with me, since it made my hunt easier by congregating game in a small place—not unlike a watering hole on the African savannah. It also gave me lots of opening lines: “Oh, what class is this?” “Would you tell me what room number this is, I’m wearing my contacts and can’t read the number although I can see the girls?” That usually got a laugh. A variation on that theme, “Would you help me? I’m trying to find a number on my pre-millennium mobile but can’t read the names because I have my contacts in.” “So how do you tell what dance style this is? I haven’t been able to distinguish dances since law school.” That made them think I had money and often got a laugh. “Are you a professional dancer? No. You could have fooled me.” That one worked really well on the teenagers, since a lot of professional dancers went to Broadway

Dance and every teenybopper girl dreams of being discovered. Sometimes, however, I couldn't distinguish the teenyboppers from the twenty-somethings—a confusion that didn't bother me a bit. Anyway, the lines, like girls, were overflowing. As Elvis Presley once sang: “Girls, big and brassy, girls, small and sassy, just give me one of each kind, I'm just a red blooded boy.”

Nearly every Friday, I went to Hip-Hop, fairly often got a number, and after a while, girls whom I hadn't hit on would walk into class and give me a knowing smile that said they knew why I was there. Some months later, I learned that my instructor Bev B was famous in the dance world. She had danced with and choreographed Kool & The Gang, Janet Jackson and Salt & Pepa—very impressive. She also carried the title Reverend, which explained that tough Gospel Church like compassion she had for others. Maybe I should have met her twenty years ago. The human heart often yearns for salvation, but I've learned since never to trust the heart again. My approach to heaven and hell is purely that of a lawyer or businessman—I hedge my bets.

Since my philosophies don't cover everything in the universe and what they do may not be right, I've accounted for the possibility of a heaven and a hell. The management structure of hell will logically have the worst at the top, the angel who rebelled, with a chain of command descending through those of lesser evil down to folk who arguably shouldn't be there at all. Just as in America or a banana republic, those who commit greater crimes lord over those who perpetrated minor ones. Unlike Dante's vision that inverted the structure of hell to serve the plot of his story in castigating his worldly enemies, a top down management structure makes the only sense for hell or any organization devoted to destruction, like the military. Those better at carrying out an organization's purpose will logically occupy positions of more authority. The commander-in-chief in hell is not about to be told what to do by a second lieutenant sitting on a higher ledge. So the more evil the person, the higher up the management ladder he's placed. My

task then is to insert myself in the management structure at just the right level where I'll have direct authority over those whom I want to torment for eternity: Feminazis, the rich, my parents and the Ho. Not an easy chore considering the depravity of my enemies, but possible. However, if there is no hell, then it doesn't matter.

The Saturday after my first Hip-Hop class, surprisingly, I could still move, so Mark and I went to a party in Williamsburg given by a girl to whom I had introduced him. Not much of an introduction, I saw this tall blonde with a hot body in a crowded bar and started talking to her about something I can't remember. She was friendly, but not my type, so I moved on. Later, when she walked by me on her way out for a smoke, I introduced her to Mark. Turned out she was stripper.

She and her three female roommates were throwing a party. Oh boy, I fantasized; they'll probably invite lots of hokettes. But I should have listened to the Twins who said that when girls host parties, they make sure there are always a lot more guys than girls. The Twins were right. What a waste that party. Half the night was spent hustling two plain looking girls who at the end of my efforts turned out to be lesbians, the other half arguing with a Feminazi and the third-half fondling a French tart trying to convince me that "love" was not a scam invented by females to manipulate guys.

"Someone must have hurt you," she said. How many times have I heard that, which meant you just met the wrong girl, the rest of us are really decent human beings, like me.

Baloney, most girls are created in the image of Mary Magdalene—a prostitute.

"You're right," I answered. "Let's start with the Nazi Ho, my mother, and work our way through all the girls I went out with down to the Commie Ho, my ex-wife." I thought but didn't say, "It's hos all the way down on my journey to hell." Instead I told this French hokette, "To

girls, 'love' means a scheme to get what they want from men. For them, it's very real and of the utmost importance, as are frauds to criminals. When a girl says, 'I love you,' she's really saying 'I'm tricking you.'"

She did a quick 180 and returned to a back room to resume making out with the same guy she had left earlier to flirt with me. Guess the flirtation helped her ego or was it genetic. All humans are promiscuous; otherwise, we wouldn't have survived, and the more promiscuous the person, the more likely their gene for playing around was passed on to future generations. But only girls are hos. Hos use sex and its accoutrements to get something, usually consumer goods but also status or an underserved advantage. For them, sex is a weapon to shakedown guys; it's a means to an end. For guys sex is fun, a recreational end, but not a means. The French tart realized she wouldn't be sexploiting me any time soon, so she returned to her first sucker.

There once was a time in America when hos were kept in their place: brothels, strip clubs and backdoor rendezvous. But, now, with the Feminazis either running the media or intimidating it into toting their propaganda, all these low-lying, four-flushing sluts are considered victimized saints. Take that whore who married Prince Charles. She hos this guy, she hos that guy, and her life style finally lands her dead in a car crash. She's a slut, but the media blames Prince Charles and turns her into a saint while some sappy song about her out sells the classic Christmas tune "White Christmas."

It's always men who are at fault in the Western media and girls the Pollyanna victim. No one ever dares mention that the real fault rests with the lies the Feminazis feed girls growing up today. They teach girls to put themselves on a pedestal, not of femininity, but one of superiority to men in strength, courage, independence and toughness, which, when coupled with the Feminazi belief that girls have a universal right, almost an obligation, to give free reign to

their whims and desires, puts these girls in dangerous situations that an evolutionarily correct girl would avoid. The Feminazis have socialized young girls into believing they are Super Girls, gave them capes, but when the girls try to fly in the real world, they can't. It's the she-male princess syndrome: all the sex appeal of Aphrodite but stronger than Hercules, an illusion that works only in Hollywood.

Please Mr. Postman

The Second Circuit scheduled oral argument on my appeal for the following month of January 2006. The defense attorney's had failed to weasel the Court into denying me 10 minutes to argue my case and answer the judges questions. Not much time, but that's generally all the time allotted each side. The Court's decision on my motion to throw out parts of the defendants' briefs for violating the procedural rules still hadn't come down, which presented a problem. Preparation for oral argument always depends on the content of the papers before the Court. If sections of some of the defense briefs were going to be deleted, it would help to know that before oral argument; otherwise, both sides would have to spend extra time preparing to deal with those sections before the three judges who would hear the argument. Logic dictated that the panel of judges should make a decision on my motion beforehand. But, then again, I was dealing with the Second Circuit.

Contacting the administrative lawyer in the Civil Appeals Management Office of the Court, I asked what was going on with my motion. He told me the panel could make a decision on my motion anytime they wanted, whether before or after oral argument. This sounded too arbitrary, so I checked the rules but couldn't find any requiring the Court to decide motions promptly, although according to the *Appeals to the Second Circuit*, p. 50 (8<sup>th</sup> ed, 1997) published by the Committee on Federal Courts of the Association of the Bar of the City of New York, most

motions are decided within a week of the return date, which for my motion had long since come and gone. Something didn't fit. The motion papers weren't that long and the defense attorneys' violations clear—no complex issues involving grey areas of the law, so why not make a decision now? As with so much else in this story, I knew the workings of the universe would eventually reveal the answer.

New Year's Eve and Mark and I decided to go hunting at the Copa, even though I had a nagging premonition that something unpleasant would happen. Before we entered the club, I told Mark about my foreboding to which he said, "Stay alert." The Copa was packed, lots of single chicks hoping guys would hit on them so that they wouldn't feel like losers being alone on New Year's Eve. Fine, we were happy to help them out. We walked around, hit on some chicks, danced with them, went looking for some more, split up and I went to the bar for another drink. While standing behind a short stocky guy and his very hot Latina date, the guy seemed somewhat edgy. Maybe she was ragging on him. Waiting for the barmaid, I checked this guy's date out—she was nice, but I wasn't about to hit on her. Unlike some guys, I didn't believe in interfering with another guy's hustle. Just then, the short guy pushes back into me. Okay it was crowded, and I let it go, one of the usual minor run-ins in New York clubs. Then he does it a second time, which seemed intentional. What's with this guy, I didn't say a word to his girl. Was he reading my mind?

On the metaphysical side of my life, I can often sense something bad coming my way, possess the ability to divine water with a forked-stick and, at times, can apparently project my thoughts. Was the overflow of my paranormaling lust for this guy's girl splashing into his mind? Who knew, who cared, but I told the guy not to push me again. Naturally, with his girl there he had to and did. I moved to my left, he turned to face me, and I gave him an open hand martial

arts strike to the throat. He retreated about five feet holding his neck, trying to breathe normally. Suddenly the area around me wasn't crowded anymore. His hot chica then tries a right forward kick with her high heel to my groin. Broads always go for the most vulnerable spots, but they should stick with assaults of emotional distress and duplicity in which they use their tongues as guns. They're too lame when trying to physically hurt a man. Barely paying attention to her, I easily dodged her kick. My focused on the guy, waiting for him to recoup and charge into the front thrust kick I had planned. Just then Mark appears out of nowhere and pulls me away from the scene in the blink of an eye. Good he had my back for the bouncers were probably on their way. We continued our carousing and I finally left the Copa around three in the morning and Mark at five. All around, an enjoyable New Year's Eve.

During January, while preparing for oral argument, all the defense attorneys waived their right to oral argument—they weren't going to show, including the Bank of Cyprus that never even submitted a brief. Attorneys never do this. Although oral argument is short, it often clarifies the case for judges and sometimes even changes their minds. Former Supreme Court Justice William Brennan once said:

“Oral argument is the absolutely indispensable ingredient of appellate advocacy. Often my whole notion of what a case is about crystallizes at oral argument. This happens even though I read all the briefs before oral argument. Often my idea of how a case shapes up is changed by oral argument. Oral argument with us is a Socratic dialogue between Justice and Counsel.”

Socratic dialogue means the judges ask the lawyers questions about the case and the law to which the answers help the judges reach a decision.

So why were the defense attorneys foregoing oral argument? What did they know that I didn't? Was the fix in? Had someone slipped crucial information to the defense lawyers? Had the appeal already been decided in favor of the defendants, which was why the Court ignored my motion to delete parts of their briefs? Whatever it was—something had happened. This was not



how appeals in the federal courts were suppose to proceed, maybe in state courts in the rural south, but definitely not the Court of Learned Hand and Henry Friendly, two great judges who had sat on the Second Circuit Court of Appeals. Decisions aren't made until after the oral argument, which is why lawyers don't skip oral argument. Was the Court just going through the motions of allowing me an oral argument that was meaningless because the decision had already been made? If so, that wasn't only unfair, but a violation of my due process rights under the Constitution of America. Then again, this was no longer America, for men that is.

In the Second Circuit, every panel of judges has a presiding judge who usually writes the opinions for the cases a panel hears. Normally, the Second Circuit keeps secret until a few weeks before oral argument all the judges hearing a case so as to prevent any undue influence or attorneys slanting their arguments towards a particular judge or judges. In my case, however, because of my motion to delete parts of the defendants' brief, I learned, and so did the Russian mafia defendants, on November 3, 2005 that the presiding judge on the panel deciding my case was Sonia Sotomayor. At the time, I didn't care who she was, and wasn't going to tailor my argument for any Second Circuit judge. Why bother? The Second Circuit, contrary to the intent of Congress and Supreme Court decisions, exhibits a distinct animosity toward civil RICO cases. It made no sense to cater to that Court, since my only legal hope, as it had been from the beginning, was the Supreme Court. But because of the recent bizarre events of the Court ignoring my motion and the defendants' waiver of oral argument, I decided to do a little research on Sotomayor.

Back then, before our first female president, Barack Obama, made Sotomayor a Supreme Court Justice in accordance with the Peter Principle, Sotomayor was 52 years old, prime age for a Feminazi, born in a housing project in the South Bronx with Puerto Rican ancestry. She

graduated Yale Law School, but so did Billy-Bob Clinton, and neither made it through with honors. She worked as an Assistant District Attorney in Manhattan, not very prestigious for a graduate of Yale or any law school. In 1984, she joined the nondescript law firm of Pavia & Harcourt, which recruited lawyers fluent in Spanish, Italian, French and Portuguese, and eventually became a partner. In 1992, President Bush Sr. made her a district court judge, and in 1998 she landed on the Second Circuit Court of Appeals, thanks to Hillary Clinton who pretty much determined President Clinton's judicial appointments.

Sotomayor, as with all federal judges, was appointed—not elected—for life. The Wall Street Journal and a number of Senators opposed her elevation to the Second Circuit because she's a judicial activist. Sotomayor believes judges have the right to change the law in accordance with their own personal views regardless of what Congress or the electorate says. It's a "Judges Know Best" philosophy and contrary to the U.S. Constitution's separation of powers where Congress makes the laws, not the courts. The founding fathers knew from looking at European monarchies that when the different functions of state power are concentrated, the wielders usually abuse it. In order to avoid America becoming another country ruled by princes and princesses, the U.S. Constitution adopted the principle of the Massachusetts Constitution written by John Adams:

"In the government ... the legislative department shall never exercise the executive and judicial powers, or either of them; the executive shall never exercise the legislative and judicial powers, or either of them; the judicial shall never exercise the legislative and executive powers, or either of them: to the end it may be a government of laws not of men.

Sotomayor apparently believes that last word "men" doesn't apply to females or princesses.

Activist judges, such as Sotomayor, probably consider themselves in the vanguard of a class struggle where the separation of powers interferes with their vision of society, so usurping the power of the legislature is justified. Whenever government officials succeed in grabbing

more than their allotted share of state power, they become less accountable for their actions because citizens begin to fear stopping them. As bureaucrats continue to exercise power they shouldn't, they may reach the point where there's no one left in society with the courage to call them to account, and then, they can do pretty much what they please. For these activist bureaucrats like Sotomayor, every grab for power is facially justified with some lame rationale, such as the Feminazis claiming passed oppression at the hands of men. Why do you think Sotomayor ruled against those Connecticut firemen—a ruling that the Supreme Court eventually over turned? They were all men. Then again, maybe she was just angry that nobody had invited her to her high school senior prom.

Once any group corners the market on state power, than the government and its bureaucrats become something to fear as in Nazi Germany, the Soviet Union and, today, in feminarchy America. The key to liberty, as Montesquieu said decades before the American and French revolutions, is that “government should be set up so that no man need be afraid of another” or of a female during the wrong time of the month or on menopause, but such is no longer the case for men in the U.S.

Sotomayor's seizing of legislative power earned her the “Court Jester Award” from the Family Research Counsel when she ruled in 1998 that a female, who had failed the New York bar exam several times, could take it again and have additional time to complete the exam because she was a slow reader. Sotomayor rewrote the Americans with Disabilities Act to reach the absurd result of applying the statute to a girl who had previously earned a Ph.D., J.D. and passed other exams, such as the LSAT and GRE, without being given any special treatment. Thanks to judicial legislating, preferential treatment for females and in the spirit of unfairness to others, the girl took the bar exam again, was given extra time and promptly flunked it again.

Despite Sotomayor's less than stellar record as a jurist, her sex and Latin heritage has caused political correctionalist politicians, pandering for female and immigrant votes, to win her a spot on the U.S. Supreme Court. Another example of the propaganda of soma induced delusions replacing reality in America. Had Gore or Kerry been elected, she might have made it there by the time of my appeal—good for me, bad for the country. As a Supreme Court Justice she sees herself as speaking “in a female ... voice” and admits “our experiences as women ... affect our decisions.” So much for justice being blind.

When I arrived at the Court for oral argument in the morning on Thursday, January 26, 2006, I was surprised to see the lead defense lawyer Dubin there but the presiding judge Sotomayor not, although she would likely write the opinion. Perhaps the onset of menopause was making it tough for her to concentrate, so she took the day off, or perhaps the case, as I now felt, had already been decided, and she didn't want to waste her time.

To Dubin, I asked, “What are you doing here? I thought you had waived argument.”

“We did,” he answered. “I just wanted to watch.”

Mumbling to myself, “Watch, watch what? There's nothing to watch.” Another move by the defense that made no sense, since Dubin's clients, Mundy, Petrovich and their law firm, were not going to pay him to watch me talk, unless he was here to make sure the Court stayed fixed.

The clerk called my case before the two judges who at least were men.

Normally in oral argument, a lawyer starts with a prepared statement of the arguments as to why the Court should rule in his favor, and after a couple of sentences, the judges interrupt to ask the questions that occurred to them while reading the appeal briefs. Since my intuition told me this was probably just a show hearing, I chose a different tack, and started by arguing my

motion to delete parts of the defendants' briefs. That would allow me to accuse the Second Circuit of discriminating against me by not deciding the motion before oral argument.

“Good morning your honors. I’m Roy Den Hollander the *pro se* plaintiff versus certain Russian mafiosos, members, cohorts and confederates of the Russian mafia. In November, I put in a motion to strike certain sections of the briefs of the Russian mafia defendants for violating the Federal Rules of Procedure and the Local Rules of this Court for including irrelevancies, ad hominem and failing to cite to specific pages. Another reason for the motion was to avoid using the limited space in my reply brief to deal with the defendants continuing litigation of personal destruction and disinformation and to counter their citing to 380 pages in their briefs that are not in the Joint Appendix. They had an opportunity to include those documents in the Appendix but they declined to. The defendants used those documents to castigate me and to avoid arguing on the merits and to overburden this Court. I put in this motion to strike their references to those documents, some of which were excluded by the District Court, but nothing has happened. My view is that I have been treated unfairly because this motion has not been decided even now.”

To which one judge said in his deep voice, “It’s a very common thing for motions of that nature not to be decided prior argument because the panel very frequently feels it will be in a better position to understand what’s pertinent to the case at the time of argument. It’s often quite difficult to deal with a motion like that well in advance, and it’s not uncommon at all that such a motion is simply put aside to be dealt with as part of the case in its entirety and that happened here.”

No way, I thought to myself. The motion was for the defendants violating the rules of procedure in the Second Circuit; it didn’t deal with the pertinent legal issues of the appeal of the District Court’s decision. The defendants cited to documents not in the Joint Appendix, engaged

in character assassination and failed to give specific page cites. It was all there in black and white in their briefs. What's there to understand about pertinence to the case? There is none, that's why parts of the defendants' briefs violate the rules.

I responded, "Ooookay, my view then is that the defendants violated my rights and they got away with it."

The same judge rationalized, "There's a lot of gamesmanship that goes on in litigation. To some extent litigation is about gamesmanship, there are strategies that lawyers use and sometimes they succeed in taking advantage of an adverse party by doing it. But in any case we are here to hear your appeal and would be interested in hearing you on that."

Unbelievable, this Second Circuit judge was condoning the violation of the rules of this Court and every other Court of Appeals in the country, but I euphemized my response.

"I agree with that your honor, attorneys try for advantages over their opponents, but when the rules of procedure say what you are doing violate those rules and my due process rights, I believe the Court should be more timely on ruling on a motion such as that."

Then I switched gears, "Now as far as the substance of my appeal are there any questions?" That caught them flat-footed. Judges always have questions for oral argument but not these and not for me.

So I started through the list of the District Court's legal errors and accused it of re-writing my Complaint. Even raised the issue from my brief where I called Castel a liar when he claimed I never requested to amend my Complaint if it was dismissed.

"I asked FIVE TIMES that if the District Court ruled against me and threw me out that I would have an opportunity to amend." To emphasize my point, I stepped aside from the podium and raised my open hand with five fingers out stretched. "Five times I asked that. The judge

said I never asked for it.” Then I paused for the judges to slam me for calling Castel a liar in my brief, but nothing happened, so I moved on to other points until my 10 minutes ran out.

Leaving the Second Circuit, it was clear the two judges hadn’t read my motion papers or my brief or my reply. No Court of Appeals’ judge would knowingly claim that the violation of the procedural rules for assuring fair and just consideration of a case was “gamesmanship” or allow a lawyer to get away with calling a District Court judge a liar in a brief. It just didn’t happen, so the oral argument must have meant nothing to the two judges either because the panel had already decided against me or Sotomayor told them she’d handle the opinion, which she had already decided or maybe even written.

One week later, the Second Circuit issued its decision—that was too quick. They really wanted rid of me. The case was back in the street again with the U.S. Supreme Court my last chance. The Summary Order gave the defendants everything they wanted by upholding the District Court decision in total—not even allowing me one chance to amend my Complaint. The Order also denied my motion. Guess violating the appellate rules of procedure pays.

The Second Circuit, or more likely Sotomayor, ruled that the RICO statute, my Complaint and Supplemental Complaint didn’t say what they said, but said what she said they said. Sounded like deja voodoo to me of all those arguments with girls who simply put words in my mouth in order to win. Perhaps Sotomayor’s experience as a female not only affected her decisions but also her methods in reaching those decisions. Sotomayor made the decision a “Summary Order,” which meant it wouldn’t be published in the volumes that carry Second Circuit cases and couldn’t be used as authority for anything in another case. It’s a neat trick for disposing of cases without bringing publicity to them and assuring that a court’s errors about the law can’t come back to haunt it. In effect, it allows the Court to make a decision based on who

you are rather than what happened to you—think feudal Europe. If the judges consider you an inappropriate person, they can make up any rule they want to make sure you lose, and that rule can't be used in the future against persons the judges like because that rule only applies to you. Think of it as your own personal gulag or jurisprudence. The laws that apply to the rest of society, or at least those considered acceptable by the current ideology, don't apply to you because you're a modern-day nonconformist—separate and unequal.

Next legal stop, the U.S. Supreme Court, but that Court hears only about one percent of the cases that apply for review. The Supreme Court's purpose is not to correct the mistakes a Court of Appeals makes, intentionally or not, in reading a complaint or even in misunderstanding the law. The Supreme Court focuses on correcting injustices of a national importance in which other Courts of Appeals or the Supreme Court say something different about the law or haven't said anything at all. One consequence of the Supreme Court's selectivity is that Judges on the Courts of Appeals have near absolute power in disposing of cases brought by those without money and influence, the politically incorrect and society's other outcasts, which was why the defendants used so much character assassination to paint me as a modern-day pariah—it works. So much for the democratic sentiment that to promote social stability, our society encourages resort to the courts rather than resort to force and violence. *Deck v. Engineered Laminates*, 349 F.3d 1253, 1258 (10<sup>th</sup> Cir. 2003).

### Let Me In (Wee-Oop)

My banging on the U.S. Supreme Court's door for admittance began with drafting a "Petition for Writ of Certiorari." A petition basically says, "Hey guys, one of the Courts of Appeals goofed at interpreting the law to conclude something different than what other Courts of Appeals say, so here's your chance to make the law uniform throughout the land," or, "the Court



of Appeals thumbed its nose at one of your decisions, and here's your chance to straighten that Court out."

The defendants could, if they wanted, file briefs in response to my petition to argue why the Supreme Court should not review the Second Circuit's decision, and I could then file a short reply to address any new issues raised in the defendants' briefs. The Supreme Court Justices either read the filed papers or assigned a clerk to summarize them and recommend granting or denying review. If any Justice believes a case should be reviewed, he adds it to the list of cases that will be discussed at a weekly conference of all nine Justices. A vote in favor of review by four Justices is required for the Court to hear a case. If the Justices decide to hear a case, they don't rerun all the issues, just those they believe are important to keeping America a nation ruled by law. The Court, therefore, could hear just one issue in my case and even if it ruled my way on that issue, the Second Circuit or District Court might still be able to uphold the dismissal. It happens all the time, but I'd have to chance that. If the rule of law existed anywhere in America for me, it was the Supreme Court. The likely outcome, however, would be the Court denying to even hear my case—then my legal road against injustice would end.

The Second Circuit's revisionism of the factual allegations in my Complaint made it difficult to write a petition that the Supreme Court would grant. At the heart of the Second Circuit's decision was the conclusion, also made by the District Court, that my lawsuit looked just like the civil RICO case *American Express Co. Shareholder Litigation*, 39 F.3d 395 (2d Cir. 1994), which the Second Circuit had also dismissed. In the law, when the fact situation of one case is identical to that of another, then the results should be the same. But in my case, the Second Circuit falsely claimed I was in a similar position as the American Express shareholders when my position actually resembled that of Safra. The Russian mafia defendants' crimes were

directed at me and intended to cause me harm, not some third party who stood between that crime syndicate and me. Although my case didn't look anything like *American Express*, the Second Circuit ruled it did, not only to dismiss it, but for another very important reason: to minimize the chance that the Supreme Court would review it.

The Supreme Court was not about to hear a case in which a Court of Appeals had twisted factual allegations to make them fit another case in order to engineer a dismissal. Even when such conduct involved the Second Circuit, which the Supreme Court had reversed a number of times before in RICO cases and actually criticized for trying to eliminate civil RICO actions, the Supreme Court usually stayed away from disputes over factual allegations and facts. My task, therefore, was to convince the Supreme Court that the Second Circuit's decision was not merely a deceptive editing of my factual allegations, but a symptom of it exceeding its constitutional authority by disregarding Supreme Court rulings and the plain meaning of the civil RICO statute with the end result of the Russian mafia and other organized crime syndicates escaping liability in the Second Circuit, unless the Supreme Court put a stop to it.

To bring home to the Supreme Court the Pandora's Box that the Second Circuit was opening by continuing to emasculate civil RICO, my petition's "Facts" section ran a little long so as to give the Justices a taste of how some in the Russian mafia operated and the dangers they posed.

### **Facts**

The defendants in this case comprise a relatively few members or associates operating in different sections of the Russian mafia, which, according to former Central Intelligence Agency Director John Deutsch, reaches across international borders. Emergency Net News Service, May 3, 1996, Vol. 2-124. Echoing the C.I.A.'s assessment, former F.B.I. Director Louis Freeh said, "Evidence that organized crime activity from [Russia] is expanding and will continue to expand to the United States is well-documented." *Id.* Russian criminal operations in America, such as money laundering, illegal money transactions, prostitution, narcotics trafficking, extortion and fraud are often carried out in cooperation with La Cosa Nostra. Report on Russian Organized

Crime, 1997, Task Force headed by William H. Webster, Center for Strategic and International Studies.

The Russian mafia, once a hierarchical structure under the Soviet Union, diffused with the end of Communist Party power into a confederation of crime groups using modern-day management principles and which includes Chechen, American, Cypriot, Mexican and other nationalities. It now resembles a diversified worldwide conglomerate, or enterprise, with all the attendant business relationships. (Complaint ¶¶ 10, 11, 14, 874). The smarter members of the Russian mafia, no longer confined to scheming for rubles, are chasing hard currency by expanding their criminal operations to the wealthy West. (Complaint ¶¶ 2, 13).

Bringing Russian crime to Western shores requires an ongoing transfer of money-making assets to foreign markets where the successful utilization of assets employs a strategy of (a) using money from criminal activities to set up and expand Russian mafia businesses, such as prostitution, pornography, strip clubs, drug smuggling and money laundering; (b) protecting those businesses through criminal activities, such as tampering with informants and witnesses, obstructing justice, bribery and intimidation; and (c) running the businesses by using crimes such as white slavery, immigration fraud, importing pornography and drug trafficking. The Russian mafia uses a complex, intertwined web of racketeering acts to maintain and continue expanding its activities in a drive for new targets and more money that causes widespread and varied harm. (Complaint ¶¶ 879-85).

The Russian mafia's expansion into the West has created a vertically integrated business of supply, service, protection, profit maximization and reinvestment with a huge appetite for human capital. Each Russian mafia prostitution asset in the U.S. makes a relatively small amount of \$100,000 to \$150,000 tax-free a year, but considering the large number of them in the U.S., the syndicate is making substantial sums.

At the tactical level, the success of the Russian mafia's objective for one of its human-capital assets involves the following:

Step One: Transplanting a willing member or associate from Russia to the U.S. where she starts working in one or more syndicate businesses—prostitution, stripping, pornography or procuring. This involves the predicate acts of white slavery, 18 U.S.C. §§ 2421 & 2422, importing an alien for immoral purposes, 8 U.S.C. § 1328, fraud and the misuse of visas, 18 U.S.C. § 1546, and eventually procurement of nationality unlawfully, 18 U.S.C. § 1425. To keep the customers coming back for more from the new asset often also means drugs, 21 U.S.C. §§ 841 & 952.

Step Two: Protecting the mafia's human capital from deportation, arrest or imprisonment, which would ruin their money-making potential, often requires tampering with a witness, victim or informant, 18 U.S.C. 1512; threats made by mail or wire, 18 U.S.C. 1341 & 1343; use of interstate and foreign facilities in aid of the racketeering operation, 18 U.S.C. 1952; bribery, 18 U.S.C. 201; and even conspiracy to commit murder-for-hire 18 U.S.C. 1958, as in this case.

Step Three: Assuring that the mob's profits from its asset escape the taxman involves money laundering, 18 U.S.C. 1956, and failing to file reports on exporting amounts over \$10,000, as required by 31 U.S.C. 5316.

This RICO case concerns just one asset, one string of events and injuries arising out of the Russian mafia's operations of transplanting prostitutes to New York and other states, passing drugs and large sums of money back and forth between countries, and threatening as well as executing reprisals against any person or business that might get in the syndicate's way.

Petitioner-plaintiff and attorney Roy Den Hollander owns and operates a one-man, unincorporated business that provides legal services and business consulting. The defendant Russian mafia members and associates include Flash Dancers Topless Club and Cybertech Internet Solutions that together sell call-girls and pornography over the internet at [www.flashdancersnyc.com](http://www.flashdancersnyc.com), [www.stripclubnetwork.com](http://www.stripclubnetwork.com), and [www.exoticavip.com](http://www.exoticavip.com); the Baraev Chechen Special Islamic Regiment (responsible for the 2002 Moscow Theater hostage taking) used by certain defendants to threaten reprisals against Hollander and various of his informants and witnesses living in Krasnodar, Russia; assorted Russian Mafiosi, including the crime boss for southern European Russia; corrupt Russian government officials; gangsters in America; a corrupt New York City policeman; Alina Shipilina, a Russian mafia prostitute, money launderer and drug smuggler; the prostitute's Russian mother who is affiliated, as is her daughter, with the Baraev crime group and Russian criminals; Leonid Perlin the president of Phodes Studio in Moscow, [www.phodes.net](http://www.phodes.net), a syndicate call-girl operation fronting as a model agency for which Alina Shipilina worked; lawyers Nicholas Mundy and Peter Petrovich<sup>3</sup> who manage and facilitate immigration matters in New York for the Russian syndicate; Marc Paulsen who produces and imports Russian pornography into southern California; and the Vasilyeva crime family that runs the premier model agency in Krasnodar which doubles as a call-girl operation sending prostitutes overseas to places such as Cyprus and America, where two of the family members now reside.

These and other defendants work hard and ingeniously to enrich themselves in furthering a key objective of the Russian mafia: to infiltrate and expand its illegal and ancillary legal activities into hard currency markets, especially the U.S. Each defendant plays a role in importing assets or keeping the assets here and makes lots of money doing so. Some use narcotics and prostitutes to create fraudulent marriages; some engage in immigration fraud, white slavery, bribery and importing pornography; some traffic in drugs; some use coercion, intimidation, murder-for-hire, perjury and official misconduct to protect the mafia's assets; and others maximize profits with tax evasion and money laundering while others engage in various combinations of such criminal acts. But they are all fellow travelers seeking fortune and for some glory by furthering the Russian syndicate's expansion to the West.

One method of supplying the syndicate's sex business in America is tricking American men into sponsoring and financing Russian mafia prostitutes and procurers for U.S. residency and citizenship through, unbeknownst to the American, a fraudulent marriage. Because the trail of harm originates with a sham marriage rather than a fraudulent business transaction, the injury to property interests is no less serious.<sup>4</sup> A scheme to defraud is measured against a standard of "moral uprightness, of fundamental honesty, fair play and right dealing in the general and business life of members of society." *Gregory v. U.S.*, 253 F.2d 104, 109 (5<sup>th</sup> Cir.1958). When criminal instrumentalities exploit human emotions of the heart rather than the pocketbook, a man does not lose his rights under U.S. law.

The fraudulent marriage for citizenship contrivance coupled with surreptitiously feeding petitioner Hollander narcotics is what ensnared him. Defendants Shipilina and Leonid Perlin decided in July 1999 to target Hollander as part of the Russian mafia's ongoing operations to infiltrate and expand its operations in the U.S. (Complaint ¶¶135-40, 153-54, 164). At the time, Hollander was working in Russia as a consultant-manager for Kroll Associates. After Hollander

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<sup>3</sup> Nicholas Mundy is admitted to practice in New York State and Peter Petrovich is admitted to practice in Russia.

<sup>4</sup> "Congress sought a broadly based statute capable of addressing a variety of complex criminal problems." Michael Goldsmith, *Judicial Immunity-The Ironic Demise of Civil RICO*, 30 Harv. J. on Legis. 1, 27 (1993).

completed his contract with Kroll, the conspiracy to transplant defendant Shipilina to America succeeded in marrying her to Hollander in March 2000 in Krasnodar by, in part, secretly feeding him narcotics just before the wedding to assure he would go through with it. (Complaint ¶¶ 173-183).

The first predicate act that injured Hollander was defendant Shipilina's subsequent perjury on her visa petition form filed in March 2000 with the Immigration and Naturalization Service ("INS") at the Moscow Embassy. (Complaint ¶¶ 190-91). Had Shipilina told the truth about her past prostitution, money laundering and narcotics trafficking activities, Hollander would not have paid the filing fees, nor put his business on hold, nor supported his wife nor incurred expenses living in Moscow while the forms were processed. (Complaint ¶¶ 187, 188). He would have returned immediately to New York City to resume his business there.

The second predicate act in Russia that caused Hollander to pay more filing fees, continue to keep his business on hold and continue living in Moscow and supporting his wife was Shipilina's perjury on her visa application to the State Department at the Moscow Embassy in May 2000, which repeated her earlier perjury of not working as a prostitute, money launderer or narcotics trafficker. (Complaint ¶¶ 192, 193). Had defendant Shipilina told the truth, Hollander would have left Moscow then and not have incurred those expenses.

Damages from the business interruption due to Shipilina's predicate acts in fraudulently obtaining a visa are included in the loss of profits, interruption expenses and loss of business opportunities alleged in the Complaint at ¶ 907(a)-(c).

From the beginning, the Russian mafia's agent or front was defendant Shipilina. Initially, defendant Perlin and other organized crime members in Russia stood immediately behind her. But once she entered America on her fraudulently obtained visa, other comrades in crime came out from standing in the shadows to help directly and indirectly with the syndicate's plan of keeping her in America making money. On entering the U.S. in July 2000, defendant Shipilina became a conditional permanent resident, but she was not as secure from deportation as a permanent resident or naturalized citizen. (Complaint ¶¶ 205-212).

After a few months in New York City, Hollander realized that Shipilina was working as a prostitute and had married him just for a green card, but he was still unaware of the Russian mafia's involvement. (Complaint ¶ 220). Hollander demanded a divorce which would threaten Shipilina's chances of obtaining permanent residency, so Russian mafia members Mundy and Petrovich intervened. Defendants Mundy and Petrovich are attorneys who operate an immigration mill for fraudulently obtaining Russian mafia assets visas, green cards and naturalizations, in addition to managing numerous immigration matters for the Russian syndicate in New York. (Complaint ¶¶ 27-34, 221, 222).

In October 2000, defendants Mundy, Petrovich and Shipilina tried to connive Hollander into participating in a fraud on the INS so as to assure that defendant Shipilina became a permanent resident and eventually a naturalized citizen—Hollander refused. (Complaint ¶¶ 223-226). Defendants Mundy, Petrovich, Shipilina and others then resorted to further racketeering activities to prevent the discovery and exposure of the Russian syndicate's plan as it pertained to Shipilina in order to assure its success and keep hidden the Russian mafia's operations for transplanting more human capital to America.

The defendants: (1) attempted to intimidate Hollander into committing perjury before the INS. That amounted to tampering with an informant, witness or victim and mail fraud, which harmed Hollander's business reputation and incurred costs and time to defend against a fraudulently obtained order of protection and a false charge of extortion (Complaint ¶¶ 228-30,

234-41, 901, 906, 907 (e)); (2) used coercion communicated by interstate wire to avoid an annulment/divorce trial with the result of increasing Hollander's legal costs and injuring his business reputation (Complaint ¶¶ 243-45, 273, 901, 906, 907(e)); (3) interfered with pre-discovery investigations and silenced witnesses in Krasnodar to prevent Hollander from obtaining information for the annulment/divorce proceeding and the INS. Defendants engaged in tampering with witnesses, wire fraud, aiding a racketeering enterprise and money laundering that increased the cost and time of Hollander's investigation and necessitated a second investigatory trip to Krasnodar. (Complaint ¶¶ 256-60, 265-72, 903, 906, 907(d)); (4) threatened Hollander over interstate wire into not making a motion for a trial, which harmed Hollander's cause of action and amounted to tampering because the state court trial evidence would have been provided to the INS, which had initiated deportation proceedings against defendant Shipilina. (Complaint ¶¶ 280-84, 901, 906); (5) attempted to intimidate Hollander into silence before the INS, which was conducting an investigation of defendant Shipilina, and the Krasnodar prosecutor, who had indicted another defendant, all of which amounted to tampering and wire fraud that cost Hollander time away from his business and money to investigate and protect against the threats. (Complaint ¶¶ 285-90, 316-18, 906, 907(c) & (d)); (6) intimidated witnesses into recanting their testimony before the Krasnodar prosecutor by engaging in wire fraud, aiding a racketeering enterprise and money laundering that resulted in harming Hollander's business reputation. (Complaint ¶¶ 293-97, 903, 906, 907(e)); (7) bribed Krasnodar officials to close the case against one defendant, which required money laundering and aiding a racketeering enterprise that resulted in harming Hollander's business reputation and costing him money to reopen the case so as to clear his name. (Complaint ¶¶ 298-304, 902, 906, 907(e)); (8) attempted to have Hollander arrested twice on bogus charges that amounted to tampering and involved wire fraud with a cost to Hollander of over \$3,500 in attorney fees, time away from his business to defend himself and injury to his business reputation. (Complaint ¶¶ 306-15, 901, 906, 907(c) & (e); Supp. Complaint ¶¶ 22-24, 34-38, 43); (9) attempted to intimidate Hollander into staying out of Krasnodar and not prosecuting this RICO action, which consisted of tampering, aiding a racketeering enterprise and wire fraud that cost Hollander time and money in responding to the threat and injured his RICO cause of action (Supp. Complaint ¶¶ 2, 9-10, 12, 13; Complaint ¶¶ 906, 907(c)); (10) started disciplinary proceedings against Hollander to prevent him from proceeding with this RICO case, which involved tampering and mail fraud that harmed Hollander's business reputation and cost him time and money to defend against. (Supp. Complaint ¶¶ 49, 50, 52, 53, 55; Complaint ¶¶ 901, 907(e)); (11) obstructed justice by filing false and misleading documents in this case with the District Court that injured Hollander's RICO cause of action. (Supp. Complaint ¶¶ 59, 61-63, 70; Complaint ¶¶ 901). All of these racketeering activities by the defendants were intended to make justice too costly to pursue and thereby protect the syndicate's operations.

Whether discovery and exposure of the Russian mafia's operations was to come by way of testimony in the INS's removal proceedings against defendant Shipilina, a state court trial or Russian criminal case, it was on its way to federal law enforcement officials until the defendants' racketeering activities effectively shut down the legal process. By covering up the Russian syndicate's operations as pertaining to defendant Shipilina, the defendants also protected the activities of other Russian mafia members and associates (Complaint ¶ 882), which was why it was so important to "*prevent* Hollander from investigating [the conspirators]," Cir. Order p. 3 ¶ 4 (court's emphasis). In the end, the policy of promoting social stability and justice by

encouraging resort to the courts rather than to force or threats of force proved to be no more than nice sounding words.

My “Legal Argument” section focused on the Second Circuit exceeding its authority in rewriting the civil RICO statute as interpreted by other Courts of Appeals and the Supreme Court.

The first three arguments criticized the Second Circuit’s holdings on proximate causation. The Second Circuit has ruled nearly every which way on proximate causation rather than create a coherent standard that would assure justice is actually achievable in civil RICO cases. There’s no consistent standard because the Court wants to preserve its ability to exercise power in an arbitrary way, which allows it to dismiss a case it doesn’t like or keep one it does. By acting Orwellian in its logic and inverted in its reasoning, the Court can, and has, pulled out of the hat proximate cause arguments never intended by Congress. The Supreme Court even criticized the Second Circuit, “We do not believe ... it is a form of statutory amendment appropriately undertaken by the courts.” *Sedima, S.P.R.L. v. Imrex Co., Inc.*, 473 U.S. 479, 500, 105 S.Ct. 3275, 3287, 87 L.Ed.2d 346 (1985). Re-writing legislation is not what courts are suppose to do under the “rule of law” principle, which Aristotle first postulated and the Anglo-American legal tradition considers a guard against the despotic use of arbitrary rulings in individual cases to crush the human rights of government critics or nonconformists.

1. The Second Circuit’s decision in my case created a loophole in the statute that allows members and associates of a criminal syndicate to use RICO crimes to prevent the exposure or discovery of earlier RICO violations. After gangsters conspire and commit RICO crimes, they are now free to commit additional RICO violations to conceal their previous felonies and conspiracies. In effect, it’s amnesty for RICO crimes used to cover up prior offenses and contrary to decisions in other Courts of Appeals. The Court’s argument is so bizarre that were it applied to the Nixon Administration’s crimes of covering up illegal campaign activities that

occurred before the Watergate break-in, the cover-up offenses wouldn't matter because they were used to conceal the White House's earlier felonies and prevent investigations by the Washington Post, F.B.I. and Congress.

The Second Circuit cut the heart out of the very purpose of the civil RICO statute as stated by the Supreme Court, "The object of civil RICO is ... not merely to compensate victims but to turn them into prosecutors, private attorneys general, dedicated to eliminating racketeering activity," *Rotella v. Wood*, 528 U.S. 549, 557, 120 S.Ct. 1075, 1082, 145 L.Ed.2d 1047 (2000), to encourage victims to go after gangsters that government prosecutors don't, *Sedima, S.P.R.L. v. Imrex Co., Inc.*, 473 U.S. 479, 493, 105 S.Ct. 3275, 3283, 87 L.Ed.2d 346 (1985). Now, in the Second Circuit, victims are discouraged from fighting against gangsters harming their business or property because any additional injury caused by the mobsters trying to shutdown or hinder a private citizen's investigation or legal action will not be the fault of the criminals but of the citizen.

It's an interesting Catch-22: if a plaintiff allows his attorney to do what every lawyer initially does concerning a new case, start an investigation and legal proceeding, that investigation and proceeding can be hampered or shutdown by RICO crimes without such crimes violating civil RICO. But if a plaintiff prevents his attorney from starting an investigation and lawsuit, how is the plaintiff to discover what is going on and to prevent further harm or rectify pass injury through the judicial process? He can't, at least in the Second Circuit, because with its decision that court shifted fault to the victim who takes legal steps to put an end to the harm affecting his business or property. It's fight, you lose; don't fight, you still lose.

2. The Second Circuit rewrote the Supreme Court's rule requiring a "direct" injury to the plaintiff. Under the Supreme Court's "direct" injury test, the harm from RICO crimes cannot



pass through someone standing between the plaintiff and the illegal acts of the defendants. “A plaintiff who complained of harm flowing merely from the misfortunes visited upon a third person by the defendant’s acts was generally ... at too remote a distance to recover.” *Holmes v. Sec. Investor Prot. Copr.*, 503 U.S. 258, 268, 112 S.Ct. 1311, 1318, 117 L.Ed.2d 532 (1992). The Supreme Court requires this unimpeded flow of harm for practical reasons. To understand why, consider a chain reaction of car collisions:

The driver in the first car, a man from the 1950s, sees an amply endowed young broad standing alongside the road by her broken down car waving a handkerchief. She’s carrying a trendy-store bag, filled with cocaine for distribution in the next state, but the man doesn’t know that. As his car nears her, he starts slowing down, but she jumps in front of it to make sure he stops to give her a ride. Not being one to flatten a couple of large knockers, he steps on the breaks. The car behind him, driven by the typical pushy Feminazi is tailgating. She screams, lets go of the wheel, some how stomps on the break, but it’s too late and she slams into the guy’s car. The third car has a bimbo driver talking on her cell phone, switching the radio channels and stuffing her oral cavity with chocolates while she’s suppose to be hitting the brakes. She careens into the Feminazi. The drug smuggling broad then hops a ride with some other guy who comes along after the pile-up.

Imagine the problems in trying to determine the amount of damages the drug smuggling broad’s action caused the Feminazi’s car as opposed to the Feminazi tailgating or the amount of harm the broad caused the bimbo’s car as opposed to the bimbo’s extra-curricular activities while driving, or the amount of damages the Feminazi’s tailgating caused the bimbo’ car. It just becomes too complicated, but all the harm to the guy’s car flowed from the broad jumping in front of it in her effort to get the drugs to the next state, so he was directly injured.

In my case, the Second Circuit changed the law by using the legal reasons for preventing recovery by third parties, the drivers in the second and third cars, to avoid recovery by a plaintiff—the driver in the first car, me—who was on the frontline of harm emanating from the defendants' illegal acts.

3. The Second Circuit wrongly ruled that when the exact harm a victim suffered was not planned beforehand; the defendants weren't liable. This requirement of a "specifically-intended consequence" or precisely contemplated injury by the criminals when planning their conspiracy makes it near impossible to win a civil RICO case because of the unlikelihood of showing what the mobsters really thought. It also violates the Supreme Court's admonition that strict proximate cause requirements not be erected as obstacles to private RICO litigants, *see Sedima, S.P.R.L. v. Imrex Co., Inc.*, 473 U.S. 479, 497-98, 105 S.Ct. 3275, 3285-86, 87 L.Ed.2d 346 (1985).

The Supreme Court and other Courts of Appeals only require that a reasonable man in the position of the defendants would foresee the consequences of their RICO crimes. They don't have to plan the details of the harm they actually cause because their conduct creates a substantial risk of such an injury occurring. When a mother locks her young children in an unventilated car parked in the summer sun, she doesn't contemplate their death—then again maybe she planned it so as to have more freedom to ho the paper boy, however lets assume she didn't—but she sure created the risk of it occurring, and any guy would have foreseen the likelihood of death as a result.

Members of the Russian mafia aren't blind. They understand that when they initiate a scheme for making money illegally that contingencies will likely arise making it necessary to use additional crimes to lull a target, to prevent the mark from discovering and exposing their scheme, to conceal their operations and more. The harm caused by such criminals dealing with

contingencies may not be specifically intended in the beginning of their conspiracy, but in order to reach their goal, they willingly created a substantial risk of such harm occurring to the victim. That harm is foreseeable because it is inextricably intertwined with the success of the conspirator's plan, and whether an injury is reasonably foreseeable or anticipated as a natural—not specifically intended—consequence of racketeering acts is the rule under civil RICO. *See Holmes*, 503 U.S. 258, 267-70, 112 S.Ct. 1311, 1317-18, 117 L.Ed.2d 532 (1992); *Kaufman v. BDO Seidman*, 984 F.2d 182, 185 (6<sup>th</sup> Cir. 1993).

The RICO defendants in my case may not have specifically intended me “to cease work and thereby lose profits...,” *Cir. Order* p. 4 ¶ 1, but they created a substantial risk of that occurring by using a fraudulent scheme to make sure the Commie Ho entered America and stayed there generating money for as long as possible. Actually, the defendants couldn't help but anticipate that I, a lawyer and manager of a private detective agency in Russia, would become suspicious and start an investigation that might uncover their scheme, which would require them to engage in more RICO crimes that would cause out-of-pocket expenses, legal fees, distraction from my business and loss of reputation and goodwill in order to pressure me into giving up by making the price to my livelihood too great.

The Second Circuit's “specifically-intended consequence” rule has the result of allowing gangsters to use racketeering acts on an ad hoc basis to protect criminal operations as they move toward their goals because the harms from such acts were not part of their thinking when they embarked on their money-making scheme. That's not the law, but another manifestation of the Court's willingness to act in an imperial manner to further its bureaucratic interests in expediency and Feminism over justice.

The other arguments in my petition didn't deal with proximate causation but did attack the Second Circuit for more transgressions of the law as determined by the Supreme Court and other Courts of Appeals. Two of them were the Second Circuit's revision of the definition for injury under civil RICO and its use of two archaic procedural rules to help bounce my case out of court.

1. The Second Circuit goofed by ruling the defendants' interference with my annulment/divorce action, my defense to the fraudulent restraining order and my RICO case didn't violate the statute because lawsuits aren't property interests that can be injured. Civil RICO requires an injury to "business or property." 18 U.S.C. § 1964(c). The Supreme Court and other Courts of Appeals hold that the nature of a property interest is an individual entitlement determined by state law. *Logan v. Zimmerman Brush Co.*, 455 U.S. 422, 430, 102 S.Ct. 1148, 1155, 71 L.Ed.2d 265 (1982)(citations omitted); *e.g.*, *Isaak v. Trumbull Sav. & Loan Co.*, 169 F.3d 390, 397 (6<sup>th</sup> Cir. 1999); *Doe v. Roe*, 958 F.2d 763, 768 (7<sup>th</sup> Cir. 1992); *Living Designs, Inc. v. E.I. DuPont De Nemors*, 431 F.3d 353, 364 (9<sup>th</sup> Cir. 2005) (citations omitted). Under New York State law, a cause of action, case, lawsuit, defense or whatever you want to call suing or defending in court is a property interest. *Loucks v. Standard Oil Co. of N.Y.*, 224 N.Y. 99, 110, 120 N.E. 198, 201 (1918); *Hein v. Davidson*, 96 N.Y. 175, 177, 1884 N.Y. Lexis 481 (1884). As such, the harm to my lawsuits and legal defenses from the defendants' illegal acts were injuries to property and, therefore, violated civil RICO.

2. The Second Circuit also screwed up by following the District Court's lead in ruling that some of my factual allegations about injuries were "general." This is a characterization used to dismiss a plaintiff's allegations that harkens back to the beginning of the last century before the Federal Rules of Civil Procedure gave it the old heave-ho. In 2006, some lawyers and judges

still resorted to it for dismissing parts of a RICO complaint. The judges simply say “general” and poof the allegations are gone even though it violates the Courts of Appeals decisions in *Trollinger v. Tyson Foods, Inc.*, 370 F.3d 602, 615 (6<sup>th</sup> Cir. 2004), and *Mendoza v. Zirkle Fruit Co.*, 301 F.3d 1163, 1168 (9<sup>th</sup> Cir. 2002), as well as the Supreme Court in *NOW v. Scheidler*.

The Supreme Court held in *NOW* that “general factual allegations of injury resulting from the defendant’s conduct may suffice, for on a motion to dismiss we presume that general allegations embrace those specific facts that are necessary to support the claim.” *NOW v. Scheidler*, 510 U.S. 249, 256, 114 S.Ct. 798, 803, 127 L.Ed.2d 99 (1994)(quoting *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 561, 112 S.Ct. 2130, 2137, 119 L.Ed.2d 351 (1992)(citations omitted). All that the federal rules required in a complaint in 2006 was that a party should set forth the allegations, which can be made with great generality. Wright & Miller, *Fed. Prac. & Proc.*: Civil 3d § 1215. Discovery, not the complaint, bears the burden of filling in the details. *Id.* The petitioners in *NOW*, as with me, alleged that the RICO conspiracy had injured their business and property interests and that a defendant had threatened reprisals. The Supreme Court concluded that “[n]othing more is needed to confer standing on [petitioners] at the pleading stage,” which means a RICO complaint should not be dismissed for making “general” allegations about injuries.

The Second Circuit, as did the District Court, used another archaic magic word, “conclusory,” to dismiss allegations for which its other reasons would appear too absurd even for that Court. Both the Second Circuit and District Court used *Kadar Corp. v. Milbury*, 549 F.2d 230, 233 (1<sup>st</sup> Cir. 1977) to eliminate some of my allegations as “conclusory,” but the two courts used *Kadar* misleadingly by deleting the qualification that if the allegations reasonably followed from the plaintiff’s description of what happened, then they are not “conclusory” and must be

accepted as true. The Second Circuit also ignored that a complaint can allege conclusions if they provide the defendants with a minimal notice of the claims, *Kyle v. Morton High School*, 144 F.3d 448, 455 (7<sup>th</sup> Cir. 1998). My RICO Complaint easily gave the defendants fair notice of the basis of the claims against them, after all it was 91 pages long and the Supplemental Complaint another nine, and both complied with the rules. “A complaint that complies with the Federal rules of civil procedure cannot be dismissed on the ground that it is conclusory or fails to allege facts. The Federal rules require (with irrelevant exceptions) only that the complaint state a claim not that it plead the facts if true would establish ... that the claim was valid.” *Higgs v. Carver*, 286 F.3d 437, 439 (7<sup>th</sup> Cir. 2002)(Posner, J.)(citation omitted).

My Supreme Court petition concluded that the Second Circuit exceeded its Constitutional power by amending the civil RICO statute:

“Since civil RICO first captured judicial attention, the lower courts [District and Courts of Appeals] have systematically sought to dismantle the civil remedy. Despite a series of Supreme Court decisions rejecting various judicially imposed limitations, the lower courts have continued to create numerous obstacles to civil RICO litigation.” Michael Goldsmith, Judicial Immunity for White-Collar Crime: The Ironic Demise of Civil RICO, 30 Harv. J. on Legis. 1, 41 (1993). No longer does the statute say what it says but now says what lower federal courts want it to say.

In this case, the Second Circuit continued to ignore Supreme Court guidelines by unduly narrowing the statute. But unlike the Second Circuit’s other cases that have created a virtual immunity for white-collar crime, *see id.* at 4, this case extends that immunity to Russian organized crime. Perhaps, it is understandable that lower federal courts would engage in judicial revisionism to avoid commercial fraud cases brought against some of society’s most respected businesses. But rejecting the claims of a directly injured victim for lack of proximate cause and specificity in a suit against the “FBI’s most formidable criminal adversary the Russian mafia”<sup>5</sup> eviscerates RICO where Congress most obviously intended the law to apply—against the archetypal, intimidating mobsters of organized crime.

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<sup>5</sup> Russia’s international professional criminals have caused the most economic damage in the US. Scott O’Neal, Russian Organized Crime, FBI Law Enforcement Bulletin, May 2000. “Blending financial sophistication with bone-crunching violence, the Russian mob has become the FBI’s most formidable criminal adversary, creating an international criminal colossus that has surpassed the Columbian cartels, the Japanese Yakuza, the Chinese triads and the Italian mafia in wealth and weaponry.” Robert I. Friedman, Red Mafiya: How the Russian Mob Has Invaded America, p. xix. Unlike the former Communist Party that was out to bury us, today’s Russian syndicate is out to fleece us.

If the Supreme Court permits the lower courts to rewrite civil RICO, then any federal statute is vulnerable to judicial revisionism that undermines the legislative process. “It is easy by very ingenious and astute construction, to evade the force of almost any statute, where a court is so disposed .... Such a construction annuls ... the law, and renders it superfluous and useless.” Pillow v. Roberts, 54 U.S. 472, 476, 14 L.Ed. 228 (1851), 1851 Lexis 872, 1851 WL 6699.

No way Sotomayor ever read that last case or ever would.

### Younger Girl

From mid-February to mid-April, struggling to finish my Supreme Court petition, I kept up my Salsa and Hip-Hop classes as a counterweight to my chronically stupid life.

During a Salsa class, one of the Twins was more preoccupied than usual with her cell phone. She looked pensive and even upset. Something I had never seen before in either of those two bubbly personalities.

“What’s wrong?” I asked.

“It looks like the guy I’ve been dating is not going to take me to the senior formal. We’ve kind of broken up.”

Uh-ho, I thought. Columbia College’s senior prom and one of the Twins might miss it. Looks like trouble in paradise.

“What about your other beaus?” I replied trying to solve her problem—the foolish second nature of any man dealing with a pretty young lady in distress, which usually ends up costing him money, something of other material value or a lot of grief.

“The formal is in two days. Everybody has dates. He may change his mind, but if he doesn’t, I don’t have the time to find someone else.”

I wasn’t about to let that opening fade into eternity. “If he doesn’t come around, I still have a tux from my days working on Wall Street. I’d be glad to take you.” I said with earnest while inside licking my chops and grinning from ear to ear.

“You won’t need a tux, just a suit and tie.”

“I’ve got plenty of them, let me know.”

Boy would that be great, taking one of the Twins to the Columbia formal. The dance would have plenty arrogant, self-righteous, dogmatic teacher and professor chaperons who adamantly believed themselves the sole possessors of the truth, the harbingers of a new brave sexless person-kind and the founders of a thousand-year lefty Reich of hypocrisy and condescension—the true minions of the antichrist. Just think of all the effete, eastern-intellectual, white trash, elitist Feminazis I could thumb my gray hair at. What a great arena for violating the Feminazis’ number one taboo: middle-aged men shall not date hot young babes.

The Feminazis come up with all sorts of lame reasons for this totalitarian commandment: an older guy has nothing to talk about with a young girl or older broads are better sexually, or is that genderly. Idiots, just talking about the weather with a pretty young chick pumps out more adrenalin and endorphins in a man’s brain than anything a Feminazi could do. Besides, girls just out of high school or college have spent the passed 12 to 16 years working their brains to understand new concepts almost daily. If anyone can carry on an intellectually challenging conversation with new takes on old concepts, it’s them, not some old broad who reads romance novels, has been doing the same thing for decades or cites by rote Feminazi propaganda. The young mind is an inquisitive mind not yet crippled by habitual thinking. The Twins shear brainpower could beat any group of Feminazis. As for the sexual side, great artists don’t carve statutes of flabby old broads.

The real reason for the Feminazi taboo is to sucker men from listening to Mother Nature telling them to chase pretty young things. If older guys followed their genes, there would be few males for the over-the-hill Feminazis to inculcate with their lunacy by coercing the fools that



date them with: “you can’t have any unless you believe the penis is inferior to the c---.” Also known as “p < c” brainwashing. When will guys learn that it makes no sense to go against Mother Nature, who can’t be fooled forever, just to satisfy a special interest group that has their harm at heart.

My chance to bring the battle of liberty to a Feminazi stronghold never materialized. The Twin’s boyfriend took her to the dance, after which she promptly dropped him.

The Twins came to salsa class religiously through the spring. Not being able to decide which one I lusted after the most, I did a little probing to see whether my intuition could read the possibility of a ménage a trios, “So what happens when the both of you meet a hot guy? How do you decide who gets him?” The Twins were always on the alert for “hot guys” as they called them. Once upon a time, I was a hot guy, but now, nothing but cold blue anger.

“That’s up to the guy, he chooses,” they said.

“What if he chooses both?” They just giggled, not much to go on there, since they always giggled. Although the guy allegedly chose one or the other, it didn’t mean they sat by dumb and passive. They competed with each other, fiercely, for that hot guy.

The Twins always went to Club Cache after Salsa to practice the steps from class. Our instructor got his students in for a reduced fee that didn’t discriminate against guys--cool. I went as often as I could so as to dance with the Twins. They especially liked turning, which reminded them of when they were kids spinning around as fast as possible until they fell down. So I turned them as much as possible because they often lost their balance and needed someone, me, to catch them. My older brother’s instructions for catching a football came in handy: use both arms and your chest! Their hip-hugger jeans also tended to inch downward after a few spins, requiring me, always the gentleman, to help them pull their pants up.

The Twins unfortunately graduated and went to pursue their Ph.D.s in Chemistry at Berkeley. Lucky them, the University I had always wanted to attend out of high school, but the President of my hometown's Board of Education, my father, made sure the guidance counselors prevented that. When the Twins left, I gave them a Salsa CD and an album by "Fever Tree," a group they never heard of, but their parents probably had. The reason for "Fever Tree" was the group's biggest hit "San Francisco Girls," which was what the Twins would become, for me anyway. These two were the type of girls that make a man forget what he has to do, but unlike in the song, my future was in NYC and not San Francisco.

On finishing the writing of my Supreme Court petition, I discovered the cost to have it printed in accordance with the Court's rules would run well over \$5,000. An amount I could no longer afford. My steady girlfriend, Jihada, was not only a jealous mistress but a very costly one as well and would be the death of me yet. Since I was now a member of Bakunin's "lumpenproletariat," I made an *in forma pauperis* motion that would allow me to file my petition in a different format costing a couple of hundred dollars. In America, only the poor or rich can afford to use the legal system, but the poor generally don't know enough about their rights or are too intimidated to fight for them in court. That leaves the rich as the only group with meaningful access to justice American style.

Jeff knew my economic plight and after reading over my petition volunteered to contact a partner he knew in a prestigious Washington, D.C firm to see whether the firm might take my case *pro bono* because the issues were interesting. If so, the firm would pay for the printing, rewrite the petition and donate its time. The firm would also handle the oral argument, which I didn't like, because I wanted to verbally battle with the Supreme Court Justices. However, having that firm's name on the brief would increase the chances of the Court accepting my case

for review. The Supreme Court rejects review of 90% of *pro se* cases while refusing to hear 60% of cases in which the petitioner is represented by a lawyer that's not the petitioner. Jeff's contact tried to interest his firm, but the *pro bono* committee decided not to because the committee only took cases involving non-government organizations, that is, do-gooder groups. So I continued as a lone gun and filed my petition *in forma pauperis*.

Despite my poverty, I wasn't about to give up partying. One Friday night, I journeyed uptown with some of my fellow Salsa students to a Dominican club at 167<sup>th</sup> Street and Amsterdam Avenue. The place was small but the music great—all Latin. There were too many guys, however, but it didn't matter. Three chicks from class came along, so I danced with them and tried to hustle a native girl here and there.

The club had one restroom, so the best place to hit on the babes was while standing in line for the toilet. They weren't about to walk away if I didn't appeal to them. One, however, did ignore my opening lines, although it's hard sometimes in New York City to know whether the girl's not interested or doesn't speak English. Perhaps, I should have mentioned "Benjamin Franklin" that's a universal language. A second babe was polite, but the third really responded, laughing at me jokes while intermittently touching my arm—sure sign she's interested. Losing her after the commode, I went on a search and fine mission. Spotted her with some guy wearing an extra large gold chain. She saw me, smiled without the guy noticing, and I smiled back. Both of us knew and wistfully regretted we weren't going to hookup because the next step would have caused unpleasantness for all, so I went back to my friends to dance some more.

The next time on my way to the bathroom, some lady with a large posterior bumped into him and sent me tumbling over the bandstand onto the floor, flat on my back. As I laid there like a drunken Russian, a young guy, wearing a couple of gold chains, reached down and pulled me

to my feet. Thanking him, he nodded you're welcome. That's what I liked about places with the demographics of that club. The people were civilized. This young guy actually showed some concern. If I had fallen in an Eastside, preppy, white bar, they would have gone about their partying stepping over or on me. Education and money don't breed manners. But had I done something obnoxious or disrespectful uptown, I would have been bounced out on my head, which I would have deserved, as do so many arrogant yuppies in the downtown bars.

### Stupid Girl (Stones)

Since the Second Circuit ruled in the Russian mafia defendants' favor, they could recover from me the costs for printing their briefs. Under the Federal Rules of Appellate Procedure, the defendants had to request printing expenses within 14 days of the Appeal Court's judgment. No one did, although Flash Dancers' attorney Rudofsky made a motion for his client's costs after the 14-day deadline had passed. Rudofsky asked the panel of judges presided over by Sotomayor to excuse him for missing the deadline because:

"I was attending a Bar Association meeting in California when the Clerk's written notification regarding the submission of an itemized bill of costs was received and due to several sets of motion papers and briefs required to be filed in several other matters, immediately following my return to New York, I did not see this item."

Rudofsky screwed up because of a junket to California during the cold weather and bad eyesight and was now trying to make me pay for his mistake. He also tried to slip in a couple of charges not allowed under the rules, such as the cost of mailing Flash Dancers' brief to all the parties involved in the appeal.

My response told the Second Circuit Court that he belongs to a three member firm, which means when he's out-of-town or dealing with other cases, his firm must have procedures in place to prevent missing legal deadlines. At the very least, someone must open his mail and keep him apprised of court decisions, but if not, California has Internet service and Rudofsky could have

gone on line at any time to check whether the Court had made a decision, assuming he wasn't on the beach catching rays. Rudofsky was simply trying to shift the consequence of his firm's negligence to me by asking the panel to suspend the deadline required by the rules of procedure. No man should be allowed to escape the consequences of his own wrong, which is what negligence is. He represented Flash Dancers—not me. The harm Flash Dancers suffered because of its attorney's incompetence was not my fault. If anyone should pay for the printing, it was Rudofsky. In addition, I asked the Court for sanctions against Rudofsky for wasting the Court's and my time.

Rudofsky replied he “has been an honorable member of the Circuit Court Bar and practitioner in that Court for more than thirty (30) years.” So what! That's no excuse for violating the rules, if anything, he should know better, so I told the Court:

“What we have in Mr. Rudofsky's bill of costs motion and his opposition to plaintiff's sanction's motion is not a law firm that got caught in a force majeure but rather a firm that shuts down when one of its three members is voluntarily in California because of an inept system or no system for tracking cases. That is not the fault of the plaintiff or this Court, and it is unbefitting of a long-time practitioner before this Court to blame everyone else for his firm's mistakes.”

In the Second Circuit, however, who was at fault no longer mattered, especially with the man-hating Sotomayor at the helm of a panel. Sotomayor's panel denied my motion for sanctions and granted Rudofsky his costs, minus the ones he tried to pad his bill with.

The Sotomayor panel decision ignored the law in the Courts of Appeals. A court can excuse a party for missing the 14-day deadline, *Apex Oil Co. v. Belcher Co. of N.Y., Inc.*, 865 F.2d 504, 505 (2d Cir. 1989), but only “for good cause,” *Denofre v. Transportation Ins. Rating Bur.*, 560 F.2d 859, 860 (7<sup>th</sup> Cir. 1977). So the question was whether Rudofsky's junket to California coupled with his firm overlooking the papers notifying him of the appeal judgment amounted to “good cause”? Cases from a few Courts of Appeals said it did not.

In *Sims v. Great-West Life Assur. Co.*, 941 F.2d 368, 370 (5<sup>th</sup> Cir. 1991), the lawyers claimed they had “inadvertently misplaced the blank Bill of Costs form that accompanied their copy of the judgment” and had not become aware of the 14-day period until receiving a motion from another party. The Fifth Circuit found these excuses “patently insufficient to demonstrate good cause to enlarge the time limits in question.”

In *Denofre v. Transportation Ins. Rating Bur.*, 560 F.2d 859, 861 (7<sup>th</sup> Cir. 1977), the Seventh Circuit ruled “[t]he fact that the attorney of record was absent from his office [out of town on other matters] during the relevant times does not save the situation. We do not think that good cause is shown to enlarge a time period expressly specified in the Federal Rules of Appellate Procedure by the mere in attendance to the daily chores in one’s law office, particularly by a firm of fourteen lawyers.... If attention had been given promptly to incoming matters which ... involve deadlines, there was sufficient time at least to have filed within the fourteen days a motion for extension of time....”

In *Mollura v. Miller*, 621 F.2d 334, 335-36 (9<sup>th</sup> Cir. 1980), the Ninth Circuit stated, “in attendance to office chores and good faith mistakes are not sufficient to show good cause. Claims for costs should be filed promptly after the entry of judgment. The definite time limit must be scrupulously observed by litigants.”

The situations that the Courts of Appeals considered “good cause” are those beyond a lawyer’s power, such as receiving a judgment after the 14-day period had expired because of Christmas mailing delays, *Knoblauch v. C.I.R.*, 752 F.2d 125, 128 (5<sup>th</sup> Cir. 1985), or as a result of the shutdown in aviation, including U.S. Postal flights, following 911, *Tickmor v. Choice Hotels International, Inc.*, 275 F.3d 1164, 1165 (9<sup>th</sup> Cir. 2002).

Trips to sunny Californiay and overlooking Court correspondence do not “good cause” make, but Sotomayor and her panel ruled it did. So I appealed by filing a petition requesting that all the judges in active service on the Second Circuit reconsider the panel’s decision. The full court can overrule any decision by a three-judge panel, but first a majority of the judges must agree to hear the matter, which requires a Petition for Rehearing En Banc. The Second Circuit grants very few en banc petitions a year, but I filed one anyway. A copy of my petition would be circulated to every judge, so I figured, assuming the judges actually read it, the petition would at least expose Sotomayor and her panel for making a decision clearly contrary to the law.

After filing my Petition for Rehearing En Banc, I receive a letter from Shatisa Gibbs, the employee in the Clerk’s Office, assigned to my case. Gibbs said the “petitiin,” her spelling, was not acceptable and wouldn’t be docketed because it had been filed too late after the February decision of my appeal, the Summary Order. Gibbs had obviously confused my petition requesting a rehearing by the full court of the panel’s decision on Flash Dancers’ motion for costs with asking for review of the original appeal decision, the Summary Order I was trying to get the Supreme Court to review. Okay, busy bureaucrats make mistakes, so I called her to clear up the misunderstanding.

Boy, what a nasty, arrogant and stupid girl she is. Gibbs said the rules didn’t allow me to file a petition for rehearing en banc of the Flash Dancers’ motion.

“Yes they do. I talked with the administrative attorney in the Civil Appeals Management Office, and he said such a petition could be filed for reconsideration of a panel’s decision of a motion. En banc petitions are not limited to the Circuit’s decisions of appeals.”

“I don’t care what he says. I don’t work for him. This is a different part of the court.”

“Are you an attorney?” I asked.

“No I’m not!” she said with hubris dripping in her voice. “I’m telling you, you can’t file that petition.”

Hanging up, I was amazed that an ignoramus like her worked in the Second Circuit, but of course, I shouldn’t have been. Additionally, I regretted having mailed her a “Thank You” card for doing her job the previous year. Should have sent her a white towel to wear on her head, so she could pretend at being a blonde, since she was just as stupid.

Rather than a towel, I sent her a motion asking the Second Circuit Court of Appeals to tell Gibbs to docket my Petition for Rehearing En Banc of Sotomayor’s decision requiring me to pay Flash Dancers’ cost. The Rules of Appellate Procedure state, “A majority of the circuit judges who are in regular active service may order that an appeal or other proceeding be heard or reheard by the court of appeals en banc.” My Petition for Rehearing En Banc of the decision on Flash Dancers’ motion fell under the “other proceeding” part of the rule, despite Gibbs’ proclamation to the contrary.

What a piece of work is female. They weasel a little authority and right away believe they can imperiously do what ever they want according to their emotional whim of the moment and expect men to genuflect in submission. There is a theory, so far proven true by the Feminazis, that power should never rest in feminine hands for they know no restraint in the harm they will gladly do men.

Eight days after filing my motion against Gibbs, the Second Circuit granted it. Nice to see the Court doing what it should, but the absurdity of the situation was simply amazing. In the 21<sup>st</sup> century in the United States of America a man has to file a motion with a Federal Court of Appeals to direct a female employee of that Court do her job.



You haven't heard nothing yet! Gibbs still refused to docket my Petition. In the face of a Second Court of Appeals directive, she still refused. It began to look like the Court had no power over princesses who worked for it of which Gibbs was clearly one with all the negative connotations.

Princess Gibbs then telephones me with her latest lunacy. "I'm calling regarding your petition. You filed a petition. Did you file a petition?"

Is she kidding, I'm wondering, but said nothing.

"That was my question because I see that you filed a motion to file a petition late, and I received a package of 25 copies. I think you assumed it was a petition but that's not actually a petition."

To myself in disbelief, can't you read ditz? It says Petition for Rehearing En Banc on the front page, and only petitions require 25 copies. Motions require a special cover, an original and three copies. But I was cool and said, "No it's a petition for rehearing en banc"

"Well, with a petition for rehearing, there is a limit of 15 pages [mine was seven] plus it has to have the decision attached to it [mine did], and it has to have a full caption [mine didn't]. Also, your petition is not fully numbered.

"What do you mean not 'fully numbered'?" She probably lacks the ability to count along with her inability to read the Court's rules.

"You have numbers, exhibit A then exhibit B and then it starts from numbers again."

That is how virtually every legal paper submitted to every court in the land is organized. The first part contains a narration of facts or arguments with the pages numbered in ascending order just like books, magazines and newspapers: 1, 2, 3, etc. The documents that the narration refers to are attached to the back as exhibits with each assigned a letter and arranged

alphabetically: A, B, C, and so on. Each document included as an exhibit also has its own page numbers in ascending order. Now is that clear children. Princess Gibbs apparently needs to repeat the third grade. What a blooming idiot, but I was still cool and said, “Let me get the procedural problems down here. Number one is ....”

The Princess cut me off, “Let me direct you to the Rule 40 [wrong rule, it’s actually 35] if you have any questions.”

“I’ll review the petition and see if all this is accurate and if it is, I’ll correct it.”

The only accurate criticism, however, by Princess Gibbs was that the front page of my petition didn’t list all the parties. That’s what she meant by it not having the “full caption.” Everything else she said was wrong under the Federal Rules of Appellate Procedure, but then again princesses have their own rules that change with the emotions produced by the unbalanced biochemical reactions in their bodies, or, this princess was intentionally jerking me around.

After listing all the parties on the front page, I got Alan send Gibbs another 25 copies of the petition. By having Alan mail the copies instead of me, I had proof of service from a third party in the form of Alan’s affidavit. I didn’t put it pass Princess Gibbs to claim she never received the copies. As an added precaution, I sent a copy of the petition’s cover letter outlining her screw-ups to the Chief Deputy Clerk. He was the highest-ranking employee in the Clerk’s Office who was “apparently” a man. Even so, I still had no faith that anyone in the Clerk’s Office would do his or her job.

After a month with still no docketing of my petition, I wrote the Chief Judge a letter—my fourth attempt to prod Princess Gibbs into doing her job. If the letter went nowhere, I’d start a “mandamus” action against the entire Court, another interesting fight: me versus the Second Circuit Court of Appeals, and a “Bivens” action against Princess Gibbs. Any citizen can bring a

mandamus suit, which means “we the people command” the Federal Government, or any part of it, to do what it’s suppose to do. The Bivens action allows citizens to sue individual Federal Government officials or agents for violating someone’s constitutional rights. Since the violation of a person’s rights by officials and agents exceeds the job authority granted by the Federal Government, only the individual can be dragged into court under Bivens, not the Government. Princess Gibbs’ refusal to follow the Federal Rules of Appellate Procedure and docket my petition as required by my motion that the Court granted violated my right of access to the Court, and if she did so because I’m a white, middle-aged man, then she also violated my right to equal protection under the 5<sup>th</sup> Amendment.

#### Subterranean Homesick Blues

During the battle with Princess Gibbs, I met a Rwandan aristocrat in my Hip-Hop class: tall, pretty, a model, Tutsi and friendly, although with a French boyfriend, as if that mattered. She was only in town for a month and had a strange schedule. Maybe not so strange, it was similar to the Commie Ho’s: up around 10 AM, lots of telephone calls in the morning and for the rest of the day out modeling or something. I called her mobile morning, noon and night, but she never answered. She hadn’t set up her voicemail, so I couldn’t leave a message, but she would see on her phone that I had called and would call me back. Unfortunately, I was always in the law library and never noticed she called until I left for the day. Then I’d try her again, which only started all over again the same whirlpool of man and girl futilely reaching out for each other. Her return calls eventually stopped, and I assumed she went back home.

One Saturday, Mark and I went to an Upper Eastside bar. I usually stayed out of these joints because the guys were embarrassments to men in general and white men in particular, which is where this stereotyping society places me. One bozo in a trio of blanco yuppies pulled

a thong out of his pocket and tried to adorn some girl's head with it. What a dunce, not because he treated the broad like trash, which is what she was, but because that move wouldn't get him anywhere. The point is to take a girl's thong off, preferably with your teeth, not put it on the opposite end of her body. The only female vacuum of interest to a man is her lower not upper one. Mark and I just looked at this pitiful spectacle and smiled.

Some distance off to my right was another mixed-up and insecure guy standing next to a hot looking blonde who was sitting alone at the bar. The guy just stood there, kept looking at the blonde but didn't say anything.

"Look at this guy wasting valuable real estate," I said to Mark. "Why doesn't he move, so someone else can take advantage of that strategic position? These white guys have been so brainwashed by the Feminazis that they don't know how to pick up chicks anymore."

"Here's your chance," Mark said. I turned and the guy was gone, yes!

Her name was Brynn, which rang a bell from somewhere in the dim reaches of my memory. At WNEW TV News, I knew an intern called Brynn but this was not she, maybe her daughter. We talked about nothing, laughed a little and then I hit a chord. This hot young thing was bored silly of the leftover college and graduate school scene in Upper Eastside bars. When I started telling her about the social world beyond preppydom—Salsa and Hip-Hop, life gleamed back into her eyes. She wanted something new, but would she have the courage to try. She gave me her email address, and I sent her information on my Salsa class, but she never showed. More important, however, after talking with Brynn, it dawned on me that I had stumbled into a gold mine of nookie. Every bar on the Upper Eastside was probably full of girls like her—tired of the confused androgynous guys created by the first generation of Feminazi mothers. All I needed to do was to go mine that gold.

A couple of weeks later, Mark and I headed to upstate New York to catch a performance of the Hip-Hop dance troupe his younger brother Chanan danced with. Mark wanted some videotape to put together a digital resume for the group. I wanted to hit on some coeds and get out of the City for the first time in two-years.

The performance took place at Mount Saint Mary College west of Poughkeepsie, a rural area of more cows than people, or so it seemed to me, and too much rain. The dance troupe consisted of some guys Chanan had gone to Mount Saint Mary with, including his girl friend Pilly, who choreographed the group, and another a hot babe. Some of the guys I knew from when they would come into Manhattan to hit the clubs. These guys could dance! In a club, they'd form a circle and one guy or girl would jump in the middle to do a routine. Soon a crowd would gather around to watch, which I would exploit to tell this or that girl I was the groups' lawyer, a little white lie.

At Mount Saint Mary while the group went over their routines, I walked around the student union trying to corner one coed or another. Talked to a couple but nothing more. The show included a number of groups singing or dancing but they were all a snooze except for Chanan's. The bimbo master of ceremonies clearly reveled in the attention of the spotlight, but she didn't have the mental ability to think of anything witty to say, so she kept conducting a geography lesson by rote. She'd say "Puerto Rico" and the audience cheered, then "New York City," more cheers, "Brooklyn," some cheers, "Bronx," almost as many cheers as "Puerto Rico." Her favorite, however, was "Puerto Rico." She repeated it nearly every time an act finished. What about "Paterson, New Jersey," I kept asking of my birth place—nothing.

After the show, we went to a diner for dinner with most of the troupe and a few other students. Pilly and I sat next to each other with Mark and Chanan opposite us in the same booth.

The others were at a table to the back of us and across the aisle. We ordered. While waiting, I noticed this white, middle-aged couple diagonally across from Pilly and me staring at the two of us with daggers of bigoted condescension. I stared them down and figured that was it. My pancakes came, but the couple was still staring hatefully at Pilly and me. That was it! I had put up with this garbage years earlier while hanging out with a co-worker at Columbia and, during law school in D.C., with the daughter of a couple of black panthers, but no more, and definitely not when I'm about to eat my pancakes.

I got up, walked over to these two dirt farmers with a cumulative education of the eighth grade, if they were lucky, and said, "I'm a lawyer," slapping my business card on their table. "If you two don't refrain from your bigoted staring at my friends and me, I'm going to drag you into court for harassment. Not state court, but Federal Court!"

They didn't say a word. The guy pushed my card towards to me to which I said, "Keep it, I've got plenty," and went back to enjoy my pancakes. The dirt farmers moved to another table. They should have kept going until they reached Mississippi.

After dinner, everyone was going to hit a club, but that was a few hours off, so I ended up crashed on someone's bed in a dorm room without heat. Hadn't, I been in this situation before?

Around midnight, we all met outside a club in Poughkeepsie in the rain. Mark and I stood in the back of the short line, the others in the front. Some arguing started at the entrance between Chanan's friends and two white bouncers, so at Mark's suggestion, I went to see what I could do. The bouncers said management's policy prohibited customers from wearing a track sweatshirt with a hood, which some of the guys with us had on. They volunteered to put their sweatshirts in their cars despite the rain when just then up walks some bimbo in a sweatshirt and hood. Into the club she goes without any problem.

“Hey, how cum she can go in with a hoodie but we can’t!” Chanan and his buddies demanded.

“Yeah, why do you let her in and not us? This is bogus!”

The bouncers wouldn’t answer, so I told one of them to get the manager, hoping some reasoning with the boss might resolve the situation, since most bouncers just do what they are told by management. Out comes this white, arrogant troglodyte who comes up with a new reason to keep the Hip-Hop guys out.

“They’re pants are too baggy!”

Looking down at the pants the manager was pointing to, they weren’t any bagger than the “easy fit” Levis that I buy. Just then, up walks some white guy in pants as baggy as those prohibited by the manager, and into the club this guy goes without any problem. Now I’m ticked off and Chanan and his friends’ tempers start to flare. I threaten to sue the club for discrimination making sure they know I’m a lawyer. The manager retreats back inside. One bouncer retorts, the guy they just let in wasn’t white but Hispanic, to which Chanan and his buddies justifiably start cursing the bouncers. Meanwhile, I’m trying to keep myself between the white bouncers and Chanan’s group whose expletives are justifiably escalating. One bouncer, with the other standing behind him, begins venting his bigoted based anger on me. Fine, I’m used to hostility. Besides, the last thing I wanted was a fight in which Chanan and his young friends ended up behind bars in a part of the country that time had forgot. So I stayed in the middle, certain the bouncers wouldn’t hit a gray-haired, white attorney. But if they did, I could feel Mark somewhere behind me ready to intervene to quickly end any altercation. Just then a cop car rolls up. Great, it’s the Gestapo, or more accurately “Bull” Connor’s fan club. I turned from the bouncers and started a little crowd control with my arms out stretched motioning

Chanan and his buddies down the street while they continued inveighing the bouncers who deserved that and more.

We made it to another club without the cops interfering, but by then I was seething inside. Not because some 80 I.Q. bouncer got in my face, but because ignoramuses can violate the rights of others without having their heads blown off. Mark said, “Try to put it aside,” so I had a couple of drinks and start doing a sandwich dance on this little white blonde friend of one of the hip-hoppers, Moss. He took up the rear and I the front with her in between—its new age dancing. But I wasn’t sure whether she was Moss’ girlfriend or just a friend until Mark pulled me off her. So I hit on a few other chicks without success. Mark and I caught a 3:30 AM train back to civilization. After my sojourn, I couldn’t understand why anyone would live in that part of the country. I’m white and I won’t.

### Money

In April, a legal battle arose over a small amount of money. Judge Castel in the District Court finally got around to focusing on my request for reimbursement from the defendants of my costs in using a process server. The defendants violated the Federal Rules of Civil Procedure by refusing to accept my Complaint by mail, which required me to use a process server. The defendants’ attorneys decided to ignore the mailed Complaint out of the usual low-life lawyerly effort to increase an opponent’s workload and expenses even when it violates the rules. Judge Castel instructed the defendants to submit reasons why they shouldn’t reimburse me for the costs to use a process server.

Only Dubin and Rudofsky put up a fuss. The others paid, except for the Commie Ho, no surprise there.

Dubin made two main arguments, first:



Plaintiff's letter application provides absolutely no details or supporting documentation and utterly fails to satisfy the burden of demonstrating that plaintiff served a waiver of service upon the defendants, that defendants failed to respond, that plaintiff complied with the procedures designated under Fed. R. Civ. P. 4(d)(2)(A)-(G) and that plaintiff incurred additional costs by defendants alleged failure to respond.

Dubin essentially said, "Oh yeah, prove it, and prove that my client didn't respond."

Proving what I did was easy, I kept records. But proving that someone didn't do something or as it's called in the law "proving a negative" is well near impossible. It's a tactic the Inquisition used against scientists and Protestants, Stalin used against military officers in the 1930s purge trials, the Nazis used against everybody and the Feminazis always use against men.

Take the Justice Clarence Thomas confirmation hearings. Some broad, backed by the Feminazis, accused Justice Thomas of doing this and saying that at sometime in the past. How could Justice Thomas possibly prove he didn't? He would need a 24-hour videotape of all his activities to show that what the broad claimed had happened, didn't—that's the negative, which is impossible to prove. In America, before the Feminazis pretty much took over, the broad's accusations would require additional proof before anyone took them seriously because one of the main tenets held sacred by the founding fathers of this country was that the accused are presumed innocent until proven guilty. The person making the accusations had to do more than just say believe me. They had to provide evidence, but that cornerstone of liberty has largely vanished for half of America's population. Now, the presumption is all men are guilty until they prove themselves innocent and all broads innocent no matter what they do.

My response included:

Bradley E. Dubin has represented the above defendants throughout this case and, assuming he has not lost all or most of the papers submitted, has in his files all the "details or supporting documentation" that show the plaintiff has complied with Rule 4(d)(2). Mr. Dubin's clients chose to ignore their "duty to avoid unnecessary costs of serving the summons," Rule 4(d)(2), and now Mr. Dubin chooses to ignore his duty not to conceal or knowingly fail to

disclose pertinent information to this Court, especially when he knows the details and supporting documentation that he now claims do not exist actually lie in his filing cabinets.

Mr. Dubin's objection falsely implies his clients did respond by stating the plaintiff fails to show that the "defendants failed to respond." The plaintiff, a lawyer admitted to practice before this Court, affirms the defendants did not respond; therefore, the burden shifts to Mr. Dubin's clients to show they did. Mr. Dubin's clients can do that by producing copies of the signed and dated documents of their response plus an affidavit that such were mailed to me.

Dubin's second argument claimed that his "logic dictates that plaintiff should not be entitled to recover costs of serving a frivolous action, which has been dismissed with prejudice and affirmed by the Second Circuit." To which I countered, "There's been no finding by any court that this civil RICO action is frivolous. Mr. Dubin's brand of logic is not the law," since the only way a defendant can escape payment requires a showing of "good cause," and just calling a suit "frivolous" is not that. Dubin lost that round, but what did it matter—nothing.

Rudofsky took a different tack. He claimed some of the costs I included weren't permitted under the rules, although they were. He also tried to mislead the District Court into believing a final decision had been made by the Second Circuit that I owed Flash Dancers the printing cost of its brief. Had the decision by Sotomayor and her panel been the end of the line in the Second Circuit, Rudofsky could offset the printing cost against the amount Flash Dancers owed me for my use of a process server. The Second Circuit, however, would not have a final decision until it dealt with my Petition for a Rehearing En Banc. Rudofsky lost on both issues but won on a minor one that saved Flash Dancers about \$60 while costing it a lot more just to pay Rudofsky to make the objections. But what did Flash Dancers care? The owners save millions every year just by cheating on the strip joint's taxes.

### Don't Play That Song (You Lied)

The Supreme Court allowed the defendants until the end of May to file their briefs opposing my Petition for a Writ of Certiorari, but no one bothered, except Flash Dancers.

Rudofsky filed a two-page, rancorous memorandum to which he attached my entire Complaint and Supplemental Complaint, which he failed to print on both sides of the pages in order to make them look more voluminous than they were—a subtle trick to subconsciously ward off busy judges and clerks from a case. Rudofsky was playing the same old defense song: load a court down with papers not needed to decide the issues, since the appendix I submitted already contained the pertinent parts of both complaints, and use acrimonious words to stir emotions against me so as to deflect attention from the legal issues of Flash Dancers’ RICO violations. Basically, try the individual, not the issues—usual Russian and political correctionalist scheme to divert government officials from fairly weighing the arguments. Rudofsky even made clear in his memorandum that his tactics were intended to submarine the reasonableness of my petition’s argument. But why bother? The odds were already overwhelmingly in his favor that the Supreme Court would not grant review of my case. Maybe he needed the billing fees he charged for his memorandum to payoff his trip to California.

Rudofsky accused me of intentionally trying to deceive the Supreme Court with my abridged versions of the Complaint and Supplemental Complaint by claiming they disguised my “bald assertions, periphrastic circumlocutions, unsubstantiated conclusions, or outright vituperation and subjective characterizations or conclusory descriptions.” The Supreme Court’s rules, however, don’t require the inclusion of the entire complaint in a petition for certiorari, just those sections essential to understanding the petition’s arguments. Sup. Ct. R. 14(1)(i)(vi). Even so, if Rudofsky was right in his characterizations of my complaints, then why didn’t he list for the Court the specific allegations to which each of his objections applied? Because he couldn’t, but more importantly, he just wanted to plant the seed in the minds of the Justices and clerks that I was duplicitous. He knew full well that neither the Justices nor the clerks were going to go

through my complaints to confirm or disprove his accusations. Rudofsky was just using a Hitler tactic: if you're going to lie, tell a big one because the chances are people wouldn't bother to disprove it and they may buy into some of it.

Rudofsky's angry venting even claimed my case "patently incredible, patently vexatious and unreasonable"—not when it's against members and associates of the Russian mafia.

"The Russian mafia has been operating in the United States for years. Scott P. Boylan, Organized Crime and Corruption in Russia, Vol. 19, Fordham Int'l L.J., 1999, 2013 (1996). With the fall of the Soviet Union, the activities of Russian organized crime groups have spread to the United States and Europe. Id. 'Not only does the Mafia kill and steal in Russia, it does so in the United States as well.' Id. at 2001. Mafia members are involved in 'theft, extortion, money-laundering, gun-trafficking, drug running, prostitution, smuggling, loan sharking, contract killing and more.' Id. 'The U.S. Department of Justice has established task forces to deal with the Russian Mafia in New York, Los Angeles, and Miami.' Id. In 1994, the Russian mob had more than 300 members in the New York area alone, making it larger than the Bonanno, Colombo, or Lucchese crime families. Allan Friedman, The Organizatsiya: Brooklyn's Booming Russian Mob is Slicker, Smarter, and Much Meaner than La Cosa Nostra, N.Y. Mag., Nov. 7, 1994, at 50. Russia's international professional criminals have caused the most economic damage in the U.S. Scott O'Neal, Russian Organized Crime, FBI Law Enforcement Bulletin, May 2000."

Rudofsky also criticized my complaints as full of "subjective characterizations and conclusory descriptions." To which, I essentially answered, oh yeah, what about this!

"Flash Dancers openly operates a sexual bazaar in Times Square, New York City, which hardly puts it in a position to claim the allegations against it in this case are 'subjective characterizations or conclusory descriptions.' A quick scan of Flash Dancers' website, [www.flashdancersnyc.com](http://www.flashdancersnyc.com), reveals just some of the defendant's sordid activities. The site has been tamed down a great deal since this case started in the federal courts. Previously, the site sold pornography, escorts and the viewing of live sex acts over the internet in the same manner that New York Elites and Exotica 2000 did before U.S. Immigration and Customs Enforcement closed down those Russian mafia operations for prostitution and money laundering."

"Defendant Cybertech Internet Solutions, Flash Dancers' website administrator and designer, continues to advertise Flash Dancers at <http://www.stripclublist.com/c.asp?c=8534> with links to escort services that include travel packages sporting various prostitutes. Rather than continue to advertise such illegal interstate activity on its own website, Flash Dancers uses the vast Internet network operated by Cybertech for selling just about everything involving sex. Flash Dancers' other strip clubs, Private Eyes and NY Dolls, <http://www.nydollsclub.com/aboutus.asp>, are also advertised on the Cybertech network.

Rudofsky should like the analogy of Flash Dancers to New York Elites and Exotica 2000. Cybertech's Internet Network used to advertise Exotica 2000 before that whore operation was busted. Exotica and New York Elites, different names for the same call-girl service, operated in 22 states and overseas with over 200 hos, charging \$500 to \$1,500 an hour with the hos receiving 50%. The virtual brothel made \$13.5 million in four years. Not bad, I'm clearly on the wrong side.

Rudofsky's memorandum even came up with a new personal attack in the defense lawyers' strategy of "don't confuse the courts with the law, just demonize the opponent."

"Any notion as to Hollander's good faith is quickly dispelled by review of his public website [www.royandalina.com](http://www.royandalina.com), which has titled Stupid Frigging Fool: The tragicomedy of an American lawyer and a Russian mafia prostitute, and has dedicated "To Mother, May She Burn in Hell."

How'd he find that? He couldn't have hired a private eye, since I wasn't that important to a multi-million dollar operation like Flash Dancers and its Internet partner Cybertech—or was I? Maybe one of the goons at Flash Dancers was trolling the web, but could any of them read? Besides the site should have been under construction. Who knows, but there it was, and I had to deal with it because Rudofsky was relying on the maxim that the truth always hurts the one who speaks it, especially unpopular truths. Defense wouldn't do, so I went on the offense.

"Character assassination ... has all too often been successful for the unscrupulous by hiding their nefarious deeds under the cloak of patriotism, religion or other popular views [meaning motherhood] depending on the particular time period in America's history.

"Flash Dancers' attorney forgets that the purpose behind the Bill of Rights, and of the First Amendment in particular, is to protect unpopular individuals [me] from retaliation—and their ideas from suppression—at the hand of an intolerant society. McIntyre v. Ohio Elections Commission, 514 U.S. 334, 357, 115 S.Ct. 1511, 1524, 131 L. Ed. 2d 426 (Stevens, J.)(1995). 'The proponents of the First Amendment ... were determined that every American should possess an unrestrained freedom to express his views, however odious they might be to vested interests whose power they might challenge.' Feldman v. United States, 322 U.S. 487, 501, 64 S.Ct. 1082, 1089, 88 L. Ed 1480 (Black, J. dissenting) (1944)."

Actually, it was the character of my mother that was odious, not the words used to describe the fate she deserved. My memory still recalls my seventh summer on this planet when I stepped on a rusty nail. Mother refused to take me to the doctor for a tetanus shot, so I spent those bucolic months waiting for my jaw to lock. But I didn't need to go there, in my reply to Rudofsky. The Justices of the Supreme Court know that appellations do not make the person. There are plenty of mothers out there who murder their children, boil their babies and otherwise destroy the living. Procreation does not a saint make. Even Rudofsky knows that, but he's the type of hypocrite who will pander to any popular belief in order to attack his opponent's freedom of speech while vociferously arguing that Flash Dancers' selling of porno and girls on the Internet is protected by the First Amendment as a form of commercial speech.

When I showed my buddy Blackie the quote Rudofsky used from that website, he laughed and laughed saying, "That's a classic, that's a classic." A phrase from our high school rah rah days that we used as a compliment for a cool act of rebellion. Thank you Mr. Rudofsky for that trip back in time when my classmates and I regularly mocked the hypocrisy of conventional delusions.

A minor sideshow occurred while I was drafting my reply to Rudofsky's memorandum. Two days after his papers arrived, which were also mailed to all the other defendants, someone called my mobile that Sunday morning but left no message. To me, if a stranger doesn't leave a message, then he shouldn't telephone me in the first place, so I didn't bother returning the call to the number on my caller id. Around two in the afternoon, I received a call on my landline.

"Hello, is this Roy?" Some middle-aged man nervously asked.

"Who's calling," I replied, expecting a telemarketer. If it was, I'd tell him Roy's not here, which I always do with telemarketers.

“John Jacoby. I’m calling about a web site and looking for Roy.” Okay, not a telemarketer, but some clown trying to pump me for information about the [www.royandalina.com](http://www.royandalina.com) website that Rudofsky had learned about.

“Sorry, you’ve got the wrong number.” Having done plenty of these information-gathering calls when working in the news media, I was not about to participate in one that would likely cause me grief.

“I’m from the Federal Government,” Jacoby said. That was a mistake because I started to draw my verbal sword. Rather than scaring me, anyone from the Feds makes me want to punch them in the face. Couldn’t do that over the telephone, so I readied a verbal assault.

“Are you recording this?” I asked.

“No,” he lied. “I’m not calling on official business, just trying to figure something out about a web site.” I’m sure he was, but when he said the call wasn’t official and failed to identify the federal agency he worked for, I knew he was either a private eye or mobster.

“What’s your number,” I asked looking at my caller id, which registered (212) 212 1212.

“It’s (212) 212 2121.”

“Okay, that’s (212) 212 2121, got it!”—another lie.

“It’s a federal number,” he added. No it wasn’t, but I’d call to see whose it was.

“So you work Sunday?” Now I was just toying with him. I had worked for the Federal Government and no one worked on a Sunday.

“I work every day.” Maybe true, but not for the Federal Government.

“Too bad, take it easy,” and I hung up. Immediately my mobile rang. It was Jacoby again calling from (212) 212 1212, but I didn’t answer. Dialing on my landline the numbers from my caller id (1212) and the one he gave me (2121), I received a telephone company

recordings that my calls couldn't be completed as dialed. Neither of the numbers existed. For the number that showed on my caller id, Jacoby had used a "black box" that allows a caller to send any number he wants to the receiver's caller id. Checking my mobile again more closely, I found that the first of Jacoby's calls came early in the morning. An obvious but lame attempt to catch me half-asleep in the hope I'd spill my guts. Jacoby also had made a second call to my mobile around noon, which I had missed completely. On that one he left a message.

"Yes, how are you? I was looking on your web site. I believe you and I can trade some information. As you'll notice my phone number is not trackable or traceable, so I'll call later on today and would appreciate it if you would pick up the phone call. I'm in the United States. I'm affiliated with certain government agencies, and I could use some of your information for a pending case, I guess you could say that is in the works. I'll try you later. Thank you very much. And have a great day."

At least he didn't say, "Have a nice day" as did John Madison a.k.a. Pierre.

Two days later I received an email from Onn Rapeika, ORapeika@Gti.Net:

"I find your site story very interesting but now site down and not working I not get chance to read all story, but story very good. Why site down? Can you please put back up? Or can you email me story? I on chapter 4. -Oveon Csheen"

To which I replied,

"Do I know you? I don't understand what you are talking about, please explain."

Of course, I did understand that it was the same guy using a different tack. What I couldn't figure out was who was behind it and why. Maybe Rudofsky, but he had already gotten into the site, which was now under construction as it should have been all along. If he or any of the defendants wanted the story, all they needed to do was go to [www.been-scammed.com](http://www.been-scammed.com). They'd have to wait a while until the serialization was complete but so what.



That weekend, as usual, I checked the advertisements for various clubs to decide which ones were possibilities for hunting. The advertisement for club Deep assured I wouldn't be attending:

“Standard Saturdays. Open Bar. Hosted by Supermodel: Angelina Shipilina.”  
You mean “Super Slut” don't you. How could she host anything besides whoring, she could barley speak English, and a Supermodel she wasn't. She, like all broads, was just constitutionally unable to tell the truth. The club should have at least changed its advertisement from “Open Bar” to “Open Ho.”

### Heat Wave

Global warming finally turned the beginning days of summer in the City into the way they were before global warming—hot and humid with no place steamer than my Hip-Hop class. One sweltering Friday, most of the girls showed up in class dressed for Siberia: full-size shirt over a halter or bathing suit top and baggy sweat pants. Didn't they check the thermometer? They knew Broadway Dance didn't have air conditioning. Were they self-conscious because of a gray-haired chronic luster in the class trying to move up to molester? Who knows, but after ten minutes in that rotisserie, the shirts came off, the remaining tops rolled up to just below their boobs, the sweat pants down to the beginnings of their thongs and their pants' legs, or at least one in deference to fashion, pulled up as high as possible. The sweat started beading on their bare backs, firm bellies and around those breasts that still defied gravity. With every move, more sweat broke out, cascading into glistening streams down the curves of power Mother Nature had given them. One girl's thong had moved off from the center of her rear, so I stationed myself behind her for a time until distracted by another babe steaming up my eyeballs. They all looked so delicious that I hit on this one and then that one; I just couldn't make up my

mind—cherry bonbons, gummy dips, dots, malt drops, juicy fruit, caramels, and chocolate squares. Oh, to lick the sweat from the snatch of every one of those babes. But as the old song advises, “Better go home son and make up your mind,” so I tried to focus on one of Bev’s assistants, a teenage something or other. She was friendly and laughed at my jokes, but I never made it to first base with her.

Salsa class brought a new opportunity one night in the shape of a tall Latina. Unlike Hip-Hop, a good deal of the dancing in Salsa class is with a partner. Everyone gets to dance with everyone. The instructor tells the girls to rotate to another guy, after repeating a routine with one partner. It reminded me of the make-out parties we used to have in sixth-grade, except then everybody was sitting and while kissing copping a feel. No kissing in Salsa, but now and then subtly copping a feel.

When the Latina rotated to me, I introduced myself.

“Hi, I’m Roy,” and held out my hand.

“I’m sorry, what’s your name?” she asked. Sometimes girls do this intentionally to throw a guy off balance.

“My name is Roy, but I usually just introduce myself as a lawyer.” She laughed and became friendly, thinking me overflowing with Benjamin Franklins of which I no longer had, but I wasn’t going to tell her that. Deception? Sure, but girls lie every chance they can to get what they want.

The Latina wore a tight, low cut top with tiny straps holding up large breasts of which ample amounts were visible. We started dancing the steps our instructor showed, and halfway through the song, I realized I had been staring at her tits the entire time. Not to be a complete cad, I shifted my revelry to her face—very pretty, but I could feel the tug on my eyes from those

boobs as though they were magnets. I struggled to keep looking at her face so as to increase my chances of obtaining a closer inspection of those glands later on. Now I understood what Leni Riefenstahl meant by “Triumph of the Will.”

When the song ended, our instructor went over a new step. The Latina checked her mobile with its Technicolor screen.

“Does that take pictures?” I asked.

“Sure.”

I pulled out my mobile saying, “Mine doesn’t. It’s pre-millennium,” to which she laughed, a little.

“Did you get that in 1999?” she asked.

“Good guess, that’s when I picked it up, but I can’t see anything on the monotone screen because I’m wearing contacts.”

“You can’t see anything with your contacts?”

“Oh, I can see you, and if you were on the other side of the dance floor at the Copa I could pick you out.” She smiled at the compliment.

Moving closer to her under the guise of showing her the screen on my mobile, I said, “But when I go through the menu looking for a name, I can’t see a thing.”

“You mean you can’t read any of this?” she pointed, as I felt the heat radiate from that luscious Latina body with dark skin.

“Can’t make out a thing,” and I couldn’t.

“So how do you use it?”

“I ask some pretty girl to help me.” She gave me one of those knowing girl smiles.

When class ended, people stood around listening to our instructor give some information on upcoming events and Salsa techniques. Pulling out my mobile to make a call to this girl, I needed someone to find the number. So, I walk around with my mobile in hand looking for help and over comes the Latina with a smile.

“Do you need help?”

“Yes, I’m trying to increase the volume to high, would you do it for me?” I wasn’t so dumb as to ask her to find the girl’s number.

“Sure,” she said, taking the mobile. We flirted some more until the arrangement of people shifted while our instructor kept talking. Somehow I found myself in the middle of the dance room talking with two guys, including one from Russia with whom I chased girls when his wife was visiting their home country cheating on him. When I saw the Latina standing by herself near the room’s entrance, I left these guys to make my move for her telephone number or talk her into going to the Salsa club the class usually hit after our two-hour practice.

She smiled and said, “You’re a good dancer.”

I wasn’t, I stunk, but graciously accepted the compliment as one of her tactics to move our flirtation along. “Not as good as you. How long have you been taking classes?”

“Three months, but I grew up with the music.”

We were connecting, the pheromones were doing their job, but then my peripheral vision caught the gleaming, razor-sharp pendulum of the Matrix swinging in my direction again. This time it took the form of the two guys I had just left in the middle of the room. There they were, standing right next to me with grins spread over their mugs as they stared at the Latina trying hard to work up the courage to say something not completely inane. Unbelievable! These guys

had followed me over to the Latina. I left them talking to each other so that I could hit on her, but they decided to interfere with my hustle.

The vast, vast majority of guys always do that, but only to a buddy or some other man they know. A guy will never, unless drunk or retarded, interfere with some stranger who's hitting on a chick, even if he saw the girl first or was previously hitting on her. Why, because he doesn't want a punch in the nose or he's afraid the girl will snub him. But when guys see one of their buddies or acquaintances hustling a pretty girl, the fear of a fight doesn't exist and neither does the dread of rejection because they already have an in with the girl through their connection with the guy who did the hard work of initiating the conversation. Insecurity toward girls also causes those guys' egos to push them into interfering. They're trying to prove to themselves and their buddy that they too can hustle girls, but they can't, unless their buddy breaks the ice first. It comes down to cowardice and self-doubt with a lot of stupidity mixed in.

Guys should realize that as soon as a girl has more than one man competing for her, she's at her most powerful. She'll grin with delight, play coy and even scold as she banks one guy off another. In the end, she'll either choose the highest bidder, pick one this week and another the next or reject them all while her ego inflates with the conviction that she is fulfilling her divine right to make guys stumble, bumble, mumble and trip over each other for her favor. That was a game I hadn't played since high school, and wasn't about to start again now no matter how big the Latina's pillows, so I went to the men's room ticked-off not at the girl but my alleged pals for ruining my hustle. And ruined it was, because by refusing to play her competition game, I insulted her. She knew why I left and likely said to herself, "He'll be back and when he is, I'll play with him like he was a mouse. How dare he not curry my favor!" I didn't go back.

A couple of nights later, an American guy and I went to Gonzales y Gonzales. A hot Latina babe paused to stand in front of the two of us. She'd have to wait until the second coming before the American guy hit on her, so I did. We flirted a little. She was looking for her friends in another part of the bar, so I temporarily halted my hustle figuring to pickup on her later by asking for a dance. She starts to go and immediately the American guy pounces. She fends off his overtures and moves on.

"What are you doing?" I ask him, really ticked-off.

He cavalierly answers, "You stopped talking to her, so I went after her."

"Don't you realize; I was setting her up for later?"

"Everybody does whatever they want," he says with *laissez-faire*, social-Darwinian disdain. That was something I had heard before, mainly in the former Soviet Union where nearly every individual religiously believes they are superior to all others. Such arrogance, really a product of insecurity, justifies in their eyes the astonishing lack of ethics and honor routinely exhibited by people from that part of world. They're willing to grovel like dogs, just to maneuver themselves into a position to rip someone off, take an unfair advantage or plunge a knife into another's back both literally and figuratively. You can take the person out of the former Soviet Union, but you can't take the former Soviet Union out of the person.

"Okay," I said, "if everybody does what they want, go hit on those two blondes sitting at the table over there. Go ahead! You drool every time you look in their direction. Walk over and hustle them."

This superior specimen of man just stood there with his brain short-circuiting.

“Go ahead hit on them,” I dared again. “I’ll even give you a line.” He just looked at them and turned to watch the dancers. Some people can only compete with a knife from the shadows.

To rub it in, I walked over to the two blondes, both very pretty, threw my opening line and started a fairly long conversation. Both were professional ballet dancers with the American Ballet Theatre—that was impressive. We talked about the Kirov and Bolshoi in Russia, laughed a little, and then I gave it a rest until the band started. With the first salsa tune, I started dancing with the taller of the two ballerinas. Leia couldn’t dance salsa, but that didn’t matter, since neither could I. She could, however, turn. Just one little movement of my hand and whooos, she was around in a flash with her arm seductively stretched above her head. Throughout our dancing, she wore this wide soft smile, probably her stage persona, but it still made me smile. Beneath her dress, I could feel a body of iron-band muscles. I wanted more, but she was moving to Seattle that Thursday. Too bad Mark wasn’t there. Had he been, I would have brought him into my earlier conversation with the two ballerinas, which might have led to a fun night for all of us. Leia was not about to leave her friend, typical for two girls out on the town, and I wasn’t about to help the American guy by introducing him to Leia’s fellow ballerina. After that night, I avoided hanging out with him. It’s tough enough picking up girls without having someone ready to interfere every time you’re on a roll. Besides, I’ve had my share of experience with the lack of scruples of insecure people.

The Chief Judge of the Second Circuit, as men born in the middle of the 20<sup>th</sup> Century always do, came through concerning my letter of complaint about Princess Gibbs. He referred the letter to the lady in charge of the Court’s Operations: probably one of those few females of competence so secure in her womanhood that she doesn’t need an emotional hatchet to deal with

men. She sent me a very courteous letter of apology, something Feminazis like Gibbs are incapable of. Her letter confirmed that my Petition for Rehearing En Banc should have been sent to the full Court back in April and was now, months later, before the Court. The real justice came when she said she had a little sit-down with Princess Gibbs to explain how my petition should have been handled. That ought to teach Gibbs a lesson, for she sure needed one. Supreme Court Justice Anthony Scalia once wrote in a Court of Appeals decision, “No matter how bad someone is, [she] can always be worse.” But that’s not much solace when dealing with the Clerk’s Office at the Second Circuit of which Gibbs is just one example of belligerent incompetence. The Court eventually denied my petition, but at least some bureaucratic bimbo driven by feminine malice didn’t succeed in abusing her authority to obstruct the rights of a man. As for the money owed Flash Dancers for its printing costs, I never paid it. What was the man-hater Sotomayor going to do—send me to Guantanamo? Hot, humid climates were preferable, and, if I escaped, I’d get to ride around in 56 Chevys with hot Latinas and smoke Cuban cigars.

Before summer ended, I had lunch with Alan and one of the best tort lawyers in New York City. The lawyer and I had not seen each other since we were political enemies in the Riverside Democratic Club decades earlier. Despite our political warring, I always liked this guy and appreciated his superior verbal acuity in cutting me to ribbons. He was not someone to argue with, and all these years later had not lost his edge, especially when dicing bloodless, bureaucratic disciples of collectivism who overlook individuals in favor of “the people.”

Our waitress was very pretty, and I detected a familiar accent.

“Are you from Russia?” I asked, unable to stop myself.

“Yes, how could you tell?”

“By your accent. Where in Russia?”



“The southern part.”

Oh great! Would I never escape the curse that came from that part of the world?

Pausing, but I had to know and asked “Anywhere near Krasnodar?”

“Yes, in a little village outside of it.”

The Commie Ho had lived in a little village outside Krasnodar where I had visited her for the millennium celebration, which felt like two hundred years ago. The end to this conversation became apparent the moment I mentioned the name of the Ho’s village. “Is it Adygea?”

“Yes,” she said with great surprise, but I wasn’t. “Do you know Adygea?”

“I’ve visited there in another life.”

“That’s amazing that you were actually there. I’ve never met anyone here in America who has even heard of it!”

“I wish I hadn’t.”

“Why?” her pretty face asked with pretended concern.

“That my dear is a long story.”

### Hey Joe

The U.S. Supreme Court made its decision to deny my Petition for Certiorari on September 25<sup>th</sup>—the birthday of the Commie Ho’s mother. From the dungeons of the Queens Family Court to the alleged lofty heights of the Supreme Court, there is no justice in feminarchy America for a man.

“Hey Joe” was suppose to be the final solution to this story, but I got distracted by an ancillary Jihada that grew into a crusade against the Feminists.

## Stupid Frigging Fool

By Roy Den Hollander

### Part 8

#### Ladies' Night

Christmas Eve 2006, bitter cold, and I'm standing in line with Mark and his younger brother waiting to get into club "Deep" on West 22<sup>nd</sup> Street. As we shiver, the girls in fashionable nothings strut to the head of the line, ignoring us, and enter for free—it's "Ladies' Night." Guys have to pay \$20 and wait in the cold until the doorman allows them the privilege of paying to enter. In effect, the men are financing the girls' partying because the guys make up the price the girls don't pay.

Mark's brother grumbles, "How cum they get in for free, and we have to pay? Not just to get in, but to buy them drinks. They're the ones who live for sex; they should be paying us instead of acting like hos."

The other guys in the line agree, and a case from law school pops into my head: *Seidenberg v. McSorleys' Old Ale House, Inc.*, 317 F. Supp. 593 (1970). In 1969, a couple of PC-Feminazis from NOW, the National Organization of Witches, walked into McSorleys' Ale House on the lower Eastside. The bar didn't have a doorman to stop them, just a policy of "men-only"—given the trouble girls often cause after a few drinks bought by some sucker. The bartender refused to serve them and escorted them to the door. The federal court in Manhattan ruled that the State's involvement with McSorleys' business was significant because of

pervasive regulation by the state of the activities of the defendant, a commercial enterprise engaged in voluntarily serving the public except for women. Furthermore, the state has continued annually to renew defendant's license over the years despite its open discrimination against women, without making any effort in the exercise of the broad authority granted it, to remedy the discrimination or revoke the license which defendant must have in order to

practice [discrimination]. . . . [T]he state's regulatory power in this area is far broader than in the case of an ordinary lawful business essential to the conduct of human affairs.

Because the State was pervasively involved, Equal Protection under the 14<sup>th</sup> Amendment applied, so McSorleys' sex-discrimination was declared unconstitutional for treating guys and girls differently, and the bar had to open up to girls.

Club Deep's Ladies' Night and all the other nightclubs in the City holding Ladies' Nights were just as pervasively controlled by the State as McSorleys' but treated guys differently than girls—a guy had to pay money to enter a club while a girl did not. Looked like a potential lawsuit for fighting against the discrimination of men and preferential treatment of females—the real objective and result of PC-Feminism. So I filed the idea away, and my buddies and I went to another club that was free for both sexes that Christmas Eve.

In May the following year, Mark and I were standing outside the club Taj on West 21<sup>st</sup> Street, which the Police closed to traffic on Saturday nights because there were so many clubs overflowing with parties. He was trying to call the hostess inside the club, a Swedish blonde to whom I had introduced him, to see if she could get us in for free. In the middle of the street were a hot black haired girl and a blonde, so while he dialed away on his mobile, I walked over and tried to pick them up. April, the black haired girl, was luscious. The discussion somehow came around to Ladies' Nights, and I told them of my idea to sue clubs for discriminating against guys.

April said, “And where will you find the time to bring such a suit. You lawyers are always busy.” She was right, and by that I knew she was dating a lawyer, which was probably why she didn't relinquish her phone number—she had her sucker hooked.

At that particular point in time, however, I did have the time, so in June 2007 I filed a sex discrimination lawsuit in the U.S. Southern District Court of New York against a handful of

nightclubs running Ladies' Nights. That was the same court that had decided the McSorleys' case.

With the McSorleys' case as precedence, I thought I had a sure winner, since the only difference in the cases was that guys instead of girls were discriminated against by bars and nightclubs that the State "pervasively" regulated. In addition, my case presented an argument not used in the McSorleys' case—bars and nightclubs were carrying out a public or state function, so equal protection of the Constitution applied. The Constitution only applies where the government is involved, whether federal, state, or local. "[W]hen private individuals or groups are endowed by the state with powers or functions governmental in nature, they become agencies or instrumentalities of the state and subject to its constitutional limitations." *Evans v. Newton*, 382 U.S. 296, 299 (1966). Government involvement or state action may be found in situations where an activity that traditionally has been the exclusive, or near exclusive, function of the state has been contracted out to a private entity. *Jackson v. Metro. Ed. Co.*, 419 U.S. 345, 352 (1974); *Horvath v. Westport Library Ass'n*, 362 F.3d 147, 151 (2d Cir. 2004). Guess what activity the states have always had exclusive control over—alcohol. The power of the state to control not just the sale and consumption of alcohol but the circumstances in which such occurs is an exercise of the ultimate sovereignty of a state. See *Crane v. Campbell*, 245 U.S. 304, 308 (1917). New York chose to delegate some of its exclusive functions to bars and nightclubs for operating premises where persons could purchase and consume alcohol. Bars and nightclubs, therefore, exercise a public or state function by which they are entirely dependent upon state decisions to operate successfully, See *Flagg Bros.*, 436 U.S. at 158-59, so equal protection under the Constitution applies.

I also thought the media would ignore the case because the issue was discrimination against men.

The media, however, jumped all over it and me. But I enjoy being pilloried by public opinion—a sure sign that one is right as H.L. Mencken would say.

The real surprised, however, came in court before Judge Miriam Cedarbaum at the preliminary conference. Judge Cedarbaum, an avowed PC-Feminist, started by laughing and mockingly saying, “This is an unpopular case.” To which I agreed, and responded, “So what, popularity has nothing to do with constitutional rights.”

The hearing went downhill from there with Cedarbaum interrogating me the way TV talk show hosts do their non-PC guests. She’d ask one question that I’d start answering, then interrupt with another, so I’d start answering that one, then she’d interrupt with another, and all the time I was trying to get back to finish my answer to the first question but never did because the questions and interruptions kept coming.

Cedarbaum’s questions were based on papers that one of the defendant nightclubs had submitted a few days earlier as part of its motion to dismiss; that is, to throw the case out in the first inning. Under Cedarbaum’s rules, oral argument on that motion to dismiss was not scheduled to occur for another three weeks so as to give me time to put together my papers and arguments in opposition to the defendant’s motion. Preliminary conferences, unlike oral argument on a motion to dismiss, are used for case management, to set the case’s schedule and determine what issues can be settled.

Surprisingly, or perhaps not so surprisingly for a PC-Feminist, Cedarbaum treated the preliminary conference, for which I had all of one day’s notice, as the oral argument on the motion to dismiss. Cedarbaum and the defendant nightclubs had obviously laid a trap for me,

figuring they could intimidate me into withdrawing the case by assuming I would not have any counter arguments or cases, since oral argument on the motion to dismiss was not for three weeks. But they goofed. Little did she or the nightclub attorneys know that I knew more about the law for this case than they.

The turning point in the conference came when Cedarbaum hostilely declared, “You have no authorities for this case!”

“Oh yes I do!” and I cited not only the McSorleys’ case, but a U.S. Supreme Court case that had used the McSorleys’ case—cases that the female defense attorney had left out of her papers, since they didn’t support her position. Something lawyers aren’t suppose to do, but then when did a PC-Feminist ever follow the rules. Cedarbaum ignored my cases at first, and said in a mocking fashion, “Are you a lawyer?” She knew I was, since I was admitted to the Bar of the Court where she was a judge and my complaint said as much.

Enough was enough, and I replied, “I move that you disqualify yourself from this case for bias toward me, bias toward the class of men that I represent and failure to recognize cases that are more relevant than those cited by the defendants.” That put her back on her Feminist heels, and she then asked for the citations to the McSorleys’ case and the U.S. Supreme Court case. Later on with some civility, she said, “You must respect me.” To which I replied, “I do, but you also have to respect me.”

That 40 minute battle, in which the defendants’ attorneys said virtually nothing, reminded me of arguing with a girl that I had gone out with too long. It also convinced me that Cedarbaum, in true PC-Feminist fashion, would find a way to rule against equal treatment for men, especially when to rule otherwise would cost girls money, and so she did.

The U.S. Court of Appeals for the Second Circuit upheld her ruling and the U.S. Supreme Court refused to hear the case. The courts distinguished the McSorleys' case by ruling that the state's involvement did not occur at the door but somewhere between the door and the bar. Baloney! The state prohibits minors, drunks and terrorists from walking through the door of a bar, the state requires clubs to keep the lines of customers waiting to enter from making too much noise and becoming rowdy, the state has to approve the actual building in which the club is located and regulates any signs outside the club. If that's not pervasive regulation, then where does the state's control start? Is it the moment a person steps through the door to observe the unobstructed view required by the state? Is it where the luminance from the club's inside lighting falls requiring that a person be able to read a certain size print? Is it at the tables where the state requires a certain number based on the floor area? Is it at the restrooms where the state requires one for each sex, transgender or not? It goes on and on with what the state requires, but because PC-Feminism requires treating males as subhuman, the courts ruled against them.

As for the argument that the clubs were carrying out a public or state function that New York delegated to them, the courts ignored it. (Details of the court proceedings and arguments are at [MensRightsLaw.net](http://MensRightsLaw.net)).

Imagine what the result would have been, if nightclubs charged girls to enter but not guys. The courts would have ruled that unconstitutional because it violated the PC-Feminist law that females must receive preferential treatment. It wouldn't matter that charging girls more was economically fair. Girls in their 20s who live in urban areas make more than guys in their 20s, and for those in their 30s, it's equal. Conor Dougherty, *Young Woman's Pay Exceeds Male Peers'*, September 1, 2010, Wall Street Journal. Generally no one is interested in girls in their 40s, so it's girls in their 20s and 30s who frequent nightclubs. Charging them the privilege to

find a guy to fleece only seems fair. Also, back in 2007, on a per-unit of time basis, the average girl, regardless of age or location, made more than the average guy. Guys had to work 44% longer to make the iconic \$1 while girls made \$.77. If the girls had worked as long as the guys, they would have made \$1.08. They also likely made more than a guy on a per-unit of risk basis, since guys make up around 90 percent of the employees in the more dangerous jobs.

Most guys opposed the case and were in favor of Ladies' Nights because they thought it brought out lots of girls. Of course, most guys are idiots when it comes to girls. Ladies' Nights don't produce an overflow of chicks. One club owner told me he had ladies night as a way to attract men, which increased his sales of drinks—the real money-maker for a club. Guys show up expecting lots of babes, and while they wait, they drink, anticipating the babes who never come.

As for a girl who thinks Ladies' Nights bring out lots of girls, she'll see it as having to compete against more girls, which means fewer chances to attract a guy. Most girls aren't looking for chump change—free admission; they're looking for a chump to gold-dig. She'll simply add any admission fee to what she has already spent on a manicure, pedicure, leg waxing, hair styling, hair dying, latest fashions, and sexy shoes that are too tight. She's going where there's less competition. Take an informal sampling; go to clubs with Ladies' Nights and clubs without. See which has the highest percentage of girls. In NYC, there are more girls at non-Ladies' Nights.

If the Ladies' Nights case had been successful, the nightclubs would most likely have lowered the price to guys and raised it to girls. That would have meant every guy who entered a club would have more money to buy girls drinks. True the girls would have to manipulate more



drinks from the guys to make up for their admission cost, but I was confident in their genetic ability to separate a man from his money.

Also, since the girls would have ended up drinking more, they'd have more fun and so would the guys. An added benefit was that in the morning, when the girls woke up with second thoughts about what they had done the night before, they could do what they always do—blame a man, in this case me, rather than the guys they partied with. It was a win-win situation for the guys, girls, and the clubs, but the PC-Feminists wouldn't have it.

### Somewhere Beyond the Sea

Secrecy “‘provides a cloak for the malevolent, the misinformed, the meddlesome, and the corrupt to play the role of informer undetected and uncorrected.’  
Appearances in the dark are apt to look different in the light of day.” *Joint Anti-Fascist Refugee Committee v. McGrath*, 341 U.S. 123, 172 (1951)(Mr. Justice Frankfurter concurring).

Another case challenging the preferential treatment of girls and discrimination against guys, this time by the U.S. Government, charged that certain sections of the Violence Against Women's Act (VAWA), or as I refer to it, the Violence in Aid of Witches Act, or the State Violence Against Men's Act, violated the Constitutional guarantees of procedural due process, equal protection and freedom of speech for U.S. citizens, mainly men.

This lawsuit involved three other guys and myself as the plaintiffs representing the class of men who were targeted by VAWA, which was written by NOW, the Feminist Majority and other man-hating, non-profit corporations that receive federal funding. Vice President Joe Biden was responsible for its passage when he was a Senator, and Bill Clinton, or was it Hillary, signed it into law.

VAWA adopted some of the totalitarian ways of the Communist Party from the trash heap of history to control interpersonal relationships, mainly romance. It also funneled hundreds

of millions of taxpayer dollars into the pockets of private PC-Feminist organizations that provide advice to female aliens on how to fraudulently obtain citizenship.

Before VAWA, if a citizen husband decided to divorce his alien wife within two years of marrying her, the alien wife would be placed in deportation proceedings. If an American man who was dating an alien decided to break it off, the alien girlfriend would have to find another sucker to marry in order to avoid deportation when her temporary visa expired. Under VAWA, however, the alien wife or girlfriend, even if here illegally, can escape deportation and become a citizen by simply lying to Homeland Security and the Justice Department that her husband or boyfriend committed “battery, extreme cruelty, or an overall pattern of violence” against her. Those terms are so malleable under the Act that they include mockery, criticism, yelling, kissing her when she doesn’t want you to, calling her at work to see how she’s doing, not buying her the presents that she whines for, accusing her of cheating, or simply failing to do what she wants, when she wants by not reading her mind to determine what she really wants.

The moment she makes any of those or other accusations to the federal government, a veil of secrecy falls across the government’s determination of whether the American guy did what she claims he did. The secrecy is to shutout the American husband or boyfriend. He doesn’t receive any notice of the proceedings, and, if he learns about them, he can’t submit evidence to refute the accusations—any evidence from him showing he didn’t do it is ignored. The adversarial process is thrown out the window. It’s as though your favorite sports team is not told what stadium the championship game is in or the time for its scheduled defeat.

VAWA took the “he said” out of the “he said, she said.” Not only is the husband or boyfriend presumed culpable, but he’s not even allowed to prove differently, and that’s the intention of VAWA: to railroad and destroy American men by denying them due process. Even

when the same accusations are made by the alien in a state court, and that court finds the man innocent, Homeland Security and the Justice Department ignore the state verdict and still find that the guy did what the alien says he did.

To be fair, the Act also applies to citizen females who marry or date foreign guys, but the vast majority, around 85% or more, of the U.S. citizens subjected to this Star Chamber proceeding are guys, which makes it a violation of equal protection by application. The words of the Act do not distinguish between the sexes, but in reality the Act is applied overwhelmingly against guys. And it happens to thousands of them every year.

After the federal government finds that a citizen committed a wrongful act, which can be anything from an innocuous insult to a felony, it promises that no harm will come to him because all its findings will be kept secret—except from (1) federal law enforcement officials, (2) state law enforcement officials, (3) local law enforcement officials, (4) Interpol (5) his ex-wife or ex-girlfriend, (6) federal agencies that provide her benefits, (7) state agencies that provide her benefits, (8) local agencies that provide her benefits, (9) private agencies that provide her benefits, and (10) nonprofit, nongovernmental groups that provide other services to his ex-wife or ex-girlfriend. All of those organizations have access to the VAWA fact-findings of wrong doing while the one against whom the facts were found—the American—does not.

If the American is looking for a job in government or a promotion within government, a background check will turn up the VAWA fact-findings—he won't get the job. If the American's job requires that he carry a gun, the VAWA fact-findings will cost him that job. He won't even know why because the law deters anyone from telling him with a fine up to \$5,000. Just as the invisible hand of the McCarthy lists in the 1950s destroyed many innocent persons based on unsubstantiated accusations, VAWA does the same today—mainly to men.

Oh, and by the way, if any of the VAWA fact-findings about a citizen leaks or is intentionally made available to the general public, there is not a damn thing he can do—legally. There are no lawsuits or administrative proceedings he can bring to keep it from being published or to correct the false record once it's made public to prevent it from destroying his reputation, career, and life. The law is a modern-day witch hunt, only today the witches are doing the hunting.

Because VAWA's secrecy prevents any citizen from finding out exactly what the U.S. Government's fact-findings are and how they are being used against him, the U.S. Southern District Court for New York and the U.S. Court of Appeals for the Second Circuit ruled that our lawsuit's allegations of harm from VAWA were "speculative" and dismissed the case. Of course, the only reason the allegations weren't more specific was because the very statute the case challenged as unconstitutional prevented us from finding out what was going on behind the Government's closed doors, which is why we challenged VAWA in the first place.

By the courts' logic, proceedings authorized by Congress and carried out by the Executive Branch can make findings of fact against citizens, and those citizens cannot challenge the constitutionality of those proceedings or the accuracy of the findings because secrecy laws keep the proceedings and fact-findings concealed from them. Senator Joseph McCarthy would have loved that reasoning—there's no harm because Homeland Security and Justice violated your rights in secret and will not allow you to find out how its conclusions about you are being used to undermine your life.

Even the Inquisition allowed the accused to appear before its judges, although they were probably tied to the rack. The Inquisition at least gave people an opportunity to prove they did not do what they were accused of, but not the U.S. Government. With VAWA, you never know

what you're accused of or who your judges are—they skip the rack and go right to finding you guilty. Under American justice, the PC-Feminists eliminated the need for the rack because confessions were no longer required—just the lies of aliens.

The impact of VAWA, besides destroying the careers of American men, is to deter guys from marrying or dating foreigners. After all, if females will squeeze their feet into tiny shoes with stilts on one end, constrict the lower part of their bodies in panty hose, interfere with their respiration with tight push-up bras, paint their faces with cancer causing colors, pluck their eyebrows, glue fake eyelashes to their eye lids, and conduct chemical reactions on their heads to change hair color just to catch a guy, they will surely use the government to violate a guy's rights if it increases their chances. Since not all Feminists are lesbians, but most are physically or psychologically unattractive, they needed a federal law to restrict American guys to the pool of American females; otherwise, what guy would be dumb enough to go out with a female who blames him for every stupid decision she ever made.

The U.S. Supreme Court refused to hear the case. (Details of the court proceedings and arguments are at [MensRightsLaw.net](http://MensRightsLaw.net)).

### Woman's World

The third battle against preferential treatment for girls and discrimination against guys involved two lawsuits.

The first, Women Studies I, was against Columbia University's Women's Studies Program, the U.S. Department of Education for supporting the Women's Studies Program, and the New York State Board of Regents for both supporting the program and requiring that higher education adhere to Feminist dogma. The case claimed it was unfair for Columbia to have a Women's Studies Program but no Men's Studies Program in violation of Title IX and Equal

Protection, and that the New York Regents and the U.S. Department of Education violated the Establishment Clause ban on government aiding religion by the Regents propagating the new-age religion of Feminism in higher education and the federal government supporting such.

In 2009 in New York, 57% of all college students were female, 63% of the Master's degrees and over a majority of the doctoral degrees went to females. Soon, females would receive 64% of the Associate's Degrees, over 60% of the Bachelor's Degrees, 53% of the Professional Degrees, and 66% of the Doctor's Degrees. If anyone was in need of special programs dedicated to the furtherance of their education and employability, it was men—not females.

Judge Lewis A. Kaplan of the U.S. District Court for the Southern District of New York agreed with his Magistrate Judge's decision to dismiss the case. When a District Court Judge doesn't want to deal with a case, he assigns it to his Magistrate Judge and then accepts or rejects the Magistrate's decision. Judge Kaplan accepted his Magistrate's ruling on the Title IX and Equal Protection claims that the plaintiffs did not have standing because there was no harm to them under those two laws. As for the Establishment Clause claim, which the Magistrate largely ignored, Kaplan wrote, "Feminism is no more a religion than physics."

Now that might be true, but there is no way of telling without evidence of which there was none because the case never reached the stage where evidence is submitted to prove facts. The district court judge simply declared it such, not unlike the Kings and Queens of old. Despite this decree from on high, it was unlikely that any rational, non-PCer jury would find that the tenets of Feminism were as accurate as those of physics. A fundamental belief of Feminism is that the differences between the sexes are the result of social conditioning; that is, upbringing. Science, which includes genetics, evolution, and physics, disagrees. What's more irrational

(which is a characteristic of religion according to the U.S. Supreme Court) than believing sexual differences have nothing to do with genetics or evolution. The Judge was either an apostle who thought that Feminism was the one and only truth, or he was simply scared of the Feminists. I appealed.

In the U.S. Court of Appeals for the Second Circuit, during oral argument, one of the two judges resorted to a personal insult by asking me in a mocking matter, “Are you a lawyer?” I assumed he was a friend of the Ladies’ Night Judge Cedarbaum. Can’t these bureaucrats come up with original insults?

The Second Circuit upheld the District Court’s decision to dismiss. On the Title IX and Equal Protection claims, it ruled that any harm caused by the lack of a Men’s Studies Program was “speculative,” so there was no standing. Strange that the federal courts don’t say the same about the lack of a girl’s sports team when a college only has a boy’s team. Apparently the law is adjudicated one way for girls and another way for guys.

The Second Circuit also dismissed the claim that New York and the U.S. Government aided the religion Feminism because I did not state the obvious—that I was a taxpayer. Suing under the Establishment Clause of the First Amendment is the one instance where any taxpayer can be a plaintiff against the federal government. However, because I did not use the words “I am a taxpayer,” the Second Circuit dismissed that part of the case also. That type of pleading requirement had not been seen since the early 19<sup>th</sup> century when certain words had to be used or a case would be dismissed. A court of the modern era—late 19<sup>th</sup> century to the present, would have taken judicial notice of my being a taxpayer or sent the case back to the district court to allow me to present evidence, such as my income tax return. I requested the case be sent back so I could prove my taxpayer status, but the Second Circuit from the antebellum era refused.

The Second Circuit's decision was a Summary Order, which meant that the law and arguments used by the Court to throw the case out could not be relied on in other cases. Think of it as a medieval Queen free to make a decision in one case and a different decision in another case that was similar. Summary Orders are how the U.S. Courts of Appeals in nearly identical cases can rule against parties they don't like but later rule in favor of parties they do like. For example, assume girls bring a case against a Men's Studies Program for propagating a religion that states men are the chosen ones, and they fail to use the magic words, "We are taxpayers." The Second Circuit would ignore the decision against me and say the absence of those words doesn't matter. It's the exercise of arbitrary power.

Such Summary Orders are also near impossible to appeal to the U.S. Supreme Court because they have no judicial importance, since the invented law and analyses only apply against the parties of that particular case. So if a Court of Appeals doesn't like who you are or what you believe, it simply makes up some law and arguments and you lose under a Summary Order. The law changes depending on whether you are a dissident or conformist—just like under the Commies in the old Soviet Union.

In an attempt to beat the Second Circuit's Summary Order and its reliance on discredited pleading rules that originated in the Middle Ages, I brought a second Women's Studies case alleging only a violation of the Establishment Clause in which I stated four times in the complaint that "I am a taxpayer." The Women's Studies II complaint also provided an over abundance of detail showing that Feminism is a religion under U.S. Supreme Court and Courts of Appeals' decisions, and that it was promoted and financed at Columbia by the state and federal governments. New York actually requires all college programs and studies in the state to



conform to Feminist precepts under its *Equity for Women in the 1990s, Regents Policy and Action Plan, Background Paper* (1993), which is still in effect as the Regents' policy.

The District Court Judge from Women's Studies I declined to hear this second case. Guess he had enough of me, so the lawsuit was sent to another judge, a female—kind of cute actually. On All Hallows' Eve 2011, she conjured up a revisionist history of the Women's Studies I case so as to throw out the Women's Studies II case based on the technicality of *collateral estoppel*. It means once you completely litigate an issue and it is decided, you can't bring it again in a new case against the same parties (remember this for later). The Judge claimed that in Women's Studies I the Establishment Clause issues of taxpayer and non-economic standing were fully litigated and decided as they applied to me, the only plaintiff in both cases, so I didn't have standing in Women's Studies II. That's factually wrong, but try telling that to a female judge if you're a man.

In Women's Studies I, the Magistrate ignored the taxpayer and non-economic standing issues under the Establishment Clause, and Judge Kaplan only made a decree that Feminism was not a religion without hearing any evidence—that's not good enough for "fully litigated" in the America I once knew. As for the Court of Appeals in Women's Studies I, the most favorable politically-correct or Feminist spin that could be put on its proceedings is that the taxpayer issue was decided but not litigated, and the non-economic standing issue was completely ignored by the Court.

Right after the district court judge's decision in Women's Studies II, two other men came forward to join the Women Studies II case as plaintiffs. I made a motion to the female district court judge to rescind her decision, and permit me to amend the complaint to include the two new plaintiffs. Since the two new plaintiffs were not involved in Women Studies I, the Judge

couldn't possibly divine facts that the prior case had fully litigated and decided Establishment Clause standing with respect to them—or could she?

She used a different tack by ruling the law didn't allow for an amendment to add new plaintiffs after the original complaint was dismissed for lack of standing. Strange that in the Women's Studies I case, one of the Court of Appeals' Judges admonished me for not trying to amend the complaint in that case after the district court judge dismissed for lack of standing. Guess what the law is depends on whether it will rid the federal courts of men fighting for equality.

The Women's Studies II case was appealed to the U.S. Court of Appeals for the Second Circuit. The three judge panel upheld the district court by saying that the issues of non-economic and taxpayer standing had been “fully litigated and decided” in Women's Studies I, when of course they hadn't, and the complaint could not be amended because the two “new plaintiffs are not new evidence,” even though the two new plaintiffs would have testified to new facts concerning them. Sounded like new evidence to me.

The kicker, however, was the three Judges' blatant abuse of power by threatening me with Rule 11 sanctions to forever ban me from representing anyone, in any case, raising the issue of whether Feminism is a religion. That's no different than a Jim Crow court in the 1890s threatening the attorney for the New Orleans Comité des Citoyens with fines, license suspension, or disbarment for bringing another *Plessy v. Ferguson*, 163 U.S. 537 (1896), suit with a different plaintiff on the same issue—separate but not equal. And no different than at the end of every year sanctioning the American Civil Liberties Union for bringing another action with new plaintiffs against Christmas displays.

So I asked the U.S. Supreme Court to not only reverse the Second Circuit's decision, but to tell it to rescind its threat of sanctions and to stop acting like King John of England by relying on their divine right of life long tenure to arbitrarily rule in accordance with their personal beliefs instead of the Constitution:

In the four men's rights cases, the Second Circuit has acted beyond its authority by deciding in accordance with the current popular ideology Feminism even though it is the imperative duty of the courts to support the Constitution, *Prentis v. Atlantic Coast Line Co.*, 211 U.S. 210, 226 (1908)(Holmes, J.). "[The] constitution is, in fact, and must be regarded by the judges, as a fundamental law." Alexander Hamilton, *Federalist Paper No. 78*. Supplanting it with the tenets of Feminism is an act beyond a court's authority and its duty to obey the rule of law—not the rule of the "politically correct."

The Supremes, not surprisingly, refused to hear the case.

Many Feminist organizations receive much of their funding from all levels of government. If this case had succeeded, than all that aid would have stopped, which would have allowed the Feminists to show that they really are "strong and independent women."

(Details of the proceedings and arguments in Women's Studies I & II are at [MensRightsLaw.net](http://MensRightsLaw.net)).

### Do You Want to Dance

In 2009 and 2010, I stumbled my way through two Alvin Ailey hip hop Showcases choreographed by my hip hop teacher. After the August 2010 show, one of the girls sent me a photograph by way of Facebook of me sleeping in my costume on the floor before the performance. Part of the costume was a shirt, actually blouse, in a zebra pattern. I had originally planned to wear one of my rugby jerseys with the image of a bull on it, but at the last minute was told I needed a top that looked like the skin of an animal. Someone told me to check out *H & M*, but it only had girl's tops, so I was stuck with a blouse, size six, tight in the waist but loose in the chest.

Thinking that a Facebook photo was similar to a private email, I wrote the comment “I hope no one realizes that’s a girl’s blouse.” My hip hop teacher’s assistant responded, “Well if they didn’t, they know now lmaooo.” “Lmaooo,” reminded me of “lamooo,” which brought a smile to my face. I hadn’t been called that since I was a junior in high school awaiting trial for grand theft auto. My best buddy back then replaced “lamooo” with the nicknamed “Wheels.” I couldn’t figure out which term was more accurate for describing a guy who didn’t know how to drive, steals a car, and ends up totaling it and two other cars. Too bad they didn’t have hip hop back then for expressing one’s rebellious tendencies.

After learning that comments on Facebook are public, I wrote, “I hate computers. I thought this was similar to private emails. Hope Jimmy Norton doesn’t see it.”

Norton was a co-host on the Opie and Andy XM Satellite radio show that interviewed me about the case against Women’s Studies at Columbia. When I mentioned I took a hip hop class, he called me every derogatory name for queer under the sun. So, I challenged him to a duel, “Peru turns a blind eye to dueling, it’s a short flight, and no jet lag.” He declined. So, I challenged him to a traditional fist fight. He declined. So, I sued him for defamation. Didn’t win, given my very minor public figure status, but according to Norton’s attorney, it cost him a “ton of money”—probably around \$75,000. Didn’t cost me anything but a few hundred dollars for filing and printing fees and some time, which was fun. As I told a reporter for the N.Y. Post, “If you’re an attorney, you don’t have to win a case to win a case.”

Opie, Andy, and Norton used an interesting trick to gain the upper hand over any guest who dared to disagree with them.

Guests on radio talk shows generally are not in the studio with the host. The interview is conducted over the telephone. The host or audio man in the studio controls the volume of the

guest's words that go out over the air, and what the guest says is delayed to prevent people from using the seven dirty words. This way the host or audio man hears what the guest says before the audience, so he can censor it.

The three hosts, who in their spare time clean toilets with their tongues for inspiration, were interviewing me over the telephone, so when they didn't like what I said, they did what girls and girlie-males do—they started ranting epithets. These one synapse minds weren't about to intimidate or get the better of me, but when I responded, they simply turned down my volume so that the audience could not hear me. They didn't turn the volume down because I was using the seven dirty words, they were already yelling those, but because I was showing them up as not the brightest or courageous of individuals.

#### Private Eyes

Back to the Ho story. In January 2012, someone mentioned or I stumbled across an Internet posting that the number 800-898-7180 provided information on alien proceedings before the Immigration Courts, which are part of the Department of Justice. The existence of such a number seemed strange because those courts are prohibited from making available a list that the public can search to find out which aliens are before the courts and when their hearings are scheduled. The Immigration Courts can't even release their decisions because the Department of Justice believes that making these decisions public are "a clearly unwarranted invasion of personal privacy" of an illegal alien's scheming to stay in America. Although the violations of many immigration laws are crimes, the reputations of alien criminals are protected while those of American criminals are not—PC bleeding heart stupidity. However, decisions of the Board of Immigration Appeals, also part of the Department of Justice, are available to the public—if you know how to find them on Westlaw.

Given America's cuddling of aliens—especially alien whores, I figured the 800 number would require a specific code known only to the alien in order to access the Court's information. As for the Ho, logic and time—11 years since the divorce, argued there wasn't any proceeding involving her because she was most likely already a U.S. citizen thanks to VAWA under which Homeland Security made findings of fact that I had committed "battery," "extreme cruelty," or an "overall pattern of violence" against the slut. Still, why not give the number a shot? After all, a decade earlier when checking whether certain people were registered voters for a Democratic State Committeeman and buddy of mine, I searched the Ho's name in the voter rolls just on a lark. That wasn't logical because she was an alien and couldn't register to vote, but registered she did and in doing so committed federal and state felonies—not that it mattered to the authorities.

So, I called the Immigration 800 number, and it did require a specific code to access the system about an alien, but if the Ho was in the system, I had her code—her alien registration number that Immigration had given her in 2000. Punching in the number, I expected nothing—but then the automated voice said her next "Master Hearing date is set for March 30, 2012 at 9:30 am at 26 Federal Plaza in Manhattan." Whoa Ho! What was this? Did she get caught lying, committing a crime, or concealing an important fact in acquiring permanent residency or in becoming a naturalized citizen? And what was a Master Hearing?

According to a lawyer with whom I was working on a case against some of the "too big to fail banks" that caused the 2008 Recession, a Master Hearing is part of a deportation proceeding—now called "removal proceeding" by the linguistically challenged PC totalitarians who think euphemisms can change reality. Could justice have actually caught up with the Ho? Not likely, but I didn't know without more information.

When Homeland Security decides to send an alien packing, it places her in a deportation proceeding before an Immigration Court Judge who decides whether she gets bounced or not. So what did the Ho do to end up in a deportation proceeding 12 years after I, like an idiot, brought her here? That might be unknowable given the Immigration Court's secrecy.

The Immigration Court, despite its name, is not a federal court but an administrative agency. The records of federal courts are open to the public—not so this administrative agency. Immigration Court hearings, however, are opened to the public, but what good does that do the public or press, since neither can find out who's appearing when without the alien's number. It's a ruse that allows America's commie-minded bureaucrats to claim transparency while keeping the proceedings of a particular case in a black hole.

Now, however, I knew when and where for the Ho's hearing, so why not just show up at the hearing? Problem was that there are certain situations in which aliens can have a hearing closed, such as a foreign whore claiming abuse. Not knowing exactly what was going on, I didn't want to screw my chances at finding out. My presence as an ex-husband might result in the judge closing the hearing, so I needed a third party the Ho wouldn't recognize. It just so happened that through an informal college reunion, an old buddy and roommate and now a one percenter, whom I hadn't seen in 30-odd years, volunteered. No way would the Ho recognize him.

On March 30<sup>th</sup>, my buddy, alias Mr. Hammer, showed at the Immigration Court, and texted me, "I'm the only American here."

To which I responded, "Ha, ha, ha, that's America."

Hammer replied, "I hope they speak English," which, considering Obama's obsession to turn America into a banana republic, was a real concern to finding out what was going on, since

Hammer didn't speak Spanish.

The Ho, her latest sucker, a short guy, and her female Russian lawyer arrived and seated themselves in the courtroom. Apparently Mundy no longer handled her immigration matters. I wondered why?

When the Ho's case was called, in English thankfully, the discussion between the Judge and the Ho's lawyer revealed that the Master Hearing was to arraign the Ho for trial on violating the Immigration and Nationality Act by entering into a fraudulent second marriage. What second marriage? When I had previously discovered that she was competing for \$10,000 in the [www.brideus.com](http://www.brideus.com) contest, I assumed it another one of her cons. Apparently not, but why a second marriage? It wasn't for "love." She should have had her permanent residency and even citizenship by now, unless something went wrong.

The Ho's attorney asked for a postponement in setting a trial date because the Ho was appealing Homeland Security's decision that her second marriage was a fraud, which meant she got married a second time just to obtain permanent residency. The Government attorney said Homeland Security had found the second marriage fraudulent based on the documents in the Ho's file from her marriage to me, which, according to the Government attorney, Homeland Security had also found fraudulent. All of that was news to me, but definitely good news—lol. The Ho and Mundy must have done something really stupid to have Homeland Security's VAWA Unit rule against an alien female claiming her U.S. husband abused her. The Government attorney went on to say that the Ho had appealed the decision against her on the first marriage, the one to me, but she lost that appeal in 2008 or 2009. More lol.



The Government attorney, however, didn't know about the Ho appealing Homeland's finding that her second marriage was fraudulent and the Immigration Judge didn't have any documentation as to such either, so he postponed the hearing until June 1<sup>st</sup>.

The Ho and her crew left the courtroom to discuss matters in the hallway as Mr. Hammer nonchalantly followed, sufficiently close to hear. The Ho's pint-sized boyfriend ranted that the documents in the Ho's file were created by her "nut" first husband—me, so they shouldn't have been used against her to find the second marriage fraudulent. The lawyer, however, said the Ho's file also contained reports from the F.B.I., D.E.A. and the D.I.A., and those could be used against her. Apparently the F.B.I. and D.E.A. had actually conduct investigations into the Ho because of the stink I was making a decade earlier, but what did they discover? Who knows?

The D.I.A.'s involvement, which is the Defense Intelligence Agency, was another story. I had never contacted them. What the devil were they investigating her for? Perhaps she was a greater threat than I ever imagined, but I would never find out. Anyway, the existence of those reports helped explain why Homeland Security denied her a VAWA "battered spouse" waiver with respect to her marriage to me. It surely wasn't because Homeland Security's VAWA Unit found me innocent of abusing her, which those Feminazis rarely if ever do, since men aren't allow to defend themselves in its proceedings.

So what actually happened between the Ho and Homeland Security concerning my marriage to her? Fat chance, I'd ever get my hands on those government reports, but maybe I could find the 2008 or 2009 appeal decision.

The Board of Immigration Appeals ("BIA") hears appeals from the Immigration Courts. The VAWA Unit decision concerning her marriage to me would have sent the Ho to the Immigration Court for a decision on deporting her. The Ho would then appeal a decision to

deport her to the BIA. Unlike the Immigration Courts, the BIA publishes its decisions, but only the important ones are on its website, which didn't include any decision concerning the Ho. The only possible place that might have the decision in New York City was the Association of the Bar of the City of New York law library, and the only possible person that could find it was the reference librarian. It took him maybe five minutes navigating through a labyrinth of legal misdirections to dig up the decision—always nice dealing with people who know their stuff.

*In re: Alina Shipilina* was decided February 12, 2009, and the Ho's lawyer on the appeal was the same old man, Jack Sachs, who defended her in the RICO case. Guess he hadn't tired of being paid in sex. Maybe he was in partnership with the grandpa in Cyprus. Anyway, somewhere along the line, the Ho had dumped her immigration lawyer Mundy, probably because he had changed his taste from her cold body to cold hard cash.

According to the BIA decision, the Ho filed for a VAWA "battered spouse" waiver with the VAWA Unit on June 1, 2002, six months after our divorce. Back then, aliens could file after the judicial termination of a marriage, but today they have to file while still legally married. Two years later, on October 1, 2004, Homeland Security's VAWA Unit denied the waiver and deportation proceedings were started against her in the Immigration Court. She must have freaked. Yes! The VAWA Unit decided against her not because it found no abuse by me, but that the Ho did not marry me in "good faith"—no kidding Sherlock. The lack of good faith means she married me just to obtain admission to the U.S. and a green card, also called permanent residency.

The VAWA "battered spouse" waiver has two requirements:

First, that the U.S. citizen spouse abused the alien spouse for which Homeland Security relies on the alien's word, the word of the alien's lawyer, the word of the alien's Feminazi

adviser (both adviser and lawyer are usually paid for by the federal government—your tax dollars), and any legal documents that do not include the citizen spouse's side. For instance, temporary orders of protection that are issued by a court without hearing from the citizen and complaints filed by the alien with the police, which also do not include the citizen's side of the story. Homeland Security also bars the citizen spouse from participating in its proceedings and ignores any exculpatory evidence he may submit even though its VAWA Unit is making fact-findings about what the citizen did. As for the one-sided legal documents—temporary orders of protection and complaints filed with the police—any subsequent records of legal proceedings showing that the alien lied to the court or police about abuse are either never presented to the VAWA Unit because the alien is not going to submit them or are ignored because the citizen sends them to the Unit. The VAWA Unit's kangaroo court procedures were created by the PC-Feminazis not to assure that girls have the last word, but to assure that they have the only word.

In my case, there were around 600 pages of apparent accusations and alleged evidence against me that I had obtained through an FOIA request from which I never expected to receive anything. Most of it, however, was redacted, but among the documents that weren't were the Ho's complaint to the police that I tried to extort money from her and the temporary order of protection she obtained by lying to the Queens Family Court. Sure, the cops never bothered to investigate the extortion charge and the order of protection was dismissed, but that didn't matter to Homeland Security because its procedures guaranty that evidence exonerating the U.S. citizen are never reviewed.

Once Homeland Security's VAWA Unit makes its unsubstantiated fact-findings about a citizen abusing an alien, they are kept from him, although the alien, all law enforcement agencies, and certain Feminazi organizations have access. So for me, I still don't know for sure

what Homeland Security concluded, but it seems likely it found that I had committed battery, extreme cruelty or a pattern of violence against the alien ho. The BIA decision, however, did mention in passing one accusation against me that didn't fly: "[T]he respondent's [the Ho's] assertion that her ex-husband forced her to work as a nude dancer [stripper] in the United States is undetermined by the fact that she worked in this profession before and after her divorce." That hit the Ho where it hurt, since she always pretended she was just a go-go girl and not a nude dancer or stripper, which to Russians means prostitute. (Maybe I'll have the BIA decision disturbed in Krasnodar, as I did with her diary.)

That part of the BIA's decision indicated that the Ho's diary was used by both the VAWA Unit and the Immigration Court's Judge; otherwise, how did they know she was a stripper before my marriage to her—no way would she admit that. The diary probably came from the Moscow Embassy, since I had sent it to my contact there and he must have passed it along.

The second requirement for a VAWA "battered spouse" waiver is that the alien marry in good faith and not just to acquire a green card. The Ho and her attorney at the time, Mundy, must have really screwed up to blow that part. All they needed to do before the VAWA Unit was what lawyers and Russian hos are adept at—phony up some evidence. They wouldn't even have to worry about the other side, meaning me, exposing their counterfeit evidence because as an ex-husband I was exiled from the entire process. How could these two idiots fail to show that the Ho had gotten married out of some sappy romantic notion? There were plenty of lame cards and letters to show a courtship, there were photographs of the wedding, we lived together for a while, she was on my health insurance policy, and there are many Russians willing to bear false witness for a few dollars that we had a real marriage.

With all that going for her, she and Mundy still blew it before the VAWA Unit, in part, because of her pathological obsession to evade taxes. When the Ho filed her tax return for the year 2000 during which we were married, she file as “single” instead of “married filing separately” because she paid fewer taxes that way. The BIA decision indicates the VAWA Unit used that as evidence the marriage was not made in good faith. That’s what the Ho gets for being kopek wise but ruble foolish.

With the VAWA Unit’s October 2004 denial of her VAWA “battered spouse” waiver, the Ho’s whoring ass was put in a deportation proceeding before the Immigration Court. She dumped Mundy at that point because (1) he goofed on the good faith issue and (2) the Office of Violence Against Women in the Department of Justice no longer paid her legal fees because the removal proceeding charged the Ho with the crime of marriage fraud. The Office’s Legal Assistance for Victims Grant Program cannot pay for the criminal defense of a “victim” charged with a crime. However, it can and does pay to destroy the careers of citizens and bankrupt them in defending against false accusations by aliens made in family court cases. Without the federal government picking up her legal costs, the Ho turned to Jack Sachs knowing he’d give her a discount in return for more carnal knowledge.

In order to learn more about her deportation proceeding in the Immigration Court, I requested a transcript of the trial for which I fully expected to be denied—but strangely wasn’t. According to it, during the deportation proceedings in the Immigration Court, she applied for the second time for what she thought was the VAWA “battered spouse” waiver based on her marriage to me. This time the application was placed before the Immigration Court Judge in the deportation proceeding and not the VAWA Unit in Vermont. In Feminarchy America, hos always get a second bite at the apple. Sachs and the Ho hired a couple of experts and got the trial

adjourned three times from 2006 to 2008 in order to put together evidence of my alleged “battery,” “extreme cruelty,” and “overall pattern of violence.”

It didn’t do her any good because Sachs got the law confused. He requested that the Immigration Court grant the Ho the “legal termination” waiver rather than the VAWA “battered spouse” waiver. The “legal termination” waiver is closely scrutinized by immigration judges to determine whether the alien married just to live in America and whether she was at fault in the breakdown of the marriage. 8 U.S.C. § 1186a(c)(4)(B); 8 C.F.R. § 216.5(e)(2). The VAWA “battered spouse” waiver, however, is not as closely examined for whether the alien married just to come to America and the alien’s nefarious activities leading to the breakup of the marriage are ignored. The idiot Sachs ended up requesting the more difficult to obtain waiver rather than the VAWA “battered spouse” waiver that the VAWA Unit had already denied her and for which she could have tried for again in the Immigration Court but didn’t because of Sachs’ screw up.

The actual trial didn’t occur until May 2008. Sachs and the Ho, believing they were going for the VAWA “battered spouse” waiver, tried to rely on unsigned documents as evidence—probably fakes, and failed to produce the polygraph expert they claimed confirmed the Ho’s testimony about my abusing her—probably because the expert found her to be lying. A PC-Feminist social worker did testify that the Ho was a battered bimbo, and that I abused her, in part, by forcing her to work at Flash Dancers. But it didn’t matter because the key issue for the Ho under the “legal termination” waiver was whether she intended to enter a traditional marriage with me—not that she was abused. The Judge kept telling Sachs the issue before the Court was whether the Ho married me in order to enter a traditional marriage—not whether I had abused her. The onus was on her to show sincerity in marrying me. But Sachs must have been

distracted imagining himself the knight fighting valiantly for the fair damsel's honor and another assignation with the Ho.

The trial of errors ended with the Ho testifying. Responding to Sachs' questions, she said we had met at a "models party" in Moscow, which was actually the prostitute party that Perlin put on every Friday night back in 1999. She claimed I approached her when it was her pimp Perlin who sent her over to me. She proceeded to lie to the Judge that, "We got married through love, because of love, to be together," that she didn't know anything about green cards, and for her "it was important just to be with the person I loved, not where we lived." Oh puke, I thought reading that garbage. Then she started her prepared lies about abuse, which the Judge allowed but considered irrelevant because Sachs was trying to litigate the wrong waiver. "[H]e managed . . . for me to work in a strip club, but I wanted very much to work as a model, but I didn't have money for the [photograph] portfolio. [I]t hurt me [to work at Flash Dancers] because I love my husband and I just wanted to only do this for my husband." Yuk!

Sachs' questioning of the Ho confirmed that Homeland Security's VAWA Unit denied her 2002 "battered spouse" waiver based largely on her diary—ha, ha, ha, done in by her own sick vanity. Sachs' tried to argue that the diary wasn't hers and that I created it. The Judge didn't see the relevance of that to the issue of her intent to enter a traditional marriage and shut down Sachs' line of questioning. Sachs then started to say something about Mundy, but the Judge immediately went off the record, so there is nothing in the transcript of the trial about what was said. Perhaps Mundy got into a little trouble with the Ho—ho, ho, ho.

Back on the record, the Government started its cross-examination of the Ho at which point Sachs gets up to leave the courtroom, and the Judge actually has to order him to sit down. Talk about a disengaged lawyer—must have been beginning Alzheimer's. The Government

lawyer destroyed the Ho's credibility about marrying me for "love" by showing she was a perjurer. The lawyer nailed the Ho on the lie that I had made her work at Flash Dancers by getting her to admit she worked there well after the divorce. "[I]f you worked at Flash Dancers for two years starting in about July or August 2000, you were still working there when you were divorced, correct?" The Ho, "Yes." "Well my question is, he wasn't forcing you to work there as you and him did not live together anymore after [the divorce], is that correct?" The Ho was cornered and had to answer, "That's right." Then the attorney drove home the stake by referring to Homeland Security's decision denying her "battered spouse" waiver by getting the Ho to admit that she stripped in Mexico before our marriage while on a tourist visa and stripped in Cyprus before we even met.

Pretty hard to appear credible under oath when she lied about my forcing her to work as a stripper, and the reason the Government knew that was because of her diary. The Judge summarized, "You're claiming that you were working at a strip club in New York because essentially your husband forced you to. It would appear, in fact, that you willingly worked in strip clubs even before that, and worked in the strip club in New York, even after you were separated from your husband." The Ho was exposed as a perjurer. The loss of her credibility meant all that malarkey from her about marrying for "love" went out the window.

The Judge then addressed the key issue—evidence that indicated the Ho had intended to enter a traditional marriage. "I'm trying to determine if there was any actual proof that the two of you had a legitimate relationship as husband and wife. I have no witnesses here who could attest to that. I have no documents in support of the joint relationship during the marriage." The Ho was doomed.



The Judge decided against her and wrote an opinion, but the Department of Justice refuses to release that opinion even though it provided me the transcript of the trial on which the opinion is based—go figure.

The Ho lost because Sachs requested a “legal termination” waiver not realizing that it was different from the VAWA “battered spouse” waiver. She then had Sachs initiate an appeal to the BIA in 2008. The Ho had to be paying him with sex because there’s no other reason for her to continue with such an incompetent. The appeal put her deportation on hold. For some lunatic reason those two bozos didn’t file an appeal brief. Realizing their mistake, they made a motion to the BIA to file the brief late. The BIA refused and upheld the Immigration Court’s decision.

Somewhere along the line in order to hedge her staying in America, the Ho married another American sucker repeating the strategy she used with me in the hope of obtaining a green card through marriage. It’s unknown how the second marriage turned out. Maybe the guy was even dumber than me and sponsored the Ho for permanent residency or perhaps her second marriage repeated the first with the second sucker wising up and divorcing the slut. Either way, when she applied again for permanent residency, this time based on her second marriage, Homeland Security said no way Hose. The first marriage was fraudulent and based on that, so was the second marriage. Bammo, the Ho’s aging ass is once again bounced into a deportation proceeding, which was the one attended by Mr. Hammer in March 2012. But then something third worldish happened.

At the Master Hearing on June 1, 2012, which was a continuance of the March 30<sup>th</sup> hearing where the Ho’s attorney said Homeland’s second decision to deport her was on appeal to the BIA, the Judge “administratively closed” the Ho’s deportation case, which meant she could

legally stay in America. The Immigration Judge's Order states that the reason for allowing the slut to remain in America was that the "Board of Immigration Appeals reports it does not have the [Ho's] file." So where did it go? Did someone deep-six it? Was someone paid off? Didn't the same thing happen to the Ho's arrest record in Mexico City? Looked like America was turning into a banana republic where felons can get away with violating the law by paying bribes to disappear records and everyone will eventually look like Obama, except for the blonde hos, of course. The Ho was now free to continue her criminal activities in the U.S.A. as though she was a permanent resident—she won, for now anyway. Immigration could reinstitute the deportation proceeding, but unless Trump becomes the next President, that's not going to happen.

I made a stab at exposing the suspicious disappearance of the Ho's file with (1) the General Counsel for the Executive Office for Immigration Review in the Justice Department—never received a response; (2) the Inspector General for the Department of Justice—never received a response; and (3) the Chairman of the Senate Judiciary Committee, Charles Grassley—never received a response. Guess they couldn't afford the postage.

So, the Ho remained in America, making lots of money illegally, and still evading taxes. By my estimation, she's made well over two million over the past 15 years—not bad for a prostitute from Krasnodar. But she had help. The Ho simply exploited that which the Feminazis and PCers have corrupted—the immigration system and America as a whole.

#### My Little Bimbo[s] Down on the Bamboo Isle

"To impose any strait jacket upon the intellectual leaders in our colleges and universities would imperil the future of our Nation. No field of education is so thoroughly comprehended by man [or females] that new discoveries cannot yet be made. Particularly is that true in the social sciences, where few, if any, principles are accepted as absolutes. Scholarship cannot flourish in an atmosphere of suspicion and distrust. Teachers and students must always remain free to inquire, to study and to evaluate, to gain new maturity and understanding; otherwise our

civilization will stagnate and die.” *Keyishian v. Board of Regents of University of State of N. Y.*, 385 U.S. 589, 603 (1967)(Mr. Justice Brennan).

As a result of the publicity generated by the men’s rights lawsuits, a professor in New York City asked me to teach a section on men and the law as part of a Male Studies Program to be offered online by the University of South Australia. The program was going to focus on guys the way Women’s Studies Programs focus on girls so as to provide some balance to the one-sided PC-Feminist propaganda that is blindly accepted as the “truth” on college campuses. It would be the first college program of its kind in the world.

My three-week copyrighted section of one of the eight graduate courses being offered would look at how the law treated the different sexes in America and England from the beginning of the industrial revolution. Australia, like America, inherited its law from England, so I figured the students would be interested in what occurred in both America and England. My research showed that for the past 250 years, the law largely favored females—not males. Sir William Blackstone’s statement in 1765 proved prescient, “So great a favorite is the female sex of the laws.”

After the entire program was put together and on the eve of being offered to the University students, two yellow, female-dog-in-heat reporters jumped on their electronic broomsticks and scared the administrators of the University into canceling six of the eight courses, including the one with the section I was going to teach. They guillotined the teaching of the courses by lying that their content expressed “radical” and “extreme” male views by men’s rights extremists who hate females. Neither reporter ever read any of the courses’ summaries, nor interviewed me before they prominently denigrated my section and me to over seven million of their readers.

The bacchanalian-like frenzy of these two PC-Feminist, zealot reporters (they believe there are two sides to every story: the Feminist side and the politically correct side) was reminiscent of the 1933 Nazi book burnings at German universities. Back then, Joseph Goebbels said, “The era of extreme Jewish intellectualism is now at an end.” The two reporters, Tory “the Torch” Shepherd for the Rupert Murdoch owned newspaper The Advertiser Messenger Sunday Mail in Adelaide, Australia, and a reporter from the Sydney Morning Herald, owned by another multi-billion dollar global corporation—Fairfax Media Publications, could now say the same about any intellectualism in Australia that wasn’t pro-Feminist. The two sanctimonious, PC reporters didn’t go into the University and take knowledge, ideas, and facts in the form of books and throw them on a bonfire. Instead they used the modern-day torch of the electronic media to incinerate views they personally disagreed with. The end result was the same—censorship of ideas by way of verbally mutilating the ideas and those who don’t conform to current, trendy ideology.

The message was clear. On college campuses, whether in Australia or America, everybody’s freedom of speech was limited to parroting PC-Feminist propaganda as determined by self-appointed members of the “PC Ministry of Truth” and other purveyors of ignorance, mindless unanimity and hatred of men.

The high-tech book burning started when Tory the Torch, in January 2014, told an official at the University of South Australia that I had been “identified as belonging to extreme right-wing groups in the USA.” She then published articles falsely characterizing all of the courses as being “extreme” right-wing diatribes against women and the courses’ creators as right-wingers. As for me, she was correct, if having been an active member of Students for a Democratic Society, an officer in the Riverside Democratic Club in Manhattan, a New

Democratic Coalition Delegate, a Union Delegate for Local 1199, an undercover researcher for the Village Voice into a mob judge's campaign financed by Roy Cohn and the Gambino and Mangano crime families, or being a member of the Bar of various courts, and an abuser of vodka gimlets instead of drugs means I'm right wing. Of course, it doesn't, she was just lying as Feminists do in order to get their way. Then again, perhaps she confused my playing right-wing forward for Old Blue rugby with being right-wing.

Her fellow traveler in "to not tell the truth" was Amy "McNeuter" McNeilage at the Sydney Morning Herald. "McNeuter" because that's probably the way she likes her boyfriends, unless in bed. Amy, instead of picking "extreme" from the male-hating Feminist reporter's grab bag of disparaging words, pulled out "hardline" and "radical" along with "anti-feminist," a term also used repeatedly by Tory, as if that is a crime. Amy applied "radical" to the courses and their creators to mobilize public opprobrium against both because she knew her readers would never realize that the following were also depicted as "radical" in the past: America's founding fathers, the Declaration of Independence, abolitionists, the Emancipation Proclamation, the South Australian Fabian Society, Australian Lucy Morice, the group Radical Women, the Paris Commune, Edward R. Murrow's expose on Senator Joseph McCarthy, anti-Vietnam War demonstrations, environmentalists, and assorted fighters against intolerance. As for "hardline," I guess that's what she dreams of.

Tory and Amy used their "anti-feminist" accusation to mean anti-female. If there was something none of the Male Studies courses or creators were, it was anti-female, assuming for me she's young and hot. More important was that we defined Feminism the same way Women Against Feminism define it—real-life feminism has come to mean the "vilification of men, support for female privilege, and a demeaning view of women as victims rather than free

agents.” So by that definition, I plead guilty to being “anti-feminist” because I’m too intelligent not to be. Tory and Amy knew that about me because reporters in the past had publicized such; the down-under girls just chose to ignore it. I also don’t agree with Communism, Nazism and whatever the Ku Klux Klan or Obama is pushing, but they didn’t mention that either.

Regardless of whether I curtsy to sanctimonious PC-Feminism or not, what’s that got to do with teaching a course on the history of the law? Is education now limited to history that is approved by a couple of not very bright female tabloid-reporters? Apparently, yes. Tory and Amy used the “anti-feminist” label in order to take a page from the tactics of Joseph McCarthy and Roy Cohn in the 1950s. Back then, certain words were used to label persons and their creations as sub-human, anathemas and pariahs—”communist sympathizer,” “fellow traveler,” and “red,” while today self-righteous PC-Feminists use terms such as “anti-feminist,” “right-wing,” “hardline,” “masculine” and “man.”

The American hunters of communists in the 1950s had their “blacklists,” which were kept by private organizations and used by the media to destroy a person’s livelihood, or at least seriously interfere with it, by claiming he was a lefty. Today the hunters of the evolutionarily correct keep their “pinklists” on the Internet, thanks to the many man-hating PC-Feminist bloggers and reporters out for revenge because no guy asked them to the senior prom.

The pinklisters, along with reporters like Tory and Amy, have taken the place of the 1950s “loyalty review boards” that carried out so-called investigations for universities, governments, and businesses in order to certify that their programs and employees were not communistic or socialistic. Today, however, it’s the PC-Feminists who mark for economic destruction programs and people that do not adhere to their ideology.

Tory and Amy's character and course assassinations are not unlike a reporter for *Pravda* in the old Soviet Union calling a person and academic curriculum "anti-communistic." Under the evil empire, all right-thinking, or more accurately left-thinking people and policies were communistic, and under today's Evil Eve Establishment, all correct thinking people and policies are Feministic and politically correct. At least a Russian commie reporter could point to intellectuals such as Marx and Lenin to argue the virtues of "Communism." Who can Tory and Amy point to for the "correctness" of PC-Feminism—their fellow groupies at consciousness lowering sessions.

Sanctimonious PC-Feminists justify the intentional harm they wreak because they have come to believe in their exceptionalism and their sense of being the chosen ones. That they have the right to decide the destinies of men because it is only PC-Feminists who can be right—just like a bossy wife or girlfriend.

Tory also criticized me as "extreme" for advocating that men exercise their right to bear arms, which of course is necessary in order to have a fighting chance against unjust state or caliphate violence, such as occurred in 1776, 1848 at the Paris Commune, 1972 Bloody Sunday, 2014 in Kiev, or defending against ISIS loony tunes here at home.

Of course, the exercise of a right cannot be "extreme." But when the media starts criticizing rights, it deters people from exercising them, which is the same as not having them. Had Tory's views held sway during the Second World War, she and Amy might have ended up as "comfort girls."

Tory and Amy not only did not interview me for their first articles (Amy only wrote one article), but they were totally ignorant of what I was going to teach. Obviously, they follow the maxim "don't let ignorance get in the way of a good story" that furthers Feminist bigotry.

Sounds like the three monkeys, or is it the three stooges? Tory did interview me for her second article, about five minutes, but by then her and Amy's high-tech book burning had succeeded.

The down-under girls also puffed up their articles with quotes from like-minded PC-Feminist ideologues and girly-males to create the false image that all the guys involved in the Male Studies courses were demons incarnate about to roast females in their courses. Other sycophant reporters and columnists in Australia also joined the tar and feathering bandwagon. "There were Feminists to the right of me, Feminists to the left of me, Feminists in front of me volley'd and thunder'd from down under," so I sued.

The lawsuit charged the two reporters and their papers with publishing "injurious falsehoods" about my course section, "interfering with a prospective economic advantage"—my being paid for teaching the "Males and the Law" section of the "Facts and Fallacies of Male Power and Privilege" course, and the complaint accused only Tory of libeling my professional reputation as a lawyer. I didn't include the other course creators in the case because I concluded they were not interested.

Tory published four articles in all while Amy stopped at one. Most of Tory's libel occurred in her last two articles of which her January 14, 2014, article titled, *Pathetic bid for victimhood by portraying women as villains*, was a pure hate-male rant.

For example, she wrote:

"Big ups to [University of South Australia] for having the sense to reject anything linked to those at the very fringe of the men's rights spectrum . . . overseas ring ins."

"Ring in" is a gang term meaning persons who are called to help in gang wars and fights. I have never participated in a gang war, unless rugby games are considered such, but have been in a few fights—the latest of which I can't remember due to the amount of vodka in me.



She also wrote:

“You’d think I’d shut up now the plans [Male Studies program] are off the table, but it’s really important to get across the bigger picture. See, most people probably think that the men’s rights guys I was talking about - the ones who habitually call women names, argue that they routinely make up rape, and put it about that women either incite their own domestic violence or are the abusers themselves - are just circle-jerk misogynists.”

I only habitually call PC-Feminists like Tory names, and do not argue that females routinely make up rape but that false allegations of rape range from 1.5% to 90% depending on the geographical location and study methodology. Rumney, P., *False allegations of rape*, The Cambridge Law Journal 65, (2006). Neither do I argue that women are abusers, rather that 38.7% of child victims were maltreated by their mothers acting alone and 17.9% percent were maltreated by their fathers acting alone. U.S. Dept. Of Health & Human Services, *Child Maltreatment 2007*, p. 29. As for circle-jerk, not quite sure what Tory means by that, never having been to one, but I am sure she has.

More of her rants:

“They are - misogynists, I mean. And we’re talking old-school misogyny - the hatred of women - as well as the new-school misogyny - entrenched prejudice against women.”

As for me, were I such a hater of women, I would not spend so much time and money chasing them at nightclubs, in hip hop class or dating them.

The Torch continued:

“The problem is the circle is no longer closed, no longer just a bunch of angry guys in a basement. They’re trying to get up the stairs and into the light. They want to play outside with legitimate experts in men’s issues . . . .”

I am not now, nor have I ever been a troglodyte, and I am not illegitimate, although Mother did dance on tables in the late 1920s at a club in the Hotel Astor in Times Square, which could have led to anything.

And:

“It’s a classic tactic, used by pseudoscientific fraudsters. Adopt the language of the actual scientists. Find odd reports and old stories, random statistics and shocking anecdotes, and stitch them into a Hannibal Lecter-style creation that mimics valid inquiry.”

Even a blind zealot on a crusade, such as Tory, must still have a portion of her brain entertaining serious doubts when describing that which she lacks knowledge about. The “Males and the Law” section was largely based on law review articles from the mid-1800s to the early 2000s, including one commissioned by Congress for the federal court in New York. It was just going to present what the law was and is. Tory did not know any of that, but went blindly ahead accusing me of fraud. As for the “odd reports and old stories, random statistics and shocking anecdotes” that’s Tory’s specialty, if a lawyer uses such to create a false impression, he’s risking his license—something Tory is not constrained by. As for imputing that I am a Hannibal Lecter, I am neither a serial killer nor a connoisseur of human flesh, which would definitely break my Kathy Freston “The Lean” diet.

Tory’s tirades ragged on and on and can be viewed at [MensRightsLaw.net](http://MensRightsLaw.net)

In the New York State Supreme Court, where I filed the case, Tory and Amy, along with their two multi-billion dollar corporate employers, committed perjury in their first set of affidavits on the key issue of personal jurisdiction: whether the New York court had the authority to even hear the case against the four Australian defendants? The answer depended on the extent of the defendants’ contacts with the State of New York. The two reporters and the two corporations, which owned the main-stream Australian newspapers that published the articles, lied about their contacts with New York. Their man-hating attorney, Katherine M. Bolger, suborned it and probably wrote the affidavits herself, as lawyers usually do, because she didn’t

think I'd spend the time to check their affidavit statements, and she was right—I didn't. A single mother in Slovakia did it for me.

Of course, we all know that PC-Feminists like Tory and Amy have a free-pass to perjure themselves in court whenever it serves their interests and harms a man. But the corporations were another matter, and I concentrated on them, as well as Tory just in case the alleged judge did not hold with preferential treatment for lying, vat-dyed blonde bimbos.

The first set of affidavits sworn to by officials of the corporations lied that the corporations didn't have business dealings or relations with companies in New York for marketing their papers and sundry products in New York—they did.

Tory, like a typical Feminazi, told the lamest of all the lies. For example, she swore in her first affidavit that the only person she contacted in New York for her articles was me. That was obvious perjury, since the idiot named a New York professor in her first article—the same professor who had first notified me about Tory's male-bashing. Turned out Tory had been talking with the professor by way of emails for over two months. Only a brain-dead reporter could have forgotten about corresponding with a professor she had castigated in an article months earlier—or a pathological liar. Tory, in her second affidavit, begged the Court's forgiveness, which sounded strangely familiar to a cheating girlfriend who had gotten caught, and claimed that she "forgot" she had ever communicated with the New York professor.

The newspapers in their second set of affidavits still failed to admit or explain the exact nature of their business dealings and relations in New York, which were numerous, including why the business address for the Chairman of the Murdoch company that operated Tory's newspaper was 1211 Avenue of the Americas, New York, N.Y., which is the headquarters for Murdoch's parent company—News Corp.

Even Bolger submitted her own perjurious affirmation—three times! An affirmation is when a lawyer swears under penalty of perjury that her statements are true. Bolger swore that the copy of McNeilage’s article that Bolger submitted to the Court was a “true and correct” copy. It was not—it was a forgery under New York Penal Law § 170.05. Bolger deleted a chart in the beginning of McNeilage’s article that showed her malice toward the guys who created and would have taught the Male Studies’ courses. Malice is a key element of injurious falsehoods and tortious interference, which is why she deleted it.

Leading up to the first court hearing, November 24, 2014, the defendants and their lawyer, Bolger, probably figured they would win on personal jurisdiction and the case would be over. At that hearing before the male Judge, I accused the defendants of perjury and their self-righteous PC-Feminist lawyer of suborning perjury. She, like a typical PC-Feminazi, kept calling me “anti-feminist” and tried resorting to the Feminist tactic of interfering with the flow of my argument by interrupting me when it was my turn to talk, so I told her, “I don’t interrupt you—don’t interrupt me!” Naturally, she didn’t listen, so I asked the Judge to tell her. He just gave her a look and the interruptions stopped.

Her tactic of trying to bias the Judge by calling me anti-feminist didn’t work either. The Judge did two things: First, in response to Bolger’s argument that the Court did not have personal jurisdiction, he said that Bolger was arguing a “fact question,” which meant there would be discovery on personal jurisdiction to determine the extent of defendants’ contacts with New York—something the defendants didn’t want because it would prove they had committed perjury and the case would continue here in New York. Then the Judge permitted me to make an oral motion requesting an “immediate trial” on the issue of personal jurisdiction. I argued that Bolger and the defendants would continue to lie during discovery, so what was needed was a trial in

which the Judge could observe the demeanor of the defendants in the witness box rather than having their attorney manipulate their responses in affidavits or at depositions so as to avoid the truth. Lying on interrogatories, document requests, and at depositions is a lot easier than before judges who are all too familiar with lying parties and lawyers.

Allowing an oral motion to be made was within the complete discretion of the Judge, he could just as well have denied the request but did not—the tide in the battle began to turn in my favor at that oral argument because the Judge was fair-minded.

Guess what Bolger and the defendants did next—think Murdoch newspaper? You got it! They hacked into my private computer files by breaking into my digital cloud. How did I find out? Bolger filed a private legal document of mine in court that existed only on my personal computer and digital cloud, which required access codes, and was not publicly available anywhere.

The document was a privileged attorney work product of 17 pages that I had put together as tentative responses to press inquiries about the case and titled “Responses to Media.” No reporters ever picked up on the case, so none of the responses were ever made public nor was the document sent out to the media as a press release. But that didn’t stop the lying defense attorney Bolger from claiming the document was a “Media Release,” which of course communicates it was made public to the press. She actually referred to it as a “Media Release” nine times in her papers in the hope of convincing the Court it was publicly available so as to cover up her and the defendants’ criminal acts in obtaining it.

In another life, I had worked as an assignment editor, writer, and political producer at Metromedia TV News and Eyewitness TV News in New York City. I knew what the term “Media Release” meant, and that no one ever submitted a 17 page “Media Release” in the form

of the document Bolger and the defendants hacked. Given the Feminazi attorney's experience in representing news organizations, she knew it as well, but that didn't stop from lying about it.

Now I understood how those Hollywood actresses felt when their naked pictures were taken from their iClouds. Good thing I didn't have any such pictures of me on my digital cloud, not that anyone would be interested.

Immediately, I requested of the Court by an "Order to Show Cause" that the document be sealed, require Bolger and the defendants to turn over all paper and digital copies of everything they stole in their hacking—both personal and attorney work product data, Bolger and the defendants be enjoined from ever publicizing the contents, and Bolger and the defendants provide the names of everyone involved so they could be referred to the authorities.

As soon as the request was made, the case was transferred to another judge. The first Judge, an older black man, had demonstrated fair-mindedness and immunity from the modern-day, sanctimonious PC-Feminist tactics of litigation by personal destruction. The second Judge, a white middle-aged man, whom I had a case before previously, was also fair-minded, so maybe the case transfer didn't matter. That Judge denied my request for an Order to Show Cause—no big deal because he allowed me to make a formal motion, which would only take a little longer for a decision. So I filed the motion and doubted Bolger and the defendants would make public any of their ill-gotten gains while a motion for hacking was before the Court. But then something happened that I had never experienced before in any court—the case was transferred for a third time.

The third judge, Jennifer Schecter, was apparently just the type the defendants wanted— young, female and PC-Feminazi. In addition, she had been the protégé of a female Feminist judge who was related to a City Councilwoman I had dated for a time back in my 20s. One of

the Councilwoman's son, whom I regularly beat up back then for annoying his mother and me, was now the City's Controller. What a joke, he could barely add.

So what was going on? Did the Murdoch attorney exercise the influence of her client to have the case transferred to a sympathetic PC fellow traveler, or was it vengeance from an old girl-friend and her son. Who knew, but my case was now doomed.

At the May 2015 hearing before the third judge on the three motions that were before the Court, something happened that I had never experienced before in any court—once again. The papers for the key motion requesting a trial on personal jurisdiction had disappeared. Since Bolger had clearly and repeatedly suborned perjury—actually she probably wrote the affidavits—and the defendants had clearly and repeatedly committed perjury on that issue, Bolger's arguments against a trial on personal jurisdiction were implausible. So the disappearance of all the papers benefited her and the defendants.

Of the three motions, why was it that those papers were the ones to vanish. The new PC-Feminist judge tried to pressure me into withdrawing the motion, but that was not going to happen. The first Judge gave me permission to make that motion, and it was going to stay part of the case, which I had to repeat several times.

During the back and forth with the Judge, Bolger remained strangely silent. She knew as well as I that the first Judge had given me permission to make the motion, and he even instructed her on when her papers were due, which she subsequently filed. Why was she standing back from the discussion—did she know something I didn't? After the tug of war between the judge and me, she finally ruled that both sides should resubmit their papers, which we did.

It didn't do any good. The man-hating judge gave her fellow PC traveler what she wanted and threw the case out ruling the Court did not have personal jurisdiction over the

defendants. The judge knew Bolger and her clients were lying—how could she not, the evidence was overwhelming. But she hated me for being a man who dared to fight for his rights rather than kiss her feet. So, I appealed—a lot of good that would do.

The appeal went to the New York State Appellate Division for the First Department, which in the good old days had an efficient and helpful clerk's office, but these days it was a joke. A former Latino Presiding Judge of the Court decided to curry favor with the PC-Feminist and illegal alien community by appointing an incompetent south of the border female as the Clerk or Empleada de la Corte.

Normally on an appeal, a lawyer's involvement with the Empleada is non-existent since his printer files all the papers. But on this appeal, Bolger made a motion that required me to deal with the office of this south of the border oficina de secretario de la corte. When appealing a lower court decision, the appellant (here it was me) needs to provide the appeals court with the documents that the lower court's decision was based on, it's called an appendix. Bolger asked the Appellate Division-First Department to dismiss my appeal because my appendix didn't include over 400 hundred pages of irrelevant documents she had filed in Schecter's court. How do I know the documents were irrelevant—because when Bolger finally filed her brief in the Appellate Division, she did not cite to any of them, I didn't cite to any and Schecter never referred to any of them in her decision.

So why did Bolger file so many documents in the lower court—because if she won with Schecter, which was a foregone conclusion since Murdoch's corporation used its clout to get the anti-male Schecter assigned to the case, Bolger would try to get the Appellate Division to make me pay to have all those pages reproduced and filed—a cost running into the thousands of dollars. Defense attorneys with rich clients always do this in an attempt to price middle class



plaintiffs out of an appeal. Rich clients can afford printing up the masses of documents they file in the lower court hoping that if they win and their opponent appeals, they will get the Appellate Division to require their opponent to pay thousands of dollars to print up and file those documents in the Appellate Division. If the opponent is middle-class, he won't be able to afford the printing costs, five dollars a page—so he loses.

To bulk up the number of pages, Bolger filed duplicates and triplicates of the same documents. Many of the irrelevant documents were from my men's rights cases that had nothing to do with personal jurisdiction in this case. Bolger simply used them to bias judge Schechter against me for not kowtowing to PC-Feminist ideology and to price me out of an appeal. Bolger could have saved her clients the copying costs because judge Schechter would never have ruled that any man had rights when in a dispute with two PC-Feminazi female reporters.

Bolger's motion also complained that some of the documents in my appendix had not been filed in Schechter's court. Most of those had been copied from the Internet using different browsers that caused them to be formatted differently with different advertisements. The contents were identical to the documents filed with Schechter, they just looked different. Of course, bimbos like Bolger are always more concern with appearances than substance. The only thing more important to bimbos and hos is money. And that's the real reason Bolger made her motion—to increase the cost to me of appealing by increasing my printing costs and to also increase her billable hours.

The Appellate Division, including three PC-Feminist female judges and two male androgynies, fell in line with Bolger's tactic to price me out of the appeal by requiring me to print a supplemental appendix with the irrelevant documents. Legally it made no sense. The appeal was limited to the extent of contacts Bolger's clients had with New York. Then again, in

Feminarchy America, the law means nothing when it comes to any case brought by a white, heterosexual male fighting for his rights. So, I filed another 240 documents—all that I could afford, but the Appellate Division, this time four PC-Feminist judges and one male androgyny, ruled that's still not enough and kicked the case and me out of court.

During my battle with the ideologically-corrupt judges in the Appellate Division, I was also fighting with the los cretinos in the Appellate Division's Clerk's Office. During argument over Bolger's motion in the Clerk's Office, the issue came up whether I had filed a court form called the Note of Issue. The third-world millennial intake clerk said it had not been filed. I repeatedly insisted that it had until his one-synapse brain finally prodded him to look for it and miraculously he found it on the desk with the other files from my case. Apparently, the Appellate Division-First Department is still trying to decide whether it is a 19<sup>th</sup> century court requiring only paper filings or a 21<sup>st</sup> century court using digital filings or a Mexican court that can't do either competently.

The millennial idiot then said there was another problem—the Appellate Division had not received a CD of the record on appeal from the lower court. The record on appeal was a copy of all the documents that were filed in the lower court before judge Schechter. Again, I repeatedly told him that the lower court had provided the CD a few weeks earlier. He insisted it had not and directed me to go talk to the lower court's clerk. So I trudged downtown in the rain to the lower court. Its clerk gave me a certified statement that the Appellate Division's clerk had received the CD weeks earlier. Then back uptown to the Appellate Division where a different clerk pulled the CD off of the same desk where the millennial intake clerk found the Note of Issue. This new clerk explained that the CD only contained links instead of the actual documents. That was

clearly something the intake clerk could have told me without sending me on a wild goose chase downtown to the lower court.

My dealings with the Mexican clerk's office were not over yet. An issue arose on Bolger's motion. One of the papers she filed, her Reply, had been served after it was filed. Under the law, you are supposed to serve motion papers first and then file. Normally, I would not care, but it gave me another chance to show that Bolger was a congenital liar, since she claimed the Reply was served first. I submitted a letter to the Appellate Division, Bolger responded in a letter with her usual Clintonesque lies, and then I tried to submit another letter to the Appellate Division with newly discovered proof from Federal Express that Bolger had lied in her letter. That's when I ran into a different millennial clerk, tall, muscular, unshaven, and eminently arrogant who referred to himself as the "Supervising Clerk." Boy, I would have liked to have played against him on the rugby field. I'd given him the ball just to take him apart.

This clown, while talking on a telephone attached to his ear, took my letter and proceeded to swagger about the clerk's office continuing to talk on his earpiece. So I waited, and waited, and eventually he ended his telephone call. I could not tell whether it was court related or not.

He glanced at my letter with exhibits and said in an arrogant tone, "I'm not going to accept these!" He didn't say the Court wasn't going to accept them but that "I'm" not going to accept them. I told him the letter was important because it contained recently discovered proof exposing Bolger's lies that affected her Reply. He sophistically remarked, "It doesn't affect the Reply, just the service of the Reply." What an idiot! If service is improper, then due process prevents any court from considering it—that sounds like an effect.

I remarked, "So this Court accepts falsehoods and doesn't permit their corrections?" To which he arrogantly replied "Yes!" Then covering his butt, he added, "The Court's rules only

allow one letter for each side in a case.” I searched the rules and didn’t find that one anywhere. He obviously made it up to get rid of me, so he could go back to acting the big shot by taking calls on his earpiece.

As a result, I drafted a motion on Bolger’s illegal service of her Reply and her cover-up over it, and went to file it. The clerk’s office opens at 9 AM and I arrived a couple of minutes after to file my motion papers. Behind me was another attorney also filing motion papers. A lady clerk with a Spanish accent told us that we would have to wait because the system was not up and running—whatever that meant. The other attorney had previously been told by the clerk’s office to arrive as early as possible, and I was told to file any papers before 10 AM. Both of us had other appointments, but we had to wait. During our wait, I heard the lady clerk talking with another female clerk and tried to listen for any indication as to what the problem really was and how long it would take to fix it. They were talking in Spanish, however, which I do not speak—felt as though I was back in Ecuador or Los Angeles. The third-world intake clerk finally arrived for work, which was the real reason we couldn’t file our papers. So two American attorneys in America ended up wasting half an hour on these incompetents with a Mexican attitude toward work. The Appellate Division judges, the original three PC-Feminist female judges and the two male androgynies, denied my motion—guess female attorneys can violate the court’s rules and lie with impunity.

I did send a letter to the Appellate Division’s Acting Presiding Judge complaining about the personnel in his clerk’s office—twice, but never once heard back.

With the Appellate Divisions’ dismissal of my case against the PC-Feminazi book-burning bimbos from down under, I made a motion to the State’s highest court, the Court of Appeals, requesting that it allow me to appeal the Appellate Division’s dismissal.

My argument was simple: the Appellate Division effectively overruled the policies behind the Court of Appeal's ruling in *E. P. Reynolds, Inc., v. Nager Electric Company, Inc.*, 17 N.Y.2d 51, 55-56 (1966) and the policies of the *Second Preliminary Report of Advisory Comm. on Practice and Procedure* (N. Y. Legis. Doc., 1958, No. 13), pp. 344-347; Eleventh Annual Report of N. Y. Judicial Council, 1945, pp. 414-416.). The growing concern over the high and continually increasing cost of printing documents from the lower court for an appeal and the use of it by "deep-pockets" to deter appellate review caused the State Legislature to institute the appendix system. That system allows for printing only the relevant portions of the lower court's record. *E. P. Reynolds, Inc., v. Nager Electric Company, Inc.*, 17 N.Y.2d 51, 55-56 (1966) stated:

We note that the appendix system was adopted in New York after extended study indicated the need to reduce the cost of printing records on appeal. (*Second Preliminary Report of Advisory Comm. on Practice and Procedure* (N. Y. Legis. Doc., 1958, No. 13), pp. 344-347; Eleventh Annual Report of N. Y. Judicial Council, 1945, pp. 414-416.). . . .

The draftsmen [of CPLR 5528] assumed that the main practice problem would be the printing of appendices that were too extensive rather than too attenuated. Thus, while the provision for sanctions in subdivision (e) of CPLR 5528 allows the court to "withhold or impose costs" for "any failure to comply with subdivision (a), (b) or (c)" (see 7 Weinstein-Korn-Miller, *N. Y. Civ. Prac.*, par. 5528.03, p. 55-208 [1965]), the draftsmen assumed that the power would be exercised "if unnecessary parts of the record are printed;" (*Second Preliminary Report of Advisory Comm. on Practice and Procedure* (N. Y. Legis. Doc., 1958, No. 13), p. 354; italics supplied). This, of course, is the situation in which sanctions are most useful.

The most effective guarantee against an inadequate appendix, of course, is an attorney's desire to supply the court with all material necessary to convince it to adopt his client's position. And with the tactical and practical risk of omission so great, the main danger to be guarded against, in the view of the draftsmen, is the too verbose rather than the too cryptic appendix.

The Appellate Division wanted me to pay the cost of submitting all of the more than 400 pages that Bolger lied about needing for her brief. Over 400 pages at five dollars a page that Bolger never needed for her brief.

There are seven judges on the New York State Court of Appeals—four PC bimbats and three androgynous guys who can't figure out what they are. Too bad Trump doesn't get to appoint state judges as he does all federal judges. That's a good argument to stay out of the state courts, especially in the state that elected Hillary Clinton—twice! True to their pinko beliefs, the judges denied my motion.

“There can be no equal justice where the kind of [appeal] a man gets depends on the amount of money he has.” *Griffin v. Ill.*, 351 U.S. 12, 19 (1956)(Justice Hugo Black). Modern-day America has changed Justice Black's statement to “There can be no equal justice where the kind of appeal a white, heterosexual man gets depends on man-hating feminists and wimpy males.”

If the case had been successful, the private pinklisters and those who rely on them would have been put on notice that they are legally liable for the professional and financial damage they cause with their falsehoods and economic interference with a man's business relations. That's what finally put the nail in the coffin of the McCarthyite-Cohn inquisition of the 1950s.

#### Cloud Nine

There wasn't anything legal to do against the man-hating Judge Schecter. Sure the State had a Commission on Judicial Conduct, but it was staff mainly by girls who couldn't get a date with a man even after extensive plastic surgery. As for the guys at the Commission, they were either queer, didn't know what they were or simply terrified of girls. To the Commission employees, female judges were the untouchables (not that anyone would want to touch them).

The Commission saw its duty as protecting these nervous Nellies from those barbarian men who actually thought a judge should be competent and fair. This loony-tune belief system ignored the teachings of the Bible about all those not-so-innocent and overly malicious females. It's the modern-day version of women's rights called "Nell Fenwick Feminism." Men are either "Snidely Whiplash" or the metro-sexual wimp "Dudley Do-Right," and girls are always the victims of a male controlled society—even when their lies and tears send an innocent man up the river for decades. So complaining to the Commission, as I had done in the past with other unfit female judges, would be a waste of time. And since Schechter was a "judge," she was immune from being sued for her actions in court.

Bolger, however, could be sued for hacking into my MensRightsLaw.net website (a.k.a. iCloud)—so I did. The one nice part about being a lawyer is that when you sue the miscreants, you don't have to pay an attorney while they usually do. Even when suing other lawyers, they usually hire someone else to defend themselves because their malpractice insurance often cover's the fee—but not always.

The defendants in my case against Bolger included her androgynous male associate, Matthew L. Schafer and an unknown person designated as "Jane Doe." Whenever a lawyer suspects there are people involved in nefarious activities whose names he does not know, he throws in a couple of "John Does." I use "Jane Does"—not wanting to be gender insensitive. Of course in this age of "transgenderism," I should have put "Its." Jane Doe was probably the private investigator that Murdoch's organization used to hack into computers and cell phones.

The case was filed in the U.S. District Court for the Southern District of New York—not because the judges there were any less biased against white heterosexual men, but because they

were smarter. Sometimes bright people possess enough pride not to succumb to moronic mob mentality.

The action accused Bolger, Schaffer and Jane Doe of violating the following;

- a. The Computer Fraud and Abuse Act of 1986, 18 U.S.C. § 1030(a)(2)(C) (“CFAA”), by intentionally accessing without my authorization a computer or computers used in interstate or foreign commerce, obtaining information there from, and causing loss to my law and consulting business.
- b. The civil Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. § 1961 *et seq.*, (“RICO”)—my favorite—by engaging in wire fraud, 18 U.S.C. 1343, and robbery—theft of computer related material that violated N.Y. Penal Code § 156.30, which is a Class E felony.
- c. The Copyright Act of 1976, 17 U.S.C. § 101 *et seq.*, by copying, distributing, and displaying an unpublished attorney work product and copying or downloading other documents from my iCloud that were registered with the U.S. Copyright Office—all without my permission.
- d. Trespass to chattel under New York State law by interfering with the personal property—electronically stored information—of my law and consulting business.
- e. Injurious falsehood under New York State law by making available to the public a knowingly false representation about my business product—the attorney work product that Bolger lied about it being a press release.
- f. Replevin under New York State law by Defendants continuing to wrongfully retain copies—paper or digital—of business and personal information belonging



to me, which were stolen from a computer or iCloud used by me for business and personal purposes.

- g. For attorney defendants Bolger and Schafer, violation of the New York Rule of Professional Misconduct 4.1 by (1) knowingly making a false statement—perjury—to the New York State Supreme Court in the case *Hollander v. Shepherd, et al.*, 152656/2014 (N.Y. Sup. Ct. 2014) that an attorney work product document of my business was a press release, and (2) violating N.Y. Penal Code § 156.30 when they duplicated computer related material of my business without having any right to do so.

Bolger and Schafer’s lawyer was a Joseph L. Francoeur from Wilson Elser Moskowitz Edelman & Dicker LLP. A typical neo-McCarthyite-PC defense lawyer—addicted to personally attacking his opponent (me) and inventing accusatory falsehoods. Such lawyers lack the intelligence to argue the merits, so they resort to the typical PC-Feminist disparagements and empty threats.

In the preliminary letters among both sides and the Court, I responded to Francoeur’s school girl insults:

First, can’t these defense attorneys get over their addiction to *ad hominem* attacks and invented accusatory dissemblings? I previously worked as an associate for a defense firm, Cravath, Swaine & Moore, and they never engaged in such prevaricating and dissembling garbage as Francoeur. For example, Francoeur writes or infers:

[Plaintiff is] “a serial litigant,” [well so is the ACLU];  
“Rule 11” [sanctions were threatened against Plaintiff by the Second Circuit, what does that have to do with this case?];  
[Plaintiff’s] “attempts to establish a ‘men’s rights’ course,” [actually a program of eight courses created by various professors that was approved by a university until the Pravda Correct press demonized every one involved];  
“Judge Peter Moulton refused to sign [Plaintiff’s] order to show cause,” [but Judge Moulton did rule that the motion could be brought by noticed, and it was];  
[Plaintiff] “violat[ed] a court order,” [Plaintiff, semi-retired, could not afford the printing

costs for 400 pages of irrelevant documents filed by Francoeur's clients]; [Plaintiff is] "seeking to relitigate . . . rejected fraud allegations," [the fraud allegations in this case are different, as is the fraud that Francoeur is trying to perpetrate with his pre-motion letter]; [Plaintiff] "purposely omitted the two exhibits," [see below for exposure of this Francoeur fraud]; [Plaintiff is engaged in] "harassing litigation," [Plaintiff has a First Amendment right to go to court against those who violate his rights]; and [He is a] "vexatious plaintiff," [typical modern-day name calling].

Oh well, I'm not going to open a Twitter account to expose Francoeur's falsehoods, prevarications and dissemblings. I'll just ignore his calumny until my opposition to his motion to dismiss. . . .

Second, can't these defense attorneys refrain from cheating by violating the spirit of a court's rules? Here Francoeur refers to two exhibits: "the screenshot of Plaintiff's publicly accessible website as visited by Mr. Schafer on December 30, 2014 (Ex. 1) and the screenshot of the Google-cache version of how the website appeared on January 3, 2015." Exhibits are not permitted in a pre-motion conference letter, but Francoeur is trying to create a fraudulent image in the Court's mind based solely on his dissembling description of the two documents. It's the perfect dissemblance because the Court cannot view the documents itself to realize Francoeur's trick.

Here's the deceit in this trick by Francoeur. The Complaint at ¶ 8 alleges that once the defendants broke into the iCloud "they stripped the access codes thereby making it viewable to them and the public at any time." Without the access codes, the website became public, so of course the defendants were then able to obtain a screenshot and a Google-cache version. In that sense, Francoeur actually got a fact right, since it admits his clients' hacking—they hacked in and then stripped the codes to make the iCloud public. Without the two documents, however, the Court is not able to see through Francoeur's subterfuge [that was shown by the dates on the two screen shots, which I raised in my opposition to his motion to dismiss].

As far as the facts go, Francoeur is clearly trying to create an alternate reality to support his disingenuous arguments. He never refers to all the materials that the defendants stole from the iCloud—actually, they probably downloaded the entire site, but their law firm refuses to say. He only refers to one, calling it a "document about" the N.Y. Supreme Court case. The prevarication here is that the document was an attorney work product—big difference. . . .

Francoeur then made a motion asking the Court for an additional 10 pages for his memorandum of law to dismiss. The Court has a limit of 25 pages, but Francoeur wanted 35 pages. In opposing his request, I told the Judge:

Attorney Francoeur and his clients' conduct thus far in this action make it clear that they will just use the additional space to continue their litigation of personal destruction. In their two letters to this Court, Francoeur and his clients, also defense attorneys, have raised irrelevant matters in order to engage in their neo-McCarthyite-PC smear tactics.

The additional pages will only provide more of their self-righteous, hypocritical and bigoted ideological rants against me for resorting to the courts to defend my rights under the laws and the U.S. Constitution.

Francoeur and his clients are marked by a severe strain of intolerance toward anyone who does not believe as they do. Especially, if that person worked as a volunteer in Donald Trump's campaign for the presidency—as I did.

From the powerful to the tyrant next door, those who aim to exploit, control and silence others predictably turn to personal attacks, lies and deception.

My words didn't do any good—the Judge gave Francoeur the additional space to play his girlie PC tactic and also allowed me 35 pages, which at the time I didn't think I needed.

The Judge's decision to allow longer memoranda seemed strange to me. Judges, even in federal court, are often overwhelmed by the mere amount of papers filed in a case and the number of cases they handle, so why wasn't this Judge. Was he an Evelyn Woods speed reader? Generally, I don't bother researching judges but my suspicions were up. My Slovakian, single-mother paralegal researched his Honor. Turns out he was Latin and appointed by Obama—that explained it. He belonged to that Orwellian party of feminists, ethnics, Muslims, illegals and queers who think they are superior to everyone else, especially white males. It's the FEMIQ Party. No way he'd rule against the neo-McCarthyite-fascho defendants and their lawyer. (Fascho is a French term for fascist that Brigitte Bardot uses against the alt-left—boy was she hot in her day.) The website called "The Robing Room" lists comments by attorneys who appear before a judge. One comment on this Obamite judge was "I don't know why he's on the bench, doesn't know the law and doesn't care to." The gods must have it in for me.

After all the years, booze, dope and rugby, it takes a while for the remnants of my brain to realize something important. In this case, I missed for a few weeks that I should have requested early discovery on exactly what Bolger and her eunuch copied from my iCloud. Normally, you have to wait until after a preliminary conference in court before being allowed to demand documents and factual answers from the opposing party. The Court had scheduled one but canceled it after Francoeur said he wanted to file a motion to dismiss. Such often happens. Why bother with a time-consuming conference when a motion to dismiss may end the case. If it doesn't, then the Court will hold a conference.

There is a rule, however, that allows you to ask for documents or answers before the preliminary conference if the other side agrees or the court orders it. So the week before Bolger's attorney was to submit his memorandum of law depicting me as a demon from the TV show "Supernatural" (only to have that kind of power), I requested of Francoeur copies of all the documents Bolger and Schafer stole from my iCloud. Under the Judge's rules, Francoeur had 72 hours to respond to my request, which he received by mail on Friday morning, May 5, 2107. That gave him until Monday morning. It took him until Monday afternoon—missing the deadline. He whined like a high school girl committed to a weekend of partying that receiving my request on Friday morning gave him only one business day to respond no. This guy is a partner in an international law firm. If he didn't want to work on a weekend, he should have told an associate to handle it.

So I turned to the Court and made a letter motion requesting production of copies of the documents. The following was the gist of my motion:

The reason for my request for early discovery is simple. The full extent of defendants' nefarious activities, and therefore the harm they have caused and are in a position to cause are not fully known. Yet Francoeur argues this case should not be investigated

further with discovery—the legal system should forget about it; thereby, granting his clients the right to keep everything they took without consent to use or sell as they wish.

Naturally, I mocked Francoeur for not wanting to work on a weekend as well as lying and trying to cover-up the extent of his clients' thievery. He blew a gasket—began acting as Generalissimo Franco[eur]—demanding that I “immediately” withdraw the motion or “we” [he and the defendants] will take “appropriate” action. In PC lingo, that translates they will lie, cheat and commit any crime to get their way. What a clown, if we weren't in court, I'd challenge him to a duel. Instead, I made another motion accusing him of coercion in the second degree. It's only a misdemeanor but prohibits “expos[ing] a secret or publiciz[ing] an asserted fact, whether true or false, tending to subject some person to hatred, contempt or ridicule.” That's exactly what Generalissimo Francoeur was going to do in his dismissal memorandum of law. So I asked the Court to restrain him from engaging in personal attacks and irrelevant accusatory dissemblings—it didn't bother.

The reason for discovery of all the documents Bolger and Schafer copied was to show that when they hacked my iCloud, they downloaded everything. Throughout the proceeding, Francoeur ignored that allegation and focused only on the one document Bolger submitted to the New York Supreme Court in the case against Tory the Torch and the Murdoch newspaper. Obtaining all the documents was crucial for the copyright part of my case because a copyright action for infringement can only be brought if the work was registered with the U.S. Copyright Office. The document Bolger filed in the New York court over which she committed perjury by calling it a press release was not registered. Other documents on my iCloud, however, were registered. So, if they copied those documents, the Court could not throw out the copyright cause of action. Also, because none of those registered copyrighted documents were submitted to the New York court, Francoeur could not argue “fair use.” Courts often hold that when a

registered copyrighted document is filed in court and it is relevant to the case, there is no infringement for having copied it without the author's permission—that's "fair use." Lastly, by copying those registered copyrighted documents without my permission, Bolger and her associate would be liable for damages set out in the Copyright Act of from \$750 to \$30,000. And if I could show that they knew those documents were copyrighted, which simply meant pointing out the © on them, it could be up to \$150,000. You can see why Francoeur was trying to avoid discovery. The Court let him get away with it—what do you expect; the Judge was appointed by Obama.

Fascho Francoeur submitted his 29 page memorandum—a somewhat diatribe against me. The surprise was he didn't use the 35 pages he whined to the Court he needed—guess he ran out of insults. But my law memorandum used all of the allowed 35 pages and ended with "I am glad that [Francoeur] requested memoranda with an extended page length. I never would have been able to keep all this to 25 pages—thanks Joe." "All this" included at the beginning:

Defendants' attorney, Joseph L. Francoeur ("Francoeur"), just can't shake his neo-McCarthyite-fascho addiction to *ad hominem* attacks, lies, prevarications and invented accusatory dissemblings. Right at the beginning of his 29 page memorandum-diatribes against a proud Trump supporter (after all we won), Francoeur launches into his litigation tactic of personal destruction by demonizing me, the opposing lawyer and plaintiff. He clearly believes the Politically Correct ("PC") adage that one must vilify and incite hatred against those with whom PCers disagree for surely non-PCers are sub-humans without rights.

That last line was based on Lenin's, "we must vilify and incite hatred against those with which we disagree." I didn't cite to Lenin because I did not want to confuse the Judge that lefties are more than capable of using Nazi tactics. The Judge might have thought, oh, if the lefties do it than it is okay. Continuing:

Picking up where Francoeur left off in his pre-motion letters, he paints me as malicious, alleging I brought this action to "harass" (Def. Mem. at 3), and that it is "frivolous" as are all the cases I have brought trying to defend the rights of

white, heterosexual men (Def. Mem. at 1). I know, that very phrase is considered by half of the country as a blasphemy—but not the other half. To them, and the Founding Fathers, I have a First Amendment right to go to court against those who violate my rights and the rights of the group to which I belong.

\* \* \*

As a firm believer in not turning the other cheek, let's look at Francoeur a little. I'm sure he will whine pompously in his reply. Francoeur "spearheaded" his firm's involvement with the tax exempt organization "Safe Passage Project" that thwarts the deportation of "unaccompanied minors" who illegally enter the U.S. In effect, Safe Passage facilitates schemes to keep illegal alien youths in the U.S., such as M-13 gang members. "[T]he image of unaccompanied alien children as little children is misleading. Out of nearly 200,000 UAC apprehended from 2012 to 2016, 68 percent were ages 15, 16 or 17." Stephen Dinan, *Obama knew gang members part of illegal immigrant surge*, Washington Times, May 24, 2017. Just recently, U.S. Immigration and Customs Enforcement arrested eight gang members who illegally crossed the border as unaccompanied minors. These so-called innocent children engage in murder, racketeering, rape and sex trafficking. Stephen Dinan, *Feds nab three Dreamers, 10 UAC in nationwide gang operation*, Washington Times, May 11, 2017.

Francoeur submitted a reply in which he sniveled that I had insulted him. What did the little girl expect—he started it. It's a typical PC-Totalitarian tactic. They personally attack you in the hope you'll cave, but when you don't and respond in kind, it's boo-hoo-hoo, he's being mean to me. Sounds like the proverbial recent girlfriend. That's how androgynies like Francoeur act. Just look at that French President Macron who married his mother.

All the papers filed in the case can be read at MensRightsLaw.net under "Bimbo Book Burners' Lawyers Hack Roy's iCloud" or through the PACER website—go to New York Southern, log in, Query, Case Number 16-9800.

Usually in the district court, the judges do not bother with oral argument but make their decisions to dismiss or not based on the papers each side submits. I requested oral argument, however, because I wanted to appear in court with Francoeur. When the attorneys for both sides show up to argue in court, they usually introduce themselves to each other as a matter of courtesy. Hopefully Francoeur would approach me to do such, allowing me to insult him to his

face with the aim of a fist-fight breaking out. Such does happen in court now and then. My last court fight was in the New York Civil Court. If things went according to plan, my next one would allow me to practice my Krav Maga on a Generation Xer.

It didn't go according to plan because Francoeur never approached me, but my efforts to have a fight in court prevented me from being sanctioned by the court—ironic. Because of my request for oral argument the Judge held a two-hour hearing before deciding the motion to dismiss. Prior to the hearing, the Judge issued a list of questions that would be raised at the hearing. Most were directed at me and my first amended complaint.

In the beginning of the hearing the Judge said,

COURT: The issue is what is the basis for the claim that in fact [Defendants hacked your website.] You haven't established through documentation that in fact this website that you say, through whoever the website provider, was a secured website. Because just Googling your name quite frankly you do find references to articles that have been written where other individuals who had written the articles have had access to some website that you had. I don't know what website it is or anything like it. So at some point there were certainly publicly available information with regard to you. Whether it was with regard to the allegations of this other lawsuit, I have no idea. I guess what I am saying is you haven't established that you actually had an account that was in fact secure.

Wait-a-minute, I'm thinking, a judge is not allowed to conduct an investigation into a party. "Judges . . . have no responsibility to gather evidence and indeed commit grave error if they attempt to do so on their own." Charles W. Wolfram, *Modern Legal Ethics*, § 12.3.2.

If a judge goes looking for evidence, then he has to give reasonable notice, which means beforehand, or if after, exactly where the judge looked to obtain the evidence. The Judge did neither, which means he violated my due process rights under the Constitution. *Ward v. Village of Monroeville*, 409 U.S. 57 (1972); *Tumey v. Ohio*, 273 U.S. 510 (1927).



My response was that the information the Judge obtained by Googling my name was the result of a former website—not the one at issue in the case—that had been closed down and various interviews the press conducted with me.

During the hearing in which I did most the talking in answering the Judge’s questions, the Judge at one point said that when the hearing began he was prepared to dismiss the entire complaint and seriously considered sanctions against me for bringing it, but oral argument had changed his mind. So, thanks to my request for an oral hearing, such was prevented—for the time being at least. The Judge did dismiss all the actions except the Defendants violating the Computer Fraud and Abuse Act and the Copyright Act. However, he refused to allow me to find out all of the documents that the Defendants had copied. As for sanctions, the Judge told me to provide the Court with documents from the website host about the setting up of the website. The tide was turning.

Toward the end of the hearing, Francoeur tried putting words in my mouth on one occasion, but it was so obvious that all I needed to say in my sarcastic response was “I am not admitting that. Give me a break!” Francoeur ended with a tug at the Judge’s heart strings.

MR. FRANCOEUR: I told myself I didn’t want to belabor the point about vexatious litigation, but I would like to make a very brief point. My clients are here in the courtroom. This is a painful.

THE COURT: I saw some shaking heads back there and I figured they were people who might have an interest. Go ahead.

So that’s who all those people in the peanut gallery were. But I was just suing two persons and a Jane Doe—not eight or more, so why were they here?

MR. FRANCOEUR: It is hard to listen to. There is a lot of serious allegations. There is no merit. There is no basis. The closest we came was logic. I just ask the Court to keep in mind these are people, these are lives with reputations. It is very hard for them. There are claims being withdrawn it seems almost flippantly. It doesn’t matter to the plaintiff, but it matters tremendously to the people on it defense and I ask that the Court to keep that in mind.

THE COURT: I understand that.

I thought, hey two can play this game.

MR. HOLLANDER: Your Honor, may I say something?

THE COURT: Yes.

MR. HOLLANDER: I am 70 years old. I am going to be 71 in September. How do I get by? I get by doing the lowest of lowest of legal work called document review. One reason I am doing that document review is because of their defendants back there and their litigation of personal destruction, including Mr. Francoeur and his litigation of personal destruction. The first -- the second letter he sends to your Honor, he brings in all this irrelevant stuff in support, which I can see now didn't work to bias the Court. That is what I went through in the New York Supreme Court. Nothing but allegations, ad hominem attacks. You know why I lost the case in New York Supreme Court? Because I didn't have enough money to put together an appendix that was stuffed with irrelevant, repetitive documents that were filed in the New York Supreme Court by the defendant Bolger and Defendant Schafer. I am also a victim here. I really hate using that phrase, but I am not here as some evil Trump-ite trying to get revenge. I just want justice. My rights have been stepped on and I have been called all kinds of names by them.

The Judge repeated for me to get the set-up documents from my website host and provide such to the Court and Francoeur. The host, however, had no indication that the site was private because all it did was rent computer space. It did not set up sites and determine access—the renter did. However, I had an ace in the hole. My computer consultant who set up the site and maintained it for me provided two affidavits that right from the beginning the site was private—protected by access codes. That meant someone had hacked in and stripped the codes to make it public for a couple of weeks until I saw what was going on and had my consultant establish new codes. I also had a king in the hole. The Wayback Machine has been making archive records of websites since 1996. My website was set up in 2012. The Wayback Machine, however, can only archive publicly-viewable sites—not private sites. The Wayback had no archives of my site, which inferred, although did not prove, it was private. My consultant's affidavits and the Wayback Machine were enough for the time being to dodge any sanctions and allow me to submit another amended complaint, Second Amended Complaint, that only dealt with the

Computer Fraud and Abuse Act and the Copyright Act. The Judge also allowed Francoeur to make a motion to strike parts of the Second Amended Complaint.

During this back and forth via letters with the Court, Francoeur, who is of French descent, tried to paint my computer consultant as Russian because my consultant was in Moscow when he executed his affidavits. Francoeur was such a jerk.

My response, “My computer consultant is not Russian he is French. I would think his name makes that obvious” to a fellow Frenchman. “If Mr. Francoeur wants to employ the current trend of raising suspicion against anyone who was involved with Russians, then he should stick to the facts: I previously managed the Kroll Associates Office in Moscow and married a Russian woman whom I met while working there.”

In addition, I threw in the following in a letter to the Court:

It is clear from the continuing misrepresentations of attorney Joseph Francoeur in his March 19, 2018, letter that he desires to keep the truth hidden. But that’s understandable for someone against whom the State of New York has issued tax warrants.

In 2013 and again in 2017, the State of New York issued two tax warrants against Mr. Francoeur: Warrant Id E-038499833-W001-5 and E-038499833-W002-9. (Ex. A, Tax Warrants). A tax warrant is issued when a taxpayer refuses to pay a deficiency assessed against him. These two tax warrants were equivalent to legal judgments against Mr. Francoeur that created liens against his real and personal property, which gave Mr. Francoeur the impetus to pay what he owed. Mr. Francoeur’s tax skirting is especially egregious, since he is a lawyer. This may just be the tip of the iceberg, since the tax warrant records from before 2004 are on paper at the Department of State Office and the two above were found on the Internet.

Defense lawyers who practice in the age of the Internet should not throw verbal insults.

Francoeur had specifically requested the Judge allow him to make a motion to strike, but it was clear this clown would also add in a motion to dismiss even though the Judge did not say he could. These PC-fascho lawyers, just like the #MeTooLyingHos are genetically incapable of telling the full truth because they would lose. So for a few weeks before Franco-Fascho filed his motions, I drafted my opposition. When dealing with these PCers, it’s always best to formulate a

draft of your opposition brief first, which emphasizes the strategy you want to use. That way you won't waste the limit space you have—here 25 double spaced pages, exposing a PC-fascho's lies, prevarications and dissemblings.

At the hearing on Francoeur's first motion to dismiss under Fed. R. Civ. P. 12(b)(6), the Judge clearly wanted to know whether my iCloud was private or public—the key fact question in the case. But on this type of motion to dismiss, the plaintiff, me, must not be put to the test to prove his allegations at the pleading stage by providing evidence. *NOW, Inc v. Scheidler*, 510 U.S. 249, 256 (1994)—thank you NOW; *Hickman v. Taylor*, 329 U.S. 495, 500-01 (1947); *Geisler v. Petrocelli*, 616 F.2d 636, 640 (2d Cir. 1980). The Judge, however, clearly wanted evidence, which is why he told me to dig up proof that my website or iCloud was private. The Judge may have taken this tack because he was looking to turn the proceedings into a summary judgment situation. Summary judgment requires both sides to present their evidence as to the facts and if—only if—the remaining issues are how the law would deal with those facts, then the Judge can decide the case without a trial. If he was moving toward summary judgment—fine. If not, then I would have an issue on appeal to the Second Circuit in that he required evidence on a Rule 12(b)(6) motion.

Okay, the Judge wanted evidence, so my strategy in my opposition to Francoeur's motions was to provide all the evidence available that my iCloud, now termed in court papers "MensRightsLaw.net" or "MRL.net," had always been private. Private, that is, until Bolger and her Murdoch clients hacked MRL.net and stripped the access codes that made it public for a couple of weeks.

My opposition essentially presented the following that the website was private:

1. None of the twenty-something web archives that take snapshots of publicly viewable websites had any snapshots of MRL.net—this included the Internet Archive’s “Wayback Machine.” Libraries and other organizations have been preserving the written history of mankind since at least the Royal Library of Alexandria in 330 B.C. by storing clay tablets, papyrus scrolls, books and pictures. Over the past 20 years, much of our history has been recorded in digital form and preserved by archiving. “Today’s research libraries and archives recognize website archiving (‘web archiving’) as an essential component of their collecting practices, and various programs to archive portions of the Web have been developed around the world, from within national archives to individual institutions.” Gail Truman, *Harvard Library Report*, January 2016, at 5 (Harvard Library sponsored an environmental scan to explore and document current web archiving programs.).

2. More evidence that MRL.net was private came from the paucity of “cached” versions of a page from MRL.net. Internet services, such as search engines, record caches of publicly available webs. From September 2012, when MRL.net was created, to the end of 2014, when Bolger hacked the site, there were around 10 services or search engines that provided caches. Search Engine Showdown, *Finding Old Web Pages and Cache Copies* at 2-3, March 26, 2013. Bolger was able to provide only one cache of MRL.net from Google and that cache was taken on January 3, 2015, after she or her Murdoch clients made MRL.net public by having its access codes stripped. The only thing the Google-cache showed was that MRL.net was public on January 3, 2015—it did not show that it was public on December 30, 2014, when Defendants admit accessing the site and claimed it was public. Had MRL.net been public during Bolger and Schafer’s searching of the web in the New York State Supreme Court case from at least July 14, 2014, to December 30, 2014, when they claim to first access the site; their searching would have

easily turned up numerous caches of MRL.net, which they would have produced—they did not. The reason is simple—the site was private, so there were no caches from before they stripped the access codes.

3. My computer consultant and I both swore that when MRL.net was created, it was a private website, and that whenever accessing the site on the Internet, required codes to view it. Until January 12, 2015, that is, when I discovered that Bolger or her Murdoch clients had invaded the site. A new password was immediately applied and MRL.net remained private. Bolger and Schafer's affidavits claim the site was public when they accessed it from December 30, 2014, to January 12, 2015, and neither they nor to their knowledge did anyone hack into it. Looks like a tie! My computer consultant's sworn statements and mine were admissible evidence.

Further, my opposition argued logic. Something you'll never hear from a PCer. Bolger and Schafer, or one of their agents, were searching the Internet in the Murdoch Case beginning at least on July 14, 2014, for information on me. Why did it take them over five months to access MRL.net if it had been open to the public all that time? Also, I first learned from the Internet exhibits Bolger filed on August 29, 2014, in the New York State Supreme Court that she and others from her firm or clients were trolling the Web for anything she could spin to support her litigation by vilification. If MRL.net was public, why would I—a semi-rational man—keep it public knowing that she was searching for information?

On the copyright infringement, the screenshot of MRL.net and the January 3, 2015, Google-cache copied by Bolger's pansy, Schafer, contained material copyrighted and registered by me. That evidence simply came from the U.S. Copyright Office.

The Judge now had all the evidence available to me without being allowed discovery, which is how a plaintiff usually finds evidence. Francoeur whined to the Court that evidence is not supposed to be relied on at this stage in a case—before discovery. Funny, he did not complain of such at the hearing when the Court required me to come up with evidence that MRL.net was private. Ah, must be PC hypocrisy.

As for Francoeur's legal arguments, he wanted the entire Second Amended Complaint thrown out because it was immaterial, prejudicial and irrelevant. My opposition stated, "[I]t is settled law in this District [S.D.N.Y.] that 'immaterial allegations . . . need not be stricken unless their presence in the complaint prejudices the defendant.'" *Federated Dep't Stores, Inc. v. Grinnell Corp.*, 287 F.Supp. 744, 747 (S.D.N.Y. 1968) (internal quote *Fleischer v. A. A. P., Inc.*, 180 F.Supp. 717, 721 (S.D.N.Y. 1959)). The prejudice to be protected against by a Rule 12(f) motion to strike a complaint is "that which may be suffered if the jury sees the complaint . . . ." *Federated Dep't Stores, Inc.* at 748. But the challenged allegations in my Second Amended Complaint would not be seen by a jury because "such is not the practice in this District." *Id.* at 748 (citing *Avon Pub. Co. v. American News Co.*, 122 F.Supp. 660, 662 (S.D.N.Y. 1954)). Also, "As the cases make clear, it is neither an authorized nor a proper way to procure the dismissal of all . . . of a complaint" by using a Rule 12(f) motion. Wright & Miller, 5C *Fed. Prac & Proc. Civ.* § 1380 at 1 (3d ed.); see *Day v. Moscow*, 955 F.2d 807, 811 (2d Cir. 1992) ("not for dismissal of claims in their entirety").

Francoeur additionally argued that just by my referring to Bolger and Schafer's underhanded activities in the New York State Supreme Court case was scandalous. Of course, it was okay for him to use the proceedings in that case for his arguments, but not me—typical PC hypocrisy.

Even if the Second Amended Complaint allegations were scandalous, it didn't matter because

[w]hen the party seeking the elimination of alleged scandalous matter was the “first to hurl epithets,” a court will deny the motion to strike. *See Lewis v. Shaffer Stores Co.*, 218 F.Supp. 238, 240 (S.D.N.Y. 1963); *von Bulow by Auersperg v. von Bulow*, 657 F. Supp. 1134, 1146 (S.D.N.Y. 1987) (quoting *Lewis*, defendant is “hardly in a position to complain when plaintiff responds in kind”). Francoeur and his clients started slinging mud at the very beginning of this case by denigrating Plaintiff over a prior case that had nothing to do with this action or the Murdoch Case and tarring him as a “serial litigant,” “vexatious” and one who resorts to “harassing litigation” of an “abusive nature.” (Letter at 3, January 31, 2017, Dkt. 14; Letter at 2, April 5, 2017, Dkt. 20). They continued using irrelevancies from Plaintiff’s prior cases that had nothing to do with this action to further their disparagement of him. Francoeur’s first memorandum to dismiss cited to six of Plaintiff’s past cases—12 times, and Francoeur’s reply falsely stated that Plaintiff “attacks . . . courts” and filed an “invective filled” memorandum. (Def. Dismissal Mem. at iii-iv, Dkt. 35; Reply at 1, Dkt. 38). Francoeur’s calumny continued with his memorandum to strike by repeatedly accusing Plaintiff of harassing Defendants. (Def. Strike Mem. at 8, 11, 12, 21, Dkt. 67).

Francoeur’s *modus operandi* of dredging-up past irrelevancies gave me the idea of doing the same to him. Here’s what I wrote based on what my private investigator found:

[L]et’s take a brief look at an attorney who lives in a glass house. Throughout these proceedings, Francoeur has engaged in numerous misrepresentations, prevarications and dissemblings in order to keep the truth hidden. Such conduct is understandable for someone, according to one private detective agency, with a hidden arrest record in the County of Pulaski, Virginia that resulted in a misdemeanor conviction *in absentia* as well as someone against whom the State of New York has issued tax warrants. On July 14, 2001, Francoeur apparently committed a misdemeanor offense involving a motor vehicle, but was not arrested until July 16, 2001. He was subsequently found guilty *in absentia* on November 13, 2001, apparently for operating a motor vehicle with a device in defective or unsafe condition. Exactly what occurred is unclear for the Virginia State Police will not provide any details from its computerized Central Criminal Records Exchange unless Francoeur okays it. Nor can the Virginia courts provide any records because they were purged after 10 years. The Internet, however, contains the scraps of information above but not the full story, which allows for any number of negative conclusions as to Francoeur’s character and credibility. Such is what Francoeur has been doing in this case—spinning scraps of information into demonizing and sanctioning Plaintiff. The only difference is that the full stories behind those scraps censuring Plaintiff are



available, but Francoeur, as with Defendant Bolger, volitionally ignore the full stories.

After some reflection, I decided to take the above out. Part of my strategy in writing the opposition was to keep out of the mud where Francoeur resided.

The crux of Francoeur's Rule 12(b)(6) motion to dismiss the Computer Fraud and Abuse action rested on whether the MRL.net site was private or public. That is, whether I had provided enough evidence that the site was private to allow me discovery.

The Rule 12(b)(6) motion on copyright depended whether Bolger use of copyrighted registered documents in two court proceedings and sending them to her Murdoch clients was considered "fair use." All the documents under copyright law were unpublished.

The publication status of a work affects whether others may make fair use of it. One of the four factors analyzed in fair use analysis is "the nature of the copyrighted work." 17 U.S.C. § 107(2). The unpublished nature of a work can have a dispositive impact on the fair use analysis. In *Harper & Row, Publishers, Inc. v. Nation Enters.*, 471 U.S. 539, 564 (1985), the Supreme Court held that "[t]he fact that a work is unpublished is a critical element of its 'nature,'" under the second of the four fair use factors. *Id.* "[T]he scope of fair use is narrower with respect to unpublished works." *Id.* "[T]he author's right to control the first public appearance [publication] of his undisseminated expression will outweigh a claim of fair use." *Id.* at 555. In *Harper & Row*, the unpublished nature of President Ford's manuscript was the critical piece of evidence that defeated the fair use defense. *Id.* at 569.

So this issue depends on how much weight the Judge gives to the documents unpublished status.

Francoeur filed a reply to my opposition in which he basically lied so that his "fake facts" would fit his legal arguments. He did much the same in filing his motion to strike and dismiss papers. It's a way to get something before a court with a minimal number of billing hours. But why do it if his attorney clients have the deep pockets of a malpractice insurance company behind them? Lawyers are paid on an hourly basis, so when their clients have money, they spend more time on a case that allows them to more thoroughly examine the law, facts and

provide better arguments. The only possible answer was Bolger and Schafer did not have an insurance company paying the bills.

RICO, which was no longer part of the case, and CFAA are criminal statutes that allow for an individual to file civil actions. Although those actions are civil, they accuse the defendants of crimes that the plaintiff need only prove by a preponderance of the evidence. Bolger and her eunuch Schafer worked for the law firm Levine Sullivan Koch & Schulz when they arranged for hacking into MRL.net. That firm carried malpractice insurance for whenever the firm or its lawyers were sued. When this case started, an agent from CNA insurance contacted me requesting an extension of time to respond to the complaint. The agent said he was “handling the above claim under the commercial general liability policy for our insured Levine Sullivan Koch & Schulz regarding the litigation you served on them.” I said, “OK.” I always grant requests for additional time because I may need the same.

Then a week later Francoeur contacted me saying that he was representing Bolger and Schafer and asked for the same thing—an extension of time to response to the complaint, which I once again gave. Strange, why two requests for the same thing? So I called the CNA agent. According to him, he was not the one who hired Francoeur. That indicated CNA was not picking up the legal fees for Bolger and Schafer and the reason is simple. Lawyers’ malpractice insurance rarely covers accusations of criminal conduct. Even though actions under RICO and CFAA are civil, they are still based on criminal allegations. So by including CFAA and RICO allegations in the complaint, Bolger and Schafer are likely on the hook for some or all of the legal fees to defend—ha, ha, ha. Boy they must have been ticked when the Judge accepted my Second Amended Complaint, which required more legal fees for Francoeur to move to strike or dismiss. It also explains why he moved to strike the entire complaint, which is highly disfavored

by the courts, instead of just part. Also why he added the Rule 12(b)(6) motion to dismiss when he never asked the Court for permission to make it. So Francoeur is operating on a cash-strapped budget most likely coming out of the pockets of Bolger, Schafer and their peanut gallery.

[Update Hacked]

### Party Lights

During the battles with Australia's nouveau ideologues and hackers, I still kept going to nightclubs, usually one night on the weekend to keep my sanity with vodka gimlets and chasing young babes. Sometimes actually catching one, but generally not, since I didn't look the same as when I was younger, and I wasn't rich.

Most of the time I'd hit a club with another lawyer whom I had known for years from Upper Westside politics. He was a "one per center" and his wife had recently died, so I started showing him around the club scene. The guy I used to hang out, Mark, had found a steady girl friend and then went up the river for a few years on a securities fraud conviction. He wasn't the same when he got out. No one physically bothered him given his martial arts ability, but he had changed.

Bob, the one per center, was even more obnoxious than I, so we ended up flirting with a lot of chicks and having a lot of fun. To get in a club, we'd often go up to the doorman and ask if this was such and such a place and how do we get in. Generally, he'd unhook the rope and show us in without us having to stand in line with the millennials. Why not, we were two gray haired guys who looked like we'd spend a lot of money and not cause trouble—we deserved special treatment. Sometimes, we'd say we were looking for our daughters. Bob actually had a hot daughter, and I was looking for the daughter I never had.

Every so often, however, because we were two guys, the doorman demanded we purchase a bottle of watered-down, brandless vodka. We always declined and went elsewhere. One such club, Amnesia, said we could enter on the condition that we bought a \$350 bottle once inside, we didn't, but I decided it was time to file a complaint with the New York State Division of Human Rights against this common club practice. Nightclubs in the City were notorious for requiring guys without dates to buy a bottle for \$300 to \$500 as the price of admission while girls entered for free or \$20.

At Amnesia, the young ladies in front of us and behind weren't required to buy a bottle, so with Bob as a witness, I figured the complaint would succeed. The State investigated and basically said it wasn't sex-discrimination but age discrimination. Guess my delusional self-image kept me from thinking about that. The complaint couldn't be amended because the State did not have jurisdiction over age discrimination by a nightclub. However, the City Commission on Human Rights did. So I took the State's findings and tried to file a complaint with the City Commission for age discrimination.

The City Commission's Executive Director for Law Enforcement, Ramon Velez, refused to let me file a complaint saying there was no discrimination because had we agreed to buy a bottle, we could have entered. What a retard. Years ago in Montgomery, Alabama, people with relatively darker skin color could enter a public bus, but on the condition that they sit in the back. By Velez's reasoning, such conduct was not discriminatory because those with a different skin complexion were not barred from entering and riding the buses as long as they sat in the back.

The U.S. Supreme Court disagreed with such stupidity in *Browder v. Gayle*, 352 U.S. 903 (1956), which found that allowing blacks to enter a bus, but requiring them to sit in the back as a condition of admission was unconstitutional discrimination because it treated whites and blacks

differently. In another case, the U.S. Supreme Court ruled that a discriminatory injury can be the existence of a “barrier [read \$350 bottle of brandless, water-downed vodka] that makes it more difficult for members of one group [read older white guys] to obtain a benefit [read chasing young ladies] than it is for members of another group [read younger guys].” *Northeastern Fla. Chapter, Associated Gen. Contractors of America v. Jacksonville*, 508 U.S. 656, 666 (1993).

A letter to Velez’s boss, the Commissioner, with those arguments resulted in her telling Velez to open a case file and investigate. He didn’t like that, so he conducted an Inspector Clouseau investigation from his desk top that probably took him all of a couple of hours during his siesta break.

Velez failed to interview two of the three eyewitnesses: Bob who was with me at the time and the doorman who refused to let us in unless we agreed to buy a bottle. Velez did, however, rely on (1) two Yelp.com blogs by persons who had gone to Amnesia but whom Velez never tried to contact, whose real identities Velez did not know, whose levels of sobriety were unknown, and who were not even at Amnesia at the time Bob and I were refused admission; (2) an Internet article titled “*NYC Attorney Out To Reclaim Ex-Wife From Feminism’s Clutches, Get Laid Easier*,” written by some unknown person using the pseudonym “Jezebel” who never interviewed me, and, as far as I know, never was at Amnesia; (3) a Verified Answer by Amnesia that was useless because the person making it did not have firsthand knowledge of the facts as required by law; and (4) a missing Amnesia silent video that showed the line outside the club. How Velez could rely on a video he never saw, and, if he did, could not heard what was said because it was silent is a cute trick reminiscent of Kafka’s *The Trial*.

Velez wrote up his slipshod research in an official government document called a *Determination and Order After Investigation* in which he ruled there was no “probable cause”

that age discrimination had occurred. “Probable cause” means a reasonable person looking at all the evidence would conclude it was more likely than not that Bob and I had been discriminated against because of our age. Remember the State, which had actually sent investigators to Amnesia, found age discrimination was likely, but the Aztec descendant Velez said that didn’t matter.

Under the City’s rules, Velez’s *Order* was required to list the evidence and his reasons for finding no probable cause. Among that evidence and reasons, he wrote the following paragraph:

Complainant is a self-professed advocate for men’s rights who identifies himself as an ‘anti-feminist lawyer’ on his website, [www.roydenhollander.com](http://www.roydenhollander.com). He has filed a number of lawsuits against bars and clubs that have “Ladies Nights,” and admits in several online publications that he is ‘bitter’ from an ex-wife who used him for his US citizenship and money. Complainant’s description of himself is consistent with his pattern of filing several gender discrimination suits.

Okay, so I’m “bitter” toward my ex-wife and proud of being a lawyer who opposes the bigotry of sanctimonious PC-Feminists, but what does that have to do with an age discrimination complaint against a New York City nightclub? Nothing, unless Velez was resorting to the all too familiar PC tactic derived from how girls fight that the “personal is political,” which means “attack the person and you’ll be politically victorious.” Sounds like President Obama and Hillary Clinton, and that’s exactly what Velez was doing as well as venting his bigotry toward Euro-American males; otherwise, why include that paragraph in an official decision that is public.

As often happens when members of previously disfavored groups in America achieve a modicum of power, some of those members abuse that power to vent revenge for discrimination they suffered—both real and imagined. Velez likely believes that Euro-Americans discriminated against him; therefore, he is justified in settling the score by using his power against a member of that group. Even if Velez’s career was hampered by discrimination, it was not I who did such. More importantly, however, two wrongs don’t make a right.

Had Velez left that paragraph out, I would have said, “Okay appealing this isn’t worth the effort.” But, nooooo, this Obamite bigot tried to intimidate me by, in effect saying , that if I appealed, the City would go after me with the usual PC-Feminist mudslinging. So, I not only appealed, but filed a complaint with the City Commission on Human Rights against Velez for discrimination:

This is a complaint against Carlos Velez (“Velez”), attorney and Executive Director of Law Enforcement for the City of New York Commission on Human Rights (“City HR”), for illegally discriminating against attorney Roy Den Hollander, a Euro-American. Then again, maybe Velez discriminated against Den Hollander for being an African-American. After all, everyone’s ancestors originated in Africa. Anyway, Velez, in his capacity as the City HR’s Executive Director for Law Enforcement, intentionally discriminated against Roy Den Hollander (“Den Hollander”) in investigating and issuing a Determination and Order (“Order”) motivated by Velez’s prejudice, in part, against Euro-Americans.

The Commission ignored the complaint but not my appeal to the courts.

In the trial court, the New York State Supreme Court, a black male Judge upheld Velez’s *Order*, in part, by finding that “Amnesia’s decision for requiring \$350 bottle service was based upon a nondiscriminatory, legitimate reason of . . . the goal of furthering the image of the establishment” by populating the finite space within the club with only people who fit its image, which was youth. The Ku Klux Klan should have thought of that excuse when it was opposing integration in the 1960s. Those bigots of the Deep South could have argued that public lunch counters admit only those who furthered the counters’ image—white. Of course, maybe the Judge meant his rule only applied to older Euro-American guys trying to integrate a public nightclub filled with young babes.

Next stop was the Appellate Division for the First Department. To get around the lower court’s ludicrous endorsement of discrimination by a public accommodation in order to serve a particular image, the City argued that Amnesia’s image of youth was not intentional but the

result of demographics, “young people frequent Amnesia at a greater rate because Amnesia, like most dance clubs in New York City, attracts primarily younger patrons. This inference . . . is common sense . . . .” That’s the same type of excuse as claiming the members of a country club are all white because it is mainly white people who play golf and bridge.

In my court papers, it was necessary to make references to certain pages in Velez’s *Order*. But for some strange reason, Velez never numbered the pages of his *Order*, so I did it for him by marking the pages “uno,” “dos,” “tres,” and so on. When the case was heard by the Appellate Division, a black female Judge tried to give me a hard time over my use of Spanish to which I answered, “In the spirit of *quid pro quo*, one bad turn deserves another. Velez showed disrespect for me, so I did the same to him.” That shut her up.

The Appellate Division upheld the lower court’s dismissal of my complaint by saying that Velez didn’t do a slipshod job and was not motivated by biased toward Euro-Americans. It didn’t make legal sense that the Appellate Division even bothered with those issues because the trial court only held that the Election of Remedies doctrine prevented my filing a complaint with the City. The trial court did comment that Velez’s investigation procedure was okay and that he was not bias, but all of that was *dicta*—of no legal value:

[P]etitioner’s [that’s me] application for an order reversing the Commission’s January 11, 2013 Final Determination is denied pursuant to [the Election of Remedies doctrine]. No further review is warranted in this matter, however, were this court to review the January 11, 2013 Final Determination, this court would find that the above mentioned determination was rationally based.

The Judge says no further review, meaning legal analysis, is “warranted,” so he didn’t make any decisions on the issues of Velez’s Clouseau investigation and bias. Yet the Judge presents the conclusion he would have come to if he had done the legal analysis. How does he know what the conclusion will be without doing the legal analysis necessary to reach it? He doesn’t, so



what did he do? Simple, he followed PC ideology, if it's a white heterosexual man fighting for his rights—he loses.

On the Election of Remedies doctrine, the Appellate Division held that because I had first filed a sex discrimination complaint with the State, I was barred from filing an age discrimination complaint with the City, even though the State found age discrimination likely but had no jurisdiction to correct it. This part of the decision meant that in situations where a person complains about discrimination to the State, and the State dismisses because it finds age, partnership status, alienage, or citizenship discrimination, all of which it has no jurisdiction over in public accommodations, the person is left with no legal remedy, and the bigots win. So I made a stab for the State's highest court, the Court of Appeals, and the City submitted papers opposing my request.

The Court of Appeals only hears cases it thinks are important to New York law, so I nearly fell out of my chair at the law library when I saw they agreed to take the case. Ha-ha-ha, those Feminist, millennial-girl attorneys at the City Law Department must have scheduled an extra session with their therapists. My laughter didn't last for long, however.

The City PC-Feminist attorneys got the Court to reverse its decision to hear my case by making a motion to dismiss the Court of Appeals' decision to hear my appeal. No such type of motion exists, so the Feminist infested Court of Appeals changed it to a "Motion to Reargue"—how PC of it—and threw out its prior decision that granted me leave to appeal.

The Court rarely, rarely grants motions to reargue when it involves whether it will hear a case in the first place, especially when the movants are making an argument they previously unsuccessfully made to the Court to keep it from hearing a case. The girl attorneys for the City made the same arguments in their now Court designated "Motion to Reargue" as they did when

originally opposing my motion for leave to appeal. The only difference was they added a few more pages of talk to their reargument motion. Perhaps, like the husband of a nagging wife, the Court thought okay, okay have it your way—just shut up.

Since the Court of Appeals changed its decision once, maybe it would change it again. So I moved for reargument of the Court’s decision to deny my appeal and wrote that “since the Government of the most populous city in America was granted a second chance [bite at the apple], it seems only fair that one of its residents be granted a second shot.”

[A]n underlying assumption of the rule of law is the worthiness of a system of justice based on fairness to the individual.’ *Regents of University of California v. Bakke*, 438 U.S. 265, 319 n. 53 (1978).

Fine words, but in America today, they are meaningless for white heterosexual guys, so I lost the reargument motion and my request to appeal—not exactly a surprise. The Feminist deranged Court also fined me \$100 and the City’s copying costs for doing what the girl attorneys for the City did—make a motion for reargument. They never got their money.

The irony is that the entire case cost me around \$5,500 in expenses. That would have bought 15 bottles at Amnesia, and made Bob and I the club’s big spenders. We could have flirted, danced, fondled, and more with the pretty young ladies all night long, since they tend to gravitate to free drinks and the appearance of money. In addition, we probably would have gotten a free pass to the club into the near future.

The lesson from the Amnesia case is that today there’s a reversal of Jim Crow. Euro-Americans are now in the balcony, those with darker skin in the orchestra. Regardless of color, the bigots are still in control. (The court papers can be found at [roydenhollander.com](http://roydenhollander.com) under “Discrimination by Obamite Bigots” or N.Y. Unified Court System-ecourts-WebCivilSupreme-Index Search-13-100299-New York).

## Only in (PC) America

Fighting for my rights as a white, heterosexual male ended my ability to attract paying clients other than for close friends. Opposing attorneys would simply make me the issue in the PC-Feminist infested court system. It made no sense for a client to pay me to defend myself when it was the client who needed justice. Even I wouldn't hire me. Most Judges in New York are either sanctimonious PC-Feminist ideologues or scared of them. No way they were going to rule in favor of my client no matter how just his cause.

Even without the prevalent PC-Feminist bigotry, most judges—not all—but most in the Federal and State courts are not even a pale shadow of Justice Felix Frankfurter, Judge Benjamin Cardozo, Judge Learned Hand or Judge Jack B. Weinstein. Most judges graduate in the bottom half of their law school classes, and since law schools grade on a curve, they would have flunked out without it. They ended up as judges because the private sector weeds out the dummies. Trial judges in the New York State Supreme Court make as much as a millennial just out of law school hired by a good law firm, and, as government bureaucrats, judges don't have to worry so much about the law but what is "PC appropriate."

The financial problem facing me was how to survive until finishing what I wanted to do. I started doing extra work for TV shows and movies. Amazingly, they didn't care about my anti-PC-Feminist reputation. On one occasion a female casting director called me to do an extra role and asked, "Are you the Roy Den Hollander in yesterday's Post article?" To which I answered, "Can I plead the Fifth on that?" We both laughed, but I still got the job.

Then a piece of luck came my way—luck was something I had forgotten existed. An employment agency that specialized in renting out attorneys for temporary work called me out of the blue with an offer.

The legal profession had changed dramatically with the computer age. Now a major case between large corporations or involving the federal government no longer entailed hundreds of thousands of documents but millions. No client was going to pay a law firm for the number of associates needed to review all those documents for relevance and privilege. At the same time there was an over abundance of attorneys just out of law school and more experienced attorneys who saw their practices destroyed by the Clinton-Bush recession of 2008. Employment agencies started channeling the glut of attorneys into these cases on a temporary basis and at a fraction of the cost of a law firm associate.

“When I hadn’t eaten, I played it straight” and accepted the offer, which resulted in three and half years of steady work into 2014 reviewing documents—from near the top of the legal profession at Cravath to the bottom. Still it financed my jihada, kept me in vodka gimlets, and the case was against virtually every crooked Wall Street bank that had helped cause the recession with their montage-backed security frauds.

My money-making fate was cast—document review and extra work on which I was surviving—until Homeland Security and the Social Security Administration intruded into my life.

In June 2015, while working on another document review project, Homeland Security and Social Security informed my employer that I was an “illegal alien.”

“What!” I said to my boss, “I don’t understand, my Spanish isn’t that good!” Didn’t want to miss the chance at a joke. Anyway, there went that job and any other document review or extra work. Had the Federal Government finally targeted me for destruction, or was it some PC-Feminist, or Obamite hate-whitey bureaucrat abusing her power, or the ever present Federal incompetence?

Homeland and Social Security operate a program called E-Verify that allows any employer to determine if an employee can legally work in the U.S. The employee sends in copies of documents to E-Verify to show that he is allowed to work here. I sent two of the required documents, my driver's license and Social Security Card. BAM! Homeland and Social Security immediately confiscated my U.S. citizenship making it impossible for me to legally work in America. Boy, was I glad I didn't vote for Obama—wrote-in Putin instead.

The situation was so absurd, it made me laugh. After all, as an illegal alien, I now had more rights than as a U.S. citizen: I didn't have to pay taxes, I could get free legal advice from La Raza, and if I was arrested, I'd be sent back to where I came from—Midland Park, New Jersey. The only draw back was that people who knew about my situation started making illegal alien jokes: "You can't enter the law library without your green card," "We didn't know you could swim," or "I'll represent you in your deportation proceeding, since some tax-exempt NGO will pay my fee."

Of course, the real problem was that I needed money for my jihada, which meant work. Doubt I'd have much success hanging out with the illegals on the street corner waiting for employers to hire me in my Joseph Bank's blue pinstripe suit with an Old Blue rugby tie.

Perhaps the Violence Against Women's Act could get my citizenship back. All I'd have to do is date an American girl then accuse her of abuse. Did not matter whether it was true or not because Homeland Security would only listen to me, the illegal alien. It would conclude that I'd been abused and make me a permanent resident. In three years, I could become a citizen again. Boy, I hope she's hot.

Before trying that plan, I sent the Regional Administrator for Social Security a politically incorrect letter to which he never responded:

Your agency and the Department of Homeland Security recently rendered an e-Verify “Nonconfirmation” finding that I am not a U.S. citizen. (Ex. A). In effect, both agencies told my temporary employer at the time that I was an “illegal alien,” which resulted in the loss of employment on a project.

If you find the term “illegal” offensive, then substitute “criminal,” since anyone who entered the country in violation of U.S. law is either guilty of a misdemeanor or felony, which are criminal classifications. That is what your agency and Homeland Security effectively called me to my former employer.

All my life, I thought I was a U.S. citizen—as if that means anything anymore. My mother told me I had been born at a hospital in Paterson, New Jersey; the same town that Lou Costello was from, so perhaps this is all a Government joke.

My earliest memories are of a small town in New Jersey—a state which was one of the original colonies. We had no mariachi bands, Taco Bells or “Don’t Drink the Water” signs. However, I did take two years of Spanish in high school, but my Spanish is nowhere good enough to be an illegal.

I thoroughly understand that the Obama Administration could care less about the money, time, and annoyance this lunacy is costing me. After all, I am the Administration’s latest synonymy for demon—a white, heterosexual man who is politically incorrect, or as I like to say, “evolutionarily correct.”

Due to typical Obama Administration ineptitude or malice, I now have to prove to bureaucrats drunk with power, who enforce their sanctimonious lefty ideologies instead of the law, that I am a U.S. citizen. So, just how do I do that, since Homeland and Social Security have already rejected my Social Security card and driver’s license as invalid? Perhaps, I should just change my name to José Jiménez and leave La Raza to deal with it.

My Social Security card was issued in the 1960s. It shows that my last name is “Den Hollander.” (Ex. B). Many people of Dutch heritage have two words for a last name, such as Vincent Van Gogh, although I still have both my ears. Most illegals, however, have so many names, they can easily interchange identities. Russians do the same by using their patronymics as a last name, but that’s okay—they’re commies as are many in the current administration.

Because my last name has two words, which means “the Dutchman,” mostly likely invented by Homeland Security’s predecessors at Ellis Island when my father arrived in the 1920s, some institutions in America have shorten my last name to “Hollander” while others have combined the words into one, sometimes with a lower case “h”—“Denhollander,” sometimes with a capital “H”—“DenHollander.” And, as hard as it is to fathom, some bureaucracies have actually gotten my last name right—“Den Hollander” with a space between the words.

When Social Security switched from paper files to digital, some mentally challenged clerk probably entered something wrong from my paper file. Most likely, they muddled the last name, but it could have been anything—I have no idea. Then again, it might be malicious, since a search of my name “Roy Den Hollander” on the Internet makes clear that I do not subscribe to the prevalent loony tune PC ideology of the day that substitutes for thinking and the rule of law.

So, as the precursor to a lawsuit if necessary, here’s my proof of citizenship, which includes those bureaucracies that got my last name correct and those that did not. Therein lies a defense for Homeland Security and your agency by blaming me for bureaucratic incompetence—I should have corrected the entities that got my name wrong. Not so fast, especially where the entities relied on Homeland Security and your inaccurate computer records. Additionally, I accurately completed the many bureaucratic forms but some fool chose to fit my name into a digital formula. That’s their fault; I’m not paid to waste my time doing their job.

Alleged proof of U.S. citizenship:

Ex. B Social Security Card

Ex. C Birth Certificate

Ex. D New York State driver’s license

Ex. E George Washington University Law School alumni membership card

Ex. F Columbia University alumni reading card

Ex. G U.S. Passport

Ex. H New York State Unified Court System Attorney Secure Pass

Ex. I U.S. District Court Southern District of New York Attorney Service Pass

Ex. J Certificate of Good Standing Appellate Division of the Supreme Court of NY

Ex. K Certificate of Good Standing U.S. District Court Southern District of New York

Ex. L Certificate of Good Standing U.S. District Court Eastern District of New York

Ex. M Certificate of Good Standing U.S. Court of Appeals for the Second Circuit

Ex. N Certificate of Good Standing Supreme Court of the United States of America.

Unfortunately, I do not have a Matrícula Consular de Alta Seguridad, so the preceding exhibits may not be sufficient, and the courts will have to decide whether I originated from south of the border.

Ironically at the same time, Donald Trump was telling the truth about illegal aliens in his bid for the Presidency. My buddy Blackie suggested sending Trump a letter about how perverse the Obama Administration had become by seizing the citizenship of a native born American. My letter explained what happened and included:

The real issue here is not me; I can take care of myself, perhaps with a lawsuit against these idiots. But what of those other Americans who lose jobs that are vital to their livelihoods and families because these illegal alien sycophants and haters of everything American are too inept or malicious to do their jobs as required by the law.

No response, perhaps he's all talk.

Next stop was Ann Coulter who recently published a book titled Adios America:

This Edward R. Murrow "small picture" or "Adios America" tale maybe of interest to you.

It wasn't, guess she didn't see any money in it. So I put on my dark blue suit and Old Blue rugby tie and headed for a confrontation at the Social Security Regional Administrator's office at 26 Federal Plaza.

I decided to confront Social Security instead of Homeland security because I didn't want to end up in Guantanamo. Although if I had and escaped, I'd be riding around in 56 Chevies with hot Latinas and smoking Cuban cigars—not a bad way to go.

Federal Plaza contains Government offices that I had visited before through the side door when going to the F.B.I. and Immigration to alert them of the Ho's criminal activities. This time some Rastafarian security guard who could barely speak English would not even let me into the



building that my federal taxes paid to maintain. So I walked around to the back and snuck in a door as someone was exiting but didn't get two steps before another Rastafarian security guard who could barely speak English stopped me. Just as I always suspected, under Obama, America was now the United States of the Third World.

The Caribbean security guard sent me down to Williams Street to wait with all the other immigrants trying to con their way into America. Most of the clerks there, hiding behind bullet-proof windows, were Obama look-a-likes—just what bigots like him and his white wife wanted. But I got lucky, and my number gave me a white, middle-aged man who spoke fluent English. “How may I help you?” “I'd like my U.S. citizenship back,” and showed him the E-Verify Non-confirmation document. “Damn,” he said in surprise and went to work. He was thorough, took his time, and figured out what had happened. According to him, someone in Social Security had gone into my file recently, but he could not tell who. The white clerk made some changes and double checked everything to make sure I would not have any more problems with E-Verify. I thanked him and left. Always a pleasure dealing with a white American guy who knows his stuff.

After regaining my citizenship, I went back to doing temporary document review jobs to keep me in drinks at the trendy nightclubs on the weekend that would let me in. Drinks were now running \$20 with tip for a vodka gimlet with Absolute and Rose's Lime.

My next job was on the roof of 1115 Broadway—no joke, on the roof. The building had set up a make-shift, large office next to the building's water tower. To access the roof-top office, we attorneys took an elevator to the 12th floor, proceeded down a hallway passed numerous offices to the end of the floor where we entered the fire escape stairwell. Up a flight of narrow (two abreast), steep stairs to a door that opened onto a large wooden deck on the roof, then 10

yards down a walkway made of wood, which was opened to the elements, reaching a door that entered into the roof-top office space where we, eventually numbering 60 attorneys, worked with computers reviewing documents. The roof-top office had no other access or exit unless one considered the windows in the office that looked out on the roof and water tower—clearly a fire hazard.

It also had no heat in the middle of January, so we sat reviewing documents in our winter coats. The law firm for which we worked was Weil, Gotshal & Manges whose client Staples was in a litigation dispute with the Federal Government.

After about a week freezing my derriere, I got into a minor dispute with a squat illegal alien maintenance worker for the roof-top office space. When he tried to intimate me, I said “watch it illegal.” Not even defamatory or derogatory, since the phrase “illegal alien” is a legal term used throughout immigration cases; used by the Immigration Service; and even by the PC hypocrite Billy-Bob Clinton who used it repeatedly in his Memorandum Deterring Illegal Immigration, 60 FR 7885, February 7, 1995, 1995 WL 17211539. But as soon as the illegal’s boss told my employer what I had said, its female PC-Feminazi HR boss fired me. That’s what I get for living in a sanctuary city where the cuddling of criminal aliens trumps the free speech of U.S. citizens. And they are criminals because when they enter without permission, it’s a crime—first time a misdemeanor, second time a felony. So, I sued. My employer settled for two grand, which was fine, but I’d never be able to or would want to work for that employer again.

As for the illegal, Jairo Franco, and his boss, Dominick Olivo, who had complained to my employer, I initially sued them for various personal injuries: injurious falsehoods, defamation, harassment, etc. The illegal’s boss referred the case to his company’s insurer. Virtually every business carries insurance to cover any type of personal injury that occurs on its

premises. The insurance company picks up the legal costs and pays any judgment the courts render against the business. That would not do. This illegal and his PC-sycophant boss were going to pay personally for violating my rights—even in politically-commie America.

So I step back from my gut reaction to sue for personal injuries and re-thought the situation. It didn't make sense that Dominick Olivo, the illegal's boss, and Olivo's company, Select Office Suites, which had rented office space to my employer, would try to get me fired for calling one of its many illegal maintenance workers an "illegal." Why not just give the illegal an extended siesta break or a discount on tacos to soothe his hurt feelings. So I started snooping around and found that Select Office Suites was part of a group that not only hired illegals but found them employment—for a fee of course. By calling the maintenance worker an "illegal," it alerted Olivo and his associates that I, a former producer of investigative news stories, at least knew they hired illegal aliens, which is a racketeering crime, and might just be looking into other illegal activities at Select Office Suites. I wasn't, but they didn't know that. So they got me fired to get me off the premises to prevent me from learning more about their illegal activities.

The whole nature of the case changed. Out the window went the personal injury complaint, and in came a complaint against Olivo and Franco for violating the federal Racketeer Influenced Corrupt Organization Act—RICO! Not only did it accuse them and their associates, one of whom was Olivo's mother—a realtor and rather hot for a 50-something—of participating in a criminal enterprise that hired illegals but also accused them of running an employment agency for illegals in the greater metropolitan, sanctuary area of New York City. An added benefit was that there were no more personal injuries involved, so their insurance company would not pick up the legal fees or any judgment against them. They now had to pay their own way—"Mother of mercy!"

The illegal and his boss offered me \$8,000 to get lost—so I got lost. In the end, I made a total of 10 grand. Not a bad way to make a living, suing illegals and their sycophants—open those borders! As an added benefit, the client I was working for on the roof in the bitter cold lost its case—ha, ha, ha. That’s what Staples gets for being so cheap that it had its attorneys working in a Triangle Waste hypothermic shop.

A couple of years later while working on another document review case and recounting passed review jobs with an attorney, he told me that the NYC fire marshals had showed up and closed the roof-top operation down because someone had made a complaint.

“Yeah, I was the one who made the complaint.” We laughed.

### Saigon Bride

One last case—maybe. As with so many guys from my generation, the Vietnam War really ticked me off. Over fifty-eight thousand dead, over 150,000 wounded, and who knows how many psychologically maimed and for what—nothing!

Some of my contemporaries went willingly, so they assumed the risk. But those who were drafted were forced—648,000 of which 17,700 never returned. For the girls of my generation, eight—not 8,000, not 800, not 80, but 8 American military females died in the war and if you include American civilian females, the total is 68. All the females were volunteers—none were drafted.

In the mid to late 1960s, the draft was the sword of Damocles hovering over the head of nearly every American guy 18 to 25 years old. Girls could not comprehend the relentless terror of having the most powerful country in the history of the world lying in wait for the chance to send you half way around that world to use your life to defend U.S. business interests, such as

Firestone's rubber trees in the Mekong Delta, and to increase the profits of the "military-industrial complex."

When America finally admitted defeat and the war's stupidity in 1973, President Ford ended the draft, and two years later, registration with the Selective Service System ended. Then the Soviets invaded Afghanistan in 1980 and President Carter reinstituted draft registration even though there was no draft. To his credit, he requested that Congress amend the Military Selective Service Act to require girls to register—seemed fair, since females were considered equal to guys.

Congress disagreed by stating that the purpose of draft registration was to create a pool of potential soldiers for combat in case of a national emergency. At the time, a couple of laws and the Department of Defense's policy prohibited females from engaging in combat, so the girls, even if wearing bikinis, were not allowed to jump into the pool with the guys.

At the same time, a leftover case from the Vietnam War was being heard in the U.S. District Court for the Eastern District of Pennsylvania: initially called, *Rowland v. Tarr*, but re-titled *Goldberg v. Rostker*, 509 F. Supp. 586 (E.D. Pa.1980).

The case started in June 1971 during the War when the total number of American men who had come home in boxes or were turned into jungle fertilizer was around 45,000. Four guys in Pennsylvania, most likely destined for Vietnam because of their lottery numbers, and not the Powerball or Mega kind, didn't want to go. The lottery numbers, running from 1 to 366, depending on your date of birth, determined whether the U.S. Government was going to risk your life to make a profit for the military-industrial complex that President Eisenhower had warned against. The lower the lottery number, the more likely you were on your way. Mine was 18.

The Government instituted the lottery in 1969 in an attempt to quell opposition to the war by the classic tactic of “divide and rule.” Before the lottery, virtually every young guy faced the prospect of Vietnam when he graduated from high school or college. With the lottery, many guys knew their necks were no longer on the line, so they curtailed or ended their anti-war activities. Of course, the lottery didn’t affect females. On the night of the drawing, young men across America tuned in to listen for their fate while females went about their usual concerns with short dresses, see-through blouses, make-up, and how much their boyfriends spent on them.

By 1980, the draft was gone, so only draft registration was left to litigate in *Goldberg v. Rostker*. Surprisingly, a three judge panel of the U.S. Eastern District Court of Pennsylvania declared the Military Selective Service Act unconstitutional as a violation of Equal Protection as incorporated in the Fifth Amendment to the Constitution because it treated guys and girls differently solely because of their sex.

Whenever the federal government does something, a clause in the Fifth Amendment requires that “No person shall be . . . deprived of life, liberty, or property, without due process of law . . . .” Due process of law means “fairness,” and it is not fair for the federal government without a valid reason to treat similarly situated persons differently the way King George III did and many modern-day PC judges and bureaucrats do.

Now different groups of people who are in similar situations can be treated differently by the federal government, but in doing so, it needs to serve a valid government purpose. Whether the government purpose is a valid one and how effectively that purpose is served depends on the reason for treating similarly situated groups differently. For example, if the reason is a difference in skin color, then the government must have a “compelling” purpose that is strictly served—that’s the highest standard. If it is a sex difference, then the government must have an

“important” purpose that is substantially served—that’s the middle standard. The lowest and easiest to meet standard is that the government must have a “legitimate” purpose that is rationally served, which usually involves an economic difference.

Since it was undisputed that the Military Selective Service Act created a sex-based difference, it was up to the federal government to show that keeping females from registering substantially served an important government purpose or that guys and girls were not similarly situated.

The Pennsylvania District Court panel found that the purpose of draft registration was to equip the Department of Defense with information so that if it decided on a national mobilization, it could move quickly, effectively, and with great flexibility to achieve wartime personnel requirements from the pool of registered persons: 18 to 25 year-olds. Since the military included women in some roles, young guys and girls were similarly situated. The judges then had to decide whether excluding females from that pool substantially served the purpose of mobilizing the military in time of national emergency quickly, effectively, and with flexibility in conscripting registrants? The three judges ruled it did not and declared draft registration unconstitutional:

It is incongruous that Congress believes on the one hand that it substantially enhances our national defense to constantly expand the utilization of women in the military, and on the other hand endorses legislation excluding women from the pool of registrants available for induction. Congress allocates funds so that the military can use and actively seek more female recruits but nonetheless asserts that there is justification for excluding females from selective service, despite the shortfall in the recruitment of women. Congress rejects the current opinion of each of the military services and asserts that women can contribute to the military effectively only as volunteers and not as inductees.

The President, the Director of the Selective Service System, and representatives of the Department of Defense informed Congress that including women in the pool of registrants eligible for induction would increase military flexibility. The record reveals that in almost any conceivable military crisis the armed forces

could utilize skills now almost entirely concentrated in the female population of the nation. Congress itself has appropriated funds for the increased recruitment and utilization of women in the armed services.

The problem with [prohibiting female registration] is that the record before [this court] proves that there already is extensive utilization of females in the military and that this utilization will substantially increase. The die is already cast for substantial female involvement in the military. Furthermore, the military does not lose flexibility if women are registered because induction calls for females can be made according to military needs as they accrue in the future. Though military flexibility might call for less utilization of female inductees than male inductees in a given crisis situation, it is the antithesis of “flexibility” to exclude women from the pool of registrants that could be called upon in a time of national need.

The principal reason the government proffers for a male-only registration is that it provides military flexibility. The record here, however, reveals that women do serve a useful role in the military and provide important skills. The foregoing discussion also illustrates that flexibility is not enhanced, but is in fact limited by the complete exclusion of women. We therefore hold that the complete exclusion of women from the pool of registrants does not serve “important governmental objectives” and is not “substantially related” . . . to any alleged government interest. Thus, the Military Selective Service Act unconstitutionally discriminates between males and females.

*Goldberg v. Rostker*, 509 F.Supp. 586, 603 - 605 (E.D. Pa.1980).

Sounds fair, sounds just, and then the Supremes stepped in.

The Supreme Court simply changed the purpose of registration from mobilizing the military in time of national emergency quickly, effectively, and with flexibility in conscripting registrants to just creating a pool of potential combat troops. Since women were excluded from combat, the Supreme Court decided it made no sense to require females to join a pool for doing something they were prohibited from doing.

But what about all those non-combat support jobs that females were performing?

Logically a draft could have been used to fill those roles during an emergency, but the Court believed enough females would volunteer. Sure, if the military paid them enough, which it wasn't, which was why its recruitment efforts for women were not going as planned. The



Supreme Court simply overlooked these realities—as it often does—and ruled that equal protection did not apply because guys and girls were not similarly situated.

This is not a case of Congress arbitrarily choosing to burden one of two similarly situated groups, such as would be the case with an all-black or all-white, or an all-Catholic or all-Lutheran, or an all-Republican or all-Democratic registration. Men and women, because of the combat restrictions on women, are simply not similarly situated for purposes of a draft or registration for a draft.

*Rostker v. Goldberg*, 453 U.S. 57, 78 (1981). (The caption names switched when appealed).

Since *Rostker v. Goldberg*, the laws barring females from combat were repealed; the nature of war changed, such that those in the rear were now engaging in combat; and Pentagon policies continued to allow more and more females into combat positions. Then on January 23, 2013, the Pentagon decided to end the policy of excluding women from any combat position by January 2016, except for possibly a few limited ones. The two sexes now seemed to be similarly situated under the 1981 decision of the Supreme Court when it came to draft registration. By requiring only one sex to register for the draft and barring the other should therefore be a violation of the Equal Protection Clause of the Fifth Amendment.

A group of men's rights activists in California, with whom I had been in contact for years, filed a lawsuit on behalf of a young man claiming that draft registration discriminated against him and other guys 18 to 25 years old by not requiring females to register. *National Coalition for Men et al. v. Selective Service System et al.*, 13-cv-02391 (C.D. Cal. 2013).

The U.S. District Court for Central California threw the case out on two grounds. One, the case was not “ripe” for adjudication, since the facts were uncertain at the time. The Pentagon stated it was opening combat positions to females but to what extent that would happen had not yet occurred. Two, even if the Court did declare draft registration unconstitutional because it did not include females, the inclusion of females resulting from such a Court decision would not help

the male plaintiff or any other males because they still had to register. The plaintiff, therefore, did not have “standing.”

The light bulb in my head doesn’t work too well these days, but it went off after reading the Court’s decision—bring a case against registration with a young lady as plaintiff and class representative for all the 18 to 25 year old females in America. That would eliminate the standing problem because she’ll be arguing that the Selective Service prevented her from registering—that’s the harm, and the Court can cure it by requiring females to register along with males.

The Supreme Court has held that equal protection does not only require similar benefits for those in similar situations but also similar burdens. Registering for the draft is a burden foisted on young males by the U.S. Government, so not requiring the same burden for young females is discriminatory against the females. The Supreme Court strikes down discrimination based on traditional stereotypes regardless of whether men or women are the beneficiaries. “[I]f the statutory objective is to exclude or ‘protect’ members of one gender because they are presumed to suffer from an inherent handicap or to be innately inferior, the objective itself is illegitimate.” *Mississippi. Univ. for Women v. Hogan*, 458 U.S. 718, 725 (1982).

The issue of “ripeness” would still remain a problem at the beginning of a case, but by the time my planned class action with a female plaintiff reached the Supreme Court, most, if not all, the combat jobs would be open to females. Legally, the Court could not then duck a decision based on a procedural matter of ripeness. Politically, however, the Justices can do whatever they want.

But where to find a young lady willing to fight for her right to a burden, and why would someone choose equality over preferential treatment? There were, however, such ladies out

there because they viewed such discrimination as treating them as second class citizens. All I had to do was find one.

Back in 1980, the National Organization of Women testified before Congress that “omission from the registration and draft ultimately robs women of the right to first-class citizenship. . . . Because men exclude women here, they justify excluding women from the decision-making of our nation.” In 1981, NOW filed an amicus brief in *Rostker v. Goldberg*, 453 U.S. 57 (1981), advocating that draft registration should be extended to women. In 2012, Maj. Mary Jennings Hegar defended her decision to challenge the combat exclusion policy in court at the risk of potentially subjecting women to the draft. “The question isn’t whether we want our daughters to be drafted, she explained, but what kind of world we want them to inhabit: one where they’re infantilized as passive objects of chivalry or one where they’re empowered to achieve their potential as genuinely equal citizens?” *Hegar et al. v. Panetta*, 12-cv-06005 (N.D. Cal. 2012).

Okay, the Feminist groups seemed like a good start. A buddy of mine in Houston and I contacted nearly every Feminist group in the country—none even bothered to respond. Sounded like the silence of hypocrisy. The search expanded to female military groups, girls’ colleges, sororities, Craig’s List, Facebook ads, Google ads, women rugby players, girls’ law school groups, the girls that I hit on at clubs, and the Columbia University Alumni network. There were a few responses from young ladies who were interested, but then they told their parents or boyfriends and that put an end to it for them.

The Columbia Alumni network resulted in a discussion over the question, “Should women 18 to 25 have to register for the draft as do men 18 to 25?” One bizarre response came from Erica Jong:

From the very beginning this “discussion” has made deeply disappointed in Columbia’s educational assumptions. What I value most when I teach is questioning and humility. There is a know-it-all tone here that makes me glad I went to Barnard. I wonder how I even made it through Grad Fac. Education is for opening the mind—not competing over prejudices and tired old ideas.

Gentlemen—I leave you to your insular jousting over who has the biggest you know what.

ERICA MANN JONG, Poet & Novelist  
Barnard, Columbia Graduate Faculties, 25 Books published (sic) in 40 languages.

To which I responded: “Ah, the smell of Portnoy immaturity.”

During my search for a plaintiff, I started taking classes at the Krav Maga Academy on 26<sup>th</sup> Street. Krav Maga is the Israeli Defense Force’s martial arts for killing Arabs with your bare hands. Given Israel’s win-lost record at war, I figured it was pretty good. Former IDF guys taught the classes, which were more practical than other martial arts courses I had taken, except for Mark’s. Surprisingly, one of the female employees agreed to be the plaintiff in the draft case, but then her life fell apart, so my search continued. As a side note, I lasted a little over two years at the Academy, but then they kicked me out for flirting with the young babes. Guess the instructors were jealous that I could make the girls laugh and they couldn’t, or they didn’t want any of their Jewish chicks consorting with a true blooded Aryan. So I went looking for another martial arts school at which to wear out my welcome.

Back to finding a plaintiff—what about actresses? They love publicity and the case should attract lots of coverage. Out went a mailing to virtually every talent and casting agent in the City. A few responded and a couple of interviews resulted. One said thanks but no thanks, and the other was willing but too busy with her career to devote the time necessary to prepare for the expected interviews.

Desperation was setting in when I realized I had not contacted everyone for whom I had an email address and all my alleged friends on Facebook. The Facebook effort resulted in a few less friends of the two-faced kind, but my emails resulted in an attorney with whom I had worked on the case against the Wall Street crooks who caused the 2008 recession. She referred me to a 17 year-old high school senior who was about to graduate, the daughter of one of her friends. This young lady not only proved willing but more competent and mature than any of the other ladies I had communicated with and most of the attorneys I have encountered. The case began over the July 4<sup>th</sup> weekend of 2015, and was assigned to this hot Latina Judge in the U.S. District Court for New Jersey whom Obama had appointed. At first, I wanted to ask the Judge out, but thought she might hold me in contempt.

The attorney for the federal government came out of the Department of Justice in D.C. rather than the New Jersey U.S. Attorney's Office. In her motion to dismiss, she raised the issue that the plaintiff was only 17 and draft registration applied to 18 to 25 year olds. But she took so long in submitting the Government's motion that 17 year old was now within 30 days of her 18<sup>th</sup> birthday, which was good enough. Guys are allowed to register for the draft beginning 30 days before they turn 18. Justice's delay, therefore, allowed me to file an amended complaint with the plaintiff now old enough to register, if she had been a guy. Even without the amended complaint, it was unlikely the Court would dismiss because the original plaintiff was too young, since the plaintiffs in the *Rostker v. Goldberg* case were underage when it began.

In response to the amended complaint, the Government filed a new motion to dismiss. The female attorney did what female defense attorneys do—lie, prevaricate, dissemble, and exaggerate. This always seemed strange to me, since I had worked at a defense law firm, Cravath, and they never did that. With the help of the attorney who referred the 17 year old

plaintiff to me, we filed an opposition brief in the hope of popping the Government's bubbles of disingenuousness. The filing occurred after Secretary of Defense Carter had announced on December 3, 2015, that all military positions would be open to females.

The Judge, unlike in the California case, got cold feet about making a decision using as an excuse the machinations in Congress. The House Armed Services Committee included in its version of the 2017 National Defense Authorization Act an amendment that young women should register for the draft just as do young men. Rep. Duncan Hunter (R) in Jonathan Swift fashion sponsored the amendment in order to mock sending females into combat, which he adamantly opposed. Hunter voted against his own amendment in committee but it passed, which he didn't expect, and was sent to the House Rules Committee. He quickly became the butt of late-night talk-show mockery.

House Republican leaders were not laughing. It became increasingly clear that Hunter's amendment might pass a House floor vote. House leaders scrambled behind the scenes to block it. They used a rare procedural maneuver in the Rules Committee to strip the female registration amendment from the Defense Authorization Act while punting with a time-delaying study on reforming the Selective Service. The Republican Chairman of the Rules Committee called requiring women to register for the draft a "reckless policy." On May 18, 2016, the House passed its version of the Defense Authorization Act without draft registration for females but with instructions for the Secretary of Defense to submit a study on whether to eliminate the Selective Service.

Meanwhile in the Senate, the Armed Services Committee approved an amendment to its version of the Defense Authorization Act, sponsored by its chairman Sen. John McCain that required females to register for the draft. Sen. McCain said, "The fact is every single leader in

this country, both men and women, members of the military leadership, believe that it's fair since we opened up all aspects of the military to women that they would also be registering for Selective Services." Majority Leader Sen. Mitch McConnell, at least for the media, supported the amendment. The Senate passed its version and the Senate and House bills were sent to a House-Senate Conference Committee to resolve the differences in the two bills.

### We're Not Going to Take It

While the draft case was imprisoned in the N.J. District Court, I started doing volunteer work for the Trump Presidential Campaign—leaving the law library in the early afternoon for Trump Tower, 12 blocks up Fifth Avenue, to make telephone calls during the primaries and the general election. Once I mentioned to a pal lawyer, a Clinton supporter, "I'm off to the Alamo," to which he responded, "Don't forget your Bowie knife."

Most of the Trump Tower callers were aging baby boomers like me. Once in a while some hot young model chick would show up to make calls. They never sat next to me. In addition to the telephone calling, what I thought was a great idea to help Trump win the election popped into my head.

The FBI had just cleared Hillary of any wrong doing in keeping state secrets on her personal server, in part, by asserting that the server had never been hacked. If any of the 30,000 emails she had "bleached" off the server or any of the classified emails that were made public but redacted by the Government showed up in their original form, then obviously her server had been hacked. Such would reignite the controversy and help Trump's campaign. At that time, the FBI and media were accusing Russian GRU of hacking the DNC and Hillary's campaign chairman. If so, maybe they also hacked Hillary's private server. So I contacted a GRU buddy requesting a few copies of the bleached or classified emails, if they had them. Telling him, I'd

make them public through my media contacts. He replied, however, that GRU did not have them, which meant they did not hack the server or they wanted Hillary to win. Personally, had I been Putin, Hillary would be better for Russia, since he had already bribed her over the Uranium One deal. She was in his pocket.

That didn't work, so I tried another angle. From day one of the campaign the PC—*Pravda Correct*—news media hammered Trump. The reporters lied, prevaricated, dissembled, took quotes out of content, spun them around to say what the reporters wanted and then reported such as facts to depict Trump as “inappropriate”—to put it mildly.

The PC-Feminists had taken over much of the news media since I had worked in TV News in the 1970s and 1980s as a writer and political producer. Back then, one station for which I worked, Metromedia Channel 5 in New York City, had a sign over the only exit from the newsroom: “There are two sides to every story, make sure you get both of them!” Today, for the propaganda press, the two sides of every story are the left and the far left, and if neither exists, make it up. The reporters think they are better than their audience—that the public should accept their biased words as gospel. They believe their PC philosophy is the one and only truth in the Universe. We've heard that before—the Commies, Nazis, Klan and every lunatic dictator and religious cult to come down the pike.

All reporters have a duty to the public—to be the observers of world events for the rest of us. As Archibald MacLeish said,

Freedom of the press is a right belonging, like all rights in a democracy, to all the people. As a practical matter, however, it can be exercised only by those who have effective access to the press. Where financial, economic, and technological conditions limit such access to a small minority, the exercise of that right by that minority takes on fiduciary or quasi-fiduciary characteristics.

*Freedom of the Press*, a Report from the Commission on Freedom of the Press at 99 n. 4 (1947).



That duty does not mean acting as acolytes for PC ideology, Clinton and Obama. It means to enlighten, elucidate and educate, not turn into a Goebbels's like propaganda monster foisting a particular ideology on the populace. "It is a principle among [the press] that when truth has fair play, it will always prevail over falsehood." Benjamin Franklin. PC reporters were no longer giving truth a fair play in the presidential election. They were undermining the most important right of all with their biased and deceitful reporting: "No right is more precious in a free country than that of having a voice in the election of those who make the laws under which, as good citizens, we must live. Other rights, even the most basic, are illusory if the right to vote is undermined." *Wesberry v. Sanders*, 376 U.S. 1, 17 (1964).

In America there are checks and balances for every major institution except the press. If the President violates his duty, there are the courts and Congress. If Congress violates its duty there are the courts and the President. If judges violate their duties, Congress can impeach them. If businesses violate the law the district attorney can prosecute or citizens can sue. But what if the press violates its fiduciary duty of fairness in political reporting? A political figure can sue for defamation, but he'll lose because the requirement of Constitutional malice is extremely difficult to prove. It requires determining what reporters were thinking when they wrote their stories. Naturally, as card-carrying PCers, they would lie.

So what to do? Then late at night, lying in bed, the light bulb went on, again—RICO! PC ideologue reporters were violating the Racketeer Influenced and Corrupt Organizations Act, and I could sue them under RICO—yes! RICO is a criminal statute so normally a case can only be brought by a government prosecutor. But Congress decided to also allow everyday citizens to bring a case when their properties or businesses were injured by those engaging in racketeering activities. It's called a private right of action and was put in the RICO Act to provide for and

encourage private attorneys general “to fill prosecutorial gaps.” *Sedima, S.P.R.L. v. Imrex Co.*, 473 U.S. 479, 493 (1985); *United Health Care Corp. v. Am. Trade Ins. Co.*, 88 F.3d 563, 575 (8th Cir. 1996) (congressional intent to enroll private claimants in deterring racketeering). I’d still have to prove the *Pravda* reporters violated certain criminal acts, but I would only have to show it by a preponderance of the evidence rather than beyond a reasonable doubt. That was fine. In effect the reporters would be accused of criminal acts by me—a private attorneys general. An added benefit was that insurance companies that provide personal or property injury coverage to the news media companies, or any other company, usually don’t cover criminal acts—and RICO is nothing but criminal acts.

RICO has many requirements, but the key one needed to sue is that a defendant engaged in a “racketeering activity” of which there are many. So which ones were the PC reporters guilty of? The only one was wire fraud. They created and caused to be broadcast and electronically published intentionally false and misleading news reports concerning the Trump Campaign; they provided commentary based on false sets of alleged facts or failed to reveal the factual bases for their judgments; and they lobbied on various news-talk shows in furtherance of their opposition to the Trump Campaign. Wire fraud didn’t require determining what PC reporters were thinking; only that their actions indicated they had devised, participated in, or abetted a scheme to defraud others. That scheme, or as it turned out, seven schemes by seven different news groups was to trick the electorate into voting for Clinton.

Another main element of RICO, and any lawsuit, is injury—how was I injured by PC reporters foisting fraudulent reports, commentaries and lobbying in their efforts to trick the electorate? The answer was that for members of the Trump Campaign, such as me, to counter the PC reporters’ efforts to defraud, we needed to circumvent the mainstream-media bottle-neck

on campaign information, commentaries and lobbying. To do so required us to contribute more funds and time to reach voters directly in order to present voters with the Trump Campaign side and counter—in the law it’s called rectify and mitigate—the PC reporters fraudulent reports, commentaries and their anti-Trump lobbying. After all, “Voting rights subsume . . . [the] chance to contribute to a chosen candidate,” Lawrence Tribe, *American Constitutional Law* at 1062 (3rd ed.), and I chose to contribute to Trump.

If the PC reporters were faithfully fulfilling their duty to the voters by providing reports and communications that were fair, balanced and impartial; then the amount of contributions and time provided by Trump Campaign members and supporters would be significantly less. Since time is money, especially for a lawyer, and money is money, the added time and money were both injuries to property, which is what RICO requires.

Okay, so which reporters to sue? There were so many PC reporters toadying to the PC-Feminist elite that wanted Hillary Clinton for President and to hobble the effectiveness of members of the Trump Campaign. Seven of them seemed to be the biggest liars and deceivers with the largest audiences, so I sue them. Perhaps unconsciously, I identified them with the seven deadly sins of hubris, greed, lust, malicious envy, gluttony, inordinate anger, and sloth—then again, maybe they were just liars. Either way, the seven were deadly to this democracy. They were, in order of the channel dial on the television set of my youth plus a couple of newspapers: Major Garrett, CBS News; Katy Tur, NBC News; Chuck Todd, NBC Meet the Press; Tom Llamas, ABC News; Jim Acosta, CNN; David Brooks, New York Times and PBS News Hour; and Jenna Johnson, Washington Post.

Judges, especially in Bolshevik New York City, dislike RICO because it has so many parts—means too much work. They also shy away from decisions contrary to PC ideology for

fear of upsetting the PC storm troopers. Besides those two problems of which I had no control over, the main argument against the case was that The First Amendment guarantees freedom of speech. It wasn't the guarantee of freedom of the press because the U.S. Supreme Court—where I was aiming—decides cases involving what the press states under the freedom of speech clause. The reason is simple: “[t]he press in its historic connotation comprehends every sort of publication which affords a vehicle of information and opinion.” *Lovell v. City of Griffin, Ga.*, 303 U.S. 444, 452 (1938). Since this definition is so broad, it's impossible for the courts to distinguish press protection from the general doctrine of free speech. So the key issue was whether the freedom of speech clause protected the news media defendants engaging in wire fraud.

It doesn't. “‘From 1791 to the present’ . . . the First Amendment has ‘permitted restrictions upon the content of speech in a few limited areas,’ and has never ‘include[d] a freedom to disregard these traditional limitations.’” *U.S. v. Stevens*, 559 U.S. 460, 468 (2010) (quoting *R.A.V. v. St. Paul*, 505 U.S. 377, 382–383 (1992)). These areas, such as “speech integral to criminal conduct, *Giboney v. Empire Storage & Ice Co.*, 336 U.S. 490, 498 (1949), are ‘well-defined and narrowly limited classes of speech, the prevention and punishment of which have never been thought to raise any Constitutional problem.’” *Stevens*, 559 U.S. at 468-469 (quoting *Chaplinsky v. New Hampshire*, 315 U.S. 568, 571–572 (1942)). The *Stevens* decision from 2010 emphasized that speech integral to criminal conduct was not protected by mentioning that traditional limitation several times. *Stevens*, 559 U.S. at 468, 471.

Since RICO and the criminal act of wire fraud are crimes—the *Pravda* reporters' pursuit of their schemes by fraudulent reports, commentaries and lobbying were not protected speech. The First Amendment doesn't guarantee freedom to lie, deceive and commit wire fraud. Also,

along with freedom comes responsibility. The press does not have the freedom to intentionally or with reckless disregard for the truth paint a false reality in conformance with an ideology that has run amok across this land replacing the Constitution and principles on which this nation was founded. The right to vote in a free and fair election is more important than biased reporters mouthing PC ideology.

My researcher, the single mother in Slovakia, found a lot of the seven deadly reporters' false and misleading communications that were included in the complaint filed on August 23, 2016, in the United States District Court for the Southern District of New York. A day after filing, I moved by Order to Show Cause for a preliminary injunction to put a temporary halt to the seven deadly reporters subverting the electoral process. Had I gone the usual motion by notice route, the Court would not have gotten around to it until after the election in November.

The Judge quickly denied the request for a preliminary injunction—ruling it a forbidden prior restraint. Apparently the propaganda press can do what ever it wants, but trying to stop its illegal activities is forbidden. The ruling meant the case would have no impact on the election unless it emotionally shook-up the seven deadly reporters into doing what they were supposed to do—report both sides fairly. Assuming that it might, I added not only more reporters but the news outfits they worked for in an amended complaint. The final list of defendants were

CBS News Inc.;

Major Elliott Garrett, CBS News reporter;

NBCUniversal News Group;

Lester Don Holt, Jr., NBC News anchor;

Katharine Bear Tur, NBC News reporter;

Charles David Todd, NBC News moderator of Meet the Press;

Andrea Mitchell, NBC News reporter;

Hallie Marie Jackson, NBC News reporter;

Kristen Welker, NBC News reporter;

ABC News Division;

Thomas Llamas, ABC News reporter and anchor;

Cecilia M. Vega, ABC News reporter and anchor;

Jonathan David Karl, ABC News reporter;  
NewsHour Productions LLC;  
Gwendolyn L. Ifill, PBS NewsHour anchor and co-managing editor;  
John Yang, PBS NewsHour reporter;  
Lisa Desjardins, PBS NewsHour reporter;  
Cable News Network;  
Abilio James Acosta, CNN reporter;  
New York Times Newsroom;  
Megan M. Twohey, New York Times reporter;  
David Brooks, commentator for the New York Times  
and PBS News Hour;  
Washington Post Newsroom;  
Jenna Johnson, Washington Post reporter;

Twenty-four lying, prevaricating and dissembling media defendants—alright! I also tried to get some Trump supporters to join me in the case as plaintiffs, but they were too scared to publicly stand up for their beliefs. Voting for Trump in the secrecy of the election booth was the extent of their courage, but that was understandable considering the threat of Clinton’s Commie hit squads. Such fears made me realize that this must be what people living in the former Soviet Union experienced, although we still had a choice of whom to elect. It also probably explained why the polls were wrong about the election—people were simply scared to admit for whom they would vote. Can’t blame them; I won’t wear my red “Make America Great Again” hat in the streets of NYC.

Unlike some of my other cases, this one attracted zero media attention. Couldn’t figure out why, since it was timely and dealt with an important topic. Then the reference librarian at the law library enlightened me, “Who’s going to cover it? You’re suing everybody.” He was right; the case was against much of the news media.

A couple of weeks after filing the amended complaint, Trump won the election—take that you succubi of PC totalitarianism. Every so often truth and justice win out. The election night party was great, and to my surprise largely populated with millennials, most wearing

“Make America Great Again” red hats. The victory party had Fox News on the giant screens and when Megyn Kelly started whining about the lying hos who accused Trump of molesting them, the Crowd let out with a loud round of boos. When Fox mentioned Hillary, the crowd chanted, “Lock her up! Lock her up!” Fox often cut away to Clinton’s headquarters showing the teary-eyed, sad-sack, PC loonies watching their power of intolerance go down the drain. The losers at Clinton’s headquarters dressed the part—they looked like bums, not a suit nor a dress in the bunch. Trump’s supporters, however, were all in suits or dresses and no cross dressers that I could see. Could this be the end of PC-Feminism? Maybe, but it will take a while to push these self-righteous, commie-like fanatics out of office and power. I soon learned it would take more than time.

The Trump volunteers who had spent a fair amount of 2016 calling voters from Trump Tower organized a field trip to the inauguration, so I went—my third inauguration. The first was to protest Nixon’s in 1973, and the second was Reagan’s in 1981 while working as the Channel 7 TV News political producer. The day before we left for Trump’s inauguration, a reporter from France TV 2 contacted me wanting to do an interview about the anti-PC-Feminism cases: Ladies’ Nights, VAWA and the one against Columbia’s Women’s Studies Program. She was flying into D.C. on Inauguration Day, to mainly cover the female march the next day. So we arranged to meet in D.C. on Inauguration Day.

The weather for the inauguration was cold and rainy, so naturally security for the event confiscated everyone’s umbrellas. Leading up to Trump’s speech they introduced the hoi polloi as they were seated on the dais—not unlike the aristocratic receptions given in old Europe. When the Clintons were introduced—the crowd booed, and many yelled “Lock them up”! When Obama as well as his wife were introduced—the crowd booed, and some yelled “Lock them up

too”! Before Trump spoke they were a few speeches, including one by Senator Chuck Schumer of New York. Couldn’t figure out why he was speaking, and he probably wished he wasn’t. The crowd booed him through his entire speech—not just because he was the epitome of the PC Pol, but he wouldn’t stop talking. He just went on and on as though he had been elected President. Trump gave a short but solid speech.

Afterward, I went to meet the French reporter Zoe, wearing my red “Make America Great Again.” There were so many of us in D.C. that the PC Neo-Bolsheviks probably would not bother me—didn’t know about the Antifa wimps. Zoe was cute with a sexy accent and accompanied by her cameraman. We headed to the post-inaugural parade with them filming and periodically interviewing me. On our way, a trio of Obamite, hate-whitey young punks tried to interfere until I challenged them. They split—never underestimate the influence of the threat of physical violence. Near the parade route on Pennsylvania Avenue, we stopped and Zoe conducted a more extensive interview. Some Antifa millennial stuck his face in front of the camera. Okay, he and the other baby millennials lost, so give him one chance. But then he did it again, I instinctively pushed him aside, struck him with an open hand to his throat, and the fight ensued. Had I used a spear hand strike, he would have been dead—but I showed him the mercy he didn’t deserve. Not one of my best fights, since it ended in a draw—both of us still standing, but I doubt he’ll do that again. A Trump supporter who had witnessed the incident suggested I complain to the D.C. Police on the corner. Okay, but the Police Lieutenant, after watching the video, said in a nice manner you were really the aggressor, but if you would like to apply to my squad let me know. So what’s the lesson? When dealing with Neo-Bolsheviks like Antifa—never underestimate the influence of physical violence.



Zoe came up to NYC to interview some others and did another interview with me. One of her questions this time was whether I had ever been discriminated against because I was a guy—that was easy:

The female head of my draft board tried to send me to Vietnam twice.

The news director of Metromedia TV News in NYC wanted to hire me as a researcher but couldn't because I was a guy, and the Federal Communication Commission was pushing a quota system to hire girls. He got around it by having all the five stations in the network hire a fifth of me. That way, it would not show up on his employment roster that he had hired a guy when the FCC was forcing the news media to hire girls—regardless of their competence.

After working at Metromedia for over a year, the news director came up to me and said, "Roy I'd make you a reporter but I can't because you're a guy."

When I graduate law school near the top of my class, eleventh out of 400, I only applied for the most prestigious positions with the Federal Government that were called Honor's positions for new law school graduates. I landed 10 interviews. For eight of the positions, I was interviewed by a girl who would make the hiring decision, one by a homosexual, and one by a regular guy. Guess from which ones I didn't get an offer? Everyone in which a girl made the hiring decision and the one in which a queer made the decision. I didn't care about the queer's decision—during the interview, I decided not to take that job even if it was the last one in the Federal Government. But I did care about being denied an offer from the Department of Justice and the State Department. They were considered numbers one and two on the prestige list. I ended up taking number three on the prestige list—the Treasury Department where a guy made the hiring decision. What made me realize discrimination was at work and not credentials was that the hiring matrons in all the other jobs of less prestige and requirements denied my applications.

When I left Cravath, I applied to a number of law schools to pursue a master's degree. This was the early nineties. Each and every one denied me admission. The PC/Feminist ideology had taken control of law schools and they were ramping up their quotas for girls. So instead, I earned a Masters of Business from Columbia University.

More discrimination came in the NYC divorce court. Ask any divorce lawyer in New York, male or female, and they will tell you there is no justice for a husband or father in NYC courts. The ideology of PC/Feminism rules—men have no rights. My wife—a Russian mafia prostitute who repeatedly lied on her immigration filings and committed a felony by registering to vote while not a

citizen—was treated as an angelic being by the lesbian judge who clearly wanted to shove her face between my wife’s legs.

But probably the most blatant discrimination came from the various judges in the men’s rights cases. It didn’t matter whether they were state court judges—whom every prestigious law firm tries to avoid because the vast majority are idiots—or the best and the brightest in the federal courts. Every single judge—and there were around 20 (not counting the U.S. Supreme Court ones who refused to hear any of my cases)—every single judge ruled according to the law of PC/Feminism rather than the U.S. Constitution or statutes.

The PC/Feminist ideology running and ruining the court system is not restrict to courts in NYC as decisions by federal courts on the left coast have made clear by illegally restricting the executive orders of President Trump on immigration.

The beginning of Trump’s presidency didn’t help my case against the *Pravda Correct* press. The defendants made their motions to dismiss. After filing my opposition, I checked out the biography of the Judge. After law school, he worked as a newspaper reporter and was subsequently appointed to the bench by Obama—the case was doomed.

The Judge threw it into the can by ruling the news media could say anything it wanted on political affairs under the free speech clause of the First Amendment, except for defamation and some other “truly rare cases”—meaning, I assume, cases that involve interference with PC speech. He even noted that speech integral to the commission of a crime was not protected but somehow missed that was exactly what the news media defendants were accuses of—RICO and wire fraud—criminal statutes. I’ll bet he never even read my memorandum of law.

The Judge’s entire decision focused only on the free speech issue, which he actually admitted by saying, “the Court develops only” that issue. As for the other issues, he just ruled in one sentence that the *Pravda Correct* press prevailed on those. No reasoning, no analysis just an order from one of those PCers who believe they are akin to the aristocracy of feudal Europe—”we say what’s right—you obey!” So I appealed to the U.S. Second Circuit—a lot of good that

would do, but it was necessary to have a shot at the U.S. Supreme Court. By then, Trump might have appointed another Justice besides Neil Gorsuch.

The procedure in the Second Circuit commie friendly court—where was Judge Kaufman when we needed him—is that after the appellant (the one who lost in the district court, which means me whenever I’m fighting for the rights of white heterosexual men) files his brief, the PC-Feminists on the other side file their brief. I then have the opportunity to file a reply and request oral argument, which I have done since 2003 fighting these PC-Totalitarians in court. It never did any good, so why bother this time. I knew how the PC-Totalitarians in the Second Circuit would decide—just wanted the decision so that I could try for the Supreme Court.

The three judge panel did exactly what I expected. They issued a three page unpublished decision, or summary order, that stated, “We have reviewed all of the arguments raised by plaintiff on appeal and find them to be without merit.” No analysis just a decree from the life-term PC bureaucrats of the Second Circuit. Guess they did not want to take time away from the golf course for such a trivial issue as the mainstream news media using wire fraud to try to throw a presidential election.

An unpublished decision means it has no value for future cases—it’s not precedent. That way, if a case arose in which the press tried to throw an election for an anti-politically correct candidate, the Court would not be bound by its decision. It could then rule in accordance with PC-Feminist ideology by finding the press liable for its fraud on the voters. In addition, by declaring the decision had no precedential value, the Second Circuit panel was running a con—judges do that a lot. Here’s the con: the losing attorney and party will figure that because the decision has no value for future cases, the Supreme Court will automatically deny any request to hear the case. After all, why would the Supreme Court waste its time on a case that has no

precedential value? That con has tricked a lot of lawyers and parties. Many are unaware of what former Supreme Court Justice John Paul Stevens said, “[I] tend to vote to grant [certiorari] more on unpublished opinions, on the theory that occasionally judges use the unpublished opinion as a device to reach a decision that might be a little hard to justify.” J. Cole & E. Bucklo, *A Life Well Lived: An Interview With Justice John Paul Stevens*, 32 *Litigation* 8, 67 (Spring 2006).

“A little hard to justify” is an understatement, so off to the U.S. Supreme Court the case went. Trump did not have an opportunity before then to appoint another justice, but I gave it a shot anyway. The first step was to file a petition for writ of certiorari. The petition argues that the Court should hear the case because it is important to the country and the Second Circuit’s decision conflicted with Supreme Court decisions and those of other circuit courts.

On importance, I argued:

**“The Constitution specifically selected the press . . . to play an important role in the discussion of public affairs.”** *Mills v. State of Ala.*, 384 U.S. 214, 219 (1966).

What happens when that crucial role is subverted is at the heart of this case. Whether members of the news media may commit fraud with impunity to undermine the most fundamental right of all—to participate in a fair electoral process.

No right is more precious in a free country than that of having a voice in the election of those who make the laws under which, as good citizens, we must live. Other rights, even the most basic, are illusory if the right to vote is undermined.

*Wesberry v. Sanders*, 376 U.S. 1, 17 (1964).

“In a republic where the people are sovereign, the ability of the citizenry to make informed choices among candidates for office is essential.” *Citizens United v. Fed. Election Comm’n*, 558 U.S. 310, 339 (2010) (quoting *Buckley v. Valeo*, 424 U. S. 1, 14-15 (1976)). As Ida B. Wells once said, “People must know before they can act and there is no educator to compare to the press.” Providing that the press is telling the truth.

The Mainstream News Media, however, intentionally misinformed the electorate during the 2016 presidential election by communicating via wire, radio, television and Internet intentionally or recklessly false, prevaricating or dissembling (“fraudulent”) statements and reports about the Trump Campaign as set out in the Appendix.

The Mainstream News Media's "use of the known lie as a tool is at once at odds with the premises of democratic government and with the orderly manner in which economic, social, or political change is to be effected." *Garrison v. State of La.*, 379 U.S. 64, 75 (1964). As the Radio, Television and Digital News Association's Guiding Principles state:

Journalism's obligation is to the public. Journalism places the public's interests ahead of commercial, political and personal interests. Journalism empowers viewers, listeners and readers to make more informed decisions for themselves; it does not tell people what to believe or how to feel. . . . Journalism verifies, provides relevant context, tells the rest of the story and acknowledges the absence of important additional information.

In America there are checks and balances for every major institution except the press. If the President violates his duties, there are the courts, Congress and the press. If Congress violates its duties, there are the courts, the President and the press. If judges violate their duties, Congress can impeach them. If businesses violate the law, the district attorney can prosecute, citizens can sue or the press can expose. But what if the press violates its fiduciary duty of fairness in political reporting? A public figure can sue, but he will likely fail because of the requirement of constitutional malice. This case is simply trying to bring about a check and balance on the Mainstream News Media to stick to its duty of fairness and nonpartisanship—a duty it most assuredly must fulfill.

As Mr. Justice Black put it, "In the First Amendment the Founding Fathers gave the free press the protection it must have to fulfill its essential role in our democracy. The press was to serve the governed . . ." *New York Times Co. v. U.S.*, 403 U.S. 713, 717 (1971) (concurring opinion). "The extraordinary protections afforded by the First Amendment carry with them something in the nature of a fiduciary duty to exercise the protected rights responsibly a duty widely acknowledged but not always observed by editors and publishers." *Nebraska Press Ass'n v. Stuart*, 427 U.S. 539, 560 (1976).

According to Archibald MacLeish:

Freedom of the press is a right belonging, like all rights in a democracy, to all the people. As a practical matter, however, it can be exercised only by those who have effective access to the press. Where financial, economic, and technological conditions limit such access to a small minority, the exercise of that right by that minority takes on fiduciary or quasi-fiduciary characteristics.

*Freedom of the Press, A Framework of Principles, A Report from the Commission on Freedom of the Press* at 99 n.4 (Univ. of Chicago Press 1947).

The Mainstream News Media intentionally breach its duty to the public in order to present voters with a fraudulent reality in its news reports so that voters would decide to elect the "politically correct" choice for President, Hillary Clinton. "[A]ny medium has the power of imposing its own assumption[s] on the unwary." Marshal McLuhan, *Understanding Media: The Extensions of Man*, Chapter One at 6, *The Medium is the Message* (McGraw-Hill, 1964).

The influence of the news media of which the Mainstream News Media is a major component should not be underestimated. The news media is a major driving force in the voting decisions of tens of millions of Americans. The extent of its power to manipulate the election process is expressed by the characterization of it as “The Fourth Estate.” Let’s not forget that Clinton received 2.9 million more votes than Trump.

The argument that the Second Circuit ignored decisions of the Supreme Court basically stated two reasons:

**1. The Supreme Court has held as a general matter that content-based restrictions on speech are permitted when that speech is an integral part of criminal conduct that violates a valid law.**

The Supreme Court in *United States v. Alvarez*, 567 U.S. 709, 717 (2012) stated:

[C]ontent-based restrictions on speech have been permitted, as a general matter, only when confined to the few “ ‘historic and traditional categories [of expression] long familiar to the bar.’ ” *United States v. Stevens*, 559 U.S. 460, 470 (2010) (quoting *Simon & Schuster, Inc. v. Members of N.Y. State Crime Victims Bd.*, 502 U.S. 105, 127, (1991) (Kennedy, J., concurring in judgment)). Among these categories are . . . speech integral to criminal conduct, *see, e.g., Giboney v. Empire Storage & Ice Co.*, 336 U.S. 490 (1949); . . . . These categories have a historical foundation in the Court’s free speech tradition. The vast realm of free speech and thought always protected in our tradition can still thrive, and even be furthered, by adherence to those categories and rules.

This Court has repeatedly held that speech integral to the commission of a crime is a category of speech that does not enjoy First Amendment protection. “[I]t has never been deemed an abridgement of freedom of speech or press to make a course of conduct illegal merely because the conduct was in part initiated, evidenced, or carried out by means of language, either spoken, written, or printed.” *Giboney*, 336 U.S. at 502 (citing *see e.g., Fox v. Washington*, 236 U.S. 273, 277 (1915) (Holmes, J.); *Chaplinsky v. New Hampshire*, 315 U.S. 568, 571-572 (1942)). This Court in *Rumsfeld v. Forum for Acad. & Institutional Rights, Inc.*, 547 U.S. 47, 62 (2006), cited the same quote from *Giboney*. In both *Osborne v. Ohio*, 495 U. S. 103, 110 (1990), and *New York v. Ferber*, 458 U.S. 747, 762 (1982), this Court again relied on *Giboney* by quoting from that decision: “It rarely has been suggested that the constitutional freedom for speech and press extends its immunity to speech or writing used as an integral part of conduct in violation of a valid criminal statute.” *Giboney*, 336 U.S. at 498.

The complaint in this case alleged that the Mainstream News Media violated RICO, 18 U.S.C. § 1964(c). RICO is a criminal statute that allows private persons to bring an action for injury caused by parties engaging in certain criminal acts that are called predicate acts. This case is concerned with the predicate act of wire fraud, 18 U.S.C. § 1343:

Whoever, having devised or intending to devise any scheme or artifice to defraud . . . by means of . . . fraudulent pretenses, representations, or promises, transmits

or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, any writings, signs, signals, pictures, or sounds for the purpose of executing such scheme or artifice, shall be fined under this title or imprisoned not more than 20 years, or both. . . .

Clearly, speech is an integral part of what is proscribed by the wire fraud statute because it is necessary for executing the illegal conduct.

The Mainstream News Media's schemes were simply to trick voters into voting for Clinton instead of Trump and to cause Trump Campaign members to spend more time and money circumventing it by going directly to the voters. The Mainstream News Media relied on the truism that "You can fool all the people some of the time, and some of the people all the time . . . ." Attributed to Abraham Lincoln. The Mainstream News Media executed its schemes by publishing over the wires fraudulent information about the Trump Campaign.

Will Rahn of CBS News admitted the Mainstream News Media's motivation: "It shouldn't come as a surprise to anyone that, with a few exceptions, we were all tacitly or explicitly #WithHer [Clinton] . . . ." Will Rahn, *Commentary: The unbearable smugness of the press* at 1, November 10, 2016. Journalists believed they had access to "a greater truth, a system of beliefs divined from an advanced understanding of justice." *Id.* Rahn is a political correspondent and managing director for politics at CBS News Digital.

The reporting by the Mainstream News Media alleged as wire fraud was not speech protected by the First Amendment.

The Second Circuit also found this argument was "without merit." (Summary Order at 3).

## **2. The Supreme Court has held that fraudulent statements bring speech outside the First Amendment.**

Fraud is one of those historic categories of speech in which content-based restrictions have been permitted. In *Stevens*, 559 U.S. at 468–469 this Court recounted:

"From 1791 to the present," . . . the First Amendment has "permitted restrictions upon the content of speech in a few limited areas," and has never "include[d] a freedom to disregard these traditional limitations." *R.A.V. v. City of St. Paul, Minn.*, 505 U.S. 377, 382–383 (1992). These "historic and traditional categories long familiar to the bar," *Simon & Schuster*, 502 U.S. at 127 (Kennedy, J., concurring in judgment)—includ[e] . . . fraud, *Virginia Bd. of Pharmacy v. Virginia Citizens Consumer Council, Inc.*, 425 U.S. 748, 771 (1976) . . . .

In *Virginia Bd. of Pharmacy* at 771, this Court relied, in part, on *Gertz v. Robert Welch, Inc.*, 418 U.S. 323, 340 (1974), which held:

[T]here is no constitutional value in fraudulent statements of fact. Neither the intentional lie nor the careless error materially advances society's interest in 'uninhibited, robust, and wide-open' debate on public issues. *New York Times Co. v. Sullivan*, 376 U.S. 254, 270 (1964). They belong to that category of utterances which 'are no essential part of any exposition of ideas, and are of such slight social value as a step to truth that any benefit that may be derived from them is clearly outweighed by the social interest in order and morality.' *Chaplinsky v. New Hampshire*, 315 U.S. 568, 572 (1942).

When it comes to fraudulent statements, this Court's unanimous decision in *Illinois* held that "the First Amendment does not shield fraud." *Illinois*, 538 U.S. at 612 (citing *see, e.g., Donaldson v. Read Magazine, Inc.*, 333 U.S. 178, 190 (1948) ([T]here is not "the slightest support for a contention that the constitutional guarantees of freedom of speech and freedom of the press include complete freedom, uncontrollable by Congress, to use the mails for perpetration of swindling [sic] schemes.")).

*Donaldson* rejected freedom of speech and freedom of press challenges to the mail fraud statute because the government's power "to protect people against fraud" has "always been recognized in this country and is firmly established." *Donaldson*, 333 U.S. at 190. Such also applies to the wire fraud statute because "[t]he mail and wire fraud statutes share the same language in relevant part, and accordingly we apply the same analysis to both sets of offenses." *Carpenter v. United States*, 484 U.S. 19, 25 n.6 (1987); *United States v. Tarnopol*, 561 F.2d 466, 475 (3rd Cir. 1977), *abrogated on other grounds, Griffin v. U.S.*, 502 U.S. 46 (1991) (elements of mail and wire fraud have been construed *in pari materia*).

So while the "honest utterance, even if inaccurate, may further the fruitful exercise of the right of free speech, it does not follow that the lie, knowingly and deliberately published . . . should enjoy a like immunity. *Garrison*, 379 U.S. at 75.

At the time the First Amendment was adopted, as today, there were those unscrupulous enough and skillful enough to use the deliberate or reckless falsehood as an effective political tool to unseat the public servant or even topple an administration. *Cf. Riesman, Democracy and Defamation: Fair Game and Fair Comment I*, 42 Col.L.Rev. 1085, 1088-1111 (1942). That speech is used as a tool for political ends does not automatically bring it under the protective mantle of the Constitution. For the use of the known lie as a tool is at once at odds with the premises of democratic government and with the orderly manner in which economic, social, or political change is to be effected. Calculated falsehood falls into that class of utterances which 'are no essential part of any exposition of ideas, and are of such slight social value as a step to truth that any benefit that may be derived from them is clearly outweighed by the social interest in order and morality.' *Chaplinsky v. New Hampshire*, 315 U.S. 568, 572 (1942). Hence the knowingly false statement and the false statement made with reckless disregard of the truth, do not enjoy constitutional protection.

*Id.* at 75.



The communication of words for fraudulent purposes, whether by an individual, news media or some other organization is not protected by the First Amendment. If it were, then no person or organization could be prosecuted for fraud. *See Giboney*, 336 U.S. at 502 (“Such an expansive interpretation of the constitutional guaranties of speech and press would make it practically impossible ever to enforce laws against agreements in restraint of trade as well as many other agreements and conspiracies deemed injurious to society.”).

Once again, the Second Circuit found this argument was “without merit.” (Summary Order at 3).

As for the Second Circuit making a decision that was contrary to decisions in other circuit courts, I merely listed those decisions with a one sentence summary. Those circuits were the Sixth, Seventh, Eighth and Ninth, although the Ninth really doesn’t count.

The concluding paragraph stated:

This case raises an issue of great significance to our democratic form of government. Will the powerful Mainstream News Media remain free to do as it wishes in violation of the law so as to propagate its prevailing ideology, to undermine the right to vote and to defraud voters? Such will be the inevitable result of allowing the decisions below to stand.

The Supreme Court denied my petition for certiorari—not exactly a surprise given the tenor of the times and fear of the yellow-dog press. The news media, now known as “fake news,” continues its lies, prevarications and dissemblings in an effort to have Trump impeached and trick citizens into voting for Democrats, a.k.a. Socialists—the Democrats already have the illegal alien vote.

In this age of digital communication, the Supreme Court not only requires that documents be filed electronically but also on paper. Therein lies the Supreme Court’s favoritism for the rich and corporations that has existed since its inception. Certioraris and briefs must be in the form of booklets 6 1/8 by 9 1/4 inches in size. There are a limited number of printers who can produce such booklets, which allows them to keep the prices high. The Supreme Court Justices, all of whom previously worked as lawyers, know this, and, even in the digital age, they still require

such costly printing in order to keep middle class folks out of the Court. My Trump case's certiorari printing costs were \$8,000 for 50 booklets—\$160 per booklet. What middle class family could afford that, not to mention the cost of their lawyer. For the rich and corporations—that's peanuts. The Justices, however, aren't completely heartless. If a person claims poverty, such as a deadbeat, drug addict, illegal alien, terrorist, or #MeTooHo, then the Justices will not require that documents be filed in booklet form—how nice. Apparently justice for the hard working is in the streets or vigilantism.

### Coup d'état

Following the election and Trump's inauguration, the National Socialist Democrats just couldn't accept that all those American believers in liberty had rejected their particular form of totalitarianism. Since the PC model for the superior person means behaving like high school girls, they were furious over their rejection. They cried, they moaned and pointed their burnt fingers at others—the Russians—to blame. Sore losers was an understatement for describing them. These high school female clones, ever adept at self-delusion, claimed Putin wanted Trump elected, so he rigged the election. Right, a country barely out of the Middle Ages where even the educated believe in the supernatural, which is not particularly advanced technologically, and has a GDP of \$1.6 trillion manipulated America with its \$19 trillion economy that is the second most educated country in the world according to U.S. News & World Reports. I don't think so.

### One More Time

After the inauguration, I read that the Department of Justice under the new Attorney General began increasing its review of cases that had already been decided by an immigration judge. Such reviews of an immigration judge's decision could result in a reversal of the decision. So whom does that bring to mind—the Ho. She was now scamming people as a real

estate agent in New York. Sent a letter to Attorney General Sessions telling him about the immigration judge who dismissed the deportation case against the Ho because her incriminating file had disappeared.

Immigration Judge Jesse B. Christensen, appointed by the Obama Administration, dismissed the second removal proceeding against a Russian national with ties to the Chechen Barayev crime organization because the Russian's immigration file had disappeared.

As a former manager of Kroll Associates in Moscow, Russia, I was aware of crucial files disappearing from government offices in both Russia and Mexico through bribery, but never realized that the practice had apparently reached America under the Obama Administration.

Added some background between the Ho and Homeland Security:

On October 1, 2004, the Department of Homeland Security denied her first application for a waiver under the Immigration and Nationality Act, 8 U.S.C. § 1186a(c)(4), based on the contents of her file and placed her in a removal proceeding. Her file contained reports from the Federal Bureau of Investigation, the Drug Enforcement Agency and the Defense Intelligence Agency.

On March 20, 2008, Immigration Judge Paul A. DeFonzo ruled that she be deported. Ms. Shipilina appealed to the Board of Immigration Appeals ["B.I.A."], which denied her appeal on February 2, 2009.

While her appeal was still pending, Ms. Shipilina married an American for a second time and subsequently filed once again for a waiver under 8 U.S.C. § 1186a(c)(4). The Department of Homeland Security for a second time denied her application once again based on the contents of her file and placed her in a removal proceeding for a second time.

On March 30, 2012, Immigration Judge Jesse B. Christensen adjourned her removal hearing to June 1, 2012, in order to obtain confirmation that Ms. Shipilina was again appealing to the B.I.A. the Department of Homeland Security's second decision to have her removed.

On June 1, 2012, Immigration Judge Jesse B. Christensen administratively closed the removal proceeding against Ms. Shipilina because B.I.A. "reports it does not have the file."

In 2015, the above information was provided to the General Counsel for the D.O.J. Executive Office for Immigration Review and the D.O.J. Inspector General, but given the Obama Administration's policies, neither took any action.

Perhaps now with you as Attorney General, the Department of Justice may look into this micro-aggression against the rule of law.

In a subsequent letter, I sent the NYC Board of Election's referrals to the U.S. Attorney for the Eastern District of N.Y. and the Queens District Attorney to prosecute the Ho for registering to vote when she was not a citizen. The DOJ referred my letters to the "Office of the Chief Immigration Judge, who has established a procedure that allows any person to file a complaint about the conduct of an Immigration Judge." I was hoping the Chief was not an Obama appointee, but it turned out worst. She had been appointed by Attorney General Loretta E. Lynch. More worst, the Chief Judge was a female PCer, Mary Beth Keller. She concluded that the Ho's immigration judge did nothing wrong by dismissing the deportation because someone had deep-sixth her file. The holdovers from the lawless, socialistic Obama administration were still in power.

Then in May 2018, Attorney General Jeff Sessions issued a new directive telling immigration judges they could no longer administratively close deportation cases, which is what happened to the Ho. Obama and the socialists (Democrats) loved administrative closures because it suspended deportations and allowed the illegals to roam the country, and, of course, vote Democratic. Over 200,000 illegals, including the Ho, had received *de facto* amnesty under America's third world president—Obama. Session concluded this Obama amnesty was not legally justified. So now Homeland Security was slowly re-visiting those administrative closure cases.

July 2018, my telephone rings—it's USCIS. and they want to meet to talk about the Ho.

The agent said, "We'd like to meet with you and talk about your ex-wife."

"Sure. I can be there in a half an hour."

“Not right now, let’s make an appointment.”

“Just tell me when and where and I’ll be there.”

The agent added that he had reviewed her file. But according to the Immigration Judge, the file had been lost. Most likely the Ho had simply bought-off the judge to say that.

The agent continued, “You’ve really gone through a lot.”

To which I said, “And so have you guys trying to deport her.

On July 24, 2018, I meet with a USCIS officer in its Fraud Detection and National Security division at 26 Federal Plaza. By then, the building was quite familiar to me after my dealings with those two corrupt FBI agents, Pisano and Thomas. Session’s new directive had worked its way down into my past—now maybe some justice.

One of the officer’s first questions was “Do you know who was your ex-wife’s second husband. I’d like to talk to him.”

“No, I tried to find that out after I learned that she had married for a second time in order to avoid deportation for her fraudulent marriage to me. But NYC keeps those marriage records secret from the general public.”

“I think talking to him would be useful, so let me know if you come across any information on who he was or if they are still married.”

For the next two hours, I provided a summary of the Ho and her associates’ illegal activities along with the immigration court’s administrative closure of her case. The officer thought her registering to vote while not a citizen was “big.” At the end of the interview, he requested the names of anyone in the U.S. whom I knew had associated with her, which I subsequently provided and told him to contact me any time with any more questions.

While working on a paper in the law library to simplify tonal music theory (Appendix 45) that had evolved out of my one year course with the hot millennial Juilliard teacher, my dimmed and delayed light bulb went off again. “Contact the private eye you use for your cases to see whether he can come up with who was the Ho’s second husband.”

My PI got back to me. “Unfortunately I was unable to connect the dots to see if she had married [again]. The only evidence I could find is a man by the name Onn Rapeika from Fort Lee, NJ has apparently lived with her for a while. Rapeika is supposedly a drug dealer and was convicted of hording weapons.”

Well the drugs, crime and Rapeika’s name being Russian clearly fit with the Ho’s modus operandi, so I sent the information along to the USCIS officer.

Perhaps something would come of this new investigation, but America has been so corrupted by the socialist PCers and Feminists that I doubted it.

[Update if any]

### The Second Time Around

The Ho wasn’t the only bimbo, or more accurately, bimbat with whom my battles started again. Tory “the Torch” Shepherd from down under published another article in which she used my name in a derogatory fashion. Google alerts notified me of the article.

She just couldn’t leave well enough alone. Her lawyers most likely told her to leave me out of future articles, but her hatred got the best of her.

Tory’s misandrist articles are not only published in Australian newspapers but by PressReader, Inc. PressReader is a digital newspaper and magazine distribution and publishing operator that contracts with thousands of newspaper and magazine publishers across the globe to

publish their articles by way of the Internet and mobile telephone apps. It claims seven million “active,” whatever that means, “users,” whatever that means.

The article was published on April 4, 2018. It was titled *Misplaced fear of gay revenge* in the West Australian and PressReader Internet sites and *Freedom of religion cannot Trump other rights* in the Advertiser website. Tory’s lead sentence stated, “Self-described ‘anti-feminist lawyer’ Roy Den Hollander once likened the position of men in society to black people in 1950s America ‘sitting in the back of the bus.’” Except for that sentence, Tory did not mention me again.

The entire article was about submissions by Australians to an Australian Federal Government panel concerning the Australian Government’s review of religious freedom in Australia. In 2017, the Australian Federal Parliament passed the marriage equality act that allowed two people, regardless of sex, to marry. The political impact, in part, caused the Australian Federal Government to appoint a panel to receive submissions on the conflict between gay rights and religious freedom in Australia.

So what did have to do with me? I never lived in Australia, never visited Australia, did not submit any comments to the Australian panel and have never been involved in a case dealing with gay rights versus religious freedom—anywhere. Played rugby with and against some Australians and hung out one night decades ago with an Australian guy. Boy was he obnoxious. It was summertime and the girls were bare shouldered. He’d walk up behind them and blow on their shoulders—boy they got ticked.

Tory’s article went on with “It’s become common; men thinking they’re oppressed by women, whites thinking they’re oppressed by ethnic minorities. The traditional oppressors believing they have become oppressed.” Tory was really reaching by trying to use me as the

icon of the traditional oppressor—anti-female, anti-black, anti-queer, anti-same sex marriage (half true, just anti-marriage), anti-pigs (well when I was in SDS), anti-abortion (hey, walk down to the corner drug store and buy a contraceptive instead of murdering an incipient human being when there are no medical problems), immoral (stay off of my rights), anti-teacher (not if she's hot like Susan was), and anti-big cakes (hey, where's your cake now as one fat brother said the other fat brother, actually I like cakes, especially the classic ones made in Russia).

My last case against this bimbat and her publisher went down the drain because Justice Jennifer Schechter ruled that her Feminazi Court did not have personal jurisdiction over Tory in Australia.<sup>1</sup> The same would happen if I sued Tory again in any N.Y. court. But PressReader was a different story. When it published the article, it was licensed to do business in New York State by the Secretary of State. If that wasn't good enough, it had contracts with New York newspapers and the N.Y. Public Library. So the New York courts would have jurisdiction under CPLR § 302(a)(1) because PressReader transacts business within New York State and contracts with businesses in New York State to provide its services.

PressReader's attorney fees and if any settlement will likely tick it off against Tory. Indirect, but still a boot in her flabby ass.

Tory's statement might be considered defamatory by implication but such was way too complicated for a New York State judge. So my case charged PressReader—not Tory—just PressReader for violating my right to publicity—not privacy—but publicity. N.Y. does not have a right to privacy action. It does, however, have under N.Y. Civil Rights Law § 51 a private cause of action for protecting the unauthorized use of a person's name:

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<sup>1</sup> Recently, Schechter, in a hot flash of power madness, ordered President Trump to show for a deposition in one of the cases before her. What a ditz—it'll never happen.



Any person whose name . . . is used within this state . . . for the purposes of trade without the written consent first obtained . . . may also sue and recover damages for any injuries sustained by reason of such use . . . .

The right to publicity generally applies to someone with a modicum of fame so that the courts can find economic value in the use of that person's name. Thanks, in part, to the articles Tory published about me, I qualified as having some fame, or more accurately infamy.

PressReader's insurance company hired a law firm in the City to defend. That wasn't good enough because I wanted PressReader to pay its own legal fees—not its insurance company. So I amended my complaint to include a RICO cause of action. Remember, insurance companies usually cover the costs of a lawsuit providing it does not involve criminal accusations. RICO is nothing but criminal accusations even though it allows an action to be brought by an individual or a business. My amended complaint accused PressReader of engaging in wire fraud to further Tory's scheme of harming my legal practice and business consultancy because, as we all know, she considers me an enemy who should me completely destroyed. Actually, the feeling is mutual.

PressReader's lawyers filed the proverbial motion to dismiss, after which I filed my amended complaint that added the RICO charge. In New York State courts, as in federal courts, a plaintiff has an absolute right to file an amended complaint after a defendant files a motion to dismiss claiming that the complaint does not state a claim on which relief can be granted. PressReader's lawyer and I appeared before Civil Court Judge Denise Dominguez who had no clue that CPLR 3025(a) permitted my filing the amended complaint without her approval or any judge's approval. I tried to educate her in the law but no way was this escapee from the second caravan going to believe a white-male U.S. citizen. These identity group members are such idiot bigots. This issue was basic, basic civil procedure and this judge didn't know it. How could

such an ignorant lawyer get on the bench? Simple, some wetback district leader nominated her and the illegals in Manhattan elected her. To be fair, she did grant me leave to file the amended complaint, but I had to file it again—for the second time.

Naturally, the defense attorney kept quiet during the argument and in an email afterward said, “The Judge informed you that your amended complaint was not properly filed because you had not sought leave to file an amended pleading. We, like the Court, are thus treating your prior document and its service as a nullity.” He knew the amended complaint was properly filed under CPLR 3025(a), but since the Judge made a mistake that favored him, he went along with it—typical Abbott & Costello lawyer. So I re-filled and re-served the amended complaint.

This Abbott & Costello lawyer, Gary Meyerhoff, then removed the case to the federal court, which didn’t matter. But this typically wimpy male of modern times tried to threaten me. Either I drop the case, or he would make a motion for Rule 11 sanctions. My response was fine, and I sent him my Rule 11 sanctions motion against him that would be filed the same day he filed his.

Then the light went off in my head—file another amended complaint, but in the federal court. Since the Judge in the NYC Civil Court and the Abbott & Costello lawyer considered my first amended complaint in City court as not using up my absolute right to file such, logically, I still had the right to do so. Besides, once the Abbott & Costello lawyer transferred the case to federal court, the federal rules took over, and I had not yet used my absolute right in federal court to file an amended complaint, which is allowed under Fed. R. Civ. P. 15(a)(1)(B). My new amended complaint for the federal court turned a case asking for \$21,000, which was below the limit of the \$25,000 maximum allowed in the City court, into one for \$1.7 million. Since the Abbott & Costello lawyer wanted to turn this case into a big deal—that was fine with me.

The federal magistrate judge, however, summarily refused to allow my amended complaint without any argument or sufficient knowledge of the events that had taken place in the City court. So I made a motion that she reconsider her decision in which all the facts were laid out. Also made a motion asking for her permission to amend, assuming she was not about to change her mind on allowing me to amend as a matter of right. If she went against me on both motions, at least I'd have an issue for the Second Circuit Court of Appeals when the case got there, if it ever did.

[Update]

### Saigon Bride (cont.)

In December 2016, both sides in the draft case submitted a status report to the Judge on what the House-Senate Conference Committee had done with the Senate's call for females to register for the draft.

The Department of Justice had a new attorney—a man, because the female was pregnant—thank goodness for her lack of contraception. Girls generally hate guys. Imagine every day you open a store, clean it, decorate it and perfume it, but no one comes in to buy—how would feel? Girls are the shop keepers selling their wares. They engage in every type of advertising—bait and switch, black Fridays, and discounts when drunk—but they're the ones who wait, and they're the ones who can't pick and choose their customers. They have to settle for whomever enters the shop, and they hate men for it. So whenever a girl finds herself in a position to wreck revenge on a man—she will, assuming he's not a queer. And it doesn't matter whether the guy's decent or a jerk—she'll lie, manipulate and cheat for her revenge. So for guys, we might as well act as jerks.

Speaking of jerks, the House-Senate Conference Committee dropped the provision for females to register. It did include, however, the creation of a National Commission on Military, National, and Public Service to determine whether the current Selective Service System would be reformed, eliminated or require females to register.

The draft was last used in 1973, and in the 17 U.S. armed conflicts since then, including America's longest war in Afghanistan, the volunteer military had handled the fighting. So why bother requiring any registration for a draft that had not been used in over 40 years? It was a fair question. Of course, given America's military-industrial complex's hunger for profits, at some point a draft would be needed to provide the masters of war with enough cannon fodder to maximize profits. The Pentagon's position was that the "registration database itself mitigates risk to the Nation; its very existence would reduce the time required for full defense mobilization. . . . [in] a conflict of global proportions or mammoth national emergency."

Both the Senate and the House passed the Conference Committee's version of the 2017 National Defense Authorization Act and Obama signed it into law. That created a problem for my case because the Commission had nearly three years to make its recommendations to Congress, then Congress would dicker over what to do, and, if it actually passed a law changing the Selective Service System, Trump would have to sign or veto it. This could go into Trump's second term or whomever might be president then. Congress had punted so that they could duck the issue.

Neither my client nor I had any intention of cooling our heels for three or more years. We asked the New Jersey court to make a decision without waiting for the Commission, Congress and the President. The argument was that according to the U.S. Supreme Court just because judges "have no way of knowing how [Congress] will in fact respond," that is no reason

“to hold that underinclusive statutes [which included the registration law] can never be challenged because any plaintiff’s success can theoretically be thwarted” or furthered by a legislature’s subsequent action or inaction. *Orr v. Orr*, 440 U.S. 268, 272 (1979). A couple of other cases said the same thing: *Texas Monthly, Inc. v. Bullock*, 489 U.S. 1, 8 (1989) (“Texas cannot strip appellant of standing by changing the law” after the injury occurred) and *Arkansas Writers’ Project, Inc. v. Ragland*, 481 U.S. 221, 227 (1987) (to “effectively insulate underinclusive statutes from constitutional challenge [is] a proposition we [have] soundly rejected . . .”).

The Government argued that the Executive Branch and Congress had extensive authority over the military, and since they were engaged in possibly changing the law, the Court should wait. We argued that “possibly” was not good enough because our client’s right to equal protection was being violated everyday that the law was on the books. The Court apparently agreed with us and decided to proceed with the case. The Judge’s magistrate then instructed both sides to brief whether our client had standing. (Every federal district court judge has an assistant judge called a magistrate who helps out with deciding motions, but the Judge makes all the final decisions).

Standing is a Constitutional requirement in every case and has three parts. The plaintiff must have suffered some injury or is about to suffer an injury, the injury was caused by the defendant’s illegal action, and the court has the power to remedy the injury. The Government argued that our client’s injury was nebulous, speculative and she needed more than just being discriminated against. We argued that discrimination itself is the injury. “[A] victim of discrimination suffers a dehumanizing injury as real as, and often of far more severe and lasting harm than, a blow to the jaw.” *Hassan v. City of New York*, 804 F.3d 277, 290 (quoting *Mardell*

*v. Harleysville Life Ins. Co.*, 65 F.3d 1072, 1074 (3d Cir.1995) (*per curiam*)). If the Court agreed with our injury argument then it could also find that being prevented from registering caused the discrimination against young ladies, and that the Court could do something about it—declare the law unconstitutional.

The Court ruled in our client’s favor—she had standing to challenge the draft registration law. Up until that decision, I had brought six cases fighting for the rights of men against PC ideology, and not once did I ever win a substantive motion like this one. But here was a victory on a key motion in the fight for equal rights—the only difference was female rights instead of male rights. I wonder why?

The Court ruled in pertinent part that:

Plaintiff has alleged sufficient facts to establish a concrete injury for purposes of Article III standing. Plaintiff alleges that she tried to register for the military draft but was refused. (*See* SAC ¶ 5). As Plaintiff explains in her opposition brief, the “MSSA’s (Military Selective Service Act) male-only registration and [the Selective Service’s] enforcement of it barred Plaintiff from registering based solely on her sex while at the same time allowing males who were similarly situated as her to register.” (Pl. Opp. Br. at 20). The Supreme Court has observed that “[w]hen the suit is one challenging the legality of government action or inaction” and “the plaintiff is himself an object of the action (or forgone action) at issue . . . there is ordinarily little question that the action or inaction has caused him injury . . .” *Lujan*, 504 U.S. at 561-62.

Plaintiff is challenging the legality of the MSSA’s male-only requirement. As Plaintiff persuasively argues (*see* Pl. Opp. Br. at 24-27), this kind of sex-based discrimination constitutes “a harm that has traditionally been regarded as providing a basis for a lawsuit in English or American Courts,” *Spokeo*, 136 S. Ct. at 1549. Indeed, the Third Circuit has stated that “virtually every circuit court has reaffirmed—as has the Supreme Court—that a discriminatory classification is itself a penalty and thus qualifies as an actual injury for standing purposes, where a citizen’s right to equal treatment is at stake.” *Hassan v. City of New York*, 804 F.3d 277, 289-90 (3d Cir. 2015) (cleaned up).

Defendants contend that Plaintiff will not be deprived of any opportunities in life because she can enlist in the military. (*See* Def. Mov. Br. at 12). But this misstates Plaintiff’s injury. As Plaintiff explains, her injury

is *not* that she is kept out of combat positions, *not* that she may be harmed by future inductions, *not* that she is prevented from enlisting, and *not* that possible

career opportunities in the military will be hindered *but rather* that she is prevented—solely because of her sex—from *registering for the draft*.

(Pl. Opp. Br. at 21) (emphasis in original). . . .

Defendants argue that “Plaintiff’s complaint is akin to a policy grievance, unsuitable for resolution in federal court.” (Def. Mov. Br. at 18). According to Defendants, “[i]n the absence of some particularized cognizable harm to Plaintiff herself, the alleged injury is not a matter of individual concern, but rather a generalized and public one.” (*Id.*).

In opposition, Plaintiff argues that she suffered “a particularized injury” because “she, as an individual, was personally prevented from registering with the SSS.” (Pl. Opp. Br. at 12; *see also* SAC ¶¶ 5, 8-10). The Court agrees. Indeed, the Court finds that Plaintiff easily satisfies the particularization requirement of Article III standing based on the allegations in her [Second Amended Complaint] and the attached exhibits. . . .

Here, Plaintiff wants to register for the draft, tried to register for the draft, but can’t register for the draft because she is a woman. (*See* SAC ¶¶ 5, 8-10; D.E. No. 54-1 (Ex. A) & 54-2 (Ex. B)). Thus, Plaintiff has alleged a concrete injury. *See Horizon*, 846 F.3d at 633 (noting that the contours of the injury-in-fact requirement are “very generous”).

Our next move was to ask the Court for permission to file a motion for Summary Judgment. A court can skip a trial and make a decision when the facts in a case are clear and not disputed. In such a situation, all a court does is make a legal decision by applying the law to those facts. In the draft case the facts were obvious. Our client fell within the age range of 18 to 25 years of age, and when she tried to register for the draft, the Selective Service said no because she was a woman.

The DOJ opposed our request to get on with deciding this case so that it could move up the ladder to the Third Circuit U.S. Court of Appeals. At that time, the case had been in the district court for nearly three years. DOJ asked permission to make another motion to dismiss—its fourth motion to dismiss. Unfortunately, Judge Esther Salas granted DOJ a do-over of its prior motions to dismiss the case for lack of ripeness under Rule 12(b)(1) and failure to state a claim under Rule 12(b)(6). Judge Salas had never made a decision on those motions. She had “terminated” them allegedly because of the political shenanigans in Congress. Was she trying to

keep this case in her court until a weatherman showed her which way the legal winds were blowing despite that

The irreplaceable value of the power articulated by Mr. Chief Justice Marshall [*Marbury v. Madison*, 5 U.S. 137 (1803)] lies in the protection it has afforded the constitutional rights and liberties of individual citizens and minority groups against oppressive or discriminatory government action.

*U.S. v. Richardson*, 418 U.S. 166, 192 (Powell, J., concurring) (1974).

Compare three years of motions to dismiss in Salas's Court to the case in the U.S. Southern District Court of Texas on exactly the same issue of the draft registration statute violating the Equal Protection Clause of the Constitution. *Nat'l Coal. for Men v. Selective Serv. Sys.*, 2018 WL 1694906 (S.D. Tex 2018). That case had been transferred to Texas by the California court. The only difference in the Texas case was that two guys were the plaintiffs and a white 70 year-old man was the judge. After about a year and a half, the Texas case moved into the second inning—summary judgment. We, however, were still in the first inning fighting over DOJ's fourth motion to dismiss. Just unbelievable, by now we should have been knocking on the U.S. Supreme Court's door, but lady unluck stuck us with an Obama appointee.

Female judges didn't bother me as long as they were middle age or older black ladies. They seemed to have an understanding of how life worked and were not about to be conned by any foot dragging lawyer. Latinas, however, were usually a problem—driven by an inferiority complex. After Salas agreed to allow the DOJ its fourth motion to dismiss, I checked her bio. It was the usual effort to blame a man and turn someone into super girl—daddy abandoned us, we were indigent, which means they lived off of the taxpayer, but we overcame all odds. Right, affirmative action got her into and through college and law school. Salas worked as an associate in an ambulance chasing firm doing basic criminal work. Left that firm to work as a public defender in the New Jersey District Court representing lumpen proletariat ne'er-do-wells. Joined



politically correct organizations trying to convince America that whites, especially white males, were barbarians, and all those of a darker skin complexion were victims. She did, however, have one accomplishment—high school cheerleader.

DOJ argued that federal courts could not make decisions on civil rights when the military was involved; the case was contingent on what the National Commission on Military, National, and Public Service may or may not decide in the future; the Rostker case, decided under completely different facts, dictated that male-only registration was still constitutional; and the Selective Service did not violate Plaintiff's equal protection rights by preventing her from registering. Just a lot of malarkey intended to delay a decision further.

We argued that DOJ was continuing its strategy of delay: "*Justice too long delayed is justice denied.*"—Martin Luther King, Jr. King had added the words "too long" to William Gladstone's phrase "Justice delayed is justice denied." Our brief in opposition to the DOJ argued against further delay:

Equal treatment for young American women has not only been delayed by the Federal Government, but it has been delayed for far too long. Women continue moving into combat positions in the military, but they are still sitting on the sidelines when it comes to registration with the Selective Service System ("SSS").

The Government defendants, SSS and its Director (together, "Defendants") persist with their argument of delay. Defendants specifically requested a stay in their response to Plaintiff's motion to proceed. (Def. Resp. at 13-15, D.E. No. 61). It was not granted. (See Order at 5, D.E. No. 67). Defendants again request a stay (now called "abeyance") in their current motion to dismiss. (Def. Mov. Br. at 2, 3, 12, 18, 27, D.E. No. 80-1). Whether making a specific request or not, Defendants' argument focuses on delay: (1) wait until a commission with no law making authority makes some unknown suggestions; (2) wait until . . . Congress decides to adopt, change or ignore the unknown suggestions; (3) wait until President Trump decides to sign or veto an unknown bill that may never exist; and (4) if there actually is a bill but it is veto, wait for a vote to override the veto of a bill that not even a fortune teller can tell what it may say.

The obvious question is why delay while Plaintiff's rights are being violated? Congress can always enact a statute that abrogates a court's decision—providing the statute is constitutional. Perhaps Defendants are aiming for this case to become moot, which will happen when the Plaintiff turns 26 years old. . . . If Defendants have their way, she may be a practicing

veterinarian by the time all the appeals in this case end. Of course, by then, the appeals may have ended prematurely because of mootness when the Plaintiff turns 26—a victory for Defendants and discrimination, but a defeat for justice and equal treatment.

DOJ's reply loaded up on lies, prevarications and dissemblings about the law and the facts. DOJ and the new alleged lawyer it added to the case went for the con of delay. Why not, more delay would look good to their bosses, and DOJ would only have to worry about the case in Texas when it was appealed to the Fifth Circuit and then to the U.S. Supreme Court where DOJ would most assuredly lose.

Four months after the submission of our papers on DOJ's fourth motion to dismiss, Salas schedules oral argument to take place in two more months. Three and a half years after this case started, she throws in another delaying tactic—she'll likely take another six months after oral argument to make a decision. Then the case will be four years old and the plaintiff, who had just graduated from high school when the case started, will have graduated college. Salas was apparently scared of making a decision one way or the other. If she ruled draft registration unconstitutional, the Feminists who believed females deserved preferential treatment would criticize her. If she ruled that it did not violate the Constitution, then those Feminists who advocate for equal treatment would criticize her. Either way it was lose-lose for Salas unless someone took the risk of leading the way.

Throughout the history of the human race, who has been willing to take the lead—men. True, there were always a few brave females willing to go in front, but not many. On February 22, 2019, the Texas Court granted the two male plaintiffs summary judgment. Summary judgment meant the Court did not need to bother with a trial because the facts were clear—these two guys had to register with the SSS or face a plethora of unpleasant consequences. The DOJ now had to appeal that decision to the Fifth Circuit U.S. Court of Appeals. DOJ did luck out to

an extent in the Texas decision. The attorney for the two male plaintiffs screwed up, so the Court didn't issue an injunction. The Judge wrote, "Although Plaintiffs' complaint requests injunctive relief, Plaintiffs have not briefed the issue and their summary judgment motion only requests declaratory relief. Therefore, Plaintiffs' request for an injunction is DENIED." That meant the decision would have no effect on the Government until another court instituted an injunction, so the SSS kept on doing business as usual.

The Texas decision did, however, have an effect on the New Jersey District Court. Eleven days after publication of the Texas decision, Judge Salas issued her decision denying the DOJ motion to dismiss our Equal Protection claim. Thank heavens for older white-male judges willing to act as blocking backs. Judge Salas did grant the DOJ motion to dismiss our Substantive Due Process claim, but that was a Hail Mary anyway and we simply dropped it.

After reading her opinion, Rick's comment in Casablanca to Ugarte came to mind, "Yes, you're right Ugarte. I am a little more impressed with you."

Judge Salas held that our Equal Protection claim was ripe meaning the facts were clear and did not need any further additions, such as what the National Commission on Military, National, and Public Service might end up advising.

[T]he Commission serves simply in an advisory capacity. Its sole duty and authority is to review the SSS and draft a report for Congress. *See* FY17 NDAA §§ 551(a), 555(e)(1). While the Commission may be taking concrete steps towards providing a recommendation by March 2020, there is no guarantee that the Commission will complete its obligations by then, or that Congress will even act on the Commission's report. [Opinion at 9].

Meanwhile, Plaintiff and putative class members continue to have their constitutional rights allegedly violated. . . . [T]he constitution and the rights it protects cannot be held hostage to a possibility that a commission is investigating a particular policy, which may or may not give rise to legislation, which may or may not be enacted into law, which may or may not ultimately make the injury Plaintiff and others similarly situated are currently suffering, moot. *See Am. Petroleum Inst.*, 683 F.3d at 388 (noting that government agency cannot "stave

off judicial review of a challenged rule simply by initiating a new proposed rulemaking that would amend the rule in a significant way”); *Am. Petroleum Inst. v. U.S. E.P.A.*, 906 F.2d 729, 739–40 (D.C. Cir. 1990) (“If the possibility of unforeseen amendments were sufficient to render an otherwise fit challenge unripe, review could be deferred indefinitely.”). [Opinion at 10].

Plaintiff is not challenging the Commission, the Commission’s ongoing review, or what Congress may or may not do with the Commission’s recommendations. (*See* Pl.’s Opp. Br. at 26). Rather, Plaintiff is challenging the current enforcement of the MSSA. (*Id.*). That present enforcement gives rise to an injury today, and Defendants fail to show how review of that injury would “prove too abstract or unnecessary.” *See Ohio Forestry Ass’n v. Sierra Club*, 523 U.S. 726, 735 (1998). The question is fit for adjudication. [Opinion at 12]

Judge Salas also held that it was the Plaintiff who was currently suffering a substantial legal hardship and any decision by the Court to protect her rights would not interfere with the Government.

[D]iscrimination itself, by perpetuating “archaic and stereotypic notions” or by stigmatizing members of the disfavored group as “innately inferior” and therefore as less worthy participants in the political community, can cause serious noneconomic injuries to those persons who are personally denied equal treatment solely because of their membership in a disfavored group.

*Hassan v. City of New York*, 804 F.3d 277, 290 (3d Cir. 2015) (quoting *Heckler v. Mathews*, 465 U.S. 728, 739–40 (1984)). [Opinion at 13-14].

Regardless of this Court’s ultimate decision, the Commission and Congress are free to continue with the current policymaking process, and Congress is free to pass legislation based on the Commission’s recommendation—or not. The courts cannot stop Congress from legislating any more than Congress can stop the courts from interpreting the Constitution and any legislative acts repugnant to it.

*See United States v. Nixon*, 418 U.S. 683, 704–05 (1974); *Marbury*, 5 U.S. at 177. [Opinion at 14].

[C]ourts cannot avoid their responsibility merely ‘because the issues have political implications.’” *Zivotofsky ex rel. Zivotofsky v. Clinton*, 566 U.S. 189, 196 (2012) (quoting *INS v. Chadha*, 462 U.S. 919, 943 (1983)). And that duty requires this Court to determine whether the Constitution is being obeyed today, not to speculate whether it might be obeyed in the future. Therefore, the Court does not perceive any potential separation of powers issues with proceeding on the merits,

and to the extent any may exist, it does not outweigh the hardship befalling Plaintiff. [Opinion 14-15].

Finally, as to the DOJ's lame argument that because the Supreme Court in 1981 found male-only registration constitutional, every court other than the Supreme Court must also find that male-only registration is still constitutional regardless of all the changes that have occurred.

[W]here a law has been previously sustained the "decision sustaining the law cannot be regarded as precluding a subsequent suit for the purpose of testing [its] validity . . . in the lights of the later actual experience." *Abie State Bank v. Weaver*, 282 U.S. 765, 772 (1931). Indeed, "[a] statute valid as to one set of facts may be invalid as to another. A statute valid when enacted may become invalid by change in the conditions to which it is applied." *Nashville, C. & St. L. RY. v. Walters*, 294 U.S. 405, 415 (1935) (footnote omitted); *United States v. Carolene Products Co.*, 304 U.S. 144, 153 (1938) ("[T]he constitutionality of a statute predicated upon the existence of a particular state of facts may be challenged by showing to the court that those facts have ceased to exist."); *see also Third Nat. Bank of Louisville v. Stone*, 174 U.S. 432, 434 (1899) ("A question cannot be held to have been adjudged before an issue on the subject could possibly have arisen."). Therefore, in light of the alleged substantial factual changes since *Rostker* was decided, this Court cannot at this stage of the litigation find that *Rostker* controls the outcome of Plaintiff's claim. [Opinion at 30-31].

Next steps were motions for Class Certification so that the case would have an impact beyond just my client, and after that Summary Judgment on the Equal Protection claim so that we could get out of this quagmire of a court as quickly as possible. Whether we won or lost the Summary Judgment meant next stop the Third Circuit U.S. Court of Appeals. The problem was when.

Salas clearly wanted to further her career by moving up the judicial ladder to the Court of Appeals or maybe even the Supreme Court. After all, there was now a Latina seat in the form of Sotomayor on the Court. But such judicial advancements were hindered from a judge being identified as an advocate for either side in the American political divide—remember Judge Robert Bork. Regardless of how Salas ruled, one side was going to oppose her moving to a

higher court. The solution was simply to delay until the Texas case led the way. Then just follow the law that it set.

[Update ]

### Sympathy for the Devils

The Stones left out one category of people synonymous with the devil— doctors, not all, just most. Twelve alleged followers of the Hippocratic Oath sent me on a nine months cruise of horror crossing the river Styx. Things improved, however, once the boat reached the other side.

For a handful of years, I was having difficulty breathing at night while trying to sleep. My primary care physician (“PCP”), Mark Gorny at Mt. Sinai West, referred me to an Ear, Nose and Throat (“ENT”) specialist. The specialist diagnosed a deviated septum, probably from numerous hits to the nose while playing rugby decades earlier. The doctor was pushy to do an operation. He said, “You should get it done before you get any older, or I get older and my hands start shaking,” as he demonstrated shaking his hand with a grin. I declined. Gorny then prescribed a steroid nasal spray called fluticasone propionate and over-the-counter decongestants. Both provided enough relief for a decent night’s sleep, which is crucial for any attorney. Gorny also referred me to another Mt. Sinai Ear, Nose and Throat doctor. This one had a CT sinus scan done, but he couldn’t find anything in the scan that might be causing my difficulty breathing while trying to sleep, so he referred me for allergy tests. The allergy tests were negative—none except for my ex-wife. That’s when I started doing my own medical research. This wasn’t exactly rocket science, but three Mt. Sinai doctors couldn’t figure out the problem. It took me about three hours to accurately diagnose the condition—turbinate hypertrophy.

Turbinates are parts of the nasal passages. They warm, moisturize and filter the air before it reaches the lungs. But when they become enlarged (hypertrophy) as a result of too much blood flowing into them, they block the nasal passages causing difficulty breathing. In my situation, standing was not a problem because gravity prevented too much blood flowing into the turbinates. Lying down was a different story because blood then accumulated in the turbinates. The cause was simple—old age. As my former boxing trainer from Gleason’s and Wall Street Boxing said, “Once you hit 70, nothing works anymore.”

Armed with my diagnosis, Gorny referred me to another Ear, Nose and Throat doctor who confirmed the problem and operated to reduce the size of the turbinates in October 2016. The operation eliminated any difficulty breathing while sleeping or just lying down, so it was a success, for a while. Clinical studies showed that my respite might last a couple of years or only months—it was impossible to predict. Over time, downsized turbinates tend to start enlarging again and might even grow back. If the condition returned, nasal sprays and decongestants could be effective in relieving breathing difficulties, but ultimately another operation would be needed.

Around May 2017, some difficulty in breathing returned at night while trying to sleep. So in June, I visited Gorny. It often takes weeks to see Gorny unless it’s an emergency. Gorny told me to resume using the fluticasone spray. Saw Gorny three more times over 2017 and into 2018, in part, concerning the difficulty breathing that fluctuated in intensity and frequency. He continued to advise using fluticasone and decongestants, which sometimes helped and sometimes didn’t.

By August 2018, the difficulty breathing had reached a point that for three hours or more a night, I could barely breathe at all through my nose and was unable to sleep during that time. I called for an appointment with Gorny, but the earliest available was October 10, 2018. I told the

appointment's nurse, "That's nearly two months off! Doctor Gorny is usually able to fit me in when it's important and this is important." Sorry he said, "That's the earliest we have."

Sounded as though Gorny's office was turning into the VA.

At the October appointment with Gorny, he told me to continue using the fluticasone spray every day. As far as examining the anatomy of my breathing, he would leave that to my ENT whom I was visiting later that day. This was the ENT who had performed the turbinate surgery.

At the ENT's office, while examining my right nasal cavity, he said in surprise, "What's that brown mass?" Oh great, I thought. On further examination, he concluded, "It's a polyp growing in your nasal cavity that's blocking your breathing. It wasn't there when I did the turbinate operation." My thought was "polyp" is a nice word for tumor. I knew then I was dead, sooner than planned. He sent me for a CT sinus scan and did a biopsy. Cancer, but not just any form of cancer, the most virulent one—melanoma. Melanoma usually attacks the skin because of ultra violet rays from the sun. My melanoma, however, never saw the sun. It was known as mucosal because it grew in the mucous membranes inside the body. It was rare, usually attacked older persons like me, an additional benefit of the "Golden Years," and its cause was unknown.

Mother Nature, as females usually do, tricked me. After the turbinate surgery restored my breathing, she apparently started a melanoma tumor growing in my nasal cavity that mimicked the same symptoms as turbinate hypertrophy. Naturally, like any fool, I assumed that the old problem was back and dealt with it the way Gorny suggested.

My ENT referred me to a couple of oncology surgeons who also took my medical insurance—AARP Medicare Complete Mosaic by UnitedHealthcare (more on that later). I also contacted Gorny's office requesting a referral to a specialist in mucosal melanoma, but never



heard back from him. All of this was a nice stressful addition since it occurred in the middle of preparing for oral argument in the draft case before Salas. But what really annoyed me was the time consumed to deal with this doom. I had things to do to balance the accounts, but time was now rapidly running out.

I saw the two oncology surgeon's recommended by my ENT, but like an idiot, I didn't go with the one my instinct told me to simply because he wasn't a Mt. Sinai doctor. That alone should have made me choose him. I stupidly thought it would be more convenient to stick with Mt. Sinai doctors since all my doctors were with Mt. Sinai. In addition, because a couple of them were really good, the odds were that the oncologists would also be good. Boy was that a mistake.

On November 6, 2018, the Mt. Sinai oncology surgeon, Alfred Illoreta, advised a treatment plan where he would do a full operation to try and take out all the cancer providing it had not spread to other parts of my body. If it had spread, then a more limited operation to temporarily restore breathing to allow me to sleep so as to maintain my "quality of life" for a period of time. In every meeting with every doctor or nurse, I told them, "I'm not looking for survivability but functionality so that I can get done what I have to do. Longevity has its place, but not for me at this point in life. A year maybe two will do just fine, providing I can still function as a lawyer, do wind-sprints and attend my boxing class." Boxing had become a gift from the gods I didn't want to give up. It also had a hot young platinum blonde working and working out at the place.

Illoreta's treatment plan also included radiation therapy after the operation. His plan made sense, so we agreed to an MRI of the sinus area, which would specify the location of the tumor for an operation, and a full-body PET scan, which would look for cancer in other parts of

my body. Iloreta's office scheduled the tests with the earliest possible operation for November 15<sup>th</sup> or at the latest December 6<sup>th</sup>. Iloreta stressed the importance of having an operation sooner rather than later because melanoma was an aggressive form of cancer that often spread quickly. Because of my age, Iloreta needed a pre-screening physical exam by a doctor to determine the odds of my body reacting negatively to the surgery. Gorny did the pre-screening on November 7<sup>th</sup> and concluded my body healthy enough for the operation. The MRI and PET scans were completed on November 8<sup>th</sup>.

Iloreta also referred me to a medical oncologist, Dr. Philip Friedlander, and a radiation oncologist, Dr. Sonam Sharma. When a patient has a cancer tumor, hospitals often require these three kinds of specialists to agree on treatment.

Dr. Friedlander was apparently a world renowned big-shot to whom other doctors at Mt. Sinai deferred. Friedlander's Mt. Sinai biography states his

clinical interests include the development of targeted therapies and immunotherapies for patients with melanoma. As a member of the Division of Hematology/Medical Oncology and as the Director of the Melanoma Medical Oncology Program at Mt. Sinai, he handles patients with cutaneous malignancies and works to develop collaborative translational and basic science projects and treatments for patients with cutaneous malignancies.

Entering Friedlander's office on November 12<sup>th</sup>, there was no indication it was a bait and switch operation.

"Bait 'n' switch" is when a merchant represents he has one item or service for sale, but when you show up, that item or service magically disappears and is replaced by one you don't want or costs too much. Friedlander made his money and furthered his medical career by treating patients with melanoma using immunotherapy. It's the modern-day horror of chemotherapy all over again. Chemotherapy targets and tries to kill oncogenes, which are mutated normal genes that cause cells to multiply rapidly and haphazardly—cancer.

Immunotherapy, however, targets a person's immune system by putting it in high gear so it will attack and destroy the cancer cells. The problem is that the immune system on "speed" may also go after the lungs, heart, liver, eyes and so on with a litany of horrors. Immunotherapy had a success rate of 30% to 50% for melanoma, but statistics for its side effects were nowhere to be found, at least by me. The drug companies clearly kept such statistics on side-effects, but probably locked them away in their vaults. Not unlike the cigarette companies of old.

Another problem was that as with chemotherapy, immunotherapy is just a hit and miss approach. The drug companies find or invent expensive drugs but can't tell whether they will work unless the doctors sucker some patients into being guinea pigs. If the drug doesn't work—meaning the patient dies or suffers to the end—then they move on to another drug and another patient. As of this writing, the drug companies had around 600 different immunotherapy poisons to test.

The chemicals of choice for Friedlander's snake-oil remedy were Opdivo and Yervoy manufactured by Bristol-Myers Squibb for metastatic melanoma. A month's treatment would gross Bristol-Myers \$45,000 to \$75,000 a month. Friedlander made laudatory statements to the press about these alleged wonder-drugs, conducted clinical trials and published articles while his patients died miserably. In turn, Friedlander benefited financially—he owned stock in Bristol-Myers and other major drug companies pushing immunotherapy. Friedlander even worked as an advisor for Merck's U.S. subsidiary. Undoubtedly, he also received hefty speaker fees in the tradition of Bill Clinton to tout their effectiveness and sucker patients into taking these poisons. The drug companies most likely also provided business trips complete with hotel, bar and prostitution tabs fully paid.

At first, Friedlander outwardly agreed with my surgeon's plan to do a full operation providing the cancer had not spread, and, if it had, a limited operation to restore breathing followed by radiation. Friedlander also added immunotherapy after the radiation if the cancer had spread. Friedlander reviewed the PET scan and said it showed "lesions" in my sternum and lower back that may, repeat may, indicate cancer. A "lesion" can be almost any abnormal change involving any tissue or organ due to disease or injury.

I responded, "Those lesions are most likely old or even recent sports injuries. I've cracked ribs a few times playing rugby, took more than a few hits to the sternum from martial arts and boxing. As for the lower back, one rugby game pushed the L2 vertebrae you're talking about out of alignment. Currently, I'm being treated for it at Mt. Sinai's Spinal Center, which gives me steroid injections to mitigate the pain. Before I went there, I had to use crutches when I got up in the morning to get to the bathroom. Once the blood started flowing, I could make it to the law library or court."

Friedlander replied, "It is unlikely that the melanoma has spread that far from the nasal cavity, but let's be sure with two focused MRIs, one on the sternum and one on the lower back." He scheduled the two additional MRIs for November 15<sup>th</sup>, which meant the earliest possible operation by Iloreta went out the window. That didn't seem to be a problem at the time, since the later date of December 6<sup>th</sup> was still set for the operation, and the pre-screening done by Gorny was still good because December 6<sup>th</sup> was within 30 days of the pre-screening. Pre-screening for an operation has a shelf-life of only 30 days. Additionally, the oral argument before Salas was set for December 4<sup>th</sup>, so a December 6<sup>th</sup> operation fit Iloreta's and my schedules.

The following day at my appointment with Sharma, the radiation oncologist, she repeated Illoreta's advice that an operation soon was crucial and that December 6<sup>th</sup> should be soon enough. Sharma was one hot young babe who didn't need radiation to heat up a guy. She said that radiation treatment after the operation would last about three weeks and gave me a choice of having it done near where I lived by a different oncologist or by her uptown. I chose uptown. She clearly believed that either a full-blown or limited surgery would occur by December 6<sup>th</sup>. She listed the side effects of radiation, and, as with other doctors, I emphasized that my interest was not to maximize my existence but maintain my functionality for one, maybe two years, since I had things to do.

The second appointment with Friedlander was on November 19<sup>th</sup>. Friedlander said both the sternum and lower back MRIs also showed lesions as did the PET scan but a conclusion could not be made that they were cancerous. Once again, I told him they were probably old or even recent sports injuries and about the treatment provided by the Spinal Center to my lower back. To which Friedlander sharply responded, "I want you to stay away from steroids." Oh yeah, as my lawyer state of mind took hold. Was this doctor telling me to go back to using crutches when I awoke in the morning to get to the bathroom?

Friedlander then advised doing a biopsy of the sternum and lower back to confirm whether the lesions were cancerous. If they were, he said "full-body" immunotherapy would be needed without any surgery or radiation. That wasn't part of the original treatment plan. Friedlander was unilaterally canceling the operation and radiation, keeping just the treatment in which he specialized.

Friedlander continued, "Even if the biopsies are negative for cancer, full-body treatment is still necessary. The biopsies that are done use a needle and take only a small section of each

area, so they might miss the cancer.” For emphasis, he made a downward motion with his right hand holding an imaginary needle. So heads he wins and tails he wins. That made no sense.

When doing biopsies, a doctor takes samples from different areas to decrease the chance of missing any cancer. Also, earlier he said the lesions on the sternum were the size of a finger nail. When I was a kid, I could hit that at 20 paces with my .22 rifle. Further, why do biopsies at all if the results didn’t matter. Something stunk here, but I agreed to a brain MRI for the following day. As for the biopsies and immunotherapy, I tentatively agreed to them until I had time to analyze Friedlander’s actions and figure out his game.

At home I researched the side effects of these two drugs, Opdivo and Yervoy, used in combination and called my buddy Blackie. My research and Blackie’s stories of his friends who went through such therapy made clear that after spending over 50 years keeping my body in shape, I was not about to allow some doctor to pump poisons into it. My primary objective was not survival but to stay functional long enough to at least partially finish what I decided to do on Candlemas Eve 2001. As a former weight-lifting champion in Florida once said, “Cancer knocks you down, but chemo [now immuno] finishes you off.” I wasn’t going that route. It was my car and I was the one holding the keys.

At about 5:45 pm November 20<sup>th</sup>, a couple of hours after the brain MRI, Friedlander calls to say that it showed a mild stroke in the occipital lobe (extreme back of the head). He had compared this MRI with the November 8<sup>th</sup> MRI of the face and neck ordered by Illoreta and saw the difference. The November 8<sup>th</sup> MRI did not show a problem in the occipital lobe but the new MRI did. He added that the new MRI did not show any melanoma but the stroke was dangerous. Friedlander asserted he had shown the MRI to a female neurologist who feared that this stroke might be the beginnings of a major problem—a “cascade” of strokes. According to Friedlander,

she had advised that I immediately go to Mt. Sinai's emergency room and see its Stroke Intervention Team. Friedlander went over a list of symptoms, asking me whether I had experienced any—to which I replied no for all of them. The urgency in his voice started me thinking that Friedlander has been running a con all along. He wraps his voice in the emotion of urgency to push you into doing what he wants—unlike any other doctor I had dealt with but typical of girlfriends.

“If I had a stroke it's because of those unnecessarily, inconclusive tests you put me through,” I angrily replied. Apparently the intentional infliction of emotional distress was one driver of his con to manipulate patients into submitting to immunotherapy, and his lying the other driver to manipulate Iloreta and Sharma into doing what he wanted.

At the ER, the neurologists' team extensively questioned me and did physical ability, strength and sensitivity touching tests. One of the neurologist's first name was Helen, Asian, young and pretty—she could touch me anywhere she wanted. ER did blood work, took an EKG and did a head CT scan. The neurologists wanted me to undergo an echocardiogram, but to do that, I would have to spend the night in the ER. Four hours in that zoo was enough. I chose to walk out. Before reaching the door, however, one of the neurologists did her best to scare the bejesus out of me by listing all the horrors that might occur at home. It was then that I realized some doctors rely on two tactics to manipulate their patients into serving the doctors' interests rather than the patients'—false hopes and fear.

After escaping the ER Cabinet of Dr. Caligari, I was sure Friedlander was running a scam, whom I now referred to as Dr. Frankenstein Friedlander. He had initially agreed with the plan of doing a full operation to remove the tumor or a limited one to restore breathing followed by radiation treatment—the bait. All the while, he intended to drag out the search for more

cancer, which meant delay that increased the emotional stress so as to pressure me into becoming one of his experiments with immunotherapy. That was the switch. As Blackie said, “He’s trying to use you as a guinea pig.”

Friedlander was not pursuing my interests but his interests. My cancer was a rare form, so there weren’t that many human guinea pigs around on which to experiment. The immunotherapy would make him money, provide another test case for an academic journal article, use me to develop science projects and bogus treatments that furthered his career, and, most importantly, curry favor with Bristol-Myers to reward him for suckering another patient into taking its costly drugs. Since my functionality was on the line—I ran. Canceled the biopsies, the immuno and went looking elsewhere for treatment.

My search took me to an old buddy, an oncology doctor. We used to chase girls at NYC nightclubs. He said the traditional treatment for this type of cancer was to do surgery first then radiation and maybe immunotherapy. Even if the cancer had spread, an operation on the tumor often lessens the ongoing spread of the disease. He suggested Memorial Sloan Kettering, New York University’s Perimutter Cancer Center and Manhattan Eye, Ear and Throat Hospital. Blackie came to the same conclusions after doing research on the treatment and best hospitals.

Gorny also suggested Sloan or NYU and questioned whether the November 8<sup>th</sup> face MRI actually showed the same part of the brain as the November 20<sup>th</sup> MRI. A neurologist subsequently confirmed that the November 8<sup>th</sup> scan could not be compared to the November 20<sup>th</sup> one. The reason was that the scans were like cameras that used different f-stops depending of what area they were trying to record. The miniscule stroke was in the back of the brain while the November 8<sup>th</sup> MRI focused on the face and neck. So Friedlander lied about the stroke occurring after the November 8<sup>th</sup> MRI. He knew that a stroke subsequent to my pre-screening on



November 7<sup>th</sup> would prevent an operation on December 6<sup>th</sup>, and used that lie to convince Iloreta and Sharma to defer treatment to him. At the very least, it would cause more delay—read emotional distress—because pre-screening would have to be done again. Had the operation occurred on December 6<sup>th</sup>, Friedlander would have lost a pristine untouched subject on which to experiment.

Sharma and Iloreta essentially parroted Friedlander's position. Sharma advised doing biopsies on the sternum and lower back but cautioned that biopsies only access a tiny area via the biopsy needle. So if the results came back negative, there was still the possibility of cancer being in those areas. Did Friedlander write this script for her? She suggested that after doing the biopsies to then discuss future treatment. Of course, that would occur after December 6<sup>th</sup>, the last possible day for an operation due to the pre-screening time limit. This young lady could talk water out of the desert.

Later that day, Friedlander's office contacted me by telephone. Sharma had obviously told Friedlander about my telephone call. He was now trying to see whether I was dumb enough to follow her suggestion, which would increase the stress of delay and give him another shot of making good on his con. The young lady from Friedlander's office wanted to know what I was going to do about treatment. It's always a girl that these doctors use as their mouth piece—guys always think these girls care. Must be a mother thing, but given my mother, it no longer worked on me. My response was that I wanted another opinion. She said, "Our invitation is always open." Right, to be a poisoned guinea pig serving Friedlander's interests and Bristol-Myers' profits.

Iloreta had a somewhat different interpretation from Sharma on the tests. He said that the PET scan showed a chance the cancer had spread. He also looked at the MRIs of the lower back

and sternum that showed indications of lesions but saw nothing conclusive that the melanoma had spread. He suggested doing a biopsy and if negative then do a second biopsy. With two biopsies both negative, he was willing to do an operation attacking just the nasal cavity. But if either was positive, there would be no operation even to restore breathing as we had originally agreed. Friedlander had gotten to him.

Even with both biopsies negative, any operation had to be approved by the Mt. Sinai Tumor Board. Friedlander appeared to have sufficient political pull to veto any operation backed-up by his lie about a post-November 8th stroke, which indicated an increased risk of any operation. My time was running out. I didn't like those odds, so Sloan became my next place to request help.

At Sloan, a pleasant young lady answered the "New Patients" number. Gorny had never gotten back to me with a specific doctor's name. The lady sounded competent, which was a bit of a surprise, since generally only around 25% of females are competent and 75% of males. Guess many girls are distracted doing their nails. She asked a number of questions and I gave her my insurance information. She said they would need the written reports of all the tests Mt. Sinai had performed—two Cat scans, one PET scan and four MRIs. That's where another of Friedlander's tricks on imprisoning his patients occurred. This guy was really turning into my number one enemy.

Mt. Sinai has its own intranet system that allows patients to view the written test results and a separate system that allows doctors to view both the written and imaging results. Frankenstein Friedlander delayed in putting on the patient system the test results for three MRIs that he had ordered: sternum, back and brain. The doctor's system had them but to access that, I needed to be in a Mt. Sinai doctor's office. So why the delay? Friedlander knew that any other

hospital or cancer center would first want all the written reports of the tests before referring me to any of its physicians. Any delay in obtaining the reports would increase the stress of my condition worsening, which it most definitely would and did given melanoma's virulent nature. Friedlander was still playing a delay game (were he and Judge Salas in cahoots). Friedlander clearly knew my stress would escalate knowing that the longer without treatment decreased the chances of any possible cure or temporary cure and would continue condemning me to a few hours of sleep a night due to the breathing blockage. He was still hoping such would drive me to the desperation of immunotherapy.

Since Friedlander's written test reports were on the doctor's system, I made a long put-off appointment with my orthopedist. At his office, his assistant printed out the missing reports. Armed with all the reports, I dropped them off at Sloan's office. At first the Sloan lady wanted me to fax them because Sloan did not have an office. That seemed strange. It surely was not a fly-by-night operation. She relented, however, and gave me an address on First Avenue where to drop them off. But she warned that there was no sign to indicate Sloan had a presence there and instructed me to push the doorbell for the seventh floor, someone would buzz me in. I was to go to the eighth floor desk of a particular female who would put me in a room and get the Sloan lady to whom I would give the documents in that room. Must be a CIA operation.

That done, Sloan then needed the imaginings from the tests. Friedlander had no control over that, so it only took a day to obtain the CDs. Sloan, now having all the test results, a sincerely nice and competent nurse made appointments for me with two Sloan doctors, a surgeon and a medical oncologist.

At a little after 4 pm on the day before the appointments, this nasty sounding young lady from Sloan's Finance Department calls.

“We don’t accept your insurance. If you want to go ahead with tomorrow’s appointments it will cost you \$1,000 for each.”

“What are you talking about? I already went through the insurance approval.”

“Who gave you the approval?” I told her the lady at the New Patients number.

“Hold on, I’ll try to call her.”

(Holding on)

“She’s not in today.”

Sounded convenient to which I responded, “So you waited until late afternoon on the day before the appointments to call and tell me this. Why didn’t you call sooner?”

No answer, just more of \$1,000 per appointment. Was this a shake down?

“I’m dying of cancer and you pull this stunt. Why don’t you just send me a six shooter to blow my brains out?”

Her tone changed, and she actually tried to help. She explained that switching my insurance wouldn’t work because the enrollment period had closed five days earlier—December 7<sup>th</sup>. Was there suppose to be irony in that? Friedlander’s delaying con kept coming back to haunt me. The same insurance problem surfaced at NYU—AARP Medicare Complete, which wasn’t as complete as the name implies, was not accepted there either. I always knew there was a reason for not liking AARP besides its socialist propaganda.

The Sloan finance lady did help by getting out-of-network authorizations from my AARP Medicare insurance. But all that took time—more delay, and the authorizations came through too late to make appointments in 2018, thanks to Christmas. I knew there was a reason for not liking that holiday.

The AARP authorizations only covered one-time appointments. For ongoing coverage at Sloan, NYU or elsewhere a different insurance plan was needed. This threw me into the Medicare insurance morass. I'm a relatively bright guy with two graduate degrees with honors, but figuring out which insurance might still be available and which doctors it covered approximated the denseness of Leibniz's modal metaphysics. How could those Federal and State bureaucratic idiots make something so complicated?

Since it was too late to change plans, another option was needed, but time kept ticking away as the most virulent form of cancer continued to march toward my brain. Made me feel like an infected earthling in the movie Alien.

Blackie and Al helped steer my doomed existence to the only insurance possibility. Cancel my current insurance, which would throw me back into traditional Medicare A & B and buy a Medicare Supplement plan to pick up the remaining 20% of Part B along with the Part A deductible. The problem was that none of this coverage would take effect until January 1, 2019, and I would lose my prescription plan, but there was no choice.

Friedlander's intentional manipulations at imprisoning his human guinea pigs kept on ticking. Whenever a doctor sees a patient he writes up a "consultation report." It summarizes the patient's condition and treatment plan. My oncology buddy told me to request that the consultation notes from all three Mt. Sinai doctors be faxed to him. The surgeon and radiotherapist did so the next day because that is what N.Y. Public Health Law § 17 requires. As for Friedlander, he just ignored it.

Another of his tricks was that he and his staff never left any voicemail messages. Clearly out of fear that someone would use those party opponent statements against him in court to prove his pathological malfeasance and lying.

By now, any inkling of hope of a cure or temporary cure went out the window. Friedlander had boxed me into a corner from which there was no escape—do what he wanted or die sooner rather than later because of the delay he intentionally caused. Just before Christmas, I chose to die sooner—seemed a fitting present for that time of year.

Friedlander, cancer's ally and the drug companies' shill, had caused a delay in treatment for at least two months. Time was running out, but I started researching possible lawsuits such as medical malpractice, negligent misrepresentation, fraud and intentional infliction of emotional distress. After talking with a couple of lawyers who did malpractice work, they declined to take the case. That left me with bringing my own. The problem was I wouldn't be around long enough. Such a case would take a few years just in the trial court, and, of course, Dr. Frankenstein's lawyer would delay, delay and delay until I dropped dead. So instead, I filed a complaint against Dr. Frankenstein with the Office of Professional Medical Conduct at the N.Y. State Department of Health and sent a copy to Mt. Sinai's CEO. Mt. Sinai did nothing, other than send me a PR letter from its "Director of Service Excellence." The Department of Health, however, started an investigation.

So what does this most boring personal problem have to do with the draft case? After going through numerous doctor appointments, medical tests pumping radioactivity and other drugs into me while being inundated with radiation, and the continuing lack of sleep, it became clear that my traditional law practice was over. The problem as Blackie pointed out, is that you think about the illness all the time, trying to figure out your next move, which shouldn't include moving boulders. For me, my mind had always been preoccupied with my cases, now they were just an afterthought. Not wanting to leave my co-ed client in the draft case twisting in the wind, I needed to find an attorney to replace me on my demise. Not the ending I had assumed when

the case started, but bad luck condemned it to the black hole of Salas's court—where cases go to die.

On the medical side, since Mt. Sinai was the place where people go to suffer unto death, I started looking for any surgeon not connected with Mt. Sinai who would remove at least some of the tumor allowing me a near normal sleep that would enable me to partially finish what began so long ago.

Looking for a little escape from these horrors, my oncology buddy and I planned to hit a nightclub in Queens on New Year's Eve 2018. That New Year's Eve turned out different from all the others over all the years. The tumor decided to start bleeding, sending blood flowing out my right nostril. Dripping blood like a vampire who had just supped wouldn't exactly go over well with the girls, so I canceled.

In 2019, my insurance apparently changed. Apparently because no one at UnitedHealthcare or Medicare were able to give consistent answers. The answers always changed with the person. Al said he once went to a seminar addressed by the head of Medicare for New York who admitted that not even he knew all the ins and outs of the program.

My first appointment in January 2019 was with the surgeon that Sloan had assigned me. He wasn't the one I requested, but Sloan's administration, similar to Obamacare, assigns you a doctor. Take it or leave it. The surgeon was also a medical oncologist like Friedlander and had reviewed the records provided to Sloan.

After the introductions, I said, "Given my situation and the uncertainty of how much time I have left, it's necessary for me to arrange my cases so that they can be handed-off to other attorneys. To do this, I need to be functional—meaning capable of acting as a lawyer until the cases are transferred. The tumor in the right nasal cavity is blocking any breathing through it.

That inability to breathe allows me only 3 to 4 hours of sleep a night because of my alternative breathing pattern. Such sleep deprivation is negatively impacting my functioning as a lawyer, putting my affairs in order, and maintaining a semblance of quality of life, such as physical activity. What I need first off is a palliative operation to restore at least temporarily my breathing.” (My oncology pal told me to use that word. In the law, we use mitigate.)

The Sloan surgeon said, “I understand your objective, but we as physicians also have an objective not to do something that does not cure the disease.”

To which I thought, “It’s my life not yours, so my objective takes precedence.” This guy was looking like another Friedlander who just wanted a lab rat.

The surgeon continued, “Immunotherapy will treat the whole body for any other cancer that has spread. It can shrink the tumor and offers the best chance of extending a patient’s life.” This was his “false promise” tactic that duplicitously left out “quality of life.”

I countered, “There’s no reliable statistics on immunotherapy shrinking a tumor. It may, it may not, and no studies show the time it might take even if it does actually shrink a tumor. All the evidence is anecdotal.”

This surgeon/medical oncologist then resorted to the other manipulation that some cancer doctors use to make a patient do what serves their interests as opposed to the patient’s—fear.

“An operation could show that there is leakage from the brain, which will make it a major operation with significant risks—possible loss of sight, impairment of the brain or injury to nerves.”

“I’ll take the risk,” thinking he didn’t go into the risks of immunotherapy because that was what he wanted to do.



I then asked two questions: “If I don’t have medical treatment, how long will I live?” His face registered shock. Apparently, he’s accustomed to patients so desperate to live that they accept his statements as gospel.

“I have no way of knowing.”

My second question brought home the point that I was about to walk out. “How will I know I am near the end by not having any medical treatment?” He mentioned a few consequences of which I already knew.

Having undercut his smug arrogance by making him realize I was not about to blindly follow his dictates, I offered him a deal.

“Do the palliative operation to restore my quality of life, at least temporarily, and I will consent to any experimental procedure you want.” Of course I had my fingers crossed behind my back. I might or might not go with the immunotherapy. It depended on whether I had accomplished the things I wanted to do before embarking for Dante’s Eighth circle. Realizing he would lose this human guinea pig with a rare form of cancer, he steps out to call Sloan’s medical oncologist to whom I had also been assigned. After the call, he agreed and arranged for me to see that medical oncologist right away. Apparently at Sloan as at Mt. Sinai, the medical oncologist is the boss.

The medical oncologist was considerate and agreed to the palliative operation. She also knew Friedlander and said my melanoma was at stage four. None of the other doctors mentioned that, but my doom was clear to me from the biopsy in October and my ENT showing me the CT scan back then.

The next day brought me to NYU’s cancer center to meet with a very considerate nurse and doctor. The manipulation, however, consisted of anecdotal examples of miraculous

recoveries from immunotherapy alone. “It reduced or eliminated patients’ tumors while destroying cancer in other parts of their bodies.” NYU’s treatment plan for me was once again playing craps with immunotherapy to eliminate the tumor and destroy the cancer allegedly in other parts of my body.

So far, three medical oncologists from three different reputable hospitals all pushed the same Bristol-Myers drugs. Could all three be on that company’s payroll, either directly or indirectly? Dr. Frankenstein Friedlander was—he owned stock in Bristol-Myers and other major drug companies pushing immunotherapy drugs. Or was it just the trendy new miracle cure touted by a profession dependent on drug company grants.

Blackie went through a similar situation for a life-threatening condition. The doctors said they had a new miracle treatment using radiation. All it did was put him through years of misery. The medical profession subsequently trashed the procedure, and it’s no longer used. How much misery did that medical stupidity or bribery cause?

I had always thought that doctors were supposed to relieve suffering, not prolong it to serve their monetary and research interests. Yet three reputable medical institutions, Mt. Sinai, Sloan Kettering and NYU Langone didn’t give a damn about what suffering I was going through. All they cared about was conning another human being into being a lab-rat for the latest trendy unproven cancer treatment. The cancer profession was reminding me of used car salesmen.

There was one more oncology surgeon to try. The one my instinct told me to go with at the beginning but didn’t. He was sharp, understood my position and agreed that a patient’s quality of life was crucial. His nurse was competent, nice and an attractive blonde—too bad I wasn’t younger. They functioned the way I remembered doctors and nurses used to—focusing on the patient’s problems rather than viewing a patient as just another brick in the wall of their

careers and bank accounts. So I went with their treatment plan and canceled the Sloan operation. Why have a surgeon operate on me who didn't want to do the operation. Also politely told NYU thanks but no thanks.

Before the operation, the surgeon referred me to a medical oncologist at Columbia Presbyterian. Just the title "medical oncologist" gave me trepidation after my prior experiences with these specialists, so I was once again ready to walk. This oncologist at least appeared to be the opposite of the other three. Friedlander was a con artist, and both Sloan and NYU wanted to do immunotherapy first and have me wait to see whether it actually shrunk the tumor regardless of the impact the side effects would have on my life. The Columbia doctor understood the need for me to get enough sleep to put my cases in shape for another attorney and maintain a semblance of whatever quality of life remained. He even thought the draft case was interesting. He also said there were a number of different drugs used in immunotherapy, not just Bristol-Myers' Opdivo and Yervoy, which depended on the patient's condition, but we would talk about that after the operation.

The surgeon scheduled the operation. Then, just days before surgery, pre-screening demanded a doctor's note (sounded like grammar school) that even with the mild stroke, my body was in good enough shape to undergo the operation. Gorny, my PCP, was the logical choice. He had been my doctor for 19 years, treated numerous injuries from old boys' rugby games, martial arts, hip-hop and a few fist fights. He clearly knew my physical condition better than anyone. In addition, he earlier told me that the stroke would not impact an operation on the tumor. So what does this Mt. Sinai doctor do? He refuses to provide clearance for the operation the day before surgery—unbelievable. As a result the operation is put off—more delay.

What's with these Mt. Sinai doctors? Freudian slips began sneaking into my conversations with medical personnel substituting Mount St. Helens for Mount Sinai. The actions of that con artist Friedlander just kept-on plaguing me.

Since that miniscule stroke may have been caused by a blood clot from the heart or an artery leading to the brain, the surgeon's nurse, not one to waste time, arranged an appointment with a cardiologist for the next day, the day the surgery would have occurred but for Gorny. The cardiologist was sharp and knew her stuff.

I explained Friedlander's delay of inconclusive tests that prevented an operation.

"He was basically just trying to use me as a . . . ," and simultaneously we both said "guinea pig." She knew the ways of doctors like Friedlander.

She also highly recommended my current surgeon as someone who had operated successfully on a couple of her relatives.

Armed with my echo cardiogram and other information, she used a program to estimate the chances that my physical shape couldn't handle the operation. It was 0.9% that there would be a problem. Gorny, who also had access to my echo cardiogram since he ordered it, should invest in such a program.

The January 22, 2019, operation was on again but almost off again due to a refugee from the caravan who could not speak English or understand how things work in America. She refused to accept my NYS Court ID as proof that my last name was "Den Hollander" and not "Hollander" as the DMV had recorded. Illegals usually have four or five words in their names; she should have understood. But they refuse to because they hate gringos for building a superior country and give us a hard time whenever they can. Her immediate boss, however, was an

American steeped in our ways and concluded that if they changed my name in their records to match my DMV license, then insurance would not pay. Ah, the power of the buck.

Everybody else was very competent and considerate, and the operation went off without a hitch. Afterwards, my surgeon said he couldn't understand why no one else would operate and added that he couldn't imagine the suffering I had gone through. Since my first appointment with Dr. Frankenstein Friedlander two months earlier, the tumor had grown 270%. Melanoma cancer cells still remained because a radical operation in my head would have turned me into what my high school Spanish teacher called me—a vegetable. Radiation would be needed to deal with the remaining melanoma cells. The question of course is could it all have been removed back when Iloreta first wanted to operate, November 15, 2018?

The Columbia medical oncologist recommended a radiation doctor, Horia Vulpe, with whom he works. On my first visit, Vulpe explained the procedure and the initial preparation for it. He was young, Romanian, and seemed to be a decent guy interested in helping his patients. He added that the radiation shouldn't start until a month after the operation. Meanwhile, he had to present my case to Columbia University's Tumor Board. The board meets monthly at the Columbia University Medical Center. It is made up of skull base tumor experts that determine the "optimal treatment" for individual patients. According to Columbia, "the tumor board is able to make patient-centered decisions that are less biased by a particular provider's personal experience or specialty." Terrific, now a committee was making decisions about my life.

On my second visit, a month after the operation and arranging my life for weeks of radiation, five days a week, and fully expecting to begin the medical preparation for it—everything changed. Vulpe was no longer gun-ho to get moving with the treatment, but said he wanted to do more testing to find out whether the melanoma had spread. Here we go again, I

thought—*déjà vu* Dr. Frankenstein. Vulpe also seemed in a rush to get through my visit. Was something going on behind the scenes to manipulate me into doing immuno? Was Columbia just another sell-out cancer institution acting as a front for drug company experiments and patient exploitation that transferred insurance dollars into drug company pockets, and, of course, Columbia's pockets by way of a *quid pro quo* arrangement? Then again, maybe Vulpe and Friedlander were in cahoots. Vulpe knew about Friedlander because he had asked about my Mt. Sinai experience, which I told him, complete with my reference to Friedlander as Dr. Frankenstein. But a conspiracy between these two—that seemed highly unlikely.

The first test ordered by Vulpe was the proverbial PET scan. The MRIs were scheduled for two weeks later. The problem with the MRIs was that Vulpe's office scheduled them all for one session lasting three hours. At the MRI unit at Columbia Presbyterian, the technician said, "This is too much for one person at once. We're not going to do all these MRIs in one sitting. The body just can't take it." So they did an hour and a half for the face and neck MRIs and scheduled me for another session a week later. The face and neck MRIs were necessary for Vulpe to start radiation treatment while the next session would focus on whether the cancer had spread.

The following week, the MRI technician told me that only the back would be scanned.

"What about the sternum?" I asked.

She answered, "It's just going to be your back from below the neck to the bottom. There's no sternum or chest MRI ordered."

That was strange. Why didn't Vulpe also order an MRI of the sternum? Dr. Frankenstein had emphasized that Mt. Sinai's PET scan showed "nail size lesions in the sternum." Then again, given his pathological conning, maybe not so strange. Dr. Frankenstein

had relied more on the fear tactic of cancer spreading to the sternum than my lower back because I had a great explanation for the lower back lesions not being cancer—rugby. Now a Columbia doctor had decided that a sternum MRI was not necessary for determining whether the melanoma had spread. Why?

MRI shows whether there is a mass of tissue in the body where one does not belong. It may or may not be cancer. PET scans on the other hand claim to indicate the presence of cancer but are notoriously inaccurate. They use a measurement called “standardized uptake value” or SUV to indicate whether an area might, I repeat might, be cancerous. They should really call it SVU. They inject you with a radioactive substance, usually sugar from the Alamogordo Desert. The PET measures how much radioactivity was absorbed in an area compared to the rest of the body. An SUV above 2.5 can indicate cancer. However, there are a lot of problems with this measurement, not the least of which are false-positives indicating cancer, but after the patient dies, an autopsy shows no cancer. Also, an SUV above 2.5 can result from infection, inflammation, autoimmune processes, sarcoidosis, benign tumors or injuries. In my case, the Mt. Sinai PET showed 4.7 for the sternum, 4.6 for the lower back and 11 for the nasal cavity, which everyone already knew was cancer. The Columbia PET was 4.0 for the sternum and 4.6 for the lower back and the nasal cavity was 6.6 absent the tumor.

No matter what a PET or MRI shows, the only way to confirm cancer is with a biopsy.

Vulpe said he wanted biopsies of the sternum and lower back—sound familiar. The scheduling office for Columbia called me about the upcoming biopsies.

“Your biopsies are scheduled for 8:30 am this coming Tuesday,” the young lady from the scheduling unit told me on the Friday morning, the weekend before the biopsies.

“How do you know I don’t have to be in court that day? Aren’t you supposed to work out your scheduling with the patient?”

“Well, it’s set for Tuesday, but before the biopsies you need to have blood tests done.”

“And where do I get the tests done before Tuesday?”

“You can do the tests here. Also you need an escort home after the biopsies because you’ll be given sedation.”

“Friday, before an operation for Tuesday morning, I’m supposed to find an escort. People I know work, they can’t just drop everything on a moment’s notice. What if I can’t come up with an escort—do I try the yellow pages?”

“Then we’ll have to cut back on the sedation and it will be more uncomfortable.”

“You mean it will be more painful.”

“Yes.” These medical people always use “uncomfortable” to mean pain.

“Let me get back to you if I can find an escort.”

Needless to say, I couldn’t find an escort on such short notice, but Al was willing to do it later in the same week of the scheduled biopsies. So I called the scheduling office ditz back but had a real hard time getting through. Someone picked up the phone a couple of times but didn’t say anything. I waited and waited, “Hello, hello.” Nothing. When I finally got a live but moronic person in scheduling on the phone, she immediately transferred me somewhere without even letting me explain the reason for my call. The person to whom I was transferred, who was naturally in the wrong department, transferred me back. Eventually I got through on the following Monday, but the incompetents in Columbia’s scheduling office arranged for the blood tests on Tuesday, so the biopsies were off.



After the blood tests, I never heard back from Columbia's scheduling office, so I called Vulpe's office—twice. No one who was alive ever answered that phone. So my messages went to voicemail asking when the biopsies would be and when Vulpe would start my radiation treatment. After all, the reason for seeing him was radiation treatment—not another Mt. Sinai run-around.

Called Vulpe's office a third time, but still no living person answered, so I left another useless voicemail. None of these delays made any sense. Radiation treatment should have started February 22<sup>nd</sup>, now it was the end of March, and every minute melanoma was moving toward my brain. So I went looking for another radiation oncologist by calling my surgeon's nurse navigator to complain about Vulpe's delays and asking for a recommendation for another radiation oncologist. My surgeon had previously been a power at Columbia before moving over to Manhattan Eye, Ear and Throat Hospital. A couple of days later, Vulpe called me to arrange for a CT scan needed as preparation to start the radiation treatment. Nothing like knowing influential people.

At my third visit with Vulpe for the CT scan, he provided a logical reason for determining whether the cancer had spread. If it had not spread, then he would try to kill all the melanoma left in my head; if it had, then the treatment would not be as aggressive, which made sense because in that case I was dead anyway. Whichever, I made clear to him that my functionality was primary—not longevity, and that I was not doing immuno.

“We'll deal with that later,” he said. “Right now, you need to reschedule the biopsies.”

I said, “After my experience with Columbia's scheduling office, I'm not doing it.”

“Alright, try the front desk or one of the nurses to schedule it.”

A nurse in the CT scan section decided to dare the gauntlet of idiots and the brain dead in scheduling to arrange for the biopsies. After much delay and her clear frustration over the telephone, she managed to set-up the biopsies.

Columbia's Interventional Radiology Division handled biopsies—a group of competent and considerate medical professionals.

The doctor said, “We’re just going to biopsy your sternum.”

“What about the lower back,” I said after lying face down on the table.

He replied, “If we don’t find what we’re looking for in the sternum, then we’ll try the lower back.” So I turned over.

To which I thought, and if there’s nothing in the lower back, what’s next, my knees, then my feet—where does it end? Conspiracy theories whirled in my head thanks to the experience with Dr. Frankenstein. Was all of this part of Columbia’s Tumor Board and Vulpe’s strategy of delay to stress me into relenting to immuno that would make money for Columbia and the drug companies? Had I escaped one bait & switch to fall into another in which the bait was radiation therapy, which likely would eliminate some or all of the cancer in my head, and the switch was again immuno? The tumor operation was January 22nd, so radiation should have started February 22nd. Vulpe’s additional testing and his less than efficient office had delayed the treatment, which was now set to start on April 1—were the fates mocking me? The prospect of more biopsies and the accompanying delays made me decide that if radiation didn’t start the first week in April, then I was walking. I’d try to find a radiation oncologist who would start treatment immediately, but if I couldn’t, then I’d do without.

That contingency plan didn’t happen. The biopsy found what Columbia and Vulpe wanted to find—melanoma in my sternum, or so it said. All the results of all the tests that

Columbia conducted showed up almost immediately on the section of a medical intranet to which I had access—all except the biopsy. For the biopsy report and the accompanying slides, the old fashion way was required—telephone and U.S. Post. Sure enough, it stated “Metastatic Melanoma,” and later on in the report that I was a prime candidate—guinea pig—for immunotherapy using the same two chemicals Dr. Frankenstein, Sloan Kettering and NYU Langone had pushed—Bristol-Meyers’ Opdivo and Yervoy. That was never going to happen, which I made clear to Vulpe. But what were the odds that four different institutions would push the same two chemicals to treat my mucosal melanoma? Especially, when there were no reliable statistics or dedicated clinical trials on the effectiveness of those chemicals for mucosal melanoma. The reason there were none is that those two chemicals were used to treat skin melanoma—that’s not the melanoma I have, which is genetically different. The only logical conclusion is that each and every institution, except for the one where my surgeon was a boss, wanted to use me as a lab-rat to see if those two poisons worked on mucosal melanoma.

Now, if they had offered me 50% of what Bristol-Meyers would make by pumping those poisons into me, good chance I would have agreed. After all, my life was over. Why not use the money for hitting strip clubs, like the good old days in Russia. But no, they had to try conning me, and was delay the full-extent of Columbia’s con? Vulpe kept bringing up combining radiation with the immuno to be administered by the Columbia medical oncologist, but I kept telling him no way. After radiation, I would find my own way into oblivion.

Three weeks of radiation was not exactly pleasant, although the technicians, nurses and the front desk were great. I couldn’t see how they did it. Everyday, one doomed patient after another, but they kept a smile on their faces and a perkiness that lifted even my nihilistic attitude. I actually looked forward to seeing them, maybe because they laughed at my jokes. Amazing

that going for radiation, which made the inside of my mouth feel like I had been chewing on a cactus, was something to anticipate. The world still produces, now and then, human beings.

Vulpe, on the other hand, was a different story. The worst part of radiation was Vulpe's failure to give me some instructions during it. As a result, seven days into the radiation, the right side of my tongue felt like it had been sliced and diced. I—not Vulpe—came up with the idea to mitigate further damage to my tongue, which had nothing to do with the cancer—keep it lying flat and off to the left out of the way of the radiation. Worse, there were medical techniques to protect the tongue from radiation, such as a mouth piece with a tongue depressor or medications used to coat the tongue. Vulpe didn't use any of them on me, didn't tell me about any of them, and didn't warn me about what could happen to my tongue. Why?

When I visited my surgeon after the radiation and showed him the injury to my tongue, he got angry. Asked me for Vulpe's telephone number, which I gave him. I didn't witness the call, but I'm sure he bawled out Vulpe. The location of the injury made no sense. The cancer was in the right nasal cavity—not the mouth or the tongue.

So, was Vulpe an East European incompetent? At first, I thought yes, but then I looked back on what transpired when the tongue pain started. Vulpe prescribed a topical mouthwash that was useless beyond 15 minutes of using it. He then prescribed a bottle of morphine, which made me sick, and replaced that with a bottle of oxycodone.

Oxycodone was no stranger. After the turbinate operation, I took it in pill form—one in the morning and one in the evening. It relieves pain alright, but the real danger is that it makes reality look great. When I awoke in the middle of the night craving another pill—something that never occurred during my druggie days in college—I threw the remaining bottle of 40 pills in the garbage. No way, I'd ever try that stuff again.

My conclusion is that Vulpe intended to slice and dice my tongue so that I'd end up on either morphine or oxycodone, taken every four hours, which would turn me into a malleable patient lacking in critical thinking or a desire for the truth about what he and Columbia were scheming. His con didn't work. But eight weeks of near constant pain from the tongue injury, which required eating only baby food, oatmeal, applesauce, yogurt and macaroni and cheese, made me curse this monster out of the show *Supernatural* everyday. Even talking was painful, which is what lawyers do a lot.

Vulpe now became Dr. Vulture, hope that species doesn't consider it an insult. Dr. Vulture was one smooth operator who would have sold a lot of used cars if he had chosen that profession. At our last meeting, most likely assuming I was stoned on oxycodone, he even tried to convince me to continue with radiation, but to the lower back, and to start immunotherapy.

"How do you know my lower back even has a cancerous tumor?" I asked.

"It's there," he said in a voice of over-confidence of the liar.

Now it was clear why he didn't have a lower back biopsy done. If a biopsy had been done and was negative, then there was no chance of getting me to agree to lower back radiation.

So without any reliable evidence of cancer in my back, Dr. Vulture then resorted to one of the two psychological methods so often used by oncologists—the fear tactic. In response to my questions, he actually estimated how much life I had left without more radiation and immunotherapy—six months. That was a surprise—not the six months, but that no other oncologist, other than my pal, would even make an estimate.

It was an obvious trick I had been expecting—low balling. But even if he was right, I didn't care, since it gave time to do that which I intended. Dr. Vulture, however, was trickier than that.

He emphasized that without the lower back radiation and immunotherapy, the cancer would likely paralyze me—making my legs useless. “The moment you feel any tingling in your legs, come see me immediately, so we can prevent any paralysis.”

This guy was as good as any girl I had known at manipulation. First he obtained the information on my life-style in the guise of preserving my “quality of life.” He knew that nearly everyday I had to travel on my legs to the law library or court. He knew that once a week I ran wind sprints on my legs and attended boxing class on my legs. He also knew I was being treated by a spinal institute for the old rugby injury that misaligned one of my lower vertebrae and hurt nearly everyday. One of the symptoms the spinal institute told me to watch out for was “tingling in my legs,” which Dr. Vulture knew. So he mixed that all up into a fear tactic meant to manipulate me—assuming I was stoned on the oxycodone he prescribed—into doing what made him and Columbia money: radiation and immunotherapy. None of the other nine oncologists I saw ever raised a paralysis issue. If the problem actually arises before my death, I’ll go to the spinal institute—not Dr. Vulture.

Vulture’s radiation had ended on a Friday and the following Monday the office of the Columbia medical oncologist who does immunotherapy called to make an appointment for me. Coincidence—I doubt it. More likely, these two hatched the con to get me on morphine or oxycodone so as to make me amenable to immunotherapy and more radiation.

Both Frankenstein and Vulture played with my life in order to make money and further their hospitals’ *quid pro quo* relationships with the drug companies. They didn’t give a damn about me.

This end of life experience taught me that a deadly conformity of belief has infected the cancer profession. Most doctors buy into the hype of immunotherapy as a cure. There is a

systemic conspiracy among cancer institutions and the drug companies. Both make lots of money and gain fame pushing today's alleged magic bullet for cancer. It's always been the same old scam with most cancer doctors, institutions and medical companies. Create an illusion that medicine has finally discovered the cure for cancer, sell it to the public, and everybody involved makes a lot of money while the patients die miserably—often from the new-improved bogus treatments. In the past, there were radical mastectomies, anti-viral drugs, chemotherapy and now immunotherapy. If you want to find out the truth about any alleged cancer miracle, ask the technicians—not the doctors—who work at these institutions.

The neurology profession didn't appear to be much better—exploit the patients with multiple tests to meet the medical “test or perish” requirement (similar to academia's publish or perish rule).

To deal with the non-symptom, miniscule stroke, I visited a neurologist at NYU's stroke center before Dr. Vulture's “slice-n-dice” radiation started. The center had a good reputation and was just 20 blocks up First Avenue from my apartment. She was cute, always a plus, and Asian, so at the upper end of the bell curve. She showed me my brain MRI and pointed out the small area where a blood vessel had burst. Twenty years ago, the technology wouldn't even have found it because it was so small. Strokes happen when clots build up in a blood vessel that block the flow, so the vessel bursts.

She asked about any symptoms.

“No, no head aches outside of the usual for lawyers, no numbness, no black outs—I haven't drunk that much in years.” I answered.

“Are you physically active?”

“Once a week, I do wind-sprints, and once a week I take a boxing class. I don’t spare, just train the way boxers do—heavy bag, pads, double under bag, and exercises for an hour.” Looking back, I wish I had kept my mouth shut, but I thought she’d be impressed and needed to know.

“The first thing we need to do is determine the cause of this stroke. There are two possibilities: cancer, because it causes the blood to thicken, which increases the chance of a clot in the brain, and . . .”

That made sense, since the cardiologist had told me the same.

“. . . or you’re doing too much physical activity for someone your age.”

That made no sense, and my suspicion antenna went off.

“When people around your age exercise too much, their hearts may become arrhythmic. Some beats come too quickly causing an increase in pressure that causes a blood clot to break off and travel to the brain causing a stroke. In order to determine whether you have arrhythmia, we need to monitor your heart for a month.”

“I’m not stopping the wind-sprints and definitely not stopping boxing.”

“You can continue with your usual activities, but you’ll be wearing a patch on your chest that sends a signal to a monitor that records the rate of your heart beats.”

I went along with this tentatively, and she referred me to another neurologist who handles patch monitoring—talk about specialization.

The second neurologist provided the patch and a cell phone that picked up the signals from the patch on my chest and sent them to—where else—a computer. The second neurologist also added that the cause of the stroke might be a hole in my heart, and that I should undergo a special test for such. I almost laughed in his face. I’ve been playing sports since I was kid—



never did anything like a hole in my heart come up. One of my girl friends had been born with one, but that's the closet I ever got. This neurologist was just another doctor pushing unnecessary tests to make more money or comply with the test or perish rule in the medical profession.

The following day, I put the patch on just above my heart. Next day, did my wind-sprints—guess who called? The monitoring company, which I ignored. Two days later the monitoring neurologist called.

“Sunday your heart rate went up well over 100, what was going on?”

“As I told you and the other NYU neurologist, I do wind-sprints. That's what wind-sprints do.”

“Did you ever have a stress test?”

“Sure years ago.”

“You should come in for a stress test.”

“I'll deal with that later.”

This guy was really pushing my patience. One of the purposes of wind-sprints and boxing is to keep your heart in shape. I do wind-sprints and because my heart rate goes up, he wants a stress test—no way. All this neurologist was doing was adding to my stress by implying something was wrong when it wasn't. Like Dr. Frankenstein, he hoped I'd relent just to relieve the stress he intentionally caused by doing whatever stupid thing he wanted because it would make him money and he'd look good to the hospital administrators. No way!

To prepare for the upcoming radiation treatment, Dr. Vulture needed a three dimensional map of my head to highlight the melanoma, which meant a specialized CT scan. That required taking the monitoring patch off. According to the NYU neurologists, it could be taken off and

then put back on at any time. So off it went, did the CT prep scan and put it back on. Later that night the monitoring cell phone starts beeping. It was not receiving signals from the patch. I called the monitoring company, twice—do this, it didn't work, so now "we'll trouble shoot." Then I realized. Strokes are caused by stress, and this test involving a computer not doing what it was supposed to was causing plenty of stress. Not only was I fighting doctors using fear tactics to manipulate me into taking unnecessary, time consuming tests and unproven drugs, but I was also now fighting another computer. I had enough computers in my life to fight—I canceled the test, terminated the "test or perish" neurologist and kissed (unfortunately not literally) the Asian neurologist goodbye.

All this medical lunacy made me realize that most of the time when a patient visits a doctor, the doctor jumps for the insurance money by exploiting the patient. Through false hopes and fear tactics, the doctor manipulates the patient into numerous useless tests and visits along with suckering the patient into becoming the doctor's latest guinea-pig. The patient goes through hell, stupidly believing the doctor is trying to help him rather than con him.

No girl ever jerked me around as much as the medical profession at Mt. Sinai, Sloan, NYU and Columbia. Shakespeare obviously mistakenly wrote in Henry VI, "The first thing we do, let's kill all the lawyers." He must have meant "doctors." Sure some lawyers will rob you, but plenty of doctors will torture, exploit and even kill you.

(I Can't Get No) Satisfaction

MPHS Class of 1965, Reunion or Unfinished Fates

Toward the end of my existence with just another stupid and futile thing to do, my high school class held, what was for me, its final goodbye reunion.

Back in 1965, we had a lot of potential and were looking forward to the future. The girls were young and hot. The guys got into fights. But now, half a century later, nearly everyone was decrepit, or near so, and the girls were unrecognizable, as though they had gone to plastic surgeons to disguise their looks. In talking with some of them, I kept thinking, “I remember your name, your voice, and how you looked, but this can’t be you.” The destruction of time was clear.

There were tragedies along the line—guys died before their time, especially in Vietnam. Girls and guys failed in their dreams, families grew and fell apart, and memories of youth haunted all with a surreal realism.

A girl in our class and I were enemies back then. She was using the power pretty young girls always possess to tame a young guy—my best friend, by turning him into a well-respected man through marriage and children. I was trying to convince him to hold onto his spirit of a wild man, knowing that we had a lot of adventurers ahead of us if he stayed free. But she won and the last time I saw him was when I acted as an usher at their wedding.

There was a deeper reason to keep those two from marrying. At the reunion, she told me of the disaster that resulted from their union—two dead children from two diseases, the inevitable divorce, and eventually my buddy’s death from cancer to a brain that coined the phrase “it’s all relative” and invented the means for scarring Bergen County with U.F.O. sightings. MPHS’s own Orson Welles. She had won initially, but in the end she lost. How different it would have been if I had won—for both of them.

Now she was driving me to the Ridgewood bus station after the reunion. Somehow a fitting end to an old unfinished battle. “You’ve had an interesting life,” she said. “Yes, it was somewhat interesting, but fundamentally irrelevant,” I replied.

She dropped me at the bus station around eleven at night. We said out goodbyes. There were a couple of other people waiting for the bus to the City, but it was as quiet as a graveyard on a warm summer's night. I'm standing where I've stood a hundred times before—looking across the lamp-lit street at the trees of Van Neste Park, wondering “What's the point?”

## **Epilogue**

### For What It's Worth

Enough of these meaningless distractions, looking back over my life, I understand how I ended up one of the leftovers of humanity with nothing to look forward to and nothing of value to remember. The dysfunctional emotional and stress response pattern my mother put into my head had always pushed me in the wrong direction, making impossible, or at least highly unlikely, the pursuit of my first-best destiny. Now, like most Americans, I am a nobody with no power.

No more chances now, if there ever really were any, for glory and fortune, but maybe a little old time justice as in all those 1950s television westerns I watched as a kid when the lone cowboy refused to give up without a fight. It's always a choice between courage and cowardice. A man can't win a fight by running away from it.

Life is the most interesting experience a man can come across, so it makes no sense to hide from it. Living is the ultimate adventure and death the prize that awaits us all. My approaching minor reckoning with that vein of evil running through America promises a new adventure, one that, despite the fears emanating from the internal parents, I don't want to miss. There has been a joy in fighting everybody who violates my rights, especially the Feminazis, but nothing in this life matters anymore. All the illusions and false hopes no longer hold sway. Death's hand is on my left shoulder as it walks beside me, and that's just fine. The only problem with a life lived too long under Feminazi rule is that a man ends up with so many enemies he can't even the score with all of them. But law school and the media taught me how to prioritize.

All I ever wanted of females from mother to wife was someone to trust, but all I got was duplicity, treachery, infidelity and ruthless self-interest. The feminine evil pounds every guy in

an effort to subjugate them to female whims and sacrifice them to female desires. Girls cause more harm than they are capable of imagining because they don't care. To them, men just don't count. For broads it's always me, me, me. They can't see a world that doesn't center on them. They believe men exist solely as a tool to gratify their vanity of greed and lust for power. I showed weakness in not slapping the Commie Ho around or escaping from my sociopathic mother, and as Russia's President Putin said after the slaughter in Beslan, "The weak are always defeated."

As for that more virulent form of feminine evil—the Feminazis, I despise them! Despise them for the harm they have intentionally done to men in their effort to create a tyranny over us. Until my last dollar or last breath, I will fight them, and if there is anything after death, I will fight them for eternity. If you think the Feminazis haven't subverted American institutions against men, then look back on what I've written and switch the sexes. Make me an American girl and the Commie Ho a Russian mafia male pimp. Do you think it all would have turned out the same? Not likely.

So what's the moral: If a man wants to succeed in America, live an enjoyable, worthwhile life and have a chance at happiness, he must pursue his first best destiny, stay in shape and utilize girls only for partying; after all, "girl" is just a four-letter word. And remember above all else that no good deed done for a girl goes unpunished. At the end of every day Darkness conquers the light, but that's no reason not to fight back as a Cheshire grin spreads across my face in anticipation.

"Some people will do anything for money; some will do anything for justice."

-- the Author

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## **List of Characters**

Alan: “He’s the only person that scares me,” said a mob judge connected with Roy Cohn. Got the New York City Board of Elections to do its duty—the only governmental agency in this story that did.

Alferdo Ibarra Sotelo: Fat Mexican drug trafficker who had to beg as well as paid for sex from Alina.

Alexander: Maria’s boy friend and lead guitar player in the Russian band “No Problem.”

Alexei: Decent Krasnodar guy who unfortunately fell for Alina.

Alexey Smolin: Krasnodar member of the Russian mafia who can’t seem to hold a manager’s job for more than six months.

Alina Alexandrovna Shipilina, a.k.a. Angelina, a.k.a. Chipilina and affectionately called Angel, Dark Angel, Poisoned Dragon, the Ho or the Commie Ho: six-foot, vat-dyed blonde Russian prostitute, member of the Russian mafia, mistress to Chechen Islamic lunatics and Roy’s ex-wife.

Amy Saltzman: Idiot associate of divorce attorney Steven Silpe.

Anastasia Anatolyevna Vasilyeva: CEO of the Tatyanna Vasilyeva Fashion House in Krasnodar that runs an international call girl operation.

Andrey: Alina’s masseur in Krasnodar.

Anna Pavlovna Kurilko: Chief of the Inquest Office in the Department of Internal Affairs for Krasnodar, Russia, took bribe to close criminal case against Inessa Shipilina.

Anne H. Tiedemann: Kroll Director of European Operations, lesbo-feminazi, carries a 007 lighter.

Arbi Baraev: Deceased Chechen Islamic mafia don with whom Inessa and Alina Shipilina associated. Baraev cut off the heads of four British Telecommunication’s workers in return for \$20 million from Usama Bin Laden.

Azul, Juginta Raszyukevichina: From Lithuania, fellow stripper and prostitute with Alina at The Men’s Club in Mexico City; Azul and Alina provided weekend escort services in Mexico for wealthy businessmen.

Barry P. Babler: FBI special agent in Milwaukee who tried to run Roy out of town.

Barry: Night manager of Flash Dancers.



Bobby: Traviesa's boy friend whom she used to hide from in my apartment; he's a cousin of Joey Gallo and his former wife is a relative of John Gotti—he's such a name dropper.

Bob Henning: New York City detective from the 114<sup>th</sup> Precinct in Astoria, Queens—typical bully cop, constitutionally incapable of telling the truth.

Bolger, Katherine M.: PC-Feminazi attorney for Australian newspapers and reporters Tory Shepherd and Amy McNeilage.

Bradley Evan Dubin: Lead lawyer for the RICO defendants in the U.S.; descendant of Russian Jews.

Brett: A competent INS officer at the U.S. Moscow Embassy who initiated deportation proceedings against Alina.

Brian: Former Marine, solid guy, researcher for Roy.

Bruce Claugus: Attorney for Bank of Cyprus.

Carmen: Voodoo priestess whose warnings proved true.

Carol: Big Five accountant from Jamaica.

Cedarbaum, Miriam: PC-Feminist judge in the Ladies Nights case.

Charles William Den Hollander a.k.a. Chicken Little: Roy's father and a Nazi by any other name.

Cheryl: Former friend of Roy's who helped turn America into a feminararchy and institutionalize discrimination against men using the Nazi rationale of collective punishment.

Chicken Little: Roy's father.

Cindi: One of Roy's longtime friends who works as an actress, model and singer. She helped Alina find legitimate modeling gigs.

Cynthia D. Zahnow: Works with the Krasnodar pimp Anastasia Vasilyeva in Wisconsin.

Dennis: Roy's Moscow lawyer, former Ivy League professor and a solid American man.

Dmitri Morosov: Krasnodar photographer who taught many of that city's models, including Alina, how to pose with and without clothes and do nasty things before the camera.

Edward S. Rudofsky: Defense lawyer for Flash Dancers.

Elaine: Canadian detective who found one of Alina's accounts for hiding money and arranged for the D.E.A. to initiate an investigation into Alina smuggling narcotics.

Fernando: Mexico City detective.

Fran L. Lubow: Queens, New York Feminazi Family Court judge, discriminates against men and laughs about it.

Franco, Jaro: Illegal alien whom Roy called an "illegal".

Federal Security Services of Russia or F.S.B. formerly the K.G.B

Gene Kazenko: Just another lazy employee of the INS.

Grace Del Marco Models for Print and TV, Dee Simmons-Edelstein Director: Alina's first New York City model agency.

G.R.U. or Russian military intelligence.

Helen C. Sturm: New York Family Court Feminazi Judge, discriminates against men.

Harriet: Justice Joan B. Lobis' former lover who practices before Lobis without disclosure of the two's prior relationship; daughter artificially inseminated, who also receives preferential treatment for her clients before mom's former lover.

Inessa Alexnadrovna Shipilina: Alina's prostitute mother, like mother – like daughter, teaches at the Krasnodar Academy of Physical Culture Academy, connected with the Chechen Baraev Islamic-mafia crime clan.

Inessa: Vasilyeva model.

Irina Athanasiou: Recruits Russian prostitutes for Cypriot brothels but pretends she doesn't know what goes on in those brothels—typical pathologically lying Russian broad.

Isabella: Metamorph salsa teacher.

Jack Sachs: Ho's attorney for RICO suit.

Jeff: Friend and Harvard educated lawyer always willing to help.

Jesse: Martial arts buddy, should be a philosopher, served papers on Alina at Flash Dancers.

Joan B. Lobis: New York County lesbian-feminazi Supreme Court justice, discriminates against men.

Joe Serio: Harmonica playing former manager of Kroll Associates Moscow.

John Jacoby: True identity unknown.

John Madison: Threatening goon who is still unknown to Roy but not the F.B.I.

John Miller: WNEW-TV, WNBC-TV, ABC-TV reporter, former Assistant Director for Public Affairs of the F.B.I.

Judith: Roy's first divorce attorney, an Orlock in nature and looks.

Judith Comeau Bollinger, a.k.a. Judy Comeau: College intern in the WNEW-TV Newsroom who hoed her way through a number of guys at Metromedia's New York Station.

K.G.B. now called the Federal Security Services or F.S.B.

Kaplan, Lewis A.: PC-Feminist sycophant Judge in the first case against Columbia's Women Studies Program.

Katya: Friend with whom Alina hoed around Krasnodar.

Kristi: Jesse's girl friend and pretty Hungarian refugee who tends to see demons.

Larissa: Girlfriend of Marios Athanasiou, she smuggled some of Alina's money from Cyprus into Russia.

Lena: One of Alina's clairvoyants, poor nurse with child who lives by men, whored around with Alina and Olga.

Leonid "Leo" Perlin: President Phodes Studio, Alina's Moscow Pimp, member of the Russian mafia.

Maiya Furgason: Roy's oversized incompetent or crooked stockbroker at Solomon, Smith, Barney.

Marc L. Paulsen: California doctor who produces pornography in Russia and imports it to Southern California.

Maria Serrato: Prostitute recruiter for Julia Heart Agency (now called Malbros) in Mexico City.

Maria: Religious do-gooder to whom Roy should have listened, lead singer in the band “No Problem.”

Marie (Hoogstra or is it Ho-ogstra) Den Hollander a.k.a Nazi Ho: Roy’s sociopathic mother.

Mario Pisano: FBI special agent who claims the FBI is not an investigative organization, as the victims of 911 well know.

Marios Athanasiou: Brother of Melios who manages two brothels in Cyprus: Zygos and Tramps, both owned by Krasnodar mobsters.

Mark: Always had Roy’s back, a true best friend, also a top martial arts instructor and excellent at picking up chicks, now a .com venture capitalist.

Masha: Another Tatyanna Vasilyeva House of Fashion model trying to keep hidden what she did as a model before marrying.

McNeillage, Amy “McNeuter”: PC-Feminazi reporter for the Australian newspaper The Sydney Morning Herald.

Melios Athanasiou: Recruits prostitutes for Cypriot brothels, member Russian/Cypriot mafia, married to Irina.

Moody: Martial arts buddy who always has your back, computer wiz, honest, but much too chivalrous towards broads.

Movsar Baraev: Nephew and successor to Arbi Baraev, took hundreds of hostages at a Moscow theater in October 2002, now deceased.

M.V.D. or Ministry of Internal Affairs: The national police force of Russia.

Nadya the Good: Vasilyeva model who traveled to Cyprus with Alina but returned after two days because the work involved prostitution.

Nadya Sanchez: Krasnodar investigator and translator.

Natalya: Krasnodar translator.

Natasha: Vasilyeva model, tall, dark hair, lived in Alina’s building and kept Alina’s secret documents.

Nazi Ho: Roy’s mother.

Nicholas Mundy: Alina’s profit driven immigration lawyer who specializes in the law of personal destruction, descendant of Russian Jews.

Nicolay N. Vasilyev: Short, greedy husband of Anastasia Vasilyeva and member of the Russian mafia.

Norton, Jimmy: Small time comedian whom I sued for defamation.

Oksana (not her real name): Former Tatyanna Vasilyeva House of Fashion model who disclosed the Vasilyeva's call girl operation.

Olga Viktorovna Borisova: Investigator in the Inquest Office in the Department of Internal Affairs for Krasnodar, Russia, took bribe to close criminal case against Inessa Shipilina.

Olga Ponomarenka: Whored around with Alina and Lena.

Olivo, Dominick: Got Roy fired from a job for calling one of Olivo's illegal alien employees an "illegal."

Pat: Roy's friend who previously played lead guitar for Meat Loaf and now produces records.

P. I. Ostapenko: Chief of the Investigation Office in the Department of Internal Affairs for Krasnodar, Russia, took bribe to close criminal case against Inessa Shipilina.

P.K. Castel: United States District Court Judge in the Southern District of New York.

Peter Petrovich: Russian lawyer who works for green card mill Kuba, Mundy & Associates.

Rey: Pimp for Krasnodar models.

Robert: Roy's third and final annulment-divorce attorney.

Roberto & Rosa Elina Quilan: Managers of The Men's Club, a brothel and lap dancing club in Mexico City, a franchise of the American "The Men's Club."

Roy Den Hollander: The sucker who was born on his day of birth, a.k.a. stupid frigging fool.

Sasha and Anya: Roy's coed translators in Moscow who rented him a room during his investigations, both very bright and very pretty.

Satisha Gibbs: One of the many princesses in the Feminazi Clerk's Office for the Second Circuit Court of Appeals who ignores the rule of law for the arbitrary rule of females.

Schechter, Jennifer: Man-hating, PC-Feminazi judge for the case against the Australian newspapers.

Scott X. Marvin: “X” marked the spot of incompetence as demonstrated by this second INS officer at the U.S. Embassy in Moscow to handle the Shiplina removal case.

Sergei Nikolaevich Lazarev: Russian religious philosopher, worships the anti-Christ.

Shepherd, Tory “the Torch”: PC-Feminazi reporter for Australian newspaper The Advertiser Messenger Sunday Mail.

Sonia Sotomayor: Second Circuit Court of Appeals judge who advocates the divine right of judges to usurp the power of Congress.

Stephanos: One of Alina’s Cypriot clients who helps her launder money for the Russian mafia.

Steven M. Silpe: Roy’s second annulment-divorce lawyer who sold him down the river.

Svetlana: Roy’s Krasnodar lawyer, hot-looking middle-aged blonde, always missing in action.

Tanya: One of Perlin’s prostitutes who went with him and Alina to Mexico.

Tatyanna Vasilyeva: Founder and Chairman of the Tatyanna Vasilyeva House of Fashion that operates an international call girl business, the mother of Anastasia A. Vasilyeva.

The City: New York City.

Tom: Roy’s former bartender friend.

Tony Wong: Manager of Sherring-Plough Moscow, boasts about seducing a 14-year-old girl in Cuba—probably paid her.

Traviesa: Austro-Hungarian au pair who left a lot of trouble in her wake.

Twins: San Francisco Girls.

Vadim Thomas: FBI special agent of Russian Caucasus descent, sidekick of Pisano’s.

Valodya Gavrilov: Alina’s St. Petersburg customer who travels around Russia recruiting prostitutes for the Russian mob under the cover of selling custom jewelry.

Velez, Ramon: Executive Director for Law Enforcement of the NYC Commission on Human Rights.

Vera: Honest and courageous professor at the Krasnodar Academy of Physical Culture who refused to allow Alina and Inessa to intimidate her.

Victoria: Reporter who wrote a story about Roy and Alina in 2001 for the Krasnodar newspaper Ulitsa Krasnaya.

Vikrant Pawar: Outsource lawyer for Detective Bob Henning.

Vladimir Gavrilovich Minchenko: Vice Rector of the Krasnodar Academy of Physical Culture, held under duress Roy and Natalya for interrogation.

Volodya: Alina's Krasnodar male concubine who tricked her into believing he was not married—boy did that tick her off.

Xenia: Roy's Moscow lawyer, sharp, honest and very competent, the exception to the rule.

Yevgeny: Alina's track and field trainer in Krasnodar.

Yulya: Very tall, black hair and beautiful former friend of Alina's.

Yulya: A different girl from Kanevskaya village whom Alina tried to sell overseas.

## **1. Glossary**

Definitions for what various words really mean in Russian:

Adultery – fidelity, so long as my partner doesn't do it.

Agreement – useless

America – money, money and mo' money

Business – crime

Brutality – brutality

Charity – me

Capitalism – legalized thievery, as in America.

Coffee and Cigarettes – drugs of choice

Compassion – brutality

Consumer Protection – caveat emptor

Contract – kindling paper

Crime – business, government

Criminal – Russian citizen

Devil – everybody else

Ethics – what you can get away with.

Fidelity – sleeping around but not getting caught.

Fraud – all interpersonal relationships

God – U.S. dollar

Government – criminal enterprise

Gun – bazooka

Honesty – weakness, stupidity, you're doomed.



Hospitality –softening up the mark.

Human being – me, but nobody else.

Law – jungle rules

Magic – it works.

Marriage – business deal without scruples.

Money – the only reason for living

New Russian – thief, gangster, racketeer, pimp, embezzler, corrupt politician (redundancy in terms), forger, hood

News – lies, prevarications, half-truths; same as in the U.S.

Partner – thief

Police – useless

Politics – lies, just as in America.

Promise – trick

Peace – war

Restaurant – money laundering operation

Religion – latest popular trend

Russia – insane asylum

Russian female – ho

Russian female child – ho in training

Russian wife – over the ho-hill

Truth – doesn't exist.

Urban Center – toxic waste dump

Vodka – escape

War – normal everyday affairs

## Other definitions

Feminazi – unnatural life form that believes females are superior to men in every way.

Ho – a girl who uses her sexual attributes to get something of material value from a man, a.k.a. whore, slut, prostitute.

Homo Sapiens Female – broad, chick, girl, dame, ho, snatch, nookie, slut, whore, prostitute, evil.

Judge – arrogant to the max bureaucrat

Metahomorph – dangerous

Political Correctionalists - person who wants to imprison your thoughts, speech and actions unless, of course, you've already submitted to lefty totalitarianism.

She-male – a girl who thinks she's as tough as a man but as feminine as a dame, a.k.a. Feminazi.

Woman – I'm not familiar with that term.



③

④







[illegible]

Время прошло незаметно и быстро...  
 Филлис дала вид, что она ничего не знает  
 о сестре, да и в то же время... Он улыбнулся,  
 победно качая головой. Тогда же снова и снова  
 повторил, что предан сестре до самой смерти  
 (и сестры). И, наконец, вынул из кармана  
 (из кармана) и держал перед собой, как  
 бы не желая, чтобы кто-нибудь увидел, для  
 награды своей жене, драгоценный... и Филлис  
 и маленькая девочка вдали отсюда.

примечать ему себя америк. процент там и  
это было то в финиш. А переех и ему по-  
моща. Мне нравяся, что он у себя две спо-  
лит никого, с кем, мне всего то в репро-  
да. похажив, то же асшигах. Как у него  
Али по в пилли. немного рожю, инеко,  
лучше немного Селли.

[illegible][illegible]

Сиди мене доцман Лукас. Ти си добро  
по 3 рана. Значи, тогата вечер, Овдима е  
иша на ресторан. По доцна излизаша  
и мене саго или, сади у дво други данд  
ишаго (вече мислае сабидеи, но не може).  
Потом саи мене и дво чамеи. — Данд  
сидеи доцман. Кога излизаша в казино  
саи, то са мене сагу (а ју). То кид  
данд, такди).

[illegible]

Сезон V Бег 99... Устал, а весь день  
никуда отойти не могу. Адреса купил мне  
OFF. Для покупки посылки в аэроулице  
FISH ресторан с его друзьями и мной (Катя)  
с Уманием. Для поездки в аэропорт, по  
моему желанию в машине аэропорт (Андрей,  
но все было задержкой). Сидящий (Андрей)  
называется тогда как раньше. А "Григорий"  
убавил от 3-х минут, плюс 0.5. Катя в  
1. Друзья, если есть время, тогда верно.

[illegible]



[illegible]

They usually get sprayed, the new vegetation  
can be removed & the area can be sprayed  
about 1000 ft. away from the  
area where the plants are.

7.03 99

[illegible]

Капр-р, некаято неприятели по-  
малко раско ваваша при. Върху  
чужду купил, понае поглед зашто  
с сего, сего. А върху купил и  
машинер (иде докле го донесе заше)  
сего сего отдал. При контролер  
и понае понае Москва сего го донесе  
собоюта или подарил донесе (silver)  
ак и просила (наше то, го и понае)  
о донесе ки раш не подарил или ки  
много подарил. Но при етоме ак-н, го  
понае понае сего го или, сего и при  
понае и го-то с него.

Сего и понае понае. Понае  
о 2 1 то-то. Инога show. То ето го  
2 оторхот. Или понае то прав-то  
понае, понае, понае, понае, понае, понае,  
понае, понае, понае, понае, понае, понае.

Хот и составил уже 2 кр и в месяц  
 как не успевает с переводом. Он не  
 понимает в £ и в руб. и что очень плохо,  
 что не может до меня и сестры  
 когда я пишу... Я и не знаю, почему  
 трудно составить, но только на 1 месяц.  
 Да, Финец мне хорошо. Дарю с со  
 Стефанусом, 3 руб. единич. (хорошо, выск  
 твоего слова. Уни ку не ~~хорошо~~ не  
 работаю дене. Сделываю. Да-2-3 руб  
 (хорошо) руб. Он также хорошо, интересно  
 Кепенос... Короче не даст, ну, не  
 даю. Сидит дома и кат 10 £ за мес  
 дене, сидит (но я сест, что по не за  
 мое, не). Купил домик, приехал.  
 у Финец (хорошо) поради же, сир-с  
 2 раза по 20 руб. с 5 руб. перебрал.  
 с 10 руб. по 2 £ (= 16 £) в пер-на.  
 Богу, когда мы перебрал. С  
 Лиссон а то у-с, а руб. это много,  
 как сидит (хорошо) 1 руб. мало. Купит  
 больше 2-х руб. в месяц, 2 руб. еще  
 спрайт-миле ии ии, ии ии. Buy from  
 from Russia... Сест и не сравнится.  
 Я пишу с него Сидекард, для Лиссон  
 (топикна 100 £) как Лиссон-и Лиссон  
 (мне не дай руб). Лиссон перебрал  
 череску с сест, у меня-хорошо кра-  
 сиво... Да, мне V=100... Сест-и Лиссон  
 нид ии, гадит. Аннеит v. Van Der,  
 похороше

Поздравляю вас с праздником, от всех учащихся  
школы. Желаю вам удачи в жизни и успехов  
в учебе. Пусть все ваши мечты сбываются.  
С любовью и уважением  
Алина.

Особый интерес представляет, что  
меморанд (или даже письма), на основе









...миллиона. Кажется, что у меня не  
хорошо по руке. Сидишь в кресле и вы-  
таскиваешь палец. Ах, как же больно!  
OFF на 3 дня, а работа про 1. Мое-  
время с доской и кривой 3 дня...  
Никогда не думал, что будет так.  
В 1-ю ночь в отеле MERIDIAN  
и меня задерживают с болезнью ("Please  
disease") и мучают. Меня разбудили  
к-е прикосновения, а потом... Мне  
он стал очень неприятен, что я не такой  
француз, как все. Для меня в раз-  
качке 6 или 3 дня, но работа в  
одежде 2 раза (open & close). И самое  
важное - он прикинул меня в EGYPT  
(Египет). Он открыл дверь, все го-  
ворит: "Вот работа, работай". Пред-  
меты, 1 или 2, как-то я понимаю  
подарить одиному. Все это я хочу -  
длинная карьера. Раньше он был кривой  
миллионером, а теперь да, и мне  
нужно одобрение. Раньше я не  
не одобряю. Но я это в том-то  
решил, что все всегда негде некуда  
в Египет. Он пришел за мной на  
спасение негде. А теперь уехал и даже  
до сих пор он до сих пор еще был  
но я решила не думать. Потому что  
замер в тепле с женой, только  
22 года - и добрых добрых, и  
заставляющая, как-то мне не  
- я так разлучена... Вспомнил  
и автору красавица. А теперь,  
даю слово  
Светка хочет STOP постар. Сейчас  
рану, под брата Дмитрия.  
После, конечно, в больнице под  
благодарю и сразу мучает, сир-  
переносит, но все в порядке.

25.04.98  
Это была первая смена. Маме сейчас  
много а нас в "Trans" и "Amor" в ме-  
нью и кто-то пришел from "Arbouda".  
И нас не было в эту смену. Я же по-  
стоял и driving (и то, конечно, была компьютер  
за нас, но я не был-то, т.к. не было в  
баре за сменами и кафе, но зато не  
было, без пива).  
После того, как старик-м, написав по-  
милу (40% алкоголя). Я как написав,  
1-й раз в жизни перевернулся. 3-й раз  
а потом было... Делала, он делал за  
мной, ставил мне кресло, так устал  
был, мне так было плохо. Он делал  
работу. Но после он забрал, т.к.  
Маме написав, что-то то, что не был  
днем, и за баром поставил баром  
STOP и Маме (или маме). Для  
матери без мамы, но Маме  
мне в бар, from "ZIGOR" и  
в пятницу, чтобы я была в PRAVID  
и 12 driving, а была написав, что-то  
он хотел перевернуть и так, чтобы  
делала минет с его руками и губами,  
таким образом, мне 10%. Он хотел  
мне, но я не могла. Он хотел  
мне перевернуть, мне было очень плохо  
(я 30-40 минут перевернула кресло)  
(Я была в PRAVID и 10 driving). Ма-  
ма хотела на меня, то я не была с ней  
таким, что я была. Потому что с Сергеем  
так-то я, 1-й раз за 4 месяца, и как  
было... В 11.30 была с Маме  
(до того, как позвал мне кресло, даже забор)  
и потом... Потому что в субботу  
Маме написав, написав... Потому что  
так, когда на парке DAVISOV (мотоцикл)  
со всеми родителями, так-то...

все 3 недели я как-то в раздумье.  
и не успеваю - ехать мне в отпуск  
и все меня тревожит, я пишу  
много, но с легкостью, то пишу  
хорошо holidays. Ой, правда, то я  
хочу все сразу, а 2 дня. Я решил  
иногда писать по 1-2 абзаца. Понятно  
хочу записать меня. Вспомнил  
то что то променя. Понятно  
иногда (good). Но иногда хочется  
иногда, давай справку, то я  
долго, а на то для меня-я.  
Мне давай так-то. Вот так хотел  
моя давай, но давай так и  
я давай, мне не давай купить  
OFF. Как я, и давай в давай  
все - 80, 110/70 - и давай. И давай.

Друго в ту нощ задрал мене. До  
средно 2. По утроще пер-та Ангелка  
идеахъ в Меридианъ хотелъ, за-  
дралъ и Ангелка, които бяха (а  
задралъ, но то то не можеше,  
както въ гробница). Тогава не  
можеше да идемъ. Ногава не-  
хотен в Меридианъ хотелъ е Днес-  
гната. А задралъ мене драсетъ и  
като 3 бяха задралъ - а, не, кр  
середъ. Утроще др задралъ, драсетъ  
в средно... Въ едно хранило  
в ту нощ Мария идва на  
мене, о прасилеми, сн, сн, сн,  
тога следъ денъ в, чини денъ  
идеахъ вондъ и ниданъ едъ и  
1.05.99 ниданъ чини денъ, но  
а не можеше. Тога др в др-  
ниа дрнъ чини др. ОФ. Днесгната  
Мария вгъ е вгъ в дрнъ и сн,  
то в вгъ е сн, вгъ в вгъ-р.  
А не дрнъ работно... А дрнъ в  
може. Примаа Стенъ и задралъ  
дрнъ, а Мария сн, дрнъ и  
вгъ мене в вгъ, вгъ дрнъ  
дрнъ Стенъ сн, дрнъ не хоще  
вгъ вгъ в вгъ и дрнъ мене  
вгъ сн др дрнъ не хоще дрнъ.  
вгъ др дрнъ, а дрнъ и  
вгъ дрнъ. А дрнъ вгъ дрнъ  
с дрнъ дрнъ Мария сн на  
то то дрнъ дрнъ. А дрнъ дрнъ  
дрнъ. Дрнъ дрнъ - дрнъ дрнъ  
сн. А дрнъ дрнъ дрнъ, а дрнъ  
дрнъ дрнъ, но не дрнъ дрнъ...  
дрнъ дрнъ дрнъ дрнъ. Днесгната  
и дрнъ дрнъ Мария дрнъ дрнъ  
дрнъ дрнъ дрнъ дрнъ дрнъ дрнъ





на берегах...  
Маринус сел в уехав в Франк-  
парту сою з свои пакеты; мар-  
О. Вассер приехала Максим и  
вышла к нам з. только 1 часу  
родил с ней. Сидит пилу с  
дети и Вассер. Дале там дитя.  
Когда придет, дети пещное. Су-  
хорова ун. 17-18 дней как не-  
Полоса, Вассеру дитя, на-  
редот. Дале пиле 60 Вассер, сн-  
терпение, и пещное дитя поху-  
Алико. 17-18 Вассер

1. Тинис (Баран) каре-а  
 2. тас солонка а форма  
 3. иди-се (уменьшительное) Селад Тиниса  
 4. 100-т бараном, а Селадне в Франсе.  
 5. С Андриетом я едуна пошью на хармидево  
 6. сине 150 км/ч 100-т сие динисах и еурике  
 7. по франсе /т каре-а 100-т оти собока  
 8. вперы франс-с в 4 зевзрн. Хермидий  
 9. гавди Соподе, Далиосеви!!!  
 22.03.99

Дорогая, милый друг! Мне осталось  
только 1 письмо написать до конца  
этого конкурса. И обязательно  
до конца поспеть. Я постараюсь. Прощай  
перепиши мне из-за меня. Мне

перу 1 нед. Эдет как алейн газарки  
и пью тат. на урину я выкинул  
прошлого вепра (милосердия) та-  
кого помыл год у алейн пашин  
алеянов. Мартин дат ифю  
и ролик. то ифю пер. (данке  
приказав нет) Тасод  
впра ура алейн алейн (так  
он ифю рать в данке) не паш-  
хане в дельн урло в урло  
и ролик алейн. то старик дельн  
одеянь Гелин (Ана) пашад  
свое ифю и приказав пер. Фу  
свое паша

[illegible]

Давидос даа мине медицин, 8 даахана  
содосито үе Имесаг ~ 10 км. Сүгтэл 8  
77 кг... Тоснуу, Басногони

30.05 99

[illegible]

6.06.99

Полгода и Паша не капризались.  
Они играли на полу в туалете.  
Паша издал много звуков. Другой  
он был в такой состоянии. Делал  
много ШОР поставил. Паша 3 дня  
капризал. Она поменяла мне всего  
три раза и капризился.  
Паша не капризал в каюте в 22.00



25.06.99  
наш (18.06) в здании Сторини  
и в доме по дороге в Пинск  
и далее, поехали в село додого  
карта телефон. Я там па-  
ла в воду и одна река -  
privid (5 км) и река -  
table 4 km - 68 500  
задание Сторини и  
п. поехали в Парк Вики не  
по Пинск вехам раньше, т.к.  
дедаль meeting. Карта 607  
в Пинск (др.-с. Покупали в ре-  
сурсе, я там 10% продали 12  
информация

[illegible][illegible]

27. 06. 99.  
Сегодня пишу в самое Покровское!  
Этот день я думаю о детях. Все  
сегодня семья Мария заблаговременно  
В пятницу после один вечер я шла  
по Анархическому тротуару, и детям из  
Варна вместе с этим Везде Покровское  
и пишу дома, пока, чтобы представить  
Маленькому. Там, вот в 2-м классе,  
не только как в Покровское мне  
как и 2 года. Я пишу очень много.  
и мне день, день работы, а сегодня  
много - день. 0 0 пере -

Степановичи своих ходили в парк - 2 раза на неделе (был человек, был) их Степановичи Степановичи. Потом возили асфальт. В разный ~~сезон~~ сезон на нем их ходили в РДВ, ну да как-то с (орган) но как он, пора его он в-дво по пар-ся пошел, слышишь что так, но так не дошел. Потом поехали на-сторно через дикую, а поехать в (маш-з, хор-з) с Дениска (хороший) в ар-ту ил поехали (а убоих) в Ар-ману. Вспомни за smart park world - 21.10.15. 5 раз на неделе, как с с наем-парк (2х) ездил, как с пар-с, ходил по парком (как пар-с) Степановичи... Потом поехали в 21.10.18





а там в обмене сидит ну ах не рожу  
договорились, ознакомились - теперь поговори  
После 50 мин, когда ушла от дома.  
После мыслей ~~и~~ пошел до магазина  
се зате money she is go, и много, всегда  
да мне оверделавали (2-3 раза)  
и ушел ах - ах давай давай (до  
этого ахуи еще уар-а до стана  
когда съезжал). Провалил же на ур  
делами скоро. Моего то, и след-ли.  
По микки-инфекция (сильнее да  
такие после ан-а, а то накануне была  
е мидеи) - не помню - эрриг то ах, ахуе  
это - ухот пиди, дах мне календиль  
оказал мочи. Пришлось ахуе в дах  
мидеи, да так пиди. Гипотензия...  
эта пиди, строниль-а дах, а потом  
спало в дах пиди (как пиде?). Пиди  
пиди-а мидеи, ах дах, ах пиди-а  
пиди пиди ах пиди мидеи, так-а  
не дах пиди и дах, ах дах  
Слова дах, мидеи, пиди, ах дах  
(важно-е пиди, пиди - охажива, пиди,  
и пиди, мидеи, пиди-а). Пиди  
(мидеи, пиди, пидеи - в р по пиди  
+ пиди-а и по-иди.  
Слова в пиди в пиди, и пиди  
с пиди ах пиди пиди-а пиди  
→ (и т) dance и пиди - 100 пиди  
ах дах на 100 пиди (ах пиди и пиди).  
Пиди дах пиди. Пиди, пиди, пиди  
пиди-а пиди (и пиди, пиди, пиди  
TV, дах - пиди).  
Пиди, пиди-а пиди-а пиди-а пиди-а  
и пиди пиди, ах пиди пиди-а пиди-а  
пиди пиди пиди на пиди и пиди!  
Пиди пиди-а пиди и пиди,  
Пиди пиди-а пиди-а пиди-а пиди-а!!

[illegible][illegible]

4.09.98  
 (2) Велю-ке з речась сь с Родзе (у Лес-  
 нядзе) Вяртаюць з коней, а сёб сь аднаго  
 Дзяткоў з аднаго перавозу на у Мазыж,  
 перавоза аднаго сь аднаго ("Так у Лесно-  
 сь пачынае - з речась на стасках - у Лесно  
 перавоз на"). Родзе перавоза на стасках.  
 На стасках дзея речась на стасках сь Родзе, хадзі-  
 лі на стасках. Родзе перавоза (прывітае  
 перавоза на стасках перавоза на стасках 100 ф  
 (1.00) Родзе сь на стасках на стасках  
 перавоза на стасках перавоза на стасках 50 ф,  
 10 ф. Сь на стасках перавоза на стасках 20 ф  
 дзея на стасках, сь на стасках перавоза на стасках  
 перавоза на стасках перавоза на стасках. Родзе сь  
 перавоза на стасках (2.00) Родзе перавоза на стасках  
 перавоза на стасках, сь на стасках перавоза на стасках  
 сь на стасках перавоза на стасках. Сь

[illegible]



29. 08. 99 в Mexico  
Сейчас 2 полу. В аэропорту са-  
этна (15.00 по в. Франкфурт (2 часа  
за часовую). Как покорили  
сам (саксы и сабел, пол-н (20.00  
из Москвы по дороге в 7.00  
из дома друзей. В аэропорту нах-сь  
4. Часов. Подвизая, по дороге с полуго-  
дом для. Станция, по дороге криво 5  
по дороге. С лодками по реке  
поехали на море. Все распе-  
дала дела (хотели по реке, а в правую,  
и у лодки (он словно стеснялся)  
туда на море - нуто переключен-  
но со мной с ~~пол~~ подвизая, телегра-  
фия есть паравол радио. Думи с инд-  
а. Поехали на море... По с пират-  
интер-ю от Рейндар по поводу Алек-  
са, мой не менее раскаты в лодки  
се, как 2 очень хотела). Поехали в  
Франкфурт (к час-м). Мало того,  
то был не совсем актуал, т.к. для  
тний дни, так и дошли сирены...  
новью что-то делала. У меня

[illegible]

[illegible]





[illegible]

Валери, Иванович, где мои все  
мужики и женщины. Матро Доргов,  
где мои все и сынов. Иван Тро-  
фимов все мои, Дарья Николаи  
Иванович во всех, давай, работи мои  
полюби! Аминь

16 09 99

През м. работ в мейс. CLUB дон  
порак со слав-м. А, до пикара об  
отом. 50, 1-ти дим 3, 2-ти 16  
тамин 27. Вера 110. Селоз  
малка барила, ко, която не е на-св.  
с пикара работи с 14.30 до 2.30.  
лучше с денер. Вера на-св на-  
ура, 8 сундара, то дая мурка -  
бонотел, бе, как, засладиле  
подсладиле мидел павел. Купид  
на 600 пелар ерка, павел. А  
селоз на 189 пелар донер, донки  
с сел. чен на кону. Селоз дим  
дотел ота кривия, карку дот  
2 пикара и мид дон, пикара с  
пикара А на дон. 600, хонел  
засладиле в дон дон, дот  
дот 500, а пикара дот 3  
пикара пикара, пикара дот  
в пикара пикара, дот  
дот дот... Селоз дот мид  
АТ... дот...



Вчера, моя хозяйка в МАУС-СИУБ.  
Удалось, неск-ко раз. Вывести работ  
с 14.30-20.00. 20.00-2.30. Вечное  
головокружение и бессонница.  
А еще голова, ревматизм, астма,  
так, так не спит, неест. За пи-  
лем, за кн. 100 \$, за 300 \$ Table-  
тете - за кн. 250 \$, за 300 \$ Table-  
тете - за кн. 140 \$, + вина + шампан-  
е 20% а за 100 \$, это минимум.  
Что мне остается? С собой  
пенсию, пенсию, пенсию. Со мной  
пенсия и пенсия, а пенсия  
пенсия или в пенсия, пенсия а  
пенсия пенсия пенсия, за пен-  
сия пенсия.  
и не знаю. Но я не могу жить  
и не знаю. Но я не могу жить.

Василий, Иванович, даи коуи сеп  
мужики и терпении. Матро Дориев,  
даи коуи жюби и слави. Иван Тро-  
фимов сеп коуи, дорие Николай  
Иванович во вкуп, дорие, работи коуи  
пониже... Аминь...

16 09 99

През м. работ в мейс. CLUB дон  
норман со с нав-м. А, до пикара об  
отом 50, 1-ой дим 3, след па 16  
таминв 27 вара 110 Селозе  
мелна бариле, ко, които не пра-с.  
с пикара работи с 14.30 до 2.30.  
лучше с денер. Вара кан-с на-  
ура, 8 сундана, то дая мурка -  
воготеи бе, как, засладиле  
поделена мидеи павле Купид  
па 600 песо арка павле. А  
селозе па 189 песо донер донки  
+ сел. чен па кону Селозе дим  
данин ота кри-из. кар ку дон  
2 пикара А ил дон. 600 р, хонен  
засладиле в дон дон, дон  
дун 500 р а пикара дон 3  
пика-с пика-а урикал дон  
в пикар пика-а дон дон  
бе дон... Селозе? дон мей  
АТТ... дон...

[illegible]

19.09.99  
 Это интересное? Сегодня с  
 ребята решила пойти на выставку  
 нас у него для семьи. Я говорю,  
 поехали по плану а он не  
 да, что сейчас, ишло не гово-  
 риле, тогда я расплакалась, мне,  
 что говорю, денег не хватает,  
 какие деньги. А денег не было  
 на словах нам тоже не было.  
 money от пог. 2 он сказал  
 "денегу (маленькая сумма)  
 Вера а ты ру с мамо (супер-  
 "денги с детьми в ресторан. (где  
 (какая), (денги) а пока (малень-  
 и шка (денги) пункт (какая)  
 а аэропорт. Как (денги). Рене,

[illegible]

57

2. 10.99

(58)



Я ей позвонил сразу, frankly. Дали  
 ей тот самый кандидатский Сервис на  
 паркане в Академи. Вобщем, (адреса  
 забыл) (звонил мне его, дружок, друг)  
 (был в т. разе, т.к. походил, перенес)  
 была за меня - замес-рас-е. А в 2-го  
 июня 8. не хули. "Кем мож тебе за-  
 нимаешься?" А после того приехал  
 что не знаю что "судно", "судно".  
 "Кем мож занимаешься?" ~~Знаю~~ "Знаю".  
 "Есть парк - нулею!!!". Тогда том не  
 ответил - не догадался.  
 Мелко обиделся. Поинтерес на  
 него  
 Тайноги, дайноги и спам!!!  
 9.10.99

[illegible]

6

1710.99

62

[illegible][illegible][illegible]

30.10.99.  
Борна импер-я негале Пасае Кан-  
кура... Я не плачу, победил Антонио  
Батиста, империю и царя аустралий  
в Кану, и не конен как пакарий. По-  
т.к. с ~~Борна~~ заведена норма, при с  
предд. 4 см. признать не дозр.  
в 100%.

[illegible]







- [illegible]

У него сестра в критич. состоянии, он для  
подоблен.

Вот-то я сума 23 тысячи, пахотой  
вспомню, но зато мои 500 \$. После  
сказано, что мои деньги потеряны - и по-  
лучил дене 24 руб. 13 00 05 руб.  
Павловского (сказано, что спешно пошла в бухгалтер).  
и Павлов-а меня!  
и у Павлова моя квитанция мне при-  
шла, а еще - как это было чудесно  
же целена оторвать карту, как мне  
привлекли чудесные люди - от нас...  
Потом мы поехали и пошла меня.  
Привлекли Павловского и пошла меня -  
пошла погулять и купил себе книгу и книгу  
и оторвал из кармана - не было денег!  
Потом в селе мне купил не по-  
расили денег в ссуду, и про-  
мани много карманов и пошла  
Привлекли Павловского. Павловский мне  
показали - и у него ссуды, оторвал  
а тогда ссудили Павловского в рубль  
показывали мне ссуду в рубль  
и я была в ссуду погулять ссуды  
и я работала как было чудесно. Там  
судят, Павловский, мне пошла (хотела) и  
ден 18 тысяч. Но отнюдь, Павловский  
сказал по 8 руб 7 тысяч Павловского  
и я мне пошла (хотела). Павловский  
и Павловский ссудил мне - это было  
чудесно. Потом мы мне пошла  
и я всех Павловского - оторвал -  
(мне ссудили по 70 руб - некие  
судят) Павловский, мне пошла  
и я мне пошла (хотела). Павловский  
Потом Павловский мне пошла  
и я пошла ссудил мне 1.000 руб.  
и Павловский - 1.000 \$. Да, Павловский  
Потом Павловский мне пошла и было ссудил!



15

20

6

Вот же картина на море - о прекрасном,  
 Не седишь ты на пороге, раба,  
 Дня, но на раба, раба, раба, раба,  
 Сидишь на JORD WORD POR. 2 это  
 Знак + данно. Яко пахана на  
 Водник мостов. Вспомни место где  
 Поним при парке и море, где  
 На нем мосты и перекрестки.  
 Как оно чудно, когда, когда



Селение, славяне Бояр, изъясни  
много с, рече, иже в перах  
Бояр, славяне Бояр, изъясни

Второго утра на вокзал - 41, 45.  
41 танкет. Оставился Гайдар, сел. по  
телевизору его братя, и пошел за газетой.  
Еще 15 танкет и ушел (с Гусейном)  
Сказано было: ушел с Гусейном, но  
23 приехал ушелно работать.  
Путь, когда Гусейн, даже не раздумывая,  
пел. Я вспоминаю, как она собирала  
на оставшихся мне друзей - Гайдару  
только лишь, Гусейн и Гусейн.  
Через я с Гусейном Гайдар. Сказано,  
с Гусейном в Гусейн Гайдар. Гусейн  
он собрал ушелно в Гусейн Гайдар.  
Многие Гусейн Гайдар. Он сел, что  
много пел... Он был откровенен со  
мною. Гусейн с Гусейн в ресторан-  
обеденный Гусейн. Гусейн Гайдар

[illegible]

⑦

(78.)

7. 12.99

7. 12. 99  
 Ва, Франк-те а стас-се, убила  
 от твоята, това не е вярно. Клеветна  
 обвинение, че като чинен състав  
 кие да дава кар-са. Той прави  
 мене, право (и на смат ам-те  
 мене) - това предизвиква. Клеветна  
 перу-те е корупция. Мене спра-  
 иде я, правна стига б. димон. А  
 въпроса, то е некасиан boy friend  
 и. Клеветни. Не е корупция, то е  
 да я мене, моят димон. А з  
 право-давател, мислите, пред-  
 райте. А мене отговорите, да-се  
 мене, Франк-те това е вярно 2 чина  
 по-малко да правят правите мо-  
 лотинко. Правият е вярно 2 чина  
 мислите правите не-те  
 слаб да е вярно. Клеветна,  
 димон, това  
 е. Клеветна правите в стигане, т.к  
 да правите. Да правите  
 да правите, перениват да правите.

Моя хатина на бане "Клеуза". Я  
не люблю спать, т.к. размышляю -  
9 часов. Какая мне граница, т.к.  
не добра Россия, в аэропорту. Я  
за переселения в аэропорту. Я  
остаток дня, 330 р. Водитель авто  
привез меня.

[illegible][illegible]



83

84





[illegible][illegible]

17.01.2000

[illegible]

8

90







[illegible][illegible][illegible]







[illegible][illegible]

103

(104)

Катюша, приехала (мне 2-1836)  
"сей а выдана"  
Катюша Катюша приехала по-  
ложив в меня и мужа с дочкой  
Дашей Да, тогда же было в Париже,  
сей там же были...

[illegible]

а наших расах. Аппетитно с  
помощию науки хочет жить

Точно така беше и със първия  
на което първо време, особено по-  
а там бяха забележени. Очистиха, го  
днесния път до гара. И  
после като казвам му, че  
и първият казано и първият.  
Благодаря!!!

[illegible][illegible][illegible]

Дом келейни у Старапана (на мит-  
кекети и не потонула), а на империју  
абисин, елистер, не се-к, то не нис-е  
зато то (Полес-20, стр-у 25-30, бео).

Съгласно с това наредба, изготвена на основание на чл. 10, ал. 1 от Закона за защита на личните данни, се съобщава на всички сдружения, които са членове на Асоциацията, че те са длъжни да предоставят на Асоциацията всички данни, които са в тяхно разположение, за да може Асоциацията да изготви списък на всички членове на Асоциацията, които са длъжни да заплатят членския си взнос.



В сент-р ходили в Лангосови-  
улице латинско-славянскими  
вперед - назад. Это был конец  
- как только из-за, все передел-  
- т. е. передел.

V. Их можно использовать в 2 направлениях  
 1. По 10 тыс. \$ в месяц потратить на  
 карты. Но, банк выводит, не  
 микрофин. Должна быть сумма от 5 тысяч  
 и есть возможность с ней  
 делать все, как с кредитом в банке  
 по 100% годов. выгодам!!!  
 Потом можно войти в Community-  
 банк, его можно открыть в Америке.  
 и ее использовать (от 40 тыс. американ.  
 Она есть по руски, английской, испан-  
 ской. Там же есть и др. места где  
 есть аккаунты, но в этих же 4, к  
 ним можно, и наоборот, к ним  
 не надо.

[illegible]



[illegible]

15.05. Преглед на кат. б. за непомислена  
не покривава. Напомена: уредни знаци не  
куче, бавно, црно, белимачи  
Купер 23 \$ а за испит. Јачина делова  
+ 30 \$ за кат. б. и ефикаска на 20  
не бавно 40 \$, сгори 300 рд. нап. на 2  
не мо хопсис. Капеленим грис, а ели  
Ручисаха...

[illegible][illegible]

Моя май по дивану, била кра-  
сива, цвела.  
За два дена моя познани во Флоренция  
за два дена соми каски на скоростни возе.  
Била з. камица & тукане - на самобез  
бже соод. бжато (мжж) на пилот на ринг  
др. пилот - на пилотажу)  
Моя познани пилот, ивентур а сик  
искаше тато... Пилотот пилот

150 \$. Kogam na 3ex. Dugan min,  
 25 \$. 3a novo z  
 150 \$. Kogam na 3ex. Dugan min,  
 25 \$. 3a novo z

А елико ми се чини да је то  
веома велико. Како је то велико, то је  
то је и велико, то је и велико, то је  
то је и велико, то је и велико, то је

Благодаря Господь за все! Благодарим!

а потом конуны-я. Пришли я ашу по-  
таму-я маме. Такими. Ах до фига  
е до-и, потом отпустил же ребенка  
е. Кей, я ру на силу ревности.  
Он спрашивал как. Но зато после  
этого была дур-я конуны я дошло  
не могла кто ко от в-я, я по-то,  
же я переех и' конуны дур-я я по-то,  
какие дит. Охоту по-то в-я 3-а-  
сел (же предгор. конуны он не дал мне  
спать-то я, казен-пунька по-то,  
те кие-я, аш-я). И про-я снова,  
я к-я, аш-я в-я 3-а-я по-то я  
паралли. А какой он от-я когда я  
к-я... к-я, а по-я ну и 3-а-я дур-я  
после этого у меня пред-я он в-я,  
мел-е захотел в-я

Ах до дал мне 600 г-в, а хрен  
сверну 600, но я отка-я до-я к-я  
от-я до-я, аш-я с-я. Дай до-я  
саму з-я и с-я. Да у-я  
мел-е по-я, до-я к-я  
и он к-я. Аш-я к-я  
по-я, аш-я не х-я, к-я  
он в-я - в-я это к-я. Ах до-  
мел-е, аш-я до-я и с-я. Дай  
саму до-я в-я по-я!!!

А сейчас мне очень в-я  
в-я у-я. Как-я я з-я с-я,  
з-я и с-я до-я с-я.  
Дай до-я, з-я до-я к-я не у-я,  
Аш-я

До-я до-я до-я за в-я! Б-я!!!

5.06.99.

Прок-я по-я. При-я  
я к-я до-я, аш-я до-я  
при-я по-я к-я, а по-я

116



гребна. (Привади в Варахне - дуге  
пеленго канпава-е). Ене иамабони -  
мало дна чурбато и у аене мб рур-  
дана, унде. Дараг пубана Вел дн,  
ромба, иамабони. Дараг в ас с дн,  
аи хон а дна, вато, но а отау с, м к,  
иуаг кмо-мо, рур, селане, бендике-  
вур м. Сале дн, оно дна пубана  
пореа... Понае в дараг, пубана  
руаа, иуаг в дараг. Мо укалаи  
пубане дараг, пубана.  
Дна пуба кмо-мо, мо укалаи  
укалаи, дараг мо дараг (дараг)  
дараг с, дараг а дараг - в рур.  
30.05.99. Привади в 7.30. В дараг  
8.30 отау с, дна чурбато, пубана  
нас. Дараг дна в дараг. Дараг в  
дараг дна дараг дараг, дараг,  
дараг ехато и дараг. Дараг  
дараг, дараг-а, дараг. Сале 2  
дараг дна дна. В дараг. Дараг  
в дараг, дараг дараг дараг дн, в  
дараг, кмо-мо, дараг кмо-мо, дараг  
дараг, 31.05.99 - а дараг дараг!  
Дараг дараг. Дараг дараг дараг.  
Дараг дна дараг дараг, дараг  
в дараг (дараг дараг 30.5 + а дараг  
10 + а дараг 40). Дараг дараг, дараг  
дараг дна дараг дараг дараг дараг  
дараг.  
Дараг в ВАИВ, дараг а дараг,  
2 дараг - 127 дараг 102 (дараг 101).  
Дараг дараг дараг. Дараг дараг  
дараг, дараг дараг в дараг дараг  
дараг, дараг дараг дараг дараг. Дараг  
дараг дараг дараг дараг. Дараг  
дараг дараг. Дараг дараг. Дараг  
дараг дараг а дараг дараг дараг  
дараг дараг в дараг. Дараг дараг







[illegible]

Нак варт аи пврв в варт,  
когда 2 и. Катилии переише а  
калету (визе). Аи ско то прачае  
аи. И праче прачеице за в  
аи, подише, за вав, ко аи да

~~124~~  
 120

~~123~~ 121

Зачинаешь "Черного лекаря" Вольда  
(не) стилизаций много пишу. Диск-ки  
все свои записываю. Но мне пришлось  
спать в постель. Но я обаяна, что  
не пишу, т.к. за мной следят. Из  
этих хорроров много. Ративка редко-  
валя т.е. я пишу-сь и Вани, и  
Вольда. Из детства с Ваней, рас-  
стались. Но в детстве мы когда-то  
спали и Ратива была перенос-тв к  
себе и они с Ваней (как она не  
сопротивлялась) п-ли.

Меня привлекло в кафе.  
- Дебута привлекло что-то интересное  
→ дежурное? т.к. мой знаком-сь только  
то (с камен) и у нас же много  
денег, но нам надо свой показать  
и ск-ть все меньше с цветами, чтоб  
не подкачала.

Привлекло-е. Дети. В общем я вы-  
шла с серье у них у них. Хар-тот.  
Ваня - камен. Я картинку из детства  
то 1 картинку детства (подарок из  
Литературы у мамы каменей) даи даи  
ему все дарю на руку. Все  
расчет (на планет).

Дети, каменное. Даи им  
Даи удачи.  
Дети, каменное. Даи им  
аура, сил, терпения...

6.07.2000.

Вроде каменное Вани прощало, а  
каменное. Как Вольда всего много  
под камен.  
С детства каменное для еще Вани-сь  
в паке. Вольда их оставил и

124  
122

23  
и  
0-  
с-  
но  
  
о  
о  
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о  
и  
и  
о  
о

уехать в следующий день. Водопровод с собой  
взял, а везти мне пришлось  
увозить, ради удачи, кати.  
Мои планы? После театра спешно  
сначала с 2-м, а потом с 3-м  
и, одна 1-я, а в свои планы  
включил, но добрый...  
Вчера же посетил к. Катюше  
дочку - купил креветок и еще вина.  
Вчера была встреча с Володей  
на кухне, а с утра в кафе (а в  
накануне) поговорил с Володей, а  
сначала в кафе. Я решил, что  
идет вся команда к вечеру -  
я одна, а потом на утро 2-я, а  
после их отъезда мне пока  
было, и Володя пошел провозить  
меня. Я тоже планирую  
идти, к. и приехать до  
вечера 3-м, а Володя не был, т.к. собрал  
для дочери многого, а до  
вечера, но это стоило  
Вчера в 30 утра.  
С утра было все хорошо, пока  
я не начал, а в 10:00, где 3-й  
его то. Володя сел, что он не от  
и начал, а в 10:00, где 3-й  
Володя же не стал, а если  
Володя же не стал, а если  
судит, я решила, сейчас  
и подарила, а в 10:00, где 3-й  
кати. Планирую провозить  
Володя в кафе (я была в кафе)  
Вечером меня не ушла - а в кафе.  
А еще я пошел в кафе, к. и  
не разговаривал с Володей, а в кафе  
хотел в кафе, к. Володя и в кафе  
директор, а в кафе, к. Володя  
А мне с-то, а в кафе, к. Володя



[illegible][illegible]







[illegible]

5,08,2000

23.07

1) во как а и о с г гласные

[illegible]

(127)

~~19~~

(128) ~~(130)~~

Сейчас машина с номером 68904001  
хотел, что я не ее хочу, потому что там, в  
TAXI.R. В банке сейчас № 230 руб, а там в  
о-го то, я хочу быть в такси, а потом  
норм. такси и такси TAXI.R. а там, там, что  
я, пожалуйста и сейчас, потому что я хочу, что  
не хочу, пожалуйста, и я хочу, что  
доставлю, пожалуйста.





## 1 (страница дневника)

переехала в апартаменты к девчонкам (в подземелье). Здесь хорошо, живет Мишель, Аня, я и Златкин (фокусник). В первый день (да, Мариос собирался меня смотреть три дня, то днем, то в три часа ночи, но на третий день посмотрел (как я двигаюсь). В первый день я имела семь дринок, меня трясло, когда я разговаривала с костюмерами. В этот же день я познакомилась (Мариос меня познакомил с Крисом). После того как мы поехали на его спортивной машине. Так здорово (в романтизме место). Я увидела сверкающий Лимассол, в огнях... На второй день (на первый подарил розы, во второй – желтые и красные гвоздики) поехали в магазин, он купил мне журнал, шоколад, ездили на пляж, пока говорили, волна намочила немного наши ноги. На третий день он повез меня играть в карты. С помощью моей удачной руки, мы выиграли. Если я поняла – 220 паундов. Где потом он подарил мне 110. Я так была рада, потому что мне надо отдать долг. На четвертый день мы впервые поцеловались на горе. Да, на второй день я впервые танцевала тэйбл-данс для одного очень толстого мэн. Хи тач ту ми... После я пришла, меня всю трясло, к Крису. Он удивился – что со мной. Я рассказала, после успокоилась. Это было противно и ужасно. Недавно Крис подарил мне 20 паундов (за стриптиз-данс, чтобы я не танцевала). Т.к. я сижу с ним практически весь вечер, у меня нет ни одного стриптиза, т.к. он не любит этой обстановки. Считает, что это наедине. Очень интересно было вчера. Я говорила с художником, у которого была Кира. Он поделился всем. Я для него начала танцевать стриптиз. Он категорически отказался, испугался, заплатил за тэйбл.

## 2

Не успела все написать. Напишу в следующем году. Я от всей души благодарна 1998 году. Этот год мне очень многое дал! Да будет благословен 1999 год. И да исполнятся все мечты! Пусть есть и будет с Божиим благословением и наставлением! Да даст нам Матерь Божья любви, гармонии и добра. Да хранит нас Ангел Хранитель. Да поможет нам Николай Чудотворец и все святые! Аминь! В добрый, чистый, прекрасный 1999 год!!!

1999!!!

Господи, благослови! Пресвятая Богородица дай нам любви и всех спаси! Ангел Хранитель нас береги! Николай Чудотворец во всем нам помоги! И все Святые будьте с нами!

Хэппи нью еар!

Вот и наступил Новый 1999 год!

С Божьей помощью!!! Континью. На третью встречу с Крисом мы поцеловались. Мне нравится быть с ним. Мы ездили в отель и делали массаж друг другу. Он хотел меня и я его, но... Потом Крис сказал, что он придет только на меня посмотреть на пять минут, т.к. это будет лучше для него и меня. Мне было страшно его потерять и я расплакалась. И на Крису это подействовало. Мне он нужен... Прежде как человек, которому я доверяю, а во-вторых – мани. Он мне который раз дарил цветы (розы). В прошлую пятницу ездила на море с Златкой трахаться (и сегодня 1.01.98. тоже) – какой прилив энергии... А вода, песочек...

Ездила покупать платье с Катей.

## 3

купила за 22 паунда, мне еще и подкоротили на нужную длину. Костас требует деньги за дорогу в эмигрейшн. А я не буду давать, т.к. это его работа. За дорогу в шоп 1 паунд, хорошо. А 28.12. в Трамсе мы праздновали Мэри Кристмас. Так хорошо. Покушали салаты, мясо и танцевали. Два брата – Мариос и Мелиос танцевали греческий танец. Потом девки из Трамса танцевали стриптиз. Все они с таким целлюлитом... Хорошо повесилились, а потом работа – 29.12. пришлось настоять на стриптизе, но я трусы не снимала (втихоря). В этот день я станцевала три стриптиза и один тэйбл. Мариос – браво! На следующий

день только 3Z 50. А 31.12. мы встречали в Зигосе в 23.00 наш Российский Нью еар, а в 24.00 Киприотский. Как было здорово! Джимми (ди-джей) подарил мне красное вино. Мы дома (31.12.) распили, приготовили покушать с девочками и Златкой киевский торт. На работе поели кальмары, котлетки. А у меня куча салата (грибы). В пироге в Трамсе девчонки нашли 50Z ?!). А мы пирог не доели... Я и все напилась... Мартини, потом виски с Крисом. Затем мы уехали в отель. Там мы разделись и целовались, слушая РТР. Не знаю, но мне кажется, что я готова с ним переспать. Если бы не месячные. Я не считаю это изменой, не чувствую. Но проблема – без кондома. А вдруг... Поэтому... Я чувствовала его горячее... (потом тампон еле вытащила). Мы вместе искупались (вода шла то горячая, то холодная – мы веселились). Что скажет Мариос о нашем бизнесе...

#### 4

Дай Бог нам мудрости, любви, сил и терпения!!!

01.98.

Мэри кристмас!!! Счастливого Рождества Христова!!!

Вот уже прошло семь дней с Нового Года. Джимис стал за мной ухаживать. Когда я и Катя поехали в Туристерию, он подарил мне туалетную воду (обалденную), еще кофту (которую я выбрала). А сегодня – нижнее белье (темно-синее и белое). Еще и обыкновенное платье предлагал (длинное – для улицы), но я отказалась. А вчера ездили по городу (хотела купить вечернее длинное платье для шоу), но шоп из клоузд. Попили кофе, Джимис равнодушен ко мне, он сорвал цветок (лав, нот лав). И так интересно – у меня – ноу, а у него – йес. Он расстроился. Мне жаль, он мне нравится как человек, но как мэн не в моем вкусе. Я ему очень, очень благодарна. Он должен уехать в Англию, Москву, Краснодар. Он хотел взять мой эддрес. Я объясняла, что живу с мамой, нет места. Мама в шоке... нет. Когда она его увидит... Джимис мне хоть и друг, я очень ему благодарна, но жить в моем доме...

Крис сегодня ночью имел день рождения (7.01.61.). Я хотела ему плакат подарить, но не смогла. Купила торт, открыточку. В эту ночь народ отсутствовал в Зигосе. После поехали в отель. До этого (ок. двух недель) я доводила Криса (в секс плане). Он уже не мог... Сегодня ночью я решилась (психологически я была готова и не считаю это за измену). В перипторе

#### 5

он спросил на счет кондомс. Я: «Вот нот?» Он смеялся, оказывается купил. Ок. одного часа мы игрались в лав. Он входил и выходил, туда, обратно (такой маленький..., очень необычные ощущения). Психологически я была готова.

Который раз дарит мне цветы (розы). Также ночью, девки из Трамса встретились с молодыми 19 и 23 мальчиками. Они напилась, в машине блевали. Потом домогались к девчонкам. После они вбежали домой и закрылись. Эти парни дрались с Андресом, выбили стекло. Полиция приезжала... Также Мариос избил (раньше) двух мужиков, которые не платили деньги. Это было ужасно...

Сегодня я покрасилась в другой цвет, получила Ален Карт (паспорт Кипра). У Криса в долг попросила на длинное платье ок. 30Z, но он дал 50Z, сказала, что верну, от ответил, что это презент. Не знаю, но не хочу обламываться. На работе один костюмер меня целовал все 30 минут, другой говорил о проблеме с женой (зато взял тэйбл). Другой говорит, что я леди. Другие пришли с ржачками, т.к. друг женился. Ржали с моих часов, со всего.

Стоп поставили Инге, Ире, Доне, а сейчас он хolidей хев, в субботу эту уезжают.

Мариос нью систем хэв. Надо записаться, кроме того и звонить который раз ему – куда пошла.

Господи, благослови!!!



19.01.99.

Вот уже почти месяц, как я приехала на Кипр. Ходила в ГИМ заниматься вчера (с Элизой). Побегала по дорожке

6

ок. 15 минут. Да, но проблема – я немного поправилась. Конечно, каждое утро круасан. Один костюмиас (я танцевала ему стриптиз, а потом тэйбл, но во время тэйбл он захотел стриптиз, он спайниш...) кончил, это было забавно.

Когда я один раз сидела с Рикосом, пришел Крис, я его не заметила, прошла мимо. Он ждал, ждал и ушел. На следующий день не приехал. Я ему звонила, оставляла сообщения. Когда он вернулся (пришел), я извинялась долго. Мы ездили играть в карты (ви вин, мне 50Z). Позже, 17.01.99. мы то проигрывали, то выигрывали (ок. 5-6 тыс.Z). Его друг дал мне 20Z, еще кто-то подкинул, Крис дал 10Z, так ок. 50 набралось. Я переживаю жутко. Там сидел один мэн в золоте – по 3 браслета на руках, на пальцах, его гел-фрэнд вся в золоте. Хотела Криса на линзы раскрутить, но он придумывал кучу причин. Ладно, главное, что через него я получаю деньги, иногда для меня это очень важно. Сейчас у меня ок. 340Z. Я очень хочу 500Z. Мне надо, я смогу. Когда вчера Рикосу сказала о линзах, он сразу начал беспокоиться, дай Бог, он мне поможет, а то Мариос...

С Рикосом поехали мэйк фото возле моря. Пофотографировались, но потом собрались звонить другу – покататься на лошадях. И тут его жена на джипе. Тут сцены ревности. Он меня высадил на такси, его жена подбегает и говорит, что если она увидит хоть раз меня с мужем, отправит в Россию... И за такси, где я ехала она мчалась не отставая. Я давай звонить Рикосу на мобил. Хороший таксист, мы умчались от нее.

7

Потом позже он подъехал и мы поехали кушать мороженое в ресторан. Это было что-то... А ресторан очень уютный, кстати.

Потом Мариос посадил меня к доктору-ортопеду (я ему очень нравилась). Я ему станцевала. Потом с девчонками мы поехали в Бузуки. Я впервые увидела - что это такое. Там песни на греческом языке и обкидывают цветами. Его друг себя плохо чувствовал, был нервным (да, в Зигосе он встал на колени передо мной и поцеловал ниже пупка – у выхода из клуба). Потом мы поехали в отель, Мариос посадил меня в свою машину. Мы поехали в отель, там так красиво... Искупались, он повставлял немного мои позвонки. И хотел переспать. Но я объяснила, что этим не занимаюсь. Джорджи сказал, что меня продал Мариос за одну тысячу Z... Он подарил мне набор 14 духов Эстелаудер, дал 50Z и я уехала. Правда он себя плохо чувствовал (наверное потому что я не спала с ним). Я целовалась с ним, это все. Какое чудесное было утро. В 8 часов...

Господи, благослови! Пресвятая Богородица спаси. Ангел Хранитель нас береги. Николай Чудотворец во всем помоги!!! Аминь!

2.02.99.

Сегодня у нас с любимым 3 года и 5 месяцев. Дай нам Бог счастья, любви! Звонила с машины Рикоса Алексею и он испугался, когда я сказала о звонке мне на работу, но я успокоила. Как всегда стесняется сказать о своих чувствах (при

8

маме).



Еще ок. 27-28.01. Мариос наорал на меня из-за Криса. Всем выложил, что он мой бой-френд... Я была спокойна, т.к. выпила вина. На следующий день меня повели в офис. Я просидела ок. 1,5 часа, ревела. Мелиос сказал, чтобы я не назначала время кам Криса (я сказала, чтобы он приехал под конец). Что нельзя иметь бой-френд, т.к. др. костюмеры отходят. Я поняла все, кроме, одного – как это возможно придавать? Я ему столько доверяла, а он, Крис, предал меня и опозорил. Но я его простила. Но 29.01. мы ездили в степь (он проставил мне, я танцевала для Николь). Я напилась (он взял еще с собой вино), устроила беседу с намеками (о предательстве, о доверии, но не сказала, что речь идет о нем). И он хотел переспать (хотя до этого, после того, что я не могла кончить, он сказал – секс невер), а я не дала, возбудила его и издеваясь, немного отомстила. После пошли в его ресторан (утром на ланч).

Ездили мы в горы с Таней, Светой. Поиграли в снежки, потом пошли покушали рыбы... Так хорошо было...

С Рикосом ездили в магазин, он подарил мне много косметики, а сегодня делали маски на лицо, очистки. Подарил мне серебро с моим именем. Я ему от всей души благодарна за все. За поездку на ферму к лошадям. Первый раз в жизни каталась на лошадях... Почти получилось. Такие впечатления... Он еще сделал мне фотографии большие. Дай Бог ему всего доброго (почему-то сейчас не приехал).

Николаес мне подарил обалденные цветы с телефоном. С Региной мы ездили к нему домой, кушали шашлыки. Потом в воскресенье он повез меня на гору, хотя я

## 9

хотя я хотела на байт (пляж). Я обругала и он завернул обратно. Я так хорошо потренировалась. После поехали домой, я искупалась у него, он подарил мне свой спортивный костюм, музыку, а потом понес на руках меня в свою спальню... Я с разведенными руками в стороны не захотела туда попасть. После долго разговаривали. Он сказал, т.к. я не занимаюсь сексом, он не сможет – это ненормально. Кинул меня. Значит так надо...

На следующий день я сидела с другим Андресом. Он подарил мне много вещей. И говорит, что не хочет секса, хочет игры, хочет внутренней удовлетворенности. Обещал хolidэй в Испанию. Да будет на все воля Божья! После Бузуков целовал мне ноги, обкидал цветами, помыл ноги в шампанском, обцеловал. Интересный. В этот день Крис приехал, но меня не дождался. С Крисом ездили в карты играть (мне перепало 20 ). Мне хорошо с ним. Но я очень осторожна. Вчера один костюмер хотел секса, но мы с Натали убедили его, что мы занимаемся мастурбацией, иногда девочка с девочкой. Он испугался нас отправил. От мамки письмо получила.

Дай Бог нам всего доброго, чистого, главное – любви, мудрости, сил, терпения, благословения!!!

8.02.99.

Времени прошло немного, а событий... Крис делает вид, что он ничего не рассказывал о сексе, да и что тут такого? Он изменился, любит только себя. Когда я сказала о задержке периода, он предложил сказать об этом Мариосу (крэйзи), или, например, купить тест (я должна)... Я действительно переживаю, т.к. ок. 12 дней задержка, но сейчас вроде бы начали болеть груди, прыщик. А вчера я с Рикосом поехала в малый отель,

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пришлось ему дать меня поцеловать там и сделать вид, что я финиш. А потом и ему помогла. Мне нравится, что он из себя не строит никого, с ним мне весело. То в ресторан поехали, то на лошадях. Как здорово, первый раз в жизни, немного рысью, потом мышцы немного болели.

Ариане стоп из-за костюмера (то ли он с другого клуба шеф, а она с ним мииит, то ли что-то другое). На этот день (в субботу вечером) Мариос запретил вообще куда-либо ездить. В супермаркет один раз в неделю с Костасом (пока еще не до). Никаких шопс, гим. Только с костюмерс даже в церковь не разрешил на 10 минут. Теперь мы в тюрьме. В субботу 6.02. праздновали день рождения Ленки (в ресторане). Приехал Костян по заказу Мариоса, даже мороженое не дал доест. Хорошо посидели, выбирали сами меню, рыбки.... Торт в Зигосе Мариос не разрешил есть. Оставили на воскресенье, даже перед работой не разрешили, сказали после. А после... выбросили в мусорку... Такого никогда я не видела...

С Николаесом после мы встретились только на день рождения Регины в кабаре. Когда поцеловались, он аж, бедняга, еле вытерпел.

День рождения Регины (3.02.) отметили... У Светы пропали в кармане 70Z + 10Z, которые были помечены. Она пришла проверить меня и нашла помеченную купюру. А я эти деньги получила только от гарсонов. Тут все на меня начали смотреть... У меня истерика. Мишель побежала сказать, что без меня они не пойдут на день рождения. Всю ночь я плакала, не могла работать (5 дринков и 1 стриптиз). С Крисом поехала, он даже не особо меня успокаивал. Что ему надо, он говорит то-

## 11

лько о сексе, а мои проблемы его не интересуют. Только с Андресом и Светой я смогла съездить в ресторан к нему и покушать (а потом в аут). Да, до этого ночью я ему устроила ночь... С вином, с намеками о предательстве. Сделала вид, что дринк и никакого секса, только немного помучила его. Я что, он раньше хоть что-то давал, а сейчас... Рожей кривляет. Но я делаю вид, что все хорошо. Сегодня я померилась... бедра 97,5 – 98, ноги 57?! Талия – 67?! Я поняла. У меня была такая история после прошлого дня рождения. Конфеты, шоколад... Я торможу, хватит!

Еще меня достал Лукос. Каждый день по три раза звонит, чего-то хочет. Съездила с ним в ресторан. По дороге заставил меня одеть очки, дабы у его друзей меня никто (в его джипе серебристого цвета) не увидел. Потом все, мне не будет звонить... Сейчас опять звонил. Хочет прийти в кабаре, говорит, что без меня крэйзи (я ему «ты который день такой»).

Андреас завтра хочет купить мне офф, пойти в ресторан, дискотеку. Попросила его в бассейн. Дай Бог, чтобы Мариос наш подобрел, чтобы ушла эта дурацкая система, чтобы все было хорошо! господи, благослови!!!

11.02.99.

Сегодня объем бедер 99... Итак, я весь день ждала этой ночи. Андреас купил мне офф. Мы поехали покушали в лучший фиш ресторан с его другом и мэн (ок. 60 лет) с Италии. Мы беседовали. О многом. Потом поехали в различные места (бузуки, но все были закрыты). Съездили в «Фунель» на дискотеку, там так красиво... Я потанцевала от души, пили бейлис. Потом в Бузуки. Здесь море цветов, горы цветов.

## 12

Пришлось станцевать под греческую музыку (во время чего я была вся усыпана цветами). Андреас говорил, что кажется любит меня. Он себя не очень хорошо чувствовал, т.к. сильно устал (аритмия). Потом мы поехали в отель, где он несколько раз спрашивал меня уйти ли ему? Но я попросила остаться. Он долго вставлял карточку в дверь. Мы спали вместе. Он пытался немного поприставать ко мне, но я его остановила, сказав, что период. Он молодец, контролировал все. Потом мы проснулись ок. 10 утра, ему надо было ехать в офис. И я весь день была одна. Я съела кит кат + 100 гр. орешков, запила соком (естественно потолстеешь). Потом пошла в бассейн плавать. Так чудесно, он был небольшой. Туда, обратно. Потом я пошла погуляла, пофотографировалась. Сходила в ресторан, съела томатного супа, огромную тарелку салата, кальмары, где

меня за все благодарили. За заказ, за то, что я поела. Затем пошла в номер, приготовилась, поговорила с мальчиком (обслуживающий персонал). Мне принесли презент (может что сдачу в ресторане недодали) от кого-то (банан, киви, груша, мандарин). Я снова прошлась, далее поплавала в бассейне. И пошла звонить, но телефон сломался, то дверь не могла открыть. Приехало такси, я поехала в офис к Андреасу. Он нервничал, устал. Я посидела, продемонстрировала модели, затем он меня отвез домой, подарив мне 50Z (я отдала ему сдачу). Вот такой офф первый раз я имела. Приехала я ок. 19.00. Приехал Мелиус за Танькой, она хотела уехать в Москву (получила стоп) за свои деньги. Потом передумала и уехала в «Кристал» в Ларнаку. Правильно сделала. В добрый ей путь.

### 13, 15

Крис потом начал устраивать сцены, что нашим отношениям финиш. Я долго с ним разговаривала, специально всплакнула. И поняла одно. Что от меня ему нужен был только секс. Его не волнуют мои проблемы, работа, самочувствие. Дальше себя никого не видит. Из-за того, что я имела офф, рассказал историю, что Алина (до меня) ради него бросила Андреаса, что он сумасшедший, т.к. дарил сотню цветов. На себя бы посмотрел. В последнее время цветы не дарил, 10Z дал на колготки и все, в карты стал проигрывать, стал приценяться к игрушкам (типо дорого для меня), дриг Z 3-4, не более... Я сказала, что если он хоть что-то ко мне чувствует, он простит меня (в подтверждение от неожиданно чихнул).

Думаю, что все, может это и к лучшему, т.к. другие костюмерс, вот ай лайк, бекам фри. Может это и к лучшему...

Например, немного ненормальный подарил мне Пако рабан туалетную воду, потом игрушку купил, потом подарил золото – (с себя снял). А вчера журнал и органайзер (где были его личные записи). Надо сегодня отдать. Один костюмер, который хотел после Москвы спать со мной, пообещал мне подарить браслет (силвер), как я просила (после того, что я помолилась, что Крис ни разу не подарил мне ни одного подарка). Но при этом сказал, что хочет спать со мной, если я буду сидеть и говорить с ним.

Сейчас у нас новая система. Танцуют по 2, 1 топлис. Иногда шоу. В это время другие отдыхают. Мне больше это нравится. Господи, благослови, дай нам любви, мудрости, сил, терпения!!!

### 14, 16

7.03.99.

Вот и состоялся день 3 года и 6 месяцев как мы знакомы с любимым. Он мне позвонил в Зигос и сказал, что очень любит, что не может без меня и считает дни, когда я приеду... А я не знаю, может быть продлю контракт, но только на 1 месяц.

Без Криса мне хорошо. познакомилась со Стефанисом, 3 раза ездили в отель, вместе спали только. Первый раз в комнате не работал даже светильник. На второй раз брал радио. Он такой чуткий, интересный, нелепый... Но денег не дает, ничего не дарит. Сегодня взяла у него 10Z за массаж, обиделся (но я сказала, что это не за массаж). Сейчас должен приехать.

У Андреса (художника) попросила для студентов два часа по 20 минут с 5минутным перерывом. С какого-то студента по 2Z (ок. 16Z) я получила. Хочу, чтобы мой портрет нарисовали. С Рикосом любовью занимались, 2 раза. Это ужас, как собачки (еще 1 раз мало). Хочет больше двух раз в неделю. Я – нет!!! Еще спрашивает – лучше ли он, чем мой бой-фрэнд фром Раша... Ему и не сравниться. Я тяну с него видеокамеру для мамы. Отложила 100Z на магнитофон Алексею (маме не буду говорить). Рикос подарил цепочку серебряную с сердечком из жемчуга. Красиво... Да, мой объем равен 100...Аппетит. Сейчас начала пить чай слабительный. Дай Бог, похудею.

Выпросила у него крем от целлюлита. Может подарит мне золотую цепочку с моим именем Алина.

Оксанку изнасиловал Джордж, этот маньяк (она была пьяная). Мы ездили

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вместе с Эриком, Оксаной кататься на лошадях и стали очевидцами секса лошадей. Так хорошо покатались...

С немного ненормальным произошло ЧП. Я периодически с ним разговаривала. Мариос выкинул его. Он драл на меня. А этот пришел с полицией, думая, что тот меня ударил... Мариос так переживал. Все уладилось, я сказала, что со мной все в порядке. Он для меня много сделал (сказал, что принесет 100Z, а сам дал только 20Z)...

Стараюсь, чтобы я была на первом месте по бизнесу. Педрос чуть не порвал мне одежду, говоря, что купит дорожку. Чокнутый садист. Обещал серебряную цепочку подарить.

12.03. праздновали день рождения у Вички. Был сладкий стол. Балебос подарил ей золотой браслет, парфюм. Хорошо посидели. 13.03. в ночь Наташку и Монику заставили танцевать по 40 минут подряд, не давая работать. Моника не выдержала и себе пошла ставить стоп. Наташка до этого теряла сознание.

Оксана не выдержала и себе тоже поставила из-за Моника. Пришел Хилиус, говорил. Моника вернулась, а Оксана нет...

Вчера ездили на лошадях покатались причем быстро. И я, на обратном пути потеряла свои часы. Многие костюмеры не любили мои часы. Но я надеюсь, что их найдет Ахмед.

Любимый звонил, думал, что я на следующей неделе приеду. Но я пока решила остаться. Он расстроился. Но мне немного надо.

Сегодня доктор Джордж приехал. Он так был рад. Я в прайвде с ним только обнималась и целовалась. Он так

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был счастлив... Потом поехали в Бузуки с Андресом и Машкой (день рождения). Он ей подарил много цветов, торт, песню – здорово. Потом я напилась вина. Поехали в отель с Джорджем. Я в таком расслабоне... Он целовал меня все утро, обнимал. Потом подарил мне часы, будильник, серьги с цепочкой, Органза – парфюм. Так мне было приятно. + 100Z.

Дай Бог, чтобы все благополучно складывалось. Господи, благослови! Пресвятая Богородица спаси и дай нам любви. Ангел Хранитель нас береги! Николай Чудотворец всем помоги!!!

21.03.99.

Вчера ровно было 3 месяца, как я приехала на Кипр...

Здесь каждый день что-нибудь случается. То какие-то молокососы забрали нас с Моникой (дети ок. 18 лет). У меня вообще не шел бизнес, тут они открывают шампанское, хоть что-то 1 танец и 4 дринка... Поехали, повели в какой-то отель (дешевый). И давай Моника их докапывать. Хотел 100Z за секс (а сам ребенок). Сколько он перетаскивал меня на кровать... Замахивался на меня (а я спрашивала: «что случилось с твоей рукой?»). Так и ничего не дала. Поехали, не могли найти дорогу домой (а каждый автобус... «Вы здесь что, животных убиваете?»).

Ездили с Оксанкой с толстым. Его маленький друг (с отклонениями) не мог ок. 30 минут вспомнить дорогу, мы ездили большими кругами). Потом приехали в отель, я помогла ему подрачить, сделала массаж, он заплатил 30Z. Оксанке... придурок разбил косметику, хотел забрать свои

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30Z за драчилку. Она перелезла через балкон и пришла ко мне. Мы уехали на такси...

Криса (бывший Ленкин) попросила, мы поехали в Пафос. Хорошо (ок. 1 часа) туда и обратно. Пофотографировались. Он купил мне электрические часы, долго выбирали. А потом Эрик точно такие (но другого цвета) подарил. Я быстрее прятать.

С Сережкой вчера после встречи с Паиникосом (заезжал делать драчилку – мне так надоело это...) – подарил платье ок. 37 Z) – говорила и разрыдалась... Он потом пришел, забрал меня (а до этого я сидела с Филипом – с Парижа, он выставил большую бутылку шампанского – 8 дринок балгодарю, Господи). 19.03. я имела 40Z + 10Z salari! Первый раз в жизни 5 прайвидов по 6Z + 10 дринок).

Моника стала бизнес перебивать. Как ей надо – она с Рикосом сидит получает бизнес, как я. Когда мне надо костюмером ее – так давай быстрее. Оксанка уехала домой. Сегодня. Пошла (с Трамса) заплатила Андреасу (секьюрити) ----- и в 6 часов утра уехала с костюмером, вернулась ок. 10 утра. Узнал Мариос, Мелиос – предупреждали.

Мариос вчера орал на меня – почему мы ездили с Паиникосом, он не приходит в клуб, я с ним занималась сексом – что-то имею я он нет... Яблан. Я не занимаюсь... с ним! (кричу в ответ), кому ты блядь веришь. Потом вроде поверил

- Господи, благослови! Матерь Божья дай нам любви и спаси. Ангел Хранитель сохрани. Николай Чудотворец в бизнесе, моем похудении помоги!!! Аминь!

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3.04.99.

Уже 3 апреля. Вчера было 3 года и 7 месяцев, как мы знаем друг друга. Дай Бог нам всего наилучшего (мне рабе Божьей Ангелине и рабу Божьему Алексею).

Лариса (мисс китчен) помогла мне очень. Отвезла вещи (пальто, джинсы) в Краснодар + передала по 200 долларов маме и Алексею. Мой милый позвонил потом и сказал, что моя мама была счастлива, что меня ожидает серьезный разговор об аспирантуре (что я должна учиться). А любимый сказал, что не может принять этих денег, и они будут лежать, пока я не приеду (значит это, что я ему важнее, что не деньги главное).

Приехали на прошлой неделе туристы с Кувейта. Мариос продал им меня, Регину, Джулию и Надю (по 40Z нам). Мой харь сказал, что не хочет секса. Я на радостях напилась вина и по глупости отдалась (до этого попросила 100 долларов не за секс, а за нужду). На что он ответил, что деньги у секьюрити внизу. Самое ужасное – он засовывал член в задний проход (мне так было больно... как никогда, это было страшно). Я потом не чувствовала своей попы, 3 дня было больно... Он сказал, что придет в Зигос или сама приеду и заберу эти деньги. Он уехал на следующий день... Бог ему судья (Ибрагиму). Через два дня я познакомилась с замечательным человеком. Я поехала в отель к нему, сделала массаж (40Z секс 100Z). Я его возбудила, он кончил, не входя в меня. Я получила 100Z + деньги за такси (к Ибрагиму). Дай Бог этому замечательному человеку здоровья и

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всего наилучшего!

С Викой прокололи уши по одной дырке благодаря Эрику – бесплатно. Ездили к врачу, т.к. задержка 17 дней. Через --- дня – месячные. Сказал врач, что элин ---сайд оф ми. Слава Богу.

Я радуюсь, когда в прайвид, мужской род кончают. У некоторых это было первый раз. Леандрос привел своего сына в Зигос. Теперь я встречаюсь с сыном и с ним. Леандрос замечательный человек, заботится, все обстирает, нарежет фрукты. Подарил мне золотой браслет (первый раз в моей жизни...).

Бывают проблемы с девчонками. Кричат, что я всегда вперед всех лечу к костюмерам когда еще им не поставили), хотя я видела, и Аманду, и Свету. Моника делала 75Z со своим костюмером за день (я максимум 50Z) – но я бегала везде). Когда Эрик не взял у нее танец, она сказала своему костюмеру тоже, чтобы не брал у меня танцы.

Разные ситуации. Вчера один весельчак разул мою левую ногу, обрызгал апельсином, одел мой туфель. Повел меня танцевать на сцену, потанцевали. Попрыгал на мне, но танец не взял... На все воля Божья!!!

Господи, благослови. Матерь Божья, спаси и дай нам любви. Ангел Хранитель нас береги! Николай Чудотворец в бизнесе и --- моего веса помоги!!! Аминь!!!

КАЛО ПАША!

16.04.99.

Христос Воскресе!

Во истину Воскресе!

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Как это было чудесно! Пойти в русскую церковь (со всеми девчонками). Я впервые сделала Крестный ход за батюшкой со свечой, все так было чудесно... Единственное – Костян приехал и мы не успели освятить куличи. (Эрик купил нам в ресторане кулич и Царскую Паску из творога). Поехали в «Трамс», поели, поговорили, потанцевали. Я пожалела, что не поехали со Стефаносом, он мог забрать меня ночью после церкви, поехать куда-нибудь...

Да, все девчонки 12 раз откусили 12 куличей – это значит, что должен быть счастливый год.

От Сережки узнала, что он любит девчонку Люду, которая работала в Кабаре, проблема с его родителями. А до Пасхи меня Мариос отдал другому костюмеру (Антону), а Стефанос хотел меня забрать, но ему не сказали, что меня забирают другие. Он разозлился, даже не хотел меня видеть, не то что говорить. Я расплакалась. Но потом, Слава Богу, он извинился, т.к. был пьян. Я хочу его, если честно.

Забрадали ябланы, которые кончают наружу (во время танца видно не замечаю, как открывают, но как? Может через брюки). Во вторник – 5 танцев. Один мальчик должен бы мэрид в субботу, пришел с друзьями (толпа). Всем позже танцевали тэйбл. Джулии Мариос дал свадебное платье, она танцевала для этого мальчика стриптиз на сцене (он только уходит, его друзья обратно – куда пошел?). За руку схватил меня один костюмер, с которым сидела девочка в платке

## 23

и мужчина. Оказалось, что умеют гадать по руке. Сначала представляется Мустафа, потом Ахмед. Хотел бай офф на три дня, я говорила про один. Поговорил с босом и купил на три дня...

Татьяна, ее муж, Ахмед и я. В первую ночь в отеле Меридиан он меня замучил с сексом («Плиз, плиз»). Я не дала. Меня раздражает каждое прикосновение, я устала. Потом он стал меня уважать, что я не такая девчонка, как все. Мы ездили в различные кабаре в эти три дня. Я плавала в бассейне два раза (опэн и клоуз). И самое важное – он пригласил меня в Египет. Он открывает для меня все дороги везде – работа, развлечения. Предложил мэрид. У него есть жена и две дочери, один мальчик, которому я помогала выбирать одежду. Все, что я хочу – дом, карьера. Даже он мог купить унижение моего босса, который мне чистит обувь... Никогда я до этого не опускаюсь. Ни за что. И вот я решилась на следующей неделе поехать в Египет. Он придет за мной на следующей неделе. Я могла уехать и послезавтра, он мог бы сделать мне визу. Но я решила не затягивать. Татьяна замечательный человек с Ростова, только 22 года – и бывшая балерина и ясновидающая, разносторонний человек.

Я так разжирила... Рестораны, на завтрак круассаны. Я похудею, даю слово!

Светка хочет стоп поставить. Сейчас сижу, жду врача Джорджа.

Господи, благослови в добрый путь! Благодарю и прошу мудрости, сил, терпения, любви и охранения!!!

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25.02.99

Это была неделя «крэйзи». Мариос собирался уходить от нас в «Трамс» и отдать Джимису и какому-то гарсону фром «Архондиса».

У нас не было 3 дня бизнеса. Первый раз был один дринк (и то, должна была встретиться за него; но я не встретила, т.к. поехали в офис за деньгами – salari, но опять не дали, все жду).

Поехали со Стефаном, напились тоника (40% алкоголя). Я как напилась, первый раз в жизни ненормально. Занимались любовью, а потом рвало... Бедняга, он бегал за мной, ставил мне кресло, чтобы удобнее было, мне так было плохо. Я отравилась. Он очень заботился. Но после он заболел, температура.

Мариос надоел из-за того, что не было бизнеса, из-за Бамбоса поставил Вичке стоп и Наташке (выходит замуж). Мы плакали все, надеялись, что Мариос уйдет в воскресенье фром Зигос.

В пятницу впервые я сделала 8 прайвидс (60Z) и 12 дринок. Я была никакая... Еще, до этой один яблан забрал меня и хотел, чтобы я сделала минет с его великим стручком, уговаривала, чтобы дал мне 10Z. Другой имеет дом с лифтом, но я не дала! Они забирали меня перед самым выходом очень неожиданно (за 30-20 минут перед закрытием кабаре).

Вчера был 1 прайвид и 10 дринок (Мариос наорал на меня, что я не включала свет на танце, хотя я включала). Поехали с Сережкой занимались любовью. Первый раз за 4 месяца я кончила реально... В 11.30 осталась с Панникосом (до этого он подарил мне кольцо – белое золото). Я мечтала... Поехали в аквапарк... Накатались, наплавались... Потом я 2 часа ездила на харлей дэвидсон (мотобай). Со всеми поздоровались, вокруг объездили.

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--- раза купались в море (после солт пляжа). Сама ездила на водном мотоцикле на макс спиид... (60 км/ч по воде).

Секьюрити продал информацию Эрику, что я поцеловалась в губы с Серегой, в чем была одета... Эрик докопался до меня, до слез. Почему поцеловалась, оделась... Я пошла к Мариосу, он был злой.

У Эрика забрала все свои деньги, переживала... Обещал видеокамеру во вторник. Завтра приезжает Ахмед...

Леандрос подарил мне туфли (я сама выбрала, поменял остальные доллары). Квартира стоит – 12.000 долларов, 2 – 15.000 долларов (комнаты) в центре.

Вчера заключительный раз ездила на Альбано, (на моем первом коне – очень быстро, одна).

Да благословит нас Господь!!! Да даст любви Матерь Божья! Да хранит нас Ангел Хранитель. Да поможет нам Николай Чудотворец и все святые!!!

6.05.99.

Все три неделю я находилась в раздумье. Я не знала – ехать мне в Египет или нет. Все меня останавливали. Я приехала и разговаривала с Мариосом, что хочу уехать о хolidэйс. Но ругался, что я хочу все сразу за два дня. Я решила ехать, собрала вещи. Приезжал Ахмед, забирал меня. Обещал мне визу, но сказал, что проблемы. Приехал Джордж (доктор). До этого я ходила к врачу, чтобы дали справку, что я

болею. Сказала, что болит кишечник. Мне дали таблетки. Потом хотели мой анализ, но бумагу так и не давали. Мне не смогли купить офф. Как я сидела в больнице --- - 80, 110 (70) – норма. Ужас.

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Джордж в эту ночь забрал меня. До этого я по дурусти попросила Андреаса заехать в «Меромания» хоутэл, чтобы забрать у Ахмеда копию визы (он загрузил, что что-то не получилось, какие-то проблемы). Это был переломный момент... Потом поехали в «Меридиан» отель с Джорджем. Он подарил мне браслет и кольцо (3 вида золота – белый, желтый, красный). Серебряную икону, для фотографии, будильник – все серебро... Все было хорошо.

В эту ночь Мариос наорал на меня о происшедшем. Сказал, чтобы следующий день я целый день сидела дома и ждала его. Я (1.05.99) ждала целый день, но он не приехал. В этот день я должна была иметь офф с Джорджем. Мариос вечером вызывал в офис и сказал, что в воскресенье я еду в Краснодар. Я не могла работать... Я была в шоке. Пришел Стефанос и забрал меня, а Мариос сказал, чтобы он вернул меня в 7 утра, Костас отвезет меня. Стефанос сказал, что не хочет, вставать в 7 утра и отвозить меня. Оказывается это был психологический трюк. (урок для меня, я оставалась на Кипре). 2.05.99 у Мариоса день рождения. Я поехала в офис говорить с Мелиосом, Мариосом, сказала, что это была ошибка. Они простили. Следующий этап – вернуть Ардеаса. Я звонила ему, говорила, он обещал приехать, но не приезжал... Сейчас уехал на неделю в Германию. Я подписала Мариосу открытку еще раз извинилась. Мы поехали ---

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торт (Костян купил). Хорошо веселились. Мариос обнял меня в офисе и извинился, что так орал (до того за 1 день он меня не мог выдворить из офиса, я смотрела ему в глаза, он не мог. Я взяла его руку, тут он и выдворил меня из офиса). Я его люблю, как босса. Я чувствую себя нормал, когда он в хорошем настроении. Разное бывает.

Бизнеса сейчас нет. Вчера один яблан взял танец и не заплатил, т.к. я ему не дала поцеловать рuse. --  
- , гадость какая.

Ахмед не звонит. Боже, дай мне сил вернуть хорошее отношение твоего раба Андреаса и Джорджа!

В добрый путь! Господи, благослови, Матерь Божья, спаси. Ангел Хранитель нас береги. Николай Чудотворец в бизнесе, в моем похудении и во всех делах помоги!!! Аминь!!!

16.05.99.

Сколько всего произошло... Во-первых. Я настроена серьезно потерять свой вес, т.к. я раскоровела (грудь 94, талия 69, бедра 102, бедро 59, внизу 51...).

Я сильная. Я контролирую все, что я ем, сколько. У меня очень сильная воля. Я выдержу!!! За эту неделю я должна иметь бедра 100. я смогу, выдержу. Я сильная. Я всем руковожу.

Много, чего произошло. У Андреаса --- из броукен, он приехал в Зигос, но я не могла с ним говорить. В один прекрасный день Мариос брал афтер ворк нас, подождал,

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когда мы переоденемся, заставил одеть платья, а так устала в этот день (ок. 8 танцев). Начал морали читать, меня задел все таки. Про Арманду говорил, подкалывал, что она в офисе кофе пила для отрезвления. На следующий день снова собрание. Бизнес не шел и он решил нас наказать. Одну неделю не ходили никуда, записали № машины, вр. костюмер. Поставил Монике и Вике стоп. Как мы все плакали... Я не могла работать. Один яблан не заплатил за танец (я делала 2). Другой грузил про деньги. Я станцевала, он не дал, а Антонио молча стоял и смотрел, даже не пытался помочь. И Аманда 2 танца без денег ему же. Вскоре



Аманде поставили стоп. (до этого она себе, а потом Мариос нашел причину и поставил ей). Пришли другие две девки с другого кабаре (т.к. их обанкротилось).

Сонька праздновала свой день рождения. Хорошо девчонки помогли приготовить, все было легко. Рикос стал прикалываться, что я в прайвиде давала себя --- его хорошему другу (он не знает, что мы с Эриком встречаемся). Я без слез, нагло с ним поговорила и отвергла все.

Со Стефанисом на море занимались любовью под шум волн, ветра; загорала я потом без ничего. Так чудесно.

В пятницу была партия. Жениться собирались два мэна с разных стран с одной телефонной компании. Приехали в этот день в Африки, Америки, Австралии ок. 20 человек. Мы там танцы. Я переоделась со всем

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в футболку, я ходила и оттягивала. Ангелос (бывший костюмер Регины) подарил, как обещал золотое кольцо Соне и мне. Регина много что ему обещала, но была один раз (секс), много, что поимела.

Девчонки прикалывались. Купили сами себе дринки, Мариос был в шоке. Регину один раз дома забыли, уехали на работу без нее, сколько вони... А когда она на унитазе на бочке заснула...

Мариос сейчас уехал в Краснодар, подала ему я свой пакетик «маленький». В воскресенье приезжала Моника и Вичка к нам, я только 1 часик побыла с ней. Сейчас живу с Олей и Соней. Более или менее. Когда пойдут мои месячные? Из-за нервоза уже 17-18 дней как нет.

Господи, благослови меня, на работе. Дай мне во всем сил, терпенья, и помоги мне похудеть! Аминь!!!

P.S. Крисис (бармен) нарисовал.

Я так смеялась, я должна измениться

(уменьшиться). Сейчас Гришка работает барменом, а Стефанис в Трамсе. С Андресом я ездила ночью на харли Дэвидсоне 150 км/ч! (В его джинсах и куртке) по трассе. А какое чудо эта собака...

Вчера фотографировалась в 4 сизонс. Хороший пацан. Господи, благослови!!!

22.05.99.

Время летит быстро. Мне остался ровно один месяц работать до конца моего контракта. Я обязательно должна похудеть. Я похудею!!! Аминь. Переживаю из-за месячных. Уже

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через одну неделю будет как месяц задержки. Я пью таблетки для урегулирования цикла (с прошлого визита гинеколога). Господи, помоги, чтобы у меня пошли месячные!!! Маятник дает информацию и рамки, что ничего нет. (даже признаков нет). Господи!

Вчера из-за одного яблана (как он умудрился работать в банке) не поехала с девчонками гулять в центр. Я расплакалась. (с другой стороны, девчонки объелись. Регина (Лена) праздновала свое имя и принесла торты. Ну я и поела.

Сегодня с Панникосом ездила на пляж, на обратном пути его машина не могла завестись. Ну мы потолкали немного и поехали. Вчера было 4 прайвид, 1 тэйбл и 12 дринк. А в среду – 7 прайвид и 2 дринк, в четверг плохо 1 прайвид и 2 дринк (ужас). Вчера должны были со Стефанисом поехать в Ларнаку, я позвонила Вичке, и он не пришел... Я поехали с Деву. Он хочет подарить мне икону – голд, 24 карат, где Иисус Христос (он сам рисовал. Я тут вспомнила, что мне говорили про вещь, подарок, с которым у меня будет проблема на Кипре и в Краснодаре. Именно вещь. Именно вчера я вдруг стала вспоминать об этом.

Деви сказал, что у него финиш бензин и мы вернемся на мотоцикле. На этом небольшом... 130 км/ч я кричала. Было страшно рискованно, быстро. Я не чувствовала своего лица.

Эрик опять не приехал. А обещал. Господи, благослови!!!

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29.05.99.

Время летит. С одним молодым костюмером вывалилась из прайвида на половину, это было нечто.

Эрик подарил мне (наконец-то) видеокамеру мечту моей мамки. Она так мечтала... В этот же день мы с Машей поехали в «Сант Платаель» поплавали, скушали, массаж. Эрик что-то стал с Марией хлестать, не скрывая. Купил ей купальник за 39 , тапочки нам. Хотел после всего секс, мы отказались. Потом бизнеса ей делает второй раз больше, чем мне цветы дарит. Потом отчитывается по телефону (спогетти).

Стелиос дал мне 30Z (положил тихо в сумку). Я вчера я купила платье себе (20Z), спать типо пижамы (ок. 44Z).

Наконец-то, Слава Богу, месячные (не было ок. 1 месяца).

Сегодня поехали со Стефанисом на Джорджио Бич, а я так хотела плавать, т.к. он захотел. Я устала, пошла и в платье в море, в волны. Я плакала и смеялась. Потом разревелась. Он меня успокаивал. Подарил мне полотенце желтого цвета. Извинился, если что не так. Все нормально.

Да, один богатый араб забрал с другом меня и Марию. Потом потанцевала на дискотеке. И только в отеле я сказала, что у меня месячные. Он обиделся (он хотел), позвонил Мариосу пожаловался, богатая сволочь.

Бамбос дал мне медисин, я должна сбросить за месяц ок. 10 кг. Сейчас я 77 кг. Господи, благослови!

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30.05.99.

Когда Машке Эрик подарил обезьяну, пришла позже женщина с цветами. Машка говорит ей: «Она смотрит на тебя (обезьяна)». А женщина подумала, что она выглядит, как обезьяна. Обиделась, не хотела продавать цветы.

Надя три дня назад напилась... Ее все девочки откачивали... И ванную ее, и кофе. Переживали, чтобы Мариос ее не видел. Немного отошла и опять у костюмеров виски... Регина молодец. Пришлось по лицу похлестать.

Бамбос мне дал медицинские препараты для увеличения метаболизма. Дай Бог, чтобы я имела 99 см объем. Дай Бог!!!

6.06.99

2.06 было 3 года и 9 месяцев с моим любимым. Он мне такое письмо прислал...

У одного араба попросила (он говорил, что богатый) 65Z на магнитофон. Он дал 70+5 на такси. Дай Бог ему всего доброго. Стелиосу не дала, он обиделся. Проехали в Арфонидес. Он расплатился своей карточкой, а потом забрал 65Z (с жадностью, яблан). Обиделся, не хочет приходить в кабаре.

Надка и Машка нажрались. Они валялись на полу в туалете. Мариос им синяков наделал. Простил. Они были в таком состоянии, Регине просто стоп поставили. Дали 3 дня хolidеев. Она пожелала мне всего доброго и наилучшего.

Алексия пришла в кабаре в 22.00

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тапочках, капюшоне. Антония ее --- офис, а она ушла. Такой вид имела, а что собственно такое произошло. Это было нечто. Ее лишили 2 дней зарплаты. Она сегодня уезжает. Приехали с Греции морячки. Такие все беленькие. Брали танцы, ---погр-сь.

Ездил с Эриком на лошадях, в Сант Рафаэль, поплавала в море (теплое), массажистка (девочка с Краснодара).

В четверг Стефаниос пришел, полночи со мной и 2 танца. Так было замечательно, весело. Потом я в отеле 3 четверти часа будила на работу.

Три дня держала диету, от препаратов судороги сводило, потом Бамбос, от--- Кальция, слава Богу прошло!

Похудела только 77 кг. Был у Ольги день рождения. Приехала после Эрика ---сь), 1-ый раз не переедала. Ольга хочет уехать в воскресенье, устала от работы. У меня осталось 1,5 недели. Сейчас столько нью герлс... 15.

Они жили с нами, чистые аутницы.

---енка уехала (хорошая девчонка ок. 34 лет), сразу же приехала другая. Теперь с 4.

Ездил к дантисту, хорошо, только теперь воспалилась десна, сижу с ромашкой. Стефаниос говорит, что очень будет скучать, хочет, чтобы я ему писала письма. Еще Пьер влюбился в меня. Сегодня ходили, разговаривали, подарил открытку 20Z.

Сонька два дня назад уехала, т.к. муж забрал сына, хотел суда (т.к. он-то сказал, что она работает на Кипре – проститутка). У нее в два раза багажа больше,

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чем у меня. Ходила в шопинг центр, купила юбку и кофточку себе.

Джорджу на 30Z (трубку – с золотом – 20Z и икону серебряную – 10Z).

Думала, куда деньги мне деть. Два варианта – в багаже или в каблуки (надо купить).

У одного араба попросила 65Z на магнитофон с CD. Он дал 70+5 на такси. И я купила в (а, я уже писала об этом).

Сегодня Джордж должен приехать... Сейчас очень трудно, 45 девчонок. Каждая по чуть-чуть. Бизнес. Бог мне в помощь (моем похудении (2), 1 – бизнес.

Господи, благослови! Матерь Божья дай нам любви. Ангел Божий нас береги! Николай Чудотворец во всем помоги!!! Аминь!!!

15.06.99.

Осталось две недели и домой. Вчера (в понедельник 4 прайвида и 5 дринок). Ездил к зубному – 2 зуба. Так ревела – было больно, десны болят. Эрик (до этого 3 зуба + 2) отдал очень много. Если 1 зуб 30Z, то – 150Z... Подарил мне платье, Джулии (больше, чем мне). 2-е поколение, он больше ей уделяет внимание, чем мне.

С Крисом (часы, Пафос) ездили и 1-ый раз занимались любовью. Он кончил за 1 мин. Очень здорово, потом поехали кушать в ресторан Андреса – рыбу.

Звонила Джорджу. Он не хочет со мной разговаривать. Почему? Я очень, очень сильно расстроилась. Я добьюсь разговора с ним. Видно кто-то сказал вэри бэд.

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ходила в ГИМ. 76,5. После бег. Ножки – 74,5. В моем организме очень много воды. Я должна уехать с V – 100. Обязана.

Господи, благослови и дай нам мудрости, сил и терпения!!!

23.06.99.

В пятницу (18.06) я звонила Стефани, говорила, что с другим костюмером поеду с Аянаму. Он обиделся, пожелал всего доброго и я закрыла телефон. Я так плакала... В субботу я сделала рекорд - --- правил (5 одному замечательному дедуле) с одним отдалась в прайвиде, 2 тэйбл, 7 дринк – 68 500...

Забрал меня Стефанис и мы поехали в Ларнаку. Вики не было. Пришлось уехать раньше, т.к. дедулей митинг. Забрала 60Z за --- минут (драчение). Покушали в ресторане, я ему за 10Z продала 2 --- фотографии.

В воскресенье я без напряжение отработала прайвид, 1 тэйбл, 8 дринк. 3 хотели меня забрать. Яблан Стельос, толстый, Дэви. Я уехала с Дэви. Обрато я вернулась на мотоцикле. Здорово! С утра в понедельник пошла позировать. (За 2 дня ---5Z (ок. 3 часов) – обнаженка). В понедельник со Стефани мы пошли в Зигос за ---, я подсказала девчонкам – как надо работать (все так слушали меня). Свобода... Потом на море поплавали. Поехали ---ать в отель. (В этот день яблан Стельос сказал, что хочет секс, не хочет ехать вместе.) Во вторник со Стефани пошли в лунапарк. Как здорово в подвешенном состоянии... А в комнате ужасов... только в конце облили водой. А машинки... Потом первый раз сидели в ресторане... Перфект. Рассказывал любовные истории.

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Сегодня Костас (мальчик) обещал съездить в Пафос, но не приехал. Делала рекламу (фото), тренажера в одежде и без – 50 англ. Фунтов. Самое ужасное – нет мест на самолет в воскресенье на Краснодар и, может быть придется ехать через Москву, сидеть 1 день. А потом в Краснодар. Господи, помоги мне миновать это! Помоги мне, чтобы нашлось 1 место для меня. Молю тебя! Господи! Благослови и помоги!!!

27.06.99.

Сейчас сижу в самолете. Пакояма! Каждый день я думала о билете. Все сделала сама. Мариос забыл обо мне. В пятницу помог один араб. Я шла по Анарстасезии стрит, он остановился. Возил меня в офис. Везде. Поехали к нему домой, поели, снова приставали. Яблан, кричу. А он говорит, что я ошибаюсь, не такой как все. Подарил мне юбку и 2 футболки. Я ему очень благодарна. Он мне очень, очень помог, я сэкономила много денег.

Со Стефани снова ходили в лунапарк – 2 раза на крутой (вниз головой, везде). Ах, Стефани, Степанит. Потом водила машину. В пятницу вечером пошли ходили в Паб, пила коктейль я (оргазм), но как он попробовал его, он возбудился, пытался послать своему хую факс, но факс не доходил. Потом пошли на открытую греческую дискотеку, я познакомилась со Светой (маленькая, хорошенькая) с Воронежа (замужем).

В субботу мы поехали (я уговорила) в Аянапу. Заплатили за свимпарк ворд – 22Z за 1,5 часа. Он смеялся, как я с наивысшей горки (2ух) ездила, как я пыталась ходить по пластинам (как коряга). Столько впечатлений... Потом пошли в Зигос.

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ели. Мариос был вместо Диджея (Марио). Была «сауна» (все девчонки, которые танцевали на сцене, ужас). Поп-сь со всеми. Я думала, что взял мои деньги 500 долларов. Но потом я поняла, после разговора с девчонками, что ---1.800, 500 я отложила, осталось 1.300. Мне очень стыдно, что со Стефани пришлось открыть сумку Лолиты и посмотреть. Господи, прости меня грешную, потом он выпил много, заснул. Я хотела сделать фото дискотеки.

---- не дал, засыпал! Все это время каждый день спали в отеле (ок. 20Z). --- четверг. Стефани проспал на работу. ---- Захотел идти в 8 ч. Были разборки ----апои. Несмотря на то, что он иногда делал то, что я не люблю, мне он очень нравился, очень. Его запах, его флегматичный тип и его ход мыслей, ---шка, потрясающе.

В четверг ездила заключительный раз с Эриком и Джулией (с Краснодара) на Альбано. У меня ноги уже 3 дня болят. Там очень красиво... У Эрика выпросила ---Z, потратила. И сегодня 25Z на массаж. Но очень, очень благодарна ему за все, за все. Дай ему Бог всего доброго, здоровья, наилучшего!

Сегодня утором собралась, с девчонками посидели, выпили. Простите меня девчонки, что я подумала на вас. Дай вам Бог бизнеса.

Приехали ок. 11.50. Встречала Вичка. Пошли взяли билет. Одна женщина предложила быть с девочкой. С их помощью не платила за багаж (2 сумки у нее). Все так быстро произошло. Оказывается самолет вылетает

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в 13.10 (по кипрскому времени). Я только успела 1 раз поцеловать Стефани.

Благодарю за все Кипр! Лимассол. Благодарю от всей души за все!!!

Господи, благослови. Начинаю взлетать 13.57 (27.06.99).

30.06.99.

Прилетела, Слава Богу! Но сколько мучений с сумками?! Хорошо, я была с этой девочкой. Со мной было: 1 пакет с магнитофоном и видеокамерой, 1 сумка Фа, 1 сумка от Мариоса – Эльвире + моя маленькая. Русские, русские. Нет, чтобы помочь, так еще и угрожают. Всего было 2 большие, 2 зеленых Фа, 1 черная, 1 пакет – я все одна.

Я так хотела вернуться обратно. Был дождь. Слава Богу, в таможне все было в порядке, спросил везу ли ценные, я сказала, что подарок магнитофон и видеокамеру. Золота нет (хотя на пальцах было).

Мама меня с шариками встретила. Как тяжело после Кипра... Грязь, нет солнца. Мой милый... после Стефани... Я не могла целоваться. Мне тяжелы были прикосновения... Я так скучаю по Стефани... Его запаху, его смеху, его поцелуям...

Отметили, тортик сделал, обрадовалась дочке (с т.Галей).

В понедельник ездила: (не помню куда). Вчера звонила Стефани (с переговорного пункта), потом поехала к Алексею домой и поговорила. Как я была рада слышать его голос... «О, рапаяму (пакаюму) хау хот хеа Ангелина, Ай лоуз 1 кило». Степанит, мой мальчик. Мы говорили – как я добралась, как я скучаю...

Звонила в Москву, Леонид приглашал

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меня приехать ок. 15.06. Будет кинофестиваль, приедут звезды Голливуда.

17.07.99.

Сколько всего произошло. Я начала чистку кишечника в мед. центре «Исцеление», диету. Тут он и воспалился, была температура 38,7 (из-за сырых фруктов и овощей). Вроде бы успокоилось, я стала весить после 78 кг. – 73 кг. В четверг пила слабительный чай, в пятницу снова --- температура. В субботу с милым пошли на «Джой». Поели мороженое, коктейли. Занимались любовью – больно. Утром скушали сосиски, ходили выбирать мне подарок (папку). Я чувствовала боли в середине живота. Пила смекту. Вечером решили рвануть на море, не было больно, колело везде. Я была не веселая. Вечером приехали сначала в Джубгу, а потом в Бетту. Поплавали – море было теплое (боли были в районе печени). Купили шоколад «Вдохновенье», походили ---, моей базе, так здорово. Но боли не оставили меня. Когда мы собрались спать –

я не смогла, боли были не выносимы. Мы поехали искать «скорую». Нашли. --- Сделали мне укол (хороший парень). Милый ему дал (сколько не знаю – от души). Поехали дальше, я засыпала. Милый тоже засыпал. Мы остановились у поста спать. Тут же просыпались опять от режущей боли в области правого подреберья. Милый, ему так было тяжело. Он не выспался, я ору. Он побежал узнать – где в Горячем ключе больница. Пришли,

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а там две яблани сидят «ну мы не можем дать обезболивающее, анализы – потом поговорить (после 50 минут, когда я загибалась от боли). Когда милый положил под журнал ее сам мани, ши из гоу, и нехотя всадила мне обезболивающий (я не знала о деньгах). С мучениями мы доехали домой (до этого милый еще ударился об столб, когда отъезжал). Поехали. Но на утро решили «скорую». Меня всю исследовали. По гинекологии – инфекция (сейчас боли такие после занятия любовью накануне вечером с милым). – не помню – эрозия что-ли. Оказалось это – застой желчи, дали мне капельницу, анализ мочи. Пришлось ложиться в больницу. Я так плакала. Гастроскопия... эта трубка отрывается воздухом, а потом спазмы в области печени (как пояс). Большая благодарность мамочке, она так мне помогла... Помог Алексей мой родной мальчик – такая же большая благодарность и за воду, за все.

Слава Богу, меня выписали во вторник (воспаление желчного пузыря – охочистит желудка, 12-перстной кишки, гинекология...). Диета (нельзя жирное, жареное – 6 раз по чуть-чуть, таблетки гастротон и но-шпа).

Сегодня я приехала в Москву. И уже с Марком вспоминала свою кипрскую работу (---), данс и результат – 100 долларов, накопили ему еды на 500 рублей (всего ничего и 500 рублей). Леонид все знает. В квартире, где меня устроили хорошо ( и чайник, радио, мини ТВ, все – чай...).

Господи, благослови – благослови! И дай нам мудрости, сил и терпения! Аминь Матерь Божья дай нам любви и спаси!

Ангел Хранитель – береги и храни. Николай Чудотворец – помоги во всем!!!

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23.07.99.

Что со мной произошло... Пошла на Черкизовский рынок. Все нормально, потом пошла к Институту физкультуры на рынок. Тут меня останавливает тетка и предлагает альбом бесплатно. Потом подходит к столику. № моего альбома совпадает с номером приза. Мужик один ---- . я с недоверием отнеслась. Надо было внести 2.000 рублей, потом еще (т.е. чтобы не перебили). Сзади стоял яблан, который доплатил мне 300, я свои 400 (что у меня были). Тут молодая девчонка перебила все. Т.о. девушка (кавказской национальности) мужчина ушли, а я и Влад остались без ничего. Я хотела бежать за той девчонкой, Влад мне не дал. Я была в шоке. Он меня отвел и говорит, как типа я ему верну его 300 (может он был подставной). Либо я отдам, либо он меня будет продавать. Он заплатил своим друзьям --- руб, чтобы они меня стерегли. Я вся тряслась... К моему удивлению парень (улыбался с ним стоял другой, и сказал, что Влад меня во все «дырки»...) отпустил меня «беги»!. Я бежала украдкой в автобус. Потом проехала дальше в метро. Мне было страшно. Мне казалось, что он меня вот-вот найдет... Теперь я не одеваю днем свои --- (т.к. я была в них). Боже, как это страшно... Как я могла попасть на такую глупость...

Билетов на поезд нет. На самолет – где 1.118, 1050, 1020. Но я

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нашла 980 рублей.

Вчера познакомилась с «крышей» агентства. Он меня называл золотой. Ходили на вечеринку журнала «Андрей». Там был Крылов, Антонов, Серов, Ю.Началова. Я натанцевалась, даже у столба попробовала. С обезьянкой походили, которая девчонке руку поцеловала. Я даже немного у столба чуть-чуть покрутилась. Выступали девчонки со стриптизом. Одна с членом, который обгладала со всех сторон. Было здорово!

На презентацию банка меня не взяли. Фигура...

Зато венеролог нашел у меня гарднереллу (благодарю Леонида, что он дал 250руб на анализ). Купила лекарства на 65 руб (хорошо не на 200 р). Буду 5 дней пить.

Господи, дай мне пожалуйста счастливый случай подзаработать денег, пожалуйста!!!

Господи, благослови, спаси и сохрани!!!

4.09.99.

На вечеринке я познакомилась с Роем. (у Леонида). Буквально в конце, я собиралась домой. До этого я была переводчиком у Марка, переводила idiotские фразы («Как бы занимались любовью с попой – 2 груди на ягодицах – из ушей течет мед»). Серов подарил кассету.

На следующий день мы гуляли с Роем, ходили на дискотеку «Пропаганда» (причем перед нашей встречей он мне дал 100 долларов (т.к. Леонид сказал, что время проводите – надо платить). Такси... 50 руб, 30 руб. С ним неплохо, но танцевать он мне не дает, т.к. начинает приближаться вплотную и не хочет отходить. Поели, в Макдональдсе (я вспомнила Кипр – негет чикен). Ходили, гуляли, ели в ресторане, где цены в долларах. Так всю следующую неделю. Он

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подарил гвоздики, а мы их забыли в «Мираже». Приехали домой, взял за руку и мы поехали обратно за цветами...

Выпила коктейль – наверху он горел, внизу – холодный (кофейный ликер). На следующий день у меня болел живот возле прямой кишки, гинекологии. Почему? Были две девчонки со Смоленска. Одна – 16 лет – нормальная, другая Олеся, которая влюблена в Микки. Рурка и ищет --- чтобы быть с ним, отбить от --- , наркотики. Собирается попасть в Лос-Анжелес. Я пыталась с ней поговорить, но это было бесполезно. Это --- дело... Ее взяли на закрытие кинофестиваля, приглашали на съемки...

Рой довел меня (Слава Богу!) до аэропорта, подарил мне Базу + др. 100 долларов – дай Бог ему здоровья!

Марколь до этого вели съемку (----). Я помогла ему делать съемку лесби (они только улыбались, дали по 20 долларов каждой). Я спросила Леонида, --- выделили потом по 10 долларов. Слава Богу я выздоровела.

Отпраздновали с милым 3 года 11 месяцев, подарил мне электронную книжку и

Господи, дай мне сил и контроля, чтобы похудеть! Благослови!!!

16.08.99

Звонил Рой, говорил, что скучает. Я с ---дом взяла билет на поезд, но потом разговаривала с Леонидом, он говорит, что виза есть (на 3 месяца), но деньги на билет не выслали. Пришлось мне сдать билет. Сумку я оста-

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вила в этот момент у Алексея в машине. А Рой оставил сообщение, что перезвонит мне в субботу в 18.00 (в конце «с любовью Рой») на пейджер. Алексей прочитал его. «Кто он такой, что за такое – через каждое слово с любовью?». Ругались, ссорились. Вообще часто. Особенно, когда я говорила с точильщиком.

Он все время говорит, что мой парень мне не подходит – то он Водолей, то то, что на 2 года всего лишь старше – мало. Короче – все, что желает мне – возвращается ему. Аминь (3 раза!).

мамку наконец-то отправила на море. Съездила в Анапу, сторела, теперь я ее каждый день обдираю. Сшила мне шорты, а сейчас красит рамы. Нам так хорошо было с Алексеем эти 3 дня вместе...

Ходила на диагностику к женщине (по стопе ноги) – проблема с желчным пузырем, остеохондроз. Пила травы (диагностика – 40 рублей, балон 3л. – 40 рублей с травами). У меня сейчас такое лицо в прыщах...

Ездила с показом в Туапсинский район, аквапарк, где был конкурс «Мисс фото-лето». Виталик, Надюша, Галя, я, 3 новеньких. Лена – моя напарница... Я одевала линзы, попросила молчать, а она как понеслась, ябланка. У меня от боли глаза слезились (косметика попалась). Приехали, побегали мы пораспрашивали билеты для собственного показа, т.к. мало было продано. В тексте, который должна была читать Надюша («8 топ моделей – мисс Фа, Элит модель лук, мисс Краснодар...») Я так смеялась... Я с таким удовольствием показала. Настя мне 5 баллов поставила,

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дали 100 рублей! Развозили нас в тот же день ночью! По дороге в клубе остановились, было холодно. Девчонок пригласили танцевать, они согласились (меня ---). Настя им потом такое сделала...

Эта Лена всю ночь меня пихала, якобы я ее придавила к окну. На следующий день я ходила на кастинг танцевать у столба. В жюри – Сергей сидит. Меня взяли!!! Я не ожидала. Поговорили с Ростом, поболтали, сфотографировались, пожали друг другу руку. Господи, благослови, дай нам сил и терпения!!!

29.08.99 в Мехико

Сейчас я лечу в огромном самолете (15.01 по времени по Франкбургу (2 часа назад московского). Нас покормили соком и соленым печеньем (20 гр.). Из Москвы мы вылетели в 7.00 утра, был дождик. В аэропорту находились 4 часов. Большой, походили с тележками для багажа, погуляли кругов 5. По порядку. С любимым мы решили поехать на море. Все воскресенье делал дела (ходили по пов. лечились травами, ---к у милого (он сильно стеснялся), пятна на коже – жутко переживал. Оказались проблемы с поджелудочной железой, тоже будет травы пить. Я уже ок. 5 недель пила. Поехали на море... Т.к. ждала информацию от Леонида по поводу Мексики, мы не могли поехать в Дивногорск (как я очень хотела). Поехали в Кабардинку (к знакомым). Мало того, что мы не смогли искупаться, т.к. был холодный душ, так и домик скрипел... ночью кто-то двигался. У меня

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после занятию любовью было очень большое воспаление даже ходить было больно. Делала спрысывание с травами (какие пила и нош-пу). В течение 3 дней уходила боль. В воскресенье вечером мы поехали погуляли, поговорили о замужестве. И я поняла, что у него не было прогресса в деньгах, т.к. я говорила, что еще категорически не хочу еще замуж. На этот раз сказала, что серьезно настроена (ок. 2 тысяч долларов нормально, очень хорошо). (Хороший обед, брали вино, сейчас был – курица с рисом, салат, сыр, пудинг...). Но до этого я должна заработать на квартиру маме (Бог мне в помощь). Мы поссорились (не помню из-за чего) – я потеряла свой серебряный браслет. Диагностика маятника показала, что в сквере. На все воля Божья! Видно допустила ошибку (зацепка за материальное, гордость). Как-то на удивление легко. Плавала я по 30 минут – вода... чудо (+26 +27 C) в 2 захода утром, тоже вечером, т.е. чистых 2 часа в день (16.07 в самолете 29.08.99). Вечером хотели пойти на открытую дискотеку в «Надежду», отложили на другой день (выст-ла «Империя» - вход вместо 50 руб. – 150 руб.), конечно не пошли. Сходили покушали, выпили вина. До этого выпили. На следующий день Леонид сказал, что в субботу в ночь мы отлетаем в



Мексику. А был вторник – вечер. Мы пошли, заключительный день покушали (пирожное, вино, шашлык... 125 руб). На следующий день похолодало, был сильный ветер, а вода теплая. Мы решили поплавать заключительный раз и поехать, т.к. надо было достать билет. В целом поездка была хорошая, романтическая (1 раз поссорились,

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он не захотел помыть кастрюлю после ---). Мой любимый...

Ходила с Андреем в «Империю» (шеф этого клуба. Танцуют – класс... Я после немного потанцевала, встретила ---- с колгейт (рассказал, как встретила Валя). Любимому купила плавки 250 рублей, хорошие ---- + сумочку 330 рублей (для документов, он очень хотел ок. 580 рублей). Он был очень рад. А --- мне любимый подарил Шоу Гелс 40, --- качку 40, лак 20 – пиджак фирменный 850.

Благодарю, родной я люблю тебя.

Звонили ко всем по поводу билета в Москву, везде – нет. Уже и Татьяна Ивановна из КГБ, администрацию... и все 3 человека достали билет...

Я взяла ночной в 00.15 пятницу, не субботу. В ночь с четверга на пятницу с любимым пошли в «Зебру». Покушали (для девушек бесплатный вход, для мужского рода – 15 рублей). Я потанцевала --- 2 дринк девчонки наехать на меня (перед лицом размахивали и трясли всем телом. Я взяла руку сказала: «Поменьше амплитуду». Вроде стала меньше. Но потом опять, на что я повернулась к ним --- мной...

Рой меня встретил с шикарным букетом цветов. Я переночевала у него, т.к. в квартире было много народу. Он мне дал 100 долларов. Я попросила на фотоаппарат. Т.к. сказали, что доставка только в понедельник (а сами пишут круглосуточно). Пришлось купить ----. Ходили в парк на ВДНХ, мертвая петля на американских горках – голова не держалась). На машинках, колесе обозрения – только 2

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сидения и все + огромная высота (фобия...). Потом покушали в ресторане (салаты на выбор). Нашли СД маркет (диск латино-американский) подарил Рой. Нашла поглотитель жира в аптеке, но... Замечательный день.

Господи, дай мне мудрости, сил и терпения, благослови!!!

31.08.99

Сегодня заключительный день лета. Сейчас в Мексике 9.50 утра, а в Москве 18.50 вечера. Заканчивается лето. Была на Кипре до 27 июня, в Краснодаре, в Москве, в Краснодаре, в Москве, а теперь в Мексике.

Слава Богу! Прилетели в 18.00 по Мексике. Спали, ели, смотрели ТВ. В принципе легко. Чуть с опозданием встретил Сальвадор. Шел дождь. Приятный мужчина. Остановились жить в отеле Хоутэл Мария Кристина – симпатичное место. В старинно-мексиканском стиле. Спать, как я устала... Таня осталась в номере с Леонидом. Оказывается она не для друга, а для него. Встали в 7.45. Пошли позавтракали. Причем Тане все время хотелось еще что-то, бедняга официант... Попросили папаю. Потом погуляли, попробовали свежий сок (свеклы и моркови), йогурт, лепешки кукурузные с лимон, приправами. Дождались Сальвадора, который приехал на 1,5 часа позже, посмотрели его дом (8 комнат, везде картины, а лифт сразу в квартиру открывается). Потом пошли в обалденный ресторан, поели рыбу, (красивый вид – озеро, вдали фантаны, уточки плавают), какой десерт... Потом нашли Тане красную

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---очку для ее платья. Она еще успела сказать, что у меня штаны грязные (она смогла отличить ткань от грязи), я пользовалась дешевыми помадами (----). Да сама она дешевая!

Потом Сальвадор показал мне бай ---- его бумажника фотографию (с Интернета напечатаны) и сказал, что хотел бы эту гел-френд...

Он поехал на встречу, после хотели ехать в ресторан. Я как не хотела, ехать... Слава Богу, не поехали, т.к. шел сильный дождь, он где-то застрял. Сегодня я позавтракала папайей с сыром, свежим соком и кофе.

Господи, дай мне мудрости, сил и терпения!!! Аминь!

Пошли погуляли, Леонида затянул парень почистить обувь, еще хотел получить 20 песов (1 доллар ок. 9.25 песов).

Но Леонид взял и дал только 7 песов (позже выяснили, что это стоит 6 песов). Так в конце еще хотел и мой поцелуй. Ему пришлось бы отдать всю выручку. Потом другой что-то начал плести о креме и снова намазал, тут Леонид и сбежал. Идем, напились сока натурального, потом стоит львенок большой, ну я мимо прошла, думала кукла, а он возьми и помаши мне рукой, я не ожидала испугалась. На всех улицах только слышу одни свисты, а некоторые и вылазят из машин. Что тут такого, юбка длинная с разрезом...

Сальвадор сводил нас позже в салон красоты. Где мы делали маникюр причем в один момент с прическами, педикюр. Я жутко расстроилась, что

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мен снова обрезали по лопатки волосы. Вроде неплохо, уложил хорошо, я аж преобразилась. Тане очень долго делали прическу, т.к. ее что-то не устраивало. Настало дело макияжа... Я помню отдалась в руки мастеру, очень даже здорово.

А над Таней работали 3 человека, ее все не устраивало, мы задержали их рабочий день аж на 45 минут, мастера все там упали... Она учила специалистов (у которых бывают модели). На долго они нас запомнят. Пришли в отель, пофотографировались. Сальвадор обещал нас сводить куда-либо, но он освободился только в 22.30, а мы уже задремали в платьях и макияже...

Сегодня 1.09.99. – первый день осени. Господи, благослови!!!

Погуляли после завтрака, попили сок, йогурт, немного пофотографировались. Пошли в антропологический музей (один из больших в Европе). Походили, забрели в сад, открыли калитку, походили на закрытой территории, где реставрировали. За нами потом полицейский прибежал. А там калитка с замочка легко открывалась, поэтому мы и решили посмотреть. В сопровождении мы вернулись. Успели со вспышкой сфотографировать, а нельзя было, потом за нами полицейские следили, чтобы мы не нахулиганили. И там след оставили... Начался сильный ливень. Сальвадор так и не прибыл в 17 часов за нами. Мы добрались на такси. Позвонила любимому с офиса, но любимого не было дома... поговорила с мамой.

Да, в музее (шел когда дождь),

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устроились полицейские, активно решили в 2 колонны выйти на улицу (по окончании работы), но тут же после 3 шагов забежали обратно. Хотели флаг снять, бегали, бегали, обратно (человек 6) и побежали.

Вечером с Сальвадором поехали смотреть город, так красиво... Посмотрели проститутки. Сели в ресторан. Потом начали активно (после еды) кашлять (я думала перец), оказывается у кого-то сработала система защиты машины – газ, который залетел к нам в окно.

В пятницу 3.09 мы поехали в Акапулько на шикарном автобусе, где сидения регулируются, ТВ, туалет, чай, ----- (напитки) разносят. Были только в горах, где были на уровне облаков. Не заметных 5 часов.

А в ---- рай мы приехали потом... Бассейны с водопадами, розовые фламинго, гуляющие на свободе павлины...

Заселились в номера, потом покушали (моя порция рыбы стоила 180 песов... (180:9=20 долларов). Потом мы купались в океане, в теплом, одновременно сильном океане. Затем пошли на дискотеку в Акапулько (шла такси ок. 20 мин) – Енигма – так красиво, а музыка никакая. В этот день Сальвадор хотел, но я вежливо отклонила (надо больше времени).

На следующий день мы имели с утра шведский стол – фрукты, омлет, еда, сладости... Потом лил сильный дождь, почти весь день. До завтрака мы с Сальвадором побежали вдоль океана.

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Даже в эту погоду (было тепло) я пошла побегала, попрыгала, поплавала в океане – такой кайф. Дождь, волны. Потом тоже в бассейне, где водопады, камни – морская вода, сцть с хлором. Затем Сальвадор донимал меня на секс темы, причем, задавая 1 вопрос, получал ответ на другой. Очень умен. Догодался, что у меня бой-фрэнд (увидел фото), а потом вопросы. И так 2 долгих часа. Вечером мы поехали кушать в Акапулько, потом на дискотеку – это класс... И музыка не плохая.

На следующее утро Сальвадор вынужден был уехать в Мехико, т.к. были проблемы на работе у мамы. (Сейчас приехал Леонид и сказал, что Сальвадор как бы нажаловался, что я не была с ним близка – немного разозлен, что это ошибка, надо исправлять. Дай мне Бог мудрости и удачи!). Много фотографировались, было обалденное солнце, потом катались на лошадях. Это так было забавно... Маленькие... Потом с Леонидом поехали. Сначала лошади не хотели, потом я догадалась погнать их веревкой, как мы летели обратно...

Потом я была одна. Бегала вдоль океана, купалась везде... А вечером мы ужинали на берегу океана... Нам готовили еду 40 минут. Таня брезгливо ела, потом наехала на меня, что не мое дело – какой у них порядок. Я расстроилась. Вечером я плавала в бассейне немного танцевала (была музыка в ресторане. (я жила в номере с Леонидом и Таней).

Следующим утром (6.09) я бегала

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снова, потом поплавала в бассейне. Это было чудесно. Сальвадор заплатил за завтрак, но там администрация хотела нас задурить, а мы уже опаздывали на автобус, но Слава Богу, все обошлось. Я потеряла свой крестик, когда бегала утром.

Обратно ехали на двухэтажном автобусе. Вечером пошли на встречу в ресторан. Я много думала. Я все брала, ничего не давала ему взамен. (Я решила переспать с ним). Но в этот вечер он уехал подписывать бумаги, Леонид не дождался, и мы разминулись в 50 минут. А сегодня я делала чистку лица – так больно, но обалденно – и массаж, и маски 300 песов.

Господи, дай нам мудрости, сил и терпения!

9.09.99

Вчера мы ходили в Мэнс-клуб, здорово несколько залов. Девчонки работают с 14.30 – 20.00, 20.00 – 2.30. Разные девчонки из Венесуэлы, Чехословакии. Я долго думала, решила остаться, т.к. не будет высчитывать за билет. За каждый день, что я работаю в клубе – за день 250 песо, ночь 300 песо. Тэйбл данс – шт 140 песо, + выплатить комиссионные 20% зарплаты Леониду. Это прилично. Что мне останется? С Божьей помощью, надеюсь, получится! Со мной решила и Таня остаться. Утром с Леонидом они в ресторане поругались, а потом передо мной извинились, за ошибки друг друга.

С Сальвадором у нас так ничего и не было. То он плохо себя чувствовал,

то устал. Даже сегодня утром мы начали и тут же закончили, т.е. стоп. Только поцеловались, сняли трусы и все. Сказал, что позже, хочет, чтобы это было прекрасно, не хочет давить. Сегодня Леонид улетает.

Господи, благослови, дай нам сил, мудрости и терпения! Матерь Божья, дай нам любви и счастья. Ангел, Хранитель везде нас береги! Николай Чудотворец во всех делах, работе нам помоги!!! Аминь!!!

16.09.99

Предложили работать в Мэнс-клуб. Мы познакомились с главными. Я писала об этом. За первый день я сделала 16 танцев! 27, вчера 31. сегодня могла больше, но потом не получилось. С понедельника работала с 14.30 до 2.30. Лучше больше денег. Вчера началась пауза, я думала, что моя музыка – вылетела, все как засмеялись, побежала менять платье. Купила за 600 песов яркое платье. Я сегодня за 189 песов белые босоножки + серебряную цепочку на ногу. Сегодня один яблан обещал кредит, карточку дать. Я из-за него ушла раньше с работы. А он дал 60 долларов, хотел заманить в дом свой, дать еще 300 песо, а потом, когда я отказалась поцеловаться угрозил, что в полицию пожалуется, забрал все деньги... Самый даун мэн Али... Яблан...

Зато с Асуль, Таней и мэнс ездила в карнаваку в

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ресторан... Птицы с хохолками... Мы обедали 4 часа... Он меня замучил (это было в субботу). Зато вечером он взял 13 танцев, у Асуль ее ----. Мне мой пообещал привезти платье, красивое.

Вчера одному станцевала – 200 долларов дал... А сегодня двоим ок. 20 танцев, другому – 6...

Ходили в кино с немцами, которые понравились Тане, так себе.

Позволила сделать себе педикюр за 80 песов – 1 час...

У моей мамочки сегодня день рождения. 49 лет! Да будет мамуля счастлива! Дай Бог ей здоровья, крепкого, крепкого, огромной любви, счастья, удачи во всем, мира и добра!!! Сейчас 2.53 в Мексике, в России 11.53. Да благословит нас всех Господь!!!

19.09.99

Что интересного? Сегодня с порывом решила позвонить милому. Голос у него был сухой. Я говорила, что скучаю по нему, а он ни слова, что скучает, ничего не говорил... После этого я расплакалась, мне честно говоря, даже не хочется больше звонить. Он даже не рад был слышать мой голос... Не знаю может быть потому что он сломал машину (мама сказала, что ремонтировал).

Вчера второй раз с Мавро встретилась. Съездили с девчонками в ресторан (где фонтаны), хорошо, а потом поехали искать обменный пункт. Поехали в аэропорт. Так здорово. Поле,

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самолеты. Мы целовались, очень здорово... Он сказал, что была у него девка, похожая на меня, они жили вместе 6 месяцев. Но в Акапулько, они, однажды, сидели за баром. Она при нем начала разговаривать с другим мужчиной. Потом (когда он пошел в туалет) – они целовались... Он купил ей обратный билет в Инглан. Она раскаиалась, но он ей не простил.

Вчера за субботу я сделала 8 танцев, где один идиот обдурил меня на 100 песов (ок. 11 долларов) – Бог ему судья. А 16.09 пошла с одним идиотом (пьяным) – раньше с работы. Он дал (еле выпросила) 60 песо, мы прикалывались. Он хотел затащить в свой дом. Хотел поцеловать, я не дала. Потом он вдруг резко изменился, сказал, что гражданин Мексики, пойдет в полицию... Я отдала ему его грязные деньги – Бог ему судья.

С Луисом и Асуль (другом) ходила домой и ели японскую кухню – вкусно... Всечером в ресторан, а потом в бар латино-американской музыки. Здорово, потанцевали. (все так смотрели на меня).

Сегодня такая замечательная погода, солнышко, но из костюмеров никого нет. А потом все в один момент...

Купила себе платье яркое! Завтра хочу пойти и купить что-нибудь другое (топ и юбку).

Господи, благослови. Дай нам мудрости, сил и терпения! Пресвятая Богородица спаси и дай нам любви! Ангел Хранитель нас береги! Николай Чудотворец во всех делах нам помоги!!!

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23.09.99 (2.06)

Много что произошло. Работала 3 дня по 11 – 12 часов... Сейчас у меня 3.600 долларов!!! Слава, Тебе, Господи! Завтра хочу рискнуть пойти на Пенхауз поработать, с Богом!

В понедельник я сделала 25 танцев, во вторник – 37! Сегодня 35! Во вторник меня позвонил лидер, простой такой. Взял 4 танца и дал мне 2.500 песов! А в среду прислал мне корзину красных роз. Дай Бог ему счастья!

С Мавро встречалась сегодня. На этот раз за фрукты денег не брал. Хорошо он целовался... Но характер у него трудноватый.

Сегодня с одним клиентом 20 танцев сделала! Дай Бог ему любви, настоящего счастья. (я дала его другу молодому визитку с телефоном, а он по ошибке дал моему – отмазался, ужас). До этого – один яблан меня до слез довел. Высокий, симпатичный, но пристал, что я сразу о деньгах! Только в уме деньги! И так раз 5, я не выдержала и ушла, уронив слезу. Яблан! Бог ему судья!

Познакомилась с Максом, интересный такой, обещал свозить подводный мир увидеть... Прислал мне чудесные розы! (7 штук). Сегодня у меня розы...

Таня исчезла, Асуль перепугалась, оказывается она приболела...

Звонил Рой. Сказал, что любит меня – на полном серьезе, будет ждать. Господи, благослови!!! Дай нам сил, терпения и защиты нас от всякого зла!!!

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2.10.99.

В воскресенье и субботу ездили с Асуль и с Альфредо в Уана-Чвату. Долго думали, то он может, то оформление номера... Но мы поехали. Купили фруктов... Ехали 4 часа. Какой старинный город, красивый. Калорийные цвета домов. Сходили в бассейн, покушали. Напротив была церковь, где ждали невесту – 3 часа (это такая традиция – опаздывать). Было празднование, красивое, мальчики, девочки в вечерних платьях. Оказывается праздновали 15 лет... Ходили в центр, где рассказывают музыканты истории, как мальчик поцеловал девочку. Пили вино из специальных сосудов. Типа игры, где танцевали пары, целовались. Заключили мы дискотекой! Было только 2 человека. Мы как закатили там... Гарсоны смотрели на нас стояли (особенно я). Ночью 3 раза перебегала с одной кровати на другую, т.к. Альфредо пытался гладить меня. Приснилось, что меня кто-то трогает (там), но не пойму – кто, чувствую, движение. Просыпаюсь – он. На утро высказала, что я не проститутка, что за малакия! Он извинялся. Сказал, что не хочет секс со мной... Вместе мы позавтракали в буфете – фрукты, йогурты... Поехали посмотреть серебро. Альфредо подарил мне серьги и кулон из топаза, Асуль браслет серебряный ко дню рождения (450 песо). Гуляли, расслаблялись, ходили в церковь (в трех). Чудесно! Замечательная поездка. Смотрели – где добывают серебро и золото – 500 м глубины...

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в понедельник было тяжело, во вторник тоже 22, 25 танцев. Четверг... Утро началось, я встала, умылась, тут Асуль говорит бежим кто быстрее. Я сначала не поняла, думала – игра, потом слышу – что-то падает. Я побежала, впереди медленно бежала женщина по ступенькам. Я выбежала в пижаме, схватила куртку секьюрити. Рядом дом стоял – жалюзи вперед-назад. Это страшно... У меня сердце колотилось. Потом с Альфредо ездили деньги менять – я подумала, что у меня украли 500 долларов, т.к. пакет был пустой... Я в истерику. Альфредо молодец, он успокоил меня... Сказал, что даст мне эти 500 долларов, ничего не случилось. Я думала, что деньги взял парень, который осматривал дом после землетрясения, т.к. сумка с деньгами была открыта. У меня все падало. Потом линза, упала, потерялась. На работе глаза болели, текло все. Клиенты меня не хотели... На пенхаусе девчонки раскрывали свои места... Меня никто не хотел, т.к. я не делала этого... 6 танцев – пенхаус. 3 – обычных... Я поняла – сглаз – да!

Сегодня я снимала – какое облегчение!!! Другой день! Тоже 25 танцев, но без напряга и с 18.20! До этого была презентация знаменитости – я мисс Раша: ТВ, фото! Было так чудесно! Если бы я знала – как это серьезно! У Асуль был день рождения.

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Я ей подарила серебряную рюмку. Дай ей Бог всего наилучшего. Сегодня она пахала в Акапулько. Большая благодарность Альфредо! (купил мне еду, фрукты, трусики...). Позвонила тете Гале, т.к. мамань перепугалась за меня – землетрясение. А В. я звонить больше не хочу. «Чем ты там занимаешься?» А после моего ругательства что ни одного слова «скучаю», «люблю» - «Чего ты ругаешься?» Дала ему факс – ничего!!! Пока первый не ответит – не дождется!

Мавро объявился. Посмотрим на него!

Господи, благослови и спаси!!!

9.10.99.

Сколько всего произошло... В субботу с Мавро поехали к нему домой – поменять одежду. Он нехотя меня накормил. Хороший дом, большой, домохозяйки. Мы условились, хотели друг друга, но я не могла. Слишком рано. Он был расстроен... Купил мне кроссовки (моя ошибка была – взяла маленький размер). Пошли в аквапарк. Когда мы поехали на «русских горках» - он орал, что ненавидит меня, что я его потащила на горки. Мы хорошо сходили, покатались – это было аутстандинг! Потом мы пошли в Японский ресторан, он мне рассказал про девчонку с Канады, что она его пригласила, что дала ему наркотики (драгс), как они занимались сексом, как после себя хреново чувствовал. На следующий день – в воскресенье я с Альфредо поехала на пирамиды. Это было чудесно, забираться наверх. Он подарил мне два серебряных браслета,

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много чего. Пирамиды бога солнца и бога луны. Я медитировала, набиралась энергии. Потом мы пошли в ресторан, который находится внутри скалы. Свечи, а потом фольклорные мексиканские танцы. Пригласили меня танцевать, я попрыгала – это было весело.

Так закончился мой день. Неожиданно Таня пришла – она шла за пленкой и рассекла над глазом себе. Поехали в госпиталь, одна мексиканка помогла нам (отложила все планы). Я смотрела – как это все зашивается. Такова жизнь.

Я купила красное платье, оно расплзлось в первый день, относилась зашивать, извинялись. Понедельник (22), среда – 45, благодаря Раулю. Сначала ему танцевала какая-то мексиканка, потом я начала (Асуль помогла – посоветовала соскочить к нему) + он выписал мне чек на 5.000 песо! На следующий день я получила их... Дай Бог ему любви, счастья.

В четверг – 39. В пятницу – 27 (3 танца мне подарил один со Флориды). Были разные ситуации. Один донимался, что я танцевала для него не 3, а 2 – все это нервы. У меня было чистое лицо, вчера за 1 день всю высыпало... Мавро врал по поводу, что он в аварию попал. Показал мне синяк. Пообещал, что поменял кроссовки и отдал в апартаменты. Но на самом деле – вранье. Он поступил со мной, как с другой девчонкой (он забрал все ее вещи, что купил все – яблан, крохобор). Сегодня по телефону сказал, что если хочет расстаться со мной –

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мои проблемы, он с удовольствием это сделает. (я чувствовала, что долго мы не протянем!).

С Альфредо и Асуль ездили кататься на лошадях – это чудесно! Более легкое седло, по горам, а потом осторожно спускались. Чудо!

Познакомилась с Сиднеем (с Австралии), посмотрим, что будет!

Я так скучаю по моему мальчику... а он? Звонила маме – первое, что здесь работает тренер, чтобы он ничего не узнал. Собирается выступать на конференции – удачи!

Господи, благослови нас! Дай нам сил, терпения! Пресвятая Богородица, спаси нас и дай нам любви! Ангел Хранитель береги и храни нас! Николай Чудотворец нам во всем помоги!!!

17.10.99

Сейчас я в Канкунге. Уехали мы рано утром в пятницу, сегодня третий день. Я с Альфредо, Асуль с Мартином. Какой отель... Я всю жизнь мечтала побывать в таком месте... В ночь с четверга на пятницу мы вообще не спали (34 танца). Поехали потом с Сиднеем, я приболела (к нему домой. В прошлое воскресенье – это было чудесно. Мы поехали в лунапарк, сначала был дождь. Мы катались на разных горках, выиграли по количеству билетов – игрушки маленькие). Потом поехали поели, выпили, я опьянела (до этого сходили в церковь). Поехали домой и я переспала па-м – кончила. Это чудесно, 1,5 месяца... Он слишком часто говорит, что любит меня, пришло время

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проверить его. Я поняла, что Мавро хотел переспать со мной. Я ему не дала, он был злой, еле сдерживался, а потом стал «уходить».

Итак, Канкунг... Я была без сил, как во сне – я не спала 1 день. Мы взяли машину на прокат (Асуль захотела открытый джип – меньше «Нивы»). Потом пошел дождь – как потом запаковывали... Какой цвет моря. Альфредо стал приставать. Пришлось подрачить, он тоже мне хотел. Я сказала, что ----. Он р-л 2 т. гр., в начале я кончила – это было так чудесно... Не давал спать. На следующий день (в субботу) мы поехали в Икс-Скарлет ---- парк... В начале мы начали ходить по реке в жилетах (1 фото 8 долларов!). Так интересно ходить между скалами, различный цвет...

Потом мы пошли знакомиться с дельфинами... Интересная кожа, плавали. Мы их гладили (они не любят за морду) – по телу – да. Потом мы лежали на воде и 2 дельфина с стоп нас несли по воде... (как супер-герой). Это было потрясающе... Потом пошел дождь, мы поплавали. Я заболела, сопلي текут. Пошли посмотреть фольклорный концерт. Я замерзла... Альфредо заботился обо мне. Еле уговорили, чтобы нас накормили... в «100%» (ресторан).

Сегодня утром Альфредо уехал – для бизнес-встречи. Мы плавали весь день, я играла в волейбол («Раша шоу ми самсинг!»). потом поехали в ресторан с рок-музыкой. Посмотрели звезды и море... Завтра в 5 утра вставать...

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В среду благодаря Раулю, я сделала 52 танца – это мой рекорд!!! Он мне подарил много раз! Дай Бог ему счастья.

Позвонила милому, сказала, чтобы позвонил мне во вторник, на что он нехотя ответил, что только одну минуту посвятит мне... Благодарю за щедрость.

Танцевала одному кастюме – дала ему немного собой его очками по лицу. Он запаниковал... Я ему лед – А он, бессовестный, притворялся. Другому начала танцевать, ручку собой выкинула... В субботу упала на стойке. Колени болят, сопли текут. Бат! Шум моря, тишина в комнате, ТВ – это чудесно!

Господи, дай нам сил, терпения, благослови!!!

30.10.99

Была интересная неделя. После Канкунга... Я не знаю, почему Альфредо давился чипсами и заедая мороженым в Канкунге, не хотел нас покормить. Но т.к. я заболела, попросила чай с медом и ему пришлось нас сводить в 100%.

Прилетели в понедельник. Господи, как было хорошо без него. Никто не лапал... работалось интересно. Приходил Сидней, не заплатил за танцы, обещал вернуть деньги позже (у меня была его куртка) – я не боялась за деньги. Приехали с Бостона. В пятницу потанцевали им. Яцинто сказал, что скучает. Поехали ночью с пятницы на субботу. Всю дорогу я спала. Приехали в Акапулько в отель, где бассейн с цветами – это было чудесно. Он более или менее давал мне

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спать. Утром мы завтракали на балконе, где чудесный вид на Тихий океан, город... Мы поехали на пляж, где полетали на парашюте (я боялась, когда летела над скалой, что ветер ослабеет...). Потом мы чуть не утонули с Асуль – слишком быстрая глубина затянуло и накрыло. У меня были мысли – теперь я понимаю, как теряются люди в океане. Нас практически весь пляж просил сфотографироваться (парни). У нас есть фотографии с парашютом, ракушка.

Вечером мы ходили в ресторан, где вид на Акапулько в огнях, свечи. Яцинто тоже мне надоел с приставаниями, но не так как Альфредо.

Сейчас я сижу в самолете, мы летим в Порто-Ваярту, но я не очень счастлива, т.к. знаю, что с ним в отеле, я устала...

Макс приезжал, подарил на прошлой неделе золотую цепочку, парфюм. Потом шоколад. Мне приходилось после работы, 3-4 раза ехать с ним в отель (хороший массаж), он хоть не лапает.

В прошлый четверг ходила на презентацию «Смирнов» фэшн с (взлетаем) с Энрике. Это было чудесно. Хотели меня познакомить с людьми, но не получилось. Зато получила футболку и фирменную бутылку «Смирнов», благодарю его за все.

Поссорилась с Сиднеем. Он говорил о чувствах (деньги отдал, я отдала его куртку. Все это ерунда. Когда мы договорились о встрече, он все

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время не приезжал. Когда мы поехали с Бостоном – он забронировал места в Акапулько (отеле) хотел поехать со мной. Он он пропал до пятницы. Он обиделся, т.к. я обещала поехать с ним. (как красиво – горы, зелень – пролетаем). Я его понимаю, он он не обязательный, слишком много говорит о любви и не доказывает. Например, попросила его встретиться в пятницу, а он просто не приехал... Молодой, дурак. Звонила тете Гале, Алексей Вячеславович купил себе зимние ботинки, я рада за него (а вот Факс – не может, «слишком дорого для меня»). Я говорила тете Гале, что он забыл про меня, она говорит, что нет, вроде бы написал письмо.



Леонид запарил со своими факсами о деньгах. То расчеты не совпадают, то еще что-то. Каждый день. Послала ему деньги. Мари говорит, что если я захочу вернуться – позвонить ей (без Леонида).

Господи, дай мне сил похудеть! Благослови нас! Аминь.

1.11.99.

Осталось 10 дней до моих 24 лет. Какое чудесное место Портоваярта... Если бы с любимым человеком, я долго думала о моем мальчике... Как бы я хотела быть с ним в этот момент... Обалденный отель, где не надо думать о еде, все включено в стоимость отеля 2 дня – 600 долларов с человека, включая еду, стоимость билета на самолете (где я сейчас сижу). Как было чудесно... я плавала в бассейне 30 раз (30 на 25=750 метров), иг-

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рала в волейбол в воде, где кто проигрывал подачу – пили коктейль (вкусный, текила с лимонным концентратом...), а также того брызгали водой. Это было чудесно. Прежде мы с Альфредо играли в малый теннис, где он больше выиграл (я вспомнила своего мальчика – я думаю, что люблю его, т.к. все время думаю о нем – а он? Все 2 месяца нет ничего... Наверное даже на мой день рождения ничего от него не будет, почему?). Здесь было много людей с севера Америки, поляки, даже с Белоруссии. Ходили вечером на дискотеку местную, где был голубой (в белом вечернем платье). Немного потанцевали. Я вечером Альфредо заябланил меня. Что он меня чувствует, испытывает возбуждение, когда трогает меня, что я его не понимаю (после того, как я рассказала историю, что якобы меня хотели изнасиловать, я убежала). Он выслушал, побеспокоился о докторе, потом опять начал лезть... Я так огрубела, т.к. устала он лапаний. На него ничего не действует. Спать он мне дал. На другой день в ванной заставил трогать его («коммон, э литтл бит»). Как я ругалась... Но потом он осчастливился, слава Богу!

А как мы доехали на водном мотоцикле... Я выжимала макс, он боялся. А потом я одна – и вправо и влево, макс спиид. Еще мы катались на паруснике. Я не могу терпеть его прикосновений, он мне в отцы годится, его запах, мне не нравится... Я вижу, что я ему

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направляюсь, но я устала заставлять себя делать, что мне не нравится. Я благодарна ему. Сегодня у Альфонсо день рождения. Я ему подарила открытку и маленького Ангела. Альфредо говорил, что самолет в 14.00, а оказался в 15.30, молодец. Еще мы побегали в ГИМ (я 20 минут)! Спорта было много!!!

С Божьей помощью, с Божьим благословением! Аминь!.

12.11.99.

Ездили мы снова Альфредо, я, Асуль в Хуатулько. Он обещал не трогать меня. 45 минут на самолете. Как ! Какой отель... Еда целый день. В первый день малый, большой теннис! Вечером снова ябланил. Ходили на дискотеку, какие мальчишки-инструктора. Было, задание – текила, текила – мы танец. Водка! Мы меняемся местами (партнерами). Кто опоздал – шалалала (2 раза), гуд бай! Потом пинеколада – мужчины нас брали на руки. Куба! – мы ползали между ногами! Это было чудесно!

На следующий день мы катались между скалами на водных мотоциклах с Альфредо. Это было нечто. Он купил мне тапочки. Самое ужасное – я звонила своему любимому. Хотела поговорить с его мамой – есть ли у него другая. На что она ответила поговорить с ним. Когда я начала говорить с ним, я спрашивала – почему не пишет – «ну напишу». «Почему же ты ничего мне не говоришь?» Ты хочешь стоп наши отношения? Он не ответил ничего.

«Почему ты так?» «Потому что достало меня все! Когда ты сказала, что останешься у меня будто что-то оборвалось...»

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У меня была истерика 20 минут, я так рыдала...

Вечером был интересный конкурс между двумя парами.

1. Кто больше отожмется, выиграла другая пара

2. Между ногами я зажимаю туалетную бумагу, мужчины должны между ног швабру и с закрытыми глазами попасть в отверстие бумаги. А я в микрофон говорю – вправо, влево. Мы выиграли.

3. Бежим, пьем пиво через трубку сексуально. Потом обратно – мужчины пьют из этого положения мы выиграли.

4. За одну минуту переодеться – большее количество вещей – как мы переодевались... Как выглядел Альфредо... В моем платье, в об--ках и в тапочках... мы выиграли.

5. С закрытыми глазами мы должны были пощупать ноги мужчин и определить – кто есть кто. Я видела по обуви. Но Асуль подсказала мне. Мы выиграли. Футболку и диплом.

Вечером хотел приставать опять после моей депрессии. Я убежала с ванной к горам ок. 20 минут. Потом он извинялся дома.

На следующий день Асуль с причудами – хотела хорошие фотографии. Пока она пошла краситься – я пошла к морю – тут она распахивалась – не понятно из-за чего... Успокоила ее, извинилась, хотя не видела своей вины.

Она осталась отдыхать другие два дня. В понедельник я сделала 20 танцев (с 6 часов работы). Во вторник встретила с Мануэлем. Он подарил мне 500 долларов + туалетную воду. Мы сходили в ресторан японский, красивый! Интересный мужик.

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У него сестра в критическом состоянии, он был подавлен.

Вечером я сделала 23 танца, плохой бизнес, но зато мои 500 долларов. Хорхе сказала, что мой день рождения – он подарил мне 24 розы. В 00.05 позвонил Альфредо (сказал, что специально поставил будильник). И поздравил меня!

Утром моя мамочка мне прислала факс – как это было чудесно! Не успела открыть глаза, как мне принесли чудесные розы. – от Роя... Потом он позвонил и поздравил меня. Приехал Альфонсо и поздравил меня – подарил розу и цепочку на ногу и руку + открытку, где на русском языке – желаю счастья! Потом в салоне мне чуть не покрасили волосы в коричневый цвет. Я просила только накрутить и поднять. Приехал Альфредо. Подарил мне позолоченные цветы, Гуччи, открытку с теплыми словами, обалденные розы с подсолнухами. Мы сходили в ресторан, где я взяла вкусную рыбу салмон... На работе как было чудесно. Один костюмер подарил мне торт (кусочек) и взял 18 танцев! До этого костюмеры взяли по 8, по 7 танцев. Альфредо заказал другой торт (вкусный...). Линда, я, Юлька и Асуль спели мне – это было чудесно! Потом клуб мне подарил торт. Я всех угощала – охранников (мне сейчас педикюр делают – пятки чистят), гарсонов! Это был наилучший день рождения! Благодарю Господи! Меня даже не омрачило, что кто-то спер мои 1.000 песов, а у Шатен – 1.000 долларов... Да, друг, который обещал сделать поездки подарил мне розу и большую собаку!!!

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Вчера с Альфредо ходили покупать мне кроссовки, но купили сумку за 1.300 песов – класс! Он с ума сошел, хочет секс. Я думаю, что я сделаю это, но один раз. За то, чтобы я не шла на работу – вчера – 2 часа – он заплатил мне как за 10 танцев! Мы сходили в парк, покормили уток, рыбок. Потом сходили в церковь... Он пришел в клуб и взял 10 танцев! Да благословит его Господь!

Леонид сказал, что опять не получил деньги. Банк в России почему-то не берет деньги. Я ему сегодня позвонила и сказала это. Он сказал, что пересмотрит.

Господи, благодарю от всей души за все... Благослови нас, дай нам мудрости, сил и терпения!

Матерь Божья защити нас от всех бед и бедствий, дай нам любви огромной, мира, добра. Укрепи нашу веру, надежду.

Ангел Хранитель нас береги! Береги мои деньги, всех нас!

Николай Чудотворец! Будь скорым помощником мне в бизнесе и моем похудении!

Помогите все святые!

Благодарю Господи, за все испытания, за мои чудесные 23 года! Благослови меня в мои новые 24 года!!!

20.11.99.

Такой сюрприз ждал меня в субботу. С раннего утра Асуль поздравила меня с днем рождения – как только я открыла глаза (для косметики).

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Потом поехали кататься на лошадях с Альфредо. Потом вдруг стали привозить колонки. Мы планировали потом поехать в парк – покататься на горках, потом в ресторан. Стали приносить еду, сказали, что это для друга. Вдруг выходит Аля с тортом ... сюрприз! Оказывается они решили сделать 파티ю мне. Приехала Юлия с Пако, Хабьер, потанцевали, поели хорошо. Было весело. Всем очень благодарна. Потом на работу в субботу – 18 танцев! Познакомилась с Алексом – как это было чудесно!

В воскресенье поехали с Альфонсо в город, где хорошая энергия. Погуляли, купили разные палочки (запахом). Посидели у церкви на траве – так было чудесно, немного плакали – я так морально отдохнула. Потом сходили в ресторан, где поели мексиканскую еду (с выстрелами на улице и музыкой). Вернулись домой, сходили в район, где было много молодежи, купили йогуртов, хотели кофе-капучино – там была очередь... Это было чудесно.

Потом в понедельник снова переживала из-за денег, говорила с Леонидом по телефону. Сделала в понедельник 11 танцев. Альфредо заплатил мне другие 14 и мы пошли в ночной клуб. Хорошие фигуры и груди у девчонок. Мне в прайвид комнате танцевала брюнетка. Альфредо помогал, она немного кусала меня и лапала. Интересно. Потом Альфредо хотел отвезти

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меня в отель - на массаж. После моего отказа он стал биться в истерику и немного плакать, что он не может больше ждать, что я с ним играю... Я поняла, что нельзя больше ждать. Я выпила рома и отдалась ему. Осчастливила.

На следующий день он подарил мне собаку – это чудо! Ав, ав. Во вторник он снова заплатил 14 (был бизнес к моим 14 танцам). Мы пошли в «Титаниум». Все мужики смотрели на меня, а не на девчонок. Потом одна станцевала «прайвид» в комнате – где сидели другие 3 мужика с девчонками. Она с Мексики. Неплохо. Я так напилась в этот день – я отдалась ему – я говорила много по-русски в эту ночь.

В среду и четверг было по 41 танцев, в пятницу – 45. Бенжамин дал нам билеты и деньки в Канкунг. Сейчас я лечу туда. Альфонсо еще раз подарил мне серебряный браслет (на время дал мне свою куртку) – влюбился – по несколько массажей оставляет мне. Вчера была с Максом. Подарила ему мишку с сердцем. Он сказал, что виза делается. Помогла ему кончить – он хоть осчастливился.

Дай мне, Господи, сил и терпения похудеть! Благослови нас!

23.11.99

Вот и дорога обратно. Приехали, все в порядке. В отеле Фиесте Американо началось. Мы ждали до 15.00 наш номер (1,5 часа). Потом пошли в комнату – там

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было накурено, летали волосы с бумажкой от резинки. Не могли доказать, что у нас есть счет в банке для отеля на 3000 песо. Какой ресторан... с печальной классической музыкой, причем без дринок – надо было отдельно платить. Хороший бассейн. Встретились с ребятами (возле Нью-Йорка ок. Канак). Вечером пошли на автобусе поесть американской еды (я – салат) – на удивление заплатили.

Потом на дискотеку. Там такое шоу было... И мыльные пузыри и фольга – то Майк Джексон поет, то Маска. То со свистом надирают уши, а дают пить текилу с чем-то (вкусный). Ночью пошли на море купаться. Это было нечто. В Карибском море. Мой ухажер и Асуль. Мы так не целовались, хотя и он, и я хотели. Слишком просто и быстро. На следующий день мы с Асуль ходили в ГИМ. Я так хорошо позанималась. Я вечером в магазины (-----). На те деньги, что хотели массаж (по 600 песо) – Асуль купила в Заре шапочку и сумку (а я на другой день кроссовки, доплатила от себя 100 песов – 720 песов). Вечером полежала на море – в темноте.

На следующий день мы попросили разбудить, но нас не разбудили. Мы чуть не опоздали на Аква Ворд. Потому что это было далеко. Мы поехали на водных мотоциклах в специальное место, где потом при парковке инструктор залез на наш мотоцикл и перевернул его. Как было чудесно, когда я увидела

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большие рыбы, плавающие возле меня. И зеленые с желтым, красные. И обалденно-голубых. И как одна маленькая разгоняла больших со своей территории... Потом села к инструктору и его лодка сломалась, зато я водила на обратном пути одна. Обратно пошли пешком по берегу моря (все свистели рабочие нам).

Вечером в ГИМе я бегала 60.02 минуты – 800 ккал!!! Потом пошли по магазинам, в 100% натуральный купили мне кроссовки. Ночью я попрощалась с морем.

Сегодня, Слава Богу не было проблем с купонами, все в порядке. Асуль уезжает послезавтра.

Господи, благослови нас!!!

29.11.99.

Хорошо отработала во вторник – 41, 45, 41 танец. Объявился Рауль, сказал, что отвечали его братья, что был за городом. Взял 15 танцев и ушел (с другом был). Сначала бизнес шел очень плохо, потом ок. 23 приходилось усиленно работать.

Асуль когда уезжала, даже не разбудила меня. Я слышала, как она собиралась. Она оставила мне бумагу – записку (что любит меня, благодарит за все). В четверг я с трудом отработала 11. Сходила с Альфонсо с мексиканский ресторан. Поели, он собирался уезжать в Монтерей. Мы обменялись адресами. Он сказал, что любит меня... Он был откровенен со мной. Сходила с Энрике в ресторан – обалденный Японский. Наступила

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пятница. Альфредо говорил мне – не работай. Я же должна заключительный день. До этого я деньги моего босса, что не дошли, взяла в банке (542 + 931). Слава Богу! С помощью Альфредо я на Банамекс Виза получила 500 долларов, Трэвел Чаку – 5.000 долларов. Вечером (звонил Франсиско по поводу Виза). Пришел мой клиент Джоз, взял 20 танцев. Станцевала еще 2. Другому – 6. И тут включился свет – полиция. Я слышала об этом – что на наркотики (Драке). Я спокойно пошла в комарийну. Там нас отделили – мексиканок и иностранок. Потом нас почему-то снимали на камеру, запихнули в автобус с решетками. Сколько было полицейских... Привели в отделение, в котором продержали с 11 – 4 утра, переписывали.

Кубинки плакали. Мы с Юлей держались. Потом (еда пришла – пью красное вино). Нас отвезли в тюрьму эмиграцию. Мы все так замерзли, спали в камере с Юлей и кубинками (Лис, Каролина, Бенос) – на полу, другие – по 2 на 1-ых и 2-ых этажах. Мы так тряслись от холода... Спали всего три часа. Каждый момент думали, что нас отпустят. Но новостей не было... Мы лежали на зеленой солнечной поляне, окруженные четырьмя стенами с полицейскими вокруг. Тут звонок – еда. Как у Сеченова рефлекс собаки на лампочку и звонок. Мы весь день сидели на полянке и ели, и ели. Нам клуб привез носки, свитера, с Макдональдса еды, фрукты.

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Сначала все держались вместе. Веселились с Кубы (женщина с бантиками, которая разговаривала на многих языках, там уже ок. 1 года) на завтрак, обед и ужин меняла одежду. Копировали девчонки, она просила немного денег, но потом нас заложила, когда с ней сделали фотографию. Прибежал шеф – кто делал фото? Все девчонки – нет, нет. Девчонки издевались над ней – делали косички «Я Куба, данс!». Давали неплохую еду – в основном рис + мясо, сангвичи – фрукты – банан или дыню + кофе с 10 кг сахара. Вечером копировали – кто как танцует. Все были рады пище.

Потом Хунгария (Венгрия стали отделяться, все себе позаберут, а другие всем). Юля молодец! Когда мы спали вместе, она укрывала меня, давала накрываться, во всем помогала. И я старалась тоже. Она замечательный человек.

Две девчонки с Холланд уехали в воскресенье. Им даже не дали собрать вещей – все за них. И с полицией в аэропорт, сколько слез, деньги...

В понедельник 29.11 звонила Франсиско, говорила, чтобы он вытащил меня – он говорил, что это невозможно (друг Макса). Я не знаю – что с моей визой... Звонил Альфредо, сказал, что вещи женщина собрала, а другую сумку не нашла. Я начала нервничать – может, себе забрала, а сказала, что не нашла?! Альфредо с Марией Саррато все нашли позже, собрали. Привез Альфредо. Господи, как

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я тебе благодарна, что этот человек со мной рядом. Я так ему обязана, благодарна.

Теперь со мной деньги босса ок. 2.200 + мои Трэвел Чекс на 5.000 долларов + 600 долларов + 1.500 долларов я должна проверить, а остальные ок. 12. (Мари сказала, что 7. остались у Альфредо) ок.19.000 долларов. Альфредо обещал привезти мне в Россию через 10 дней. Господи, я надеюсь, что он привезет... (или пошлет Мартина). Ведь это моя квартира. Я работала тяжело, по 3 дня в 1-ю и 2-ю смену, чтобы заработать, по 10 – 12 часов в сутки. Я помню – выходила никакая. Душ и спать. Утро ок. 11 часов, кофе или свежий сок из различных фруктов с (забыла) семечками.

Кроме того, когда с клуба принесли вещи в мешках, у одной девчонки с Хунгари (рыженькая) сперли 2000 долларов, деньги, парфюм, косметику. Хорошо я все взяла с собой, единственное – я не проверила мешок – я не знаю, что так есть...

Меня только вывезли из тюрьмы в 20.30 без документов, а самолет в 21.10! Больше Альфредо я не видела и Мари тоже, т.к. окольными путями бежали с мужиком. Думала, что моя декларация, все проблемы в России, тут мне неожиданно передают в самолет. Катерина, Яна сказали, что меня ждал и очень перепсиховал Альфонсо. Но я не смогла никого увидеть...

Китти наша мадам, перепугалась, и тоже решила полететь со мной. Где-то сидит сейчас, слава

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Богу, далеко от меня. Да никому бы не пожелала улететь с Мексики, как я улетела.

Благодарю от всей души, от всего сердца, тебя, Мексика, за все! Я вернусь!..

Сейчас уже почти подлетели к Франкфурту (быстро время прошло). Господи, благослови!

Альфредо купил мне куртку, пуловер спортивный с капюшоном, очень надеюсь, что получу мои деньги в середине декабря. Господи, помоги! Благослови и помилуй нас, защити! С Богом!!!

7.12.99

Во Франкфурте я старалась убежать от Тани, чтобы не встречаться. Услышала объявление, где кто-то имеет сообщение для меня. Оказывается Рой просил меня позвонить (он не смог встретить меня) хотел предупредить. Пошла через зеленый коридор. Меня спросил – где я работала, откуда большие деньги. Я ответила, что друг подарил бой-френд из Мексики. Он с подозрением, что как бы у меня может больше. И я говорю – давайте, смотрите, проверяйте. И меня отпустили. Оказывается меня должны были встречать два человека, помочь без проблем пройти таможенно. Леонид все знал и специально пришел позже. Но, слава Богу, все обошлось. Шампанское, даже цветы.

Ночевать пришлось в студии, т.к. Рой задерживался. На следующий день Рой пришел, переживал за деньги.

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Мы ходили на балет «Жизель». Я не могла спать, т.к. разница – 9 часов...

Рой нанял мне охранника, т.к. не доверял Леониду, в аэропорту. Где за перевес багажа я заплатила 200 рублей (должна была 330 рублей). Подарил мне огромного медведя.

В Краснодаре меня встретил мой, с белыми цветами. Даже не обнял. Всю дорогу молчал. Потом даже не захотел зайти в дом. Сказал, что хотел, чтобы я его ненавидела. Но я сказала, что люблю его, каждый кусочек его тела. Он кричал, что изменил мне. У меня была дома истерика, моя мамочка очень помогла мне... Послал сообщение, что желает спокойной ночи... Сколько внутри боли...

На следующий день приехал, чтобы попросить о шансе. Я решила дать ему шанс. Мы вместе ездили узнавали о сотовых телефонах, в Сочи за моей дублировкой. Он расстилал мне постель. Но на долго ли это? Когда мы занимались любовью он делал все тоже, многие вещи автоматически (----- грудь, смотрел в сторону и о чем-то думал, шмыгая носом). Или говорил, что соскучился о моей плоти. В то же время я сознавала, что он говорил то же другой женщине (которой 32 года, ребенок 7 лет). У меня уже нет того доверия. Есть внутренняя боль, боль. Его мама была в шоке от того, что он так поступил со мной. Я думала, за что это все...

Мы ходили в ресторан, кушали. Но он глубоко ошибается, если думает,

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что все так легко. Да, я его люблю, надеюсь, что он тоже. Но даже не в этом дело. Он не понимает – как мне больно в душе. Да, я изменяла ему телом, но не душой. А он сумел душой. Он пытается выстроить стену из тех мелких ссор, которые были у нас, хотел остановить любовь... Но не смог.

У меня боль и нет уже того уважения и доверия, что было до этого...

Звонил Альфредо, настоял, чтобы я с ним жила в номере в Москве. Господи, дай мен сил, мудрости и терпения!!! Благослови!

10.12.99

Сейчас я сижу в купейном 12-ом вагоне с тремя мужчинами, песня «журавли в осеннем небе тают, улетають журавли».

Созванивалась с Альфредо, вот, еду к нему за своими 18 тыс. долларов. Мамуля подбирает варианты квартиры. Самое главное – привезти все деньги. Надеюсь, Альфредо будет аккуратен. Вчера

спросил меня – есть ли у меня старые башмаки мужские... Я так смеялась, говорю, что есть – те самые кроссовки, что он мне подарил. Он – «ты хочешь убить меня».

Смотрели сотовый телефон. Будут скидки – подключусь. Ездили в Сочи. Сам напросился. Ходили, за все платил. Расстилал в поезде постель. Было чудесно. Но это уже все не то, я чувствую. Да, он заботится, но

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не от души. Еле выдавливает слово «люблю». Ходил каждый день на тренировки, вместо того, чтобы хоть один день побыть со мной. А когда я пошла на «Золотую шпильку» - он завозмущался, что я это время не провела с ним... Когда после Комсомольского добиралась вечером, решила проверить его, добралась сама до дома. Он – ни ответа, ни привета на пейджер. Видите ли устал, даже не поинтересовался – как я. А потом еще и упрекнул меня, что я не приехала. Да, раньше он переживал, приезжал, узнавал, а сейчас.

Я так думаю, что он меня больше не любит. Да, мы занимались любовью, я хотела два раза, но вчера ночью я надеялась, а он сказал, что устал, даже не захотел сделать просто мне. Зачем мне нужна эта неактивность? Если я выйду за него замуж, он вообще опустится. Он не ценит меня. Даже не повесил плакаты, ждет что-то новенькое. А зачем ему это нужно? Если он не любит меня. Он показывает, что хочет забыть меня. Я его сейчас чисто держу как человека, который необходим мне в делах, решении моих проблем, транспортировщика. Но и иногда в сексуальном плане, т.к. сейчас он неактивен. Я очень хочу найти иностранца и жить за границей. Хочу купить квартиру, выйти замуж за иностранца, только не жить в Краснодаре.

Купила вечером дубленку, шапочку, полусапожки.

Господи, благослови! Дай нам мудрости, сил, терпения!!!

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19.12.99

Приехала я рано утром, сдала сумку в багаж, ходила по Москве весь день. Потом забрала сумку и просидела 3 часа в гостинице «Россия» в ожидании Альфредо. Наконец-то. Оказывается часть 7 тысяч долларов он перевел в Трэвел Чекс и привез с собой, другие 7 оставил в Мексике, чтобы восстановить. Как раз получилось на день Конституции и мы ходили в пустую целыми днями. Он говорил по телефону на 10 тысяч рублей. Сколько заморочек с гостиницей... Его Смирнов забыл внести в меня как гостя, потом мы все оформляли, его хотели заставить платить за полдня, хотя все было оплачено... Но все уладили. Господи, а какие мучения были для меня ночи... Я понимаю его чувства, мне приходилось пить, чтобы не конч-ся. Я хочу фак тебя, Анги. Мне почему-то было смешно. Хотя я уважаю его чувства, все что он для меня делает. Сколько намучились в заключительный день... Пока восстановили яко бы утеранные чеки, - поменяли! Потом ходили снимали в Банкоматах по 40 долларов (а мне надо было 800...). Нашли Альфа-банк и поменяли сразу 600 целыми в машине (по 100 долларов брала на 2 тысячи). Я все переживала, чтобы Рой меня не заметил. Что я получила свои 18060 – Альфредо подарил мне 600 долларов! Благодарю его! Господи, благослови своего раба Альфредо! (звонил мне раза 2 – узнавал, как я, я ему

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дала свой мобильник, сразу проверил как работает).

А как я устала – была демонстрация, куча народу, ментов и я с тяжелой сумкой. Слава Богу, все обошлось! Как я вздохнула спокойно, когда увидела Роя... Мы вставали рано утром (в 5 часов) для получения американской визы. Так холодно было стоять в очереди. Мы постояли, потом Володя. На мое

удивление – нам дали визу сразу! На другой день уже ее делали! Теперь я должна ехать с Роем 19 января в Америку... Да благословит нас Господь!

Еще Рой подарил мне мобильник МТС-Джи Эс Эм. Я так была рада! Прилетела, слава Богу, с деньгами все в порядке!

18.12.99 – дата полного разрыва отношений с Алексеем!

Он все время сторонился меня. Тут я сама сказала ему, чтобы перестал играть в эти игры. Он сознался, что у него чувства к той особе. Он убил свою любовь ко мне. Это его жизнь! Я позже вспомнила, что Лена говорила, что он не видит меня как свою жену...

Сашка помог отвезти в Юбилейный район меня за телефоном в понедельник. Так что теперь у меня мобильник Эл Джи – 63-66-95. Уже звонили из Мексики, с Сочи.

Смотрели квартиры на Хакурате, но проблемы у них с мафией + ремонт (25 тысяч). На Рылеева – чудесная, чистенькая, с ремонтом, но далеко от остановки + кладовка под квартирой ок. 26 кв.м. Женщина замечательная, но далековато то остановки – минут 10 идти.

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Остановились на квартире. Дом Союзов 2 этаж, 3 комнаты + скинули 2,5 тысячи долларов, т.к. ремонт раковины...

Сколько нервов с Брайтон... Отдали за срочные справки 4,5 тыс. рублей + (200 долларов) + 700 долларов (3%) за услуги юриста... А эта Гаяна постоянно подводит. В миграционную мы могли пройти, но не было ордера... Мы потеряли целый день. Теперь, дай Бог, чтобы хоть за деньги нам дали возможность рассмотреть документы и выписали бумагу вперед... Я так хочу, чтобы все быстрее получилось, дай Бог!!!

Еще я причастилась и покрасила волосы, а похудела только на 1 см (102) в бедрах... Господи, дай сил похудеть сильнее и быстрее!!! С Божьей помощью!!!

5.01.2000

Вот и новый год! 2000! Господи, благослови! Благодарю за все, за все! В новый путь с Божьим благословением и помощью!!!

30.12. встретили Роя, самолет опоздал на 2 часа. Это время я скоротала с Юрой (с 25 школы – одноклассником). Привезли Роя в гостиницу «Москва» на такси за 130 рублей (с доставкой мамы до дома). В этот день отключили мой телефон, что с Москвой (МТС), т.к. мало денег. Я ночевала в гостинице, полулюксе. Потом мы гуляли, поехали праздновать домой. Но столько подарков подарил – плеер с диском, много мелочей – шоколад, хлопья. А мама замечательные перчатки, для сережек шкатулки. Я маме – диктофон.

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А Рою – плакат со своей фотографией. Он был рад (+ вино, конфеты).

Встретили хорошо, постреляли! Я наверно первый раз не переела. Хотели вызвать такси, но не получилось, т.к. все было занято. Ок. 2.30 поехали вызывать (ловить) машину. На улице так было пусто... Мы достаточно быстро «поймали» за 30 рублей до Кооперативного. Поехали по Драмтеатру, на каруселях. На следующий день вечером 1.01. хотели уехать в Сочи на автобусе, но его отменили, хорошо успели сдать и купить на поезд. Он был недоволен, что в плацкарте. Добрались хорошо. Доспали, погуляли по рынку. Рой купил мне чулки, для волос, трусики. Вечером ходила на дискотеку «Престиж», еле взяли такси. В гардеробе я была ок. 30 минут. Потом прихожу, Рой орет, чтобы я позвала охранника, т.к. он не хочет, чтобы сидел с нами один пьяный дурак! Рой чуть не ударил его... Поехали на другую «Ультра», нормально. На следующий день утром в ресторане не было яиц... Он был расстроен. Меня расстроил до слез, задев



воспоминания (тяжелые) о Кипре. Потом разозлился. Но я сгладила, переключив на другую волну. Хотели на самолете, но не было рейса на 4.01. Взяли на ночь на поезд (повезло, в пригородной кассе дали). Погуляли в дендрарии, в цирке (где тигры разорвали глобус, дрались между собой из-за мяча (глобуса разорванного). Дед Мороз (дрессировщик) еле успокоил

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А тигры ругались... Потом покушали и поехали. В купе попались нам Сергей с семьей, предлагали выпить, а потом храпел... Рой хотел выкупить другие 2 места, но я была против...

Приехали, доспали у меня дома, а потом пошли в гости к Сергею с мамой. Хорошо посидели, была проблема в Сергее, он работает с нефтью с Баку – Новороссийск. Хороший дом. Но он слишком много говорил об Америке, что Россия еще покажет, что мы не хуже, пытался унизить. Я много что не переводила, споил он нас... Правда хорошо отвезли в аэропорт, проводила я Роя, слава Богу. Очень интересно, что если бы что-то случилось я должна бы позвонить Андрею с каким-то словом.

С телефоном все в порядке, надо было доплатить деньги.

Алексей вообще «упал». Я немного припугнула его, что слежу за ним и его подругой. Он испугался. Потом хорошо поздравила его мама. Сегодня, после моего уточнения, что его подругу звали Таня, имеет белую 7-ку, 32 года. Он звонит мне и просит вообще не приходить мыться в его дом... Он испугался. У меня не было настроения с ним общаться. На 2-ой его звонок я вообще не соизволила общаться. Не хочу. Но как он опустил... Бог ему судья, всем его поступкам.

Завтра пойдем разбираться с на-

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шими продавцами. Т.к. они не сделали дарственной, просили дать аванс 6 тысяч рублей, химичат. Как Бог даст.

Господи, дай нам мудрости, сил, терпения, мудрости! Пресвятая Богородица спаси нас. Храни нас Ангел Хранитель! Помоги нам Николай Чудотворец. И все Святые. С Божьей помощью и благословением!

17.01.2000

Вот, Алексей Вячеславович позвонил и сказал, что его мама в курсе больших событий, чем я думаю (после того, как я сказала о возрасте тете Гале). Чтобы я забрала все свои вещи, мне не стоит приходить.

Я позже пришла к его маме, помылась, меня ждал пакетик со всеми моими вещами + станок с бритвами был открыт с одной бритвой (сволочь). Я была так возмущена... Забрала все фотографии, где мы были вдвоем (меня всю трясло) – в этом состоянии я написала записку – ты последняя сука все вернется. И как я чувствовала, эту записку прочитала его мама (позже я сказала тете Гале, что пусть сам привозит мои вещи, я не намерена нести тяжести. Он приехал позже, но я попросила маму выйти. Он испугался. Они поговорили хорошо. воспринимал все с улыбкой (типа – какого золотого парня я лишилась). Я позвонила ему позже на счет бритвы. Так он, разорался, чтобы я сходила

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в магазин и перепроверила упаковки, а потом ему позвонила. Он орал с такой ненавистью. Господи, какое он чудовище... Господи, ты ему судья.

К Ирине ходила (с Грозного). С мамой купили материал для вечернего платья. Еще на толчке купили мне берет, юбку с запахом. Короткую (450 рублей) и длинную (1.300 рублей). Ирина вышла в конце декабря замуж – Сергей (27 лет), ей (31). Дай Бог им счастья!!! Платье красивое, но не успела забрать т.к. Иринка заболела (может быть). Хочет забеременеть, но не получается 3 месяца. Дай ей Господь ребеночка!

Я садилась на диету. От супа на 4 кг вес, но не в объемах, не знаю как быть 102 и все. Господи, дай мне сил, помоги, чтобы мой объем... Я так хочу чувствовать себя уверенно. Все, хватит. Надоело быть толстой! Не хочу! Я отказываюсь от жира! Я начала активно худеть!!!

С нашими продавцами уже тянется... Все время врут, что сделали документы, а сами все никак. То хотели деньги (часто) взять, чтобы мы начинали заселяться. Мы с мамой ходили вчера покупали унитаз с раковиной, присмотрели диван уголок, другой (серенький), кухонный уголок, краны, для ванны мойку. Переживаю за мамулю – как там сделка у нее. Попросила Володю, чтобы он ей помог если что. Дай Бог, Господи, благослови, чтобы сделка состоялась удачно.

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Без накладок.

Гадали с мамой, постреляли на старый Новый год. На Рождество тоже. С кружками (лук, хлеб...) – мамуля выбрала сахар, а я хлеб. А со скорлупой и свечкой – маме большой выирыш, а мне победа в конкурсе.

Господи, помоги, чтобы все нормализовалось. Дай нам мудрости, сил и терпения. Господи, благослови!!!

P.S. Каждую неделю Альфредо звонил. Говорил, что очень скучает, любит и хочет меня. Что ему меня не хватает. 15 января он праздновал свой день рождения.

И Рой звонил. Один раз я смотрела на фотографию (на его) и он позвонил в этот момент. Другой раз позвонил, когда я читала гороскоп о нем. И звонят они в один и тот же день. Рой говорит, что я для него единственное счастье. Хочет, чтобы я была рядом с ним. Если бы не его возраст... Той информацией, что я владела о нем сейчас – меня все устраивает. Как Бог даст...

Еще я снимала от одиночества была порча на мне. Дай Бог, чтобы никто не мешал мне.

23.01.2000

Сейчас я в самолете, начинаем взлетать в Лас-Вегас...

При приезде в Нью-Йорк на таможне одна зараза (толстая, темнокожая) задавала слишком много вопросов. Для чего приехала, кто, что... Но после ответа, что Рой мой будущий муж – ее наглое лицо изменилось. Слава Богу, все хорошо. Нью-Йорк выглядит также, как я и представляла. Единственное, что мне не нравилось – темные тона домов(как заводские стены).

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спортивная одежда. Рой поэтому и не любит американских женщин, потому что они хотят быть похожими на мужчин.

Я звонила в Мексику Мари Соррато. Она сказала, что после нашего ареста был еще арест. Но все девчонки с Чехословакии, Венгрии вернулись. Но никто не может давать гарантии... Сказала, что специально для меня они постараются сделать бумагу на право работать в клубе. (До этого Леонид сказал, что большие проблемы у Серхио – его арестовали, т.к. он не пускал полицию. Но – самое главное – Сальвадор. Вышел какой-то закон о канадцах (он наполовину канадец – сын барона). Он во всем обвиняет полицию меня, что я, якобы натравила на него полицию?!). не знаю, с одной стороны я переживаю ехать и из Сальвадора тоже. Я же не виновата, что забрали мой зеленый паспорт. Если будет сделана эта бумага, то может быть я поеду в Мексику.

В Нью-Йорке мы с Роем ходили в два клуба. Везде такой хаос... В первом вообще. Когда я увидела их комарийну... Все навалено, вещи лежат. Нет шоу. Вход платный – 15 долларов. Около стойки танцуют и имеют кое-какие деньги + тэйбл дэнс, где только они трогают, но их нельзя. Но музыка, атмосфера...

Во втором лучше. Там симпатичней. Но обстановка, как в кинотеатре. Сцена небольшая, вокруг столики с креслами, с ограниченным количеством места. Танец стоит 20 долларов, девчонки делали танцы. Честно говоря, но сравниваю с Мексикой. Может быть в Лас-Вегасе...

С Роем ходили в «Хай Макс». Там было, что-то вроде кинотеатра. Но, был огромный

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экран, где ты как в виртуальной реальности.

Смотрели Уолт Дисней. Под оркестр какая-то композиция – бабочек или рыб, оленя и ----- . Я еле сидела, т.к. мои глаза закрывались. Ходили в русский ресторан, где сразу у меня появилась ностальгия о России. В японском, где стоимость суши 8 долларов за каждую 1 штуку (я взяла 2 штуки) – самые дешевые. В принципе, я все время стараюсь брать самое дешевое. Совесть не позволяет брать больше. Завел меня в магазин, где мне понравилась водолазка. После чего он прямо сказал – это дорого (60 долларов). Зачем тогда вести меня в дорогой магазин и выбирать, если это дорого? До этого я нашла кое-что для волос – 15 долларов, он снова сказал, что это дорого. Мы ходили в ресторан, там он за нас двоих платил 45 долларов, 30 долларов, почему жалко потратить на вещь, которую я буду использовать долго. А когда были в клубе, он заплатил от азарта 20 долларов за танец – 3 минуты... Иногда я его не понимаю. Довел меня до слез. (я не хотела говорить о том, что обидно – показывает, выбирает, а потом говорит, что это дорого). А он разорался на меня. Я этого не потерплю! Не имеет права орать на меня. Мне все равно их культура, пусть сдерживается. (Воздушные ямы). Ездили в метро, да грязновато и не красиво, как в Москве. Подарил мне микрофон (для мамы). Ездил в Джорджию. К стоматологу показывал дом, который продал, где жил до этого.

С его другом (негром, который учитель по каратэ), ходили на диско. Странная традиция, если мужской род приходит с девушкой, его друг может отбить ее у него, будет пытаться. Его друг этого хотел, но Рой сказал, что остановил его. Странно...

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А вчера мы встретились с его друзьями.

Первая актриса – Синди, Фрэнк (темнокожий) и Эверетт (кто ставит шоу, ищет людей). Очень интересные люди. Синди очень импульсивная, меня расхвалила... Даст Бог, я найду то, чем люблю заниматься. Господи, благослови!!!

27.01.2000

Сейчас я лечу в самолете обратно, в Нью-Йорк. Что было в Лас-Вегасе. Когда я приехала туда, я смотрела на все вокруг удивительными глазами. Эти отели... Внутри маленький город с казино, где люди просаживали столько денег... Мы остановились в отеле «Париж». Очень красиво, какие номера... В первый день я была в изумлении. Мы с Роем ходили вечером на шоу-гелз. Там были маленького роста, в основном делали акробатические трюки. Но тема была, направлена на кан-кан. Хорошие костюмы, завтрак принесли. Так вот на второй день мы с Роем пошли завтракать, это было нечто. Он начал кушать джем. Я взяла его и увидела, что он был разбит. Тут Рой позвал менеджера этого ресторана, полицейского, составили бумагу – если что-то случится, то они обязаны будут заплатить деньги за ущерб здоровья. Я знала, что ничего страшного здесь нет. Это было забавно и смешно раздувать из этого трагедию, тем более, что он не ел весь...

Мы ходили по отелям, а вечером встретились с Пэтси и ее мужем. Они многое рассказали о Лас-Вегасе.

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Смотрели их дом. Собаки были очень забавными. Хороший дом, чистенький, уютный. Пэтси хотела подарить мне красивое украшение. Мне очень понравилось (оно было тяжелое), но я застеснялась и ее муж взял и забрал... Как Рой сказал позже – это такая культура, где он помог как бы мне избавиться от этой неловкой ситуации, хотя в России, подарки если дарятся – не забираются. Я была несколько расстроена этой ситуацией.

Потом мы ходили на другое шоу, где наши места были рядом со сценой так, что я не видела общей картины, а ловила момент на других, мимике. Шикарное шоу, костюмы. Но опять, в основном, тема начала XIX века. Один танцор – стал смотреть на меня. Рой успел все заметить. Хи лук эт ю. Я подумала, чтобы избежать сцену ревности – опровергала. Этот танцор еще не раз на меня смотрел. Также на меня смотрел и мэджик-мэн. Удивительно! Он поднимал машину (летала), вместо девушек в клетке появились тигры. Огромное наслаждение от шоу! Также мы ходили в мэнс-клуб. Он хорошо выглядел. Было шоу, где девчонки неплохо танцевали, хороший клуб. Все также, ты получаешь 20 долларов за танец.

Ходили и на шоу «Крэизи гел». Ничего интересного, хорошие груди только очень дешево по сравнению с предыдущими. И вчера... мы ходили в отель «Нью-Йорк» (два раза). Там мы катались

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на американских горках... Это было захватывающе... А за день до этого я ходила на виртуальную реальность. У меня была такая фобия... как всегда в начале. Но зато потом... Впереди сидел парень, управляющий нашей машиной, мы летали между столбами, падали. А вчерашнее шоу напоминало цирк. Были братья с Мексики, которые жонглировали. Один из них случайно ударил другого (реально), а люди думали, что это шутка... Ему было больно.

За все это время Рой был разозлен на меня, когда он закрыл рот таксисту, а я задала вопрос. Вчера мы обсуждали философию, он вдруг стал злиться и повышать голос на меня. Я решила перевести тему, сделать фото. Где он вдруг стал улыбаться... Это было здорово. Он очень помогал мне, звонил, узнавал. Подарил мне тигренка. А мой диск... Пришлось покупать мне (30 долларов!!!) – там два внутри. Сначала хотел отдать половину, но потом не стал. Да Бог с ним!

Не знаю, если выходить замуж за него, то это только ради гражданства. Это не тот идеал мужчины, который мне нужен. Он заботливый, когда я разыграла сцену, что падаю в обморок, он был взволнован. Он слишком агрессивен бывает, без контроля. Звонила маме, - опять какие-то бумаги... С Мексикой... не знаю. Гарантии Мари мне не дает. Деньги Леониду она все выслала еще в декабре, он наврал мне. Придется разбираться. Господи, не знаю – что мне делать... Может поехать на месяц в Мексику. Может

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придется для зарабатывания денег. Чистить апартаменты Роя и готовить еду в Москве ок. месяца, пытаюсь найти временную работу в Москве.

Господи, дай мне мудрости и сил!!!

29.01.2000 (старт)

Вот и закончилась моя поездка (почти). Сейчас я сижу в аэропорту, видела некоторых русских людей, симпатичного русского высокого парня. Что можно сказать... Вчера дозвонилась я таки Асуль, оказывается она была в Холланд. Что, она ждет звонка от Франсиско о возможности работать в Мексике – можно ли, или нет. Господи, что мне делать? Я не знаю, думаю – может быть в Мексику, но только на один месяц. Это риск, но деньги. С другой стороны – один месяц жить с Роем и чистить за 250 долларов (причем до этого долго думал)  $250 \times 28 = 7000$  неплохо на рубли. Будем думать. Да, что было после Лас-Вегаса. Мы искупались. Он начал мазать лосьон мне (до этого мы веселились, в самолете он ел омлет и уронил на себя,

в аэропорту кто-то открыл мою сумку). У меня было хорошее настроение. Он веселился. Потом я имела шутку, а он не понял. Сказал, что думает, что я насмехаюсь над ним. Меня это оскорбило, потому что у меня и в голове этого не было. Потом я ушла в другую комнату думать. Он вернулся за мной один раз, позже принес халат, укрыл и сказал, что если я хочу прекратить наши отношения мы вернемся - это все. Дурак, ведь знает, что я от него в зависимости, ведет себя похабно. Я вернулась, он был злой, я обняла его, он меня, потом он взял меня на столе. Я кончила два раза. И в какой-то момент изнутри у меня пошел стресс, я как разревелась, меня

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всю трясло. На утро тоже, я не могла есть, расплакалась, и снова он взял меня. Да, действительно занятия любовью помогают в разрешении конфликтной ситуации. Но все это дало какую-то трещину... До этого мы должны были встретиться с Паком (он верит в Бога, есть студия, где записывается музыка известных музыкантов). А получилось, что он забыл, мы пошли в ресторан. И начали говорить о порче. Тут я поняла, что его секретарь Саша, через еду матери, которую употребил Рой, могла сделать порчу. Т.к. он стал кушать больше, больше худеть, также наши личные отношения, много работает – не имеет достаточно денег... Когда вернулся – я попыталась найти для снятия. А также разговор с Леонидом – о моих деньгах.

На следующий день мы ходили на спектакль «Фантом Опера». История, как фантом полюбил девку, но она любила другого, Фантом украл ее, хотел убить ее друга (который отправился на поиски). Но она (Кристин) поцеловала его, он отпустил ее.

А потом мы встретились с Паком, студия. Какая сексуальная песня парня (с Франции), симпатичный такой. Очень было интересно.

Что с Роем? Как друг, сексуальный партнер он хорош, но муж!..

Господи, благослови!!! Благодарю за все!!!

4.02.99 поели

Когда прилетели ок. 12.30 начали спать, проснулись в ок. 21.40 – встали, поели, занимались любовью. Утром опять следующего дня поели. Интересно. Долго я отбирала целителей для снятия с Роя. Что интересно, что все брали ок. 100 долларов, а некоторые + за диагностику. Частники тоже, но единственный просил 100 за диагностику (отливка на воске) и лечение 600 рублей. Чтож, оказывается это чер-

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новатый мэн, интересный мужчина, высокий, с острым взглядом. Это был сильный сглаз. Но следующий день я отвозила фото Роя. Разговор с Леонидом был очень интересный! Он сказал, что Мари врет и согласился на прямой звонок с Мари (о том, что денег не получал). И несколько раз повторял, что не хочет, чтобы эти финансовые проблемы стали оградой в наших отношениях. С чем я и согласилась. Он мне помог во многом и я благодарна за это. Вечером Рой вдруг сквозь смех сделал мне предложение. Я не поверила, т.к. вышло не серьезно. Но потом он сказал, что это серьезно... Трудно.

Во вторник 2.02. это день, когда состоялось чудо!!! Наконец-то наша квартира стала нашей! Мы купили!!! Слава тебе, Господи, слава Тебе! Вечером я с Роем начала говорить о замужестве. О том, что я не готова и не уверена в нем, но чтобы поехать в Америку с рабочей визой – это единственный выход. Если мы это сделаем, это будет лишь сделка, а потом время покажет. И + к этому он вдруг стал говорить о бумаге, в которой в случае развода я не буду иметь прав на его деньги. Получается – мне ничего. Где я, в свою очередь, сказала о бумаге, где он имеет права выгнать меня из страны. От выпил два бокала вина и стал дурным. Разговор стал бессмысленным. 3.02 я ушла гулять. Где под вечер меня выхватил Алексей. Говорил

по руке. Что будет 2 детей. Если протяну с Роем до мая, может это серьезно. Человек восточного типа пойдет с конца февраля. Интересный. Сидел облизывался, в ботинки три раза стекло. Выпил вина, поговорили. Было ок. 18 часов. Рой решил позвонить, когда я была в лифте (ехала в офис)

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За все это время я готовила ему еду, стирала его вещи, ходила платила за свой собственный телефон в снегопад. Думаю, что будет скучать по мне. Я тоже. Господи, дай мне мудрости и благослови нас!!!

19.02.2000

Вот я уже и дома! Две недели я безвывозно с утра до вечера делаю ремонт. Мамуля заболела, сильно кашляла и по ночам. Я сдирала обои, моя рука стала на размер больше, опухла от шпателя. Дядька (который знает тренеров) сделал ванну, раковины поставил. Звонил Альфредо – он по телефону кончил для меня. Мы с ним разговаривали минут 40. Помешанный на сексе. Я ему говорила, что сижу в белых трусиках, что я себя трогаю... Рой звонил. Сейчас он в Лондоне, звонил мне. Странная ---- . Сначала он по телефону о % говорил. Как я на него наехала, напомнила – кто я есть для него пока, больше не говорил. Нажаловалась, что нет денег, обещал привезти – уточнял сколько. На что я ответила, что ни о чем ему не говорила... Чтобы не было потом упреков. Мама почти доклеяла обои, я покрасила батареи. Да, пожаловалась Альфредо, что нет денег, обещал на мою карту положить 1000 долларов, но я сказала меньше – 500 долларов. Пригласил в Париж, говорил, что не может без меня, хочет меня.

Еще 13.02 с мамой пошли покупать и купили холодильник, стиральную машину. Я увидела... Алексея. Я никогда не видела его ис-

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пуганным. Это был для него шок, он прошел не поздоровался. Потихоньку ее довел в другую сторону. Ходили, смотрели. Как мое сердце колотилось. Они ушли... Мы с мамой поздравили друг друга (открыткой, цветами, шоколадом). Меня потом вечером тряссти начало, видно переела (и шоколад, и бублик, и баунти). 14.02 позвонил Рой и Альфредо, поздравили меня с днем Святого Валентина – всех влюбленных. А вечером я пошла на аналогичный концерт, что был на Рождество (добавили кукол). Сфотографировалась с Самоленко (сказала я, что со многими знаменитыми есть фото, теперь с ним) – «что это значит?» - спросил он меня. А потом сказал, что я должна лично к нему за фото придти. Ну и выпил он в этот день. Подарил на золотую свадьбу подарок и молодым. Сейчас морально готовлюсь к операции. Потерплю, но зато забуду об очках. Ходила, консультировалась. Переживаю. Лене звонила, сказала, что можно делать операцию, что с Роем сделка мне дает неожиданную большую выгоду. Вчера купила себе пальто. Сколько ходила по толчку... Думала длинное. Но купила наше – совместное за 2.400 полупальто. Стильное, немного рукава короткие. Рой должен приехать 28.02. С Кролла ушел, и рад, и нет. Я надеюсь на волю Бога! Господи, благослови, дай нам сил и терпения. Матерь Божья защити от бед и спаси нас. Храни нас Ангел Хранитель! Помоги во всех путях и делах Николай Чудотворец, помогите все Святые!!!

**101**

5.04.2000

Господи, сколько времени прошло. И сколько нерв и яблания дал мне господин Холландер. 1.03.2000 мы переехали в новую нашу квартиру. Он помогает (со студентами). Но сколько нерв с ним, его опущенной философией. Сколько было мучений по его регистрации, а потом с ЗАГСом. За два дня до регистрации он заявляет что может быть стоп, т.к. я сказала, что не хотела бы говорить о своем прошлом... В «Пауке» он покупает мне танец, доводит до злости (пришлось говорить о Кипре, Мексике, что я устала, мучилась – ничего (секса) не хотела).

Мы ходили в рестораны. Он подарил мне белое золото с голубым топазом. А в субботу 11.03.2000 с утра мы зарегистрировались. Это было весело. Я ничего серьезного не воспринимала. Это сделка. Как я от него устала. Недавно звонил, сказал, что я его вижу, как хорошего клиента... Вот это я разозлилась... Конченный.

Инна готовилась к конкурсу. Одну отправили в Москву чтоб исключить ее из конкурса. Ходили на вечеринку Ментос – здорово. Сначала Инна хотела поехать к Тони, но не смогла т.к. институт. На конкурсе Инна – мисс Очарование (причем, из 176, 114 – благодаря Морозову). + мисс Русское радио первое место Алена. Как мы потом гуляли... С Морозовым отплясали... то с ним, то с другим парнем из «Премьеры».

### 102

Да так доплясались, что мне подарили корзину косметики «Серебряная линия». Этот пацан начал говорить о продолжении, причем в открытую. Забавный. Потом на дискотеке «Джой» Алексей сказал, что безумно меня хочет, что я свожу его с ума (поставил шампанское). Я чуть не уехала с ним...

Вчера с Катей мы погуляли на Орбите... Бедного мальчика развратили, поцеловали, втроем танцевали...

Мамуля уехала вчера в ночь в Санкт-Петербург. Дай ей Бог!

Самое интересное – Арсен, который познакомился со мной в троллейбусе. Выше двух метров, напоминающий чудовище (доброе) из сказки. Напросился делать антенну. Устанавливал два дня, а ТВ идеально не показывает. Потихоньку от него я все дальше.

Что было с Володей... Я все таки решила. Он взял ключи у Вадика. Это была старая, неухоженная квартира (здесь повесилась его мама – Вадика). Мы немного выпили, он взял меня, потом отдыхал (я остывала). В резинке все это было. Делает он это неплохо. Но за два раза (причем во второй раз он даже толком не подготовил я ни разу не кончила. Он интересно готовился. Странно, но мне кажется, что пока не встретился настоящий мужчина, смогу ли я? Я не могу делать минет, т.к. приходилось драчить постоянно 0,5 лет каждый день. Рою этого никогда не понять, т.к. он мужчина.

### 103

Написал письмо, что как ему тяжело одному, какая красавица его учительница по русскому языку, которая помогает ему во всем. Честно сказать, что я буду делать в Москве с ним. Слушать его философию. Стирать и готовить? А мама одна. И если кто-нибудь на меня посмотрит... Если бы я его любила, он меня тоже, тогда... Он уже стал деньги считать. И расстроился, что я не работаю. А я не могу пока найти. Что меня вывело – он заявил, что я его вижу как хороший костюмер. Вот ябланище, я была зла на него... Теперь не буду даже есть на его деньги. Предстоит разговор о наших отношениях, я не знаю. С одной стороны я бы хотела чтобы мы были друзьями, но он не мешал бы мне встречаться с другими, а я даю свободу ему. Господи, дай мне мудрости!!!

В течение двух недель я бегала кроссы с 30 минут до 1 часа.

Брали интервью о глазном центре. У меня и девчонки (с Липецка). Мы говорили о том, что сколько проблем было с плохим зрением (я говорила о транспорте, о знакомых, было неудобно, линзы, раздражение. С сомнениями я решилась сделать и счастлива, об очках и вспоминать не хочу, только солнцезащитные. Так здорово видеть мир своими родными глазами). Должны в следующее воскресенье по акценту показать.

Арсен больше не звонит – слава Богу. Я с ним «холодно» держалась. Даже не мог нормальную антенну сделать + язвы, полнота и т.д.

### 104

23.03.2000 в 13.00 Я сделала операцию на глаза. Было интересно. Одели нас в зеленые короткие одеяния. Был треск и вонь. А потом резь в глазах... Слезы текли, открыть было невозможно. Принесли еду. Я то полкатлеты, то ничего, заснула. Потом постепенно открывала глаза. Старалась кушать в половину меньше. Люди добрые помогали ходить, т.к. я не могла открыть глаза. Кормили отлично! Вставала в 7 утра, Инна навещала. Когда было воздействие лазера, я читала «Отче наш». Прошли эти четыре дня. И открылся другой мир. Потихоньку я видела лучше и лучше. Когда я лишний раз капала, мои глаза ругались (болели, резали). Рой меня оберегал, но морально высасывал. Ясновидящая дала мне соль и сахар добавлять ему в еду. Улыбка стала, как у невинного младенца. Я с собой снова взяла.

2.04. Я ходила на «Тодес». Взяла видеокамеру и засняла кое-что. Это здорово. С сентября хотят открыть в Краснодаре школу «Тодес» - 100 долларов в месяц. Обучение – 3 месяца. Здорово ребята работают. Но кто будет ходить туда – богатые.

Долго делали мой второй паспорт, т.к. шла проверка с ГИДа (с Майкопа). Отдала 70 долларов (делали 3 недели). Но слава Богу! Все в порядке, теперь у меня два паспорта. Может быть поеду на неделю в Мексику увидеть Альфредо (и подзаработать хоть чуть).

#### 105

Но нужна хорошая отмазка Рою. Это опасно, но я посмотрю.

Да, с Катюхой мы оторвались на дискотеках. На Джое в среду был Хит FM, классная музыка. А в прошлый раз нас хотели «снять», но они не смогли, т.к. мы с охраной сели в такси.

Я пыталась соблазнить Алексея, получить его, а потом может быть

Бегала, платила, заводила новые книжки за газ, за свет. Не успела доклеять потолок.

Катка приболела (тоже голос «сел», а вчера температура 38,2 – 38,6.

Ключи Наташе пришлось положить в почтовый ящик. С газетой. Дай Бог, чтобы все было в порядке, ведь там все вещи...

До вокзала доехала за 20 рублей, был дождик. До этого была температура +25, +27, а в течение одного дня ок. +13. Все деревья распустились. Так было красиво за окнами – белые цветы. Надеюсь мелкая выдержит, испытание двух дней побыть одной.

Я все рассказала Альфредо о Рое, о наших планах. Он отнесся с пониманием. Жутко хочет увидеть меня.

Помню на дискотеке этот пацан встал на колено передо мной, чтобы поцеловать, а там была блевотина. Он расстроился, что джинсы придется стирать...

Господи, дай нам мудрости, сил и терпения, наставь и поддержи! Благослови!!!

#### 106

20.04.2000

Вот я и возвратилась с Москвы. Я себя настраивала не брать денег с Роя, доказывая, что я не вижу его как костюмер (оказывается, что он имел ввиду не деньги, а будущие возможности). Тем не менее он встретил меня с розовыми розами (11 штук). Я ходила в церковь (сразу пошли месячные – в среду). Бегала кроссы вдоль реки Москва между собаками, с которыми гуляли хозяева. Доберман пинчер со старым дедушкой, молодая овчарка. 18.04 я сделала рекорд – 1 час 10 минут ок. 9 км.

Ходила на кастинг на Види Винчи. Я понравилась Наташе Рубиной. Она меня обзванивала. Я сломалась и внесла себя в базу данных за 50 долларов, оказывается, что не нуждаюсь в их школе (350 долларов). Она хотела меня на дефиле, но я отказалась. Я не уверена, что они... Единственное, хочу окупить эти деньги (причем я не должна звонить о кастингах почему-то).



В Москве было тепло. Я купила себе лаковые туфли (за 25 долларов + 20 рублей), две кофточки, блеск для губ, карандаш, иконки. Холлардеру – ангелочка. Он подарил мне горшочек с цветами, а перед выездом желтые и красные тюльпаны.

Был кастинг у Джабраила (на манекенщиц я не потянула), а на стриптиз обещал, смотрел, но сказал, что не получилось что-то (топлис – 25, стрептиз – 25 – 50 долларов всего). Я думаю, что наврал.

Ходили на джин с Андреем и Женей с Кролла (мне подарили цветы – фиолетовые хризантемы), ресторан «Шуры-Муры». Поговорили о работе Рою (якобы он хочет найти в ФСБ). Взяли шведский стол – 250 рублей на человека.

## 107

В среду ходили на дискотеку. Сначала на «Гипопотам», но было закрыто. Спрашивали у таксиста – он обещал свозить на другую, а мы, узнав информацию, решили в другую. Он обиделся, просил передать Рою, что он козел (после того как – «за обед ты можешь отдать 100 долларов, за дискотеку и такси жадничаешь?» Рой – «три доллара, три доллара – рядом 100 долларов»). Пошли что рядом на Тверской. Народу мало. Но я отплясалась.

В четверг ходили в «Гипопотам» - учили латино-американские танцы. 1,5 часа «Вперед-назад». Это был класс! Но как только началось, Рой устал – 1 час ночи.

В пятницу ходили на вечеринку Леонида – больше девчонок, чем пацанов. Уговорила девчонок поехать в Мексику. Леонид сказал, что обижен Сальвадор на меня клуб, т.к. с Альфонсо яко бы был роман, я его кинула и он навел полицию. Тупость. Он боится, что я могу сама уехать и работать на себя. Пришлось наврать, что я заняла у Роя 10 тысяч долларов, т.к. потеряла 7 тысяч на карте. Но боюсь вернуться после тюрьмы. Попытаюсь сотрудничать с ним – искать девчонок для работы в Мексике, где с каждой девчонки в месяц по 100 долларов. Господи, благослови!!!

Потом пошли увидеть в Кантри бар его друзей – девчонку с Анголы и ее москвича (от которого она беременна). Она говорит по-русски, маленькая, хорошо поет. Потом ездили в другое место, где было аналогично, но больше места, девчонок, которые снимались, иностранцев, которые смотрели на меня...

## 108

В субботу ходили с «Доллс(а)», где вход 50 долларов с человека. Девчонки симпатичные, но тэйбл – 50 долларов, стриптиз – 100 долларов. Прайвид для 4-10 человек. Хорошо танцуют. Но Рой обалдел от цен. Потом пошли в Бэдсэл на стрипшоу. Опоздание на 1 час, на шоу... Из жизни насекомых. Акробатки (пауки, насекомые) с элементом эротики. Отличное шоу! Ок. 1 часа.

В воскресенье мы встретились с Тони и Лилией (знакомили). Наиздевалась на Тони я, он опоздал. Потом поехали играть в бильярд и в кегли. Я набрала 81 очко. Оставались то 1 мяч, то 3. А один раз я чуть вместо мяча не полетела – мяч остался, а я вперед, это был класс!!!

Рой, слава Богу, не доставал меня моей прошлой жизнью. Были проблемы с бумагой из Кипра. Он доставал меня, что хотел спать. И тем, что я хитрая... Я расплакалась, говоря, что я самая плохая, хитрая, он пошел успокаивать меня, что хочет быть возле меня (клоуз), более близко. Один раз кончил в меня – первый мужской род, кому я позволила это сделать. На другой раз я воспользовалась препаратом, ему так горячо было. Как я сказала, что это было он пулей вылетел. Что будет. Если не получится виза в Америку, поеду через Леонида в Грецию или Венесуэлу. В июне точно уеду куда-нибудь.

Господи, дай нам мудрости, сил и терпения, благослови!!!

## 109

19.05.2000

Сейчас сижу и жду отправления в Москву в аэропорту.

Был показ 29.04 у Вашл-й в Драм Театре. Я так была рада Виталику, всем нашим. Мы были с Костей. Хороший показ ок. 3 часов только модели: и купальники, и белье, и спортивное и ... ок. 50 манекенщиц (маленькие и большие). Было здорово, но немного утомительно (без пения, танцев). Зал был не полный. Мужчина подарил на улице мне цветок белый. В эту же ночь мы с мамой встретили Пасху. Мы даже были внутри церкви, сделали Крестный ход, правда нас чуть не раздавили (толпа). Но было здорово, на утро освятила пасочки. Тета Галя даже ни разу так и не позвонила мне – у нее другой интерес для сына.

1-го с Катей гуляли, было прохладно с дождем, пофотографировались с цветами, кустами. Встретилась с неизвестным, с которым по телефону разговаривала. Он был маленького роста. Ходили на Самсон-16. Неожиданно я увидела Лилию Осию, которая выиграла, не было времени даже поговорить.

Мой бывший был с девушкой своей – как всегда был напуган моим присутствием (я была в его пиджаке – подошел). На антракте исчез бесследно, а где Саша такую стерву размалеванную нашел... Мы их с Катей часто на Красной видели. Самсон был с 18 до 00.05 часов – Лилия победила, вторая девчонка неплохо. А та, которую мама готовила даже в 10-ку не попала, хотя неплохо смотрелась. Композиция слабовата – не умела танцевать. После на дискотеке Р...дро мы пробыли ок. 1 часа и все. Похолодало ок. +10, +12 градусов.

## 110

9 мая никакой особенной программы не было, мента все достали о салюте, который начался на 30 минут позже. Было интересно. Катка по дороге с дискотеки знакомилась с мужиками. Где один чуть не завез ее, другие на белых мерседесах. Андрей был на такси. Поехали мы с ним к его другу, однажды. Крутой дом с кодами, сигнализациями. Побеседовали, потом они захотели выпить вина, а мне нельзя, бросали монетку – кому. Мне не понравилась атмосфера, в частности друг Андрея. Мы еле уехали. Приходили несколько раз на Джой. Где я пыталась соблазнять Алексея. А когда я подготовилась и сказала, что готова – оказалось, что он хочет...портуду. Катя была категорически против. И он остался расстроенный (без ничего, видите ли он максималист).

Мамуля в Рязань ездила просто грамоту привезли, т.к. девчонка забыла композицию. Никого я и на этот раз не приводила домой, хотя возможность...

Пришла к Володе. Сказала, что хочу на природу. Он начал отнекиваться, говорил, что с Вадиком ездил. А тут я снова. Тут он и раскололся. Оказывается два года ребенку, женат с 1998 года! Девчонка с Казахстана, но русская. Это он врал. Хотел меня, все тянул... Я была в шоке.

Тут мой «муж» - Холландер стал странные идеи подсказывать – купить ему сексуальные трусы, вдруг не брить там волосы – с чего вдруг?

После чего?

До того товарищ Рой (во время обсуждения о встрече, визе) позвал Альфредо... Когда Альфредо сказал мне об этом... я хотела от всего отказаться. Именно в этот день я отдала деньги на визу в Италию... Он как задницей чувствовал. Почему именно

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в этот день? Он сказал, что он мой муж. И хочет жениться на мне (мы женаты ведь, видно что-то посерьезней). И стал спрашивать о наших личных отношениях с Альфредо, Альфредо не стал отвечать, позвал меня и мы договорились. Рой спросил – сколько дней он был в декабре со мной и было ли что-либо между нами в Мексике, Москве. Альфредо ответил, то мы ездили вокруг Мексики, т.к. симпатизировал Асуль, ну и брали меня. Что я только хороший друг. В Москве он был один день, 0,5 дней со мной.

Альфредо переспросил – это действительно тот телефон, где можно связываться со мной (620-928). Рой – да, да.

Ходил к Валерию Сергеевичу. Он, посмотрев на результаты проверки глаза воскликнул: «Йес» и поцеловал меня в щеку. Оказывается что-то сдвинулось с места. Зрение оба глаза на 0,7, хотя я видела кое-что на 0,8, пыталась на 0,9, но врач сидела спиной и не проявляла никакого интереса. На что мой доктор сказал, что главное – что я об этом знаю. Снова придется терпеть не пить вина, не кушать сладкое, а я хочу... Но зрение – это важнее, это всю жизнь. Господи, дай мне сил и терпения выдержать это – похудеть!

Ходила к Наде, она снимала с мамы, меня. Очень интересно. К ней пришла информация благословить меня. Все получилось! Слава Тебе, Боже наш, слава Тебе!

Алену (мою двоюродную сестру) встретили 15.05. Практически не в чем не помогала, не покупала. Мамуля целыми днями на кухне, салаты, супы. Посмотрим.

Курьер 20 долларов взял за испорченный бланк билета, + 30 хотел за доставку, я скосила на 20, где всего 40 долларов, сдачу 300 рублей получила я. И то хорошо. нагрелись друзья, я еще разношаю...

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Как всегда в аэропорту что-то интересное. Почему-то я странно расписалась в паспорте. Она потребовала другой документ, я дала паспорт, оказывается у меня та же странная роспись. День только начался, а я спать хочу. Ночь прошла не нудно, подремала немного. Поговорила с Димой, который работал в цирке, жил в Италии, Японии. Дай Бог им удачи. Звонила Холландеру, он наорал на счет регистрации на меня, объявил Володю идиотом (сам что ли умнее). Он считает, что если человек водитель, то он глупый и не умеет мыслить. Что будет с Холландером, визой...

Дай Бог.

Слава Богу! 20.05 я прилетела в Милан. Кастомс был дурак, всех девчонок тормозил. Но т.к. у меня был билет, я не боялась. По милански говорил немного еле-еле, по-испански чуть. Чего, говорит, приехала. Какое его дело? По-испански попыталась рассказать, что встречаюсь с другом. Какое его дело?

Встретил Альфредо и мы поехали в Ллойад-отель. Он такой был счастливый. Подарил мне (первый мужчина в моей жизни) – бриллианты-маренте (кольцо золотое, серьги и цепочка). Я – свой портрет, конфеты, икру. Занимались любовью (я попробовала капли влить). Действует! Не успел зайти, как через несколько минут я кончила, он у него такой большой...

Мы ходили по Милану, было красиво, говорили.

На другой день мы поехали во Флоренцию 3 часа первым классом на скоростном поезде. Пока я нашла в туалете – где смывать, где воду включить (оказывается, нажать на рисунок, в другом поезде – на пидальку).

Мы посетили музеи, сувениры, а сколько искали тату... (Альфредо подарил мне

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серьги и кольцо (золотые) с гранатом (очень, очень красиво). Когда мы ехали во Флоренцию, в поезде практически никого не было и мы трогали друг друга, вздрагивали, если кто-то проходил мимо. На обратном пути было не мало людей. Вечером (к 00.30) мы вернулись. Уставшие пошли на дискотеку, где были латино-американские танцы. Мы там отбабахали так, что как-то странно девицы присоединились, причем одна ко мне, другая к нему...

На другой день 22.05 мы с утра поехали по агентствам и пытались найти симпатию, но ни одно агентство не заинтересовалось мною – не тот тип (нужна темно-волосая, смуглая). Значит не мое. Затем потом мы поехали в Венецию. Тоже ок. 3 часов. На маленьком пароходке ехали по каналу, а потом были на

площади, где такая церковь, где голуби садятся на тебя, когда ты их кормишь. Стиль золота отличался – более грубый, тяжелый. Мы были всего лишь 4 часа, но это было здорово. Альфредо целовал меня, говорил, что хочет, обнимал... Рой – нет, все время чего-то боится. То, что я деньги сопру у него, то я использую его, все в напряжении (то давая деньги, говорит, чтобы я не переживала, я верну ему).

Ночью поезд был отличный. Мы сидели в купе одни и тут вдруг резко залетают полицейские (т.к. мы закрыли занавески. Трахали друг друга, я заснула, т.к. было много места. Это было чудесно. По возвращению – мы пошли в ночной клуб. Там было много русских девчонок. Мы выбрали одну. 1 дринк – 25 долларов. За ночь ок. 150 долларов. Ходят на секс. Дискотечный тип,

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а потом консумация. Причем я могу потанцевать тоже. Пассивно. Альфредо танцевал с девчонкой, потом отлучился для разговора с ней. Я разыграла сцену ревности. Он оправдывался так. Но зато после этого была бурная ночь. Я долго не могла кончить, он он взял первую позицию, где я лежала и ноги буквой – ---- . Да, капли действуют. Спали мы всего 3 часа (где предыдущую ночь он не дал мне спать – трахал, гладил – муньяка, попить, те киерес, муча). И утром снова я кончила, быстро его член подходит для парами. А какой он счастливый, когда я кончаю... Чудо, а Рой – «ну и что» (дурак, после этого у меня вряд ли возникнет желание захотеть его).

Альфредо дал мне 600 долларов, а хотел сверху 100, но я отказалась, т.к. он столько для меня сделал... Дай Бог ему здоровья и счастья! На улице женщина попросила купить мороженое и он купил ей! Мужчина на вокзале попросил, ему не хватало на билет, он дал – вот это человечность. Альфредо имеет особенную душу и сердце. Дай ему Господь всего наилучшего!!!

А сейчас мне очень важно убрать все улики. Пакет я запечатала скотчем, золото и деньги попытаюсь спрятать. Дай Бог, чтобы Рой ничего не узнал, Аминь!

Благодарю Господь за все! Благослови!

5.06.2000

Практически полгода прошло. Приехала я к Рою. Мобильник мой отключили, пришлось пытаться ключами, а потом

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звонить в дверь. Он таким удивленным видом встретил меня, стал спрашивать как я приехала, что, где. Даже спрашивал, когда я работала, в Краснодаре (что было не помню). Он долго обсматривал меня, был зол, т.к. ничего не мог найти. Думал, что я с каким-то дружкой пробыла в Москве и приехала к нему. Трудно было поверить, что я приехала автобусом (с коммерсантами). Да в этот день мы ездили посмотреть концерт Марии, Саши в баре. Но я была такая уставшая – столько не спать. На другой день мы пошли фотографироваться и он (когда я попросила дать мне сумку) схватил ее и начал расстегивать, все замки и смотреть – что там (в шутку). Я с недоумением смотрела на него, абсолютно спокойно (он меня проверял). После этого я поняла, что он будет смотреть и мою сумку ФА. Когда Володя меня взял (для регистрации в Москве) я отдала ему пакет со всем (деньгами, бриллиантами, фр-ми). Я жутко переживала, чтобы он Рой ничего не сказал. Остальные дни Рой меня нервировал с письмом из Кипра, что в Краснодаре неправильно написали мою фамилию СН, надо SH.

В воскресенье мы ходили (ездили) на природу с Мари, Сашей и их друзьями (кто с Англии с детьми, кто с Италии, большинство было говорящих на английском. Я каталась на лошадях. Хотели на водном мотоцикле, но нужен был паспорт и нельзя вдвоем. Мы решали взять лодку, где я

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Как всегда в аэропорту что-то интересное. Почему-то я странно расписалась в паспорте. Она потребовала другой документ, а дала паспорт, оказывается у меня та же странная роспись. День только начался, а я спать хочу. Ночь прошла не нудно, подремала немного. Поговорила с Димой. Который работал в цирке, жил в Италии, Японии. Дай Бог им удачи.

Звонила Холландеру, он наорал на счет регистрации на меня, объявил Володю идиотом (сам что ли умнее). Он считает, что если человек водитель, то он глупый и не умеет мыслить. Что будет с Холландером, визой... Дай Бог.

Слава Богу, 20.05 я прилетела в Милан кустомс был дурак, все девчонок тормозил. Но т.к. у меня был билет, я не боялась. По милански говорил немного еле-еле, по-испански чуть. Чего, говорит приехала. Какое его дело. По-испански попытаюсь рассказать, что встретила с другом. Какое его дело?

Встретил Альфредо и мы поехали в Ллойд-отель. Он такой счастливый. Подарил мне (1-й мужчина в моей жизни) – бриллианты-маленте (кольцо золотое, серьги и цепочка). Я – свой портрет, конфеты, икру. Занимались любовью (я попробовала капли влить). Действует! Не успел зайти, как через несколько минут я кончила, он у него такой большой...

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На другой день мы поехали во Флоренцию 3 часа. Первым классом на скоростном поезде. Пока я нашла в туалете – где смывать, где воду включать (оказывается нажать на рисунок, в другом поезде – на пидальку).

Мы посетили музеи, сувениры, а сколько искали тату... Альфредо подарил мне

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гребла. (Приехали в Воронеже – будем менять направление). Ели шашлыки – мясо было грубовато и у меня зуб разболелся, ужас. Ригард простоял весь день, готовя шашлыки. Ходили в лес с Роем, он хотел меня взять, но я отказалась, т.к. иногда кто-то проходил, самое основное – виден возраст. Если бы это был молодой парень... Потом ребята побежали купаться, играли в «петухов». Мы уехали раньше. Здорово, природа...

Шла подготовка ко отпуску. Мы учили историю, письмо мы достали (факс) вдвоем с Роем, а настоящее – в среду.

30.05.99. Приехали в 7.30. Все сдали ок. 8.30 открывается окно и мужчина подзывает нас. Вопросы были все Рою. Оказывается, что я должна была сделать вакцинацию.

Пришлось ехать и делать. Была доктор, замечательная женщина. Сделали две вакцинации мне. Все сдали. Я пахала в этот день, может была бы готова, но готовилась только на следующий день. 31.05.99 – я получила визу!!! Слава Тебе, Боже наш, слава Тебе!

Остальные дни посвящались регистрации в Москве (они дали 30 долларов, я от себя 10 + от Роя 40). Это многовато, учитывая, что мне быгодились эти деньги, очень.

Играли в Боллс, где я выиграла 2 партии – 127 очков, 102 (Рой 101). В билиард он выиграл. Ходили на дискотеку, где участвовали в конкурсе. Нужно было рассказать или спеть про лето. Он спел «Саммэр тайм». Выиграл пиво. На 2-ом конкурсе я катала яйцо из одной штанины в другую. А он из одного

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рукава в другой. Мы выиграли, у нас были такие болельщики... Снова 2 бутылки пива, 3-й конкурс – танцевать и целоваться. 2 пары начали раздеваться. Я танцевала с эротикой. Чуть б выиграли другие. Тем не менее, все полюбили нас. Потом я оставила Роя и пошла смотрела мужской стриптиз. Парни с красивыми телами, 1 негр. Здорово, эротично. Они четверо раздевали девчонку. Были здесь только одни девчонки.

Рой разозлился, что я смотрела это одна. Ничего.

Интересно, в сексе я кончила только 1 раз в начале, больше нет... Мне иногда его было жалко – столько тратил денег. Да, ходили в ночной клуб. Маленький, девчонки неплохо танцевали. 3 танца я получила.

Рой пытался мне дать 100, я отказалась. Но когда он увидел, что я еду в плацкарте... Я объяснила, что я пытаюсь экономить. Он был возмущен, сунул мне в карман рубли (не знаю сколько) – 1.700.

Мама не защитилась, т.к. Вера Ивановна не поставила зачет и не сказала вплоть до защиты об этом. Маму не допустили. Бог судья рабе Вере!

Господи, благослови!!!

P.S. Рой провожал меня 1-ый раз аж до отправления поезда. Я старалась быть внимательнее к нему, готовила вкусные обеды. Да благословит его Господь!

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25.06.2000

Просто обладеть о том, что произошло. Холландер позвонил мне в пятницу и задал странный вопрос – было ли когда-нибудь, что он поверил в мою ложь. Я ответила, что нет. Меня это насторожило. 10.06 я, Костя и Алена поехали в Геленжик на карнавал. Но вся программа только начиналась аж 14.06 вечером (а мы собрались этого числа днем уехать). Пришлось остаться на ночь. Мы долго искали место – 80 рублей одно место, 100. никто не хотел на 1 ночь. Потом мы нашли одну замечательную женщину за 60 рублей. Позагорали, смотрели концерт с 19.00 (закончился ок. 4 ночи). Были и спортсмены и танцевальные группы, и цирковые артисты и многое другое. У Катюхи сумку порезали, но, Слава Богу, ничего не взяли. Ходили на дискотеку, где местные ребята смотрели на нас, как в кино. Думали, что мы из шоу-группы. Было так холодно, мы решили, что не выдержим и снова постучались к этой же женщине и договорились о 30 рублях. Дай Бог, ей всего доброго и наилучшего!

Все ходили в масках, с антеннами на головах. Отшивали мы мужиков, которые искали девочек на дону ночь... И с цепями, который думал, что все дозволено (камешки между пальцами, щупанья). Потом я бросила в него песок и он ответил – дурак. Алена несколько жадновата. Но что поделаешь.

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Меня ждал сюрприз в воскресенье, но мы вернулись в понедельник. 3 дня я искала Роя, на 4-ый день он объявился. Я была на почте и отправила Альфредо фотографии.

Я была в шоке. Он сказал, что все знает с подробностями. О Миране, а также... о Володе, о квартире Вадиме (где он жил с матерью). Я сейчас думаю – как. Может быть кто-то пригрозил и он рассказал. Не знаю. Рой был со мной в Краснодаре везде и 1 дома. Все странно. Я пыталась извиниться и призналась, что это была моя вина, я делала это. И попросила прощения. Он попросил 2 дня. Позвонил на следующий день попросил еще времени. Я надавила, что прощение – высшая моральная добродетель, в последнем шансе.

Но после Нади я потеряла надежду, что он простит меня, т.к. она ответила, что никогда. И Лена тоже, но это была речь с глубиной боли. После Лены я посмотрела н все другими глазами. У него комплекс неполноценности с детства и он узнает правду для руководства морали. Но я не рабыня! Я порекомендовала ему психолога, на что он ответил – если я им буду... Проблема – его реальные чувства ко мне. Я – стимул для него. Он видит меня как реальную жену, но это абсурд... Я никогда не буду видеть его реальным мужем.

Так вот, он позвонил в воскресенье, когда я и Наташа переписывала кассету (видео). Он сказал, что прощает меня... И просит прощение за время подумать, за боль, которую он дос-

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тавил мне. Но я должна стоп с Альфредо (говорить, встречаться). Он видит в нем соперника.

Какую Лена придумала вещь. Надо было мне приехать вечером, сесть на электричку, доехать до станции, где будет 40-й поезд и приехать в Москву, а я – автобус...

Будем учиться.

На дискотеке Джой оторвались мы. Маша Чеботкевич выходила замуж 23.06 и устроила 21.06 девишник. Мы танцевали с Сергеем втроем с Катей, какой запах... Он просто вызвался отвезти нас домой без продолжения... Класс! Леша был изумлен.

Ходила к врачу. Как-то странно. На первый момент я увидела 1,0 правым глазом, хотя я левым вижу лучше. Но было расстояние больше.

Я встречалась с Ромой. Одела черный парик (даже менты из машины вылезли). Мы немного поцеловались. Прикольный.

Но зато на выставке познакомилась с ребятами из Питера. Я в 1-ый день их видела. Во 2-ой мы с Катей. В этот день мы ходили в кафешки, болтали, напились так, что на велике (спортивном) Катя мягко вошла в столб, а я в людей, но спасая их. Потом немного станцевали. На 3-й день (24.06) пришли на выставку, договорились о вечере. Но было все забыто, т.к. выпускной вечер.

Мы посидели, поели пиццы.

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Напились «Черного лекаря». Володя (высокий) сжимал мою руку. Дискотеки все были забиты. Но они решили спать в гостинице. Но я объяснила, что не могу, т.к. за мной следят. Он все хорошо понял. Катюха ревновала, т.к. я понравилась и Ване, и Володе. Она держала с Ваней расстояние. Но в итоге им негде было спать и Катя взяла переночевать к себе и они с Ваней (как она не сопротивлялась) переспали.

Меня прикололо в кафе:

-Девушка, выберите что-нибудь самое дешевое, т.к. мы познакомились только что (с нами) и у нас не много денег, но нам надо себя показать. И скажите той женщине с цветами, чтобы не подходила.

Прикольные ребята. В общем я купила себе серьги у них из горного хрусталя. Катя – кольцо. Я картину из янтаря Рою, 1 картину дядечка подарил из Питера (из пыли камней). Дай Бог ему всего доброго, на руку себе браслет (на плечо).

Ребятки классные. Дай им Бог удачи!!!

Господи, благослови нас. Дай нам мудрости, сил, терпения!!!

6.07.2000

Вроде немного времени прошло, а событий... Как всегда всего много под конец.

С ребятками мы еще встретились в понедельник. Уговорили их остаться и

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уехать на следующий день. Володька собирался остаться, а Ваньку мне пришлось уговаривать ради уважения Кости. Мы поели возле театра Оперетты салата с двумя бутылками крепленого вина. Я была первый раз в своей жизни пьяная, но добрая.

Вечером мы поехали к Катюхе домой, купили креветок и еще вина, пока Костя откровенничал с Володей на кухне, я откровенничала Ване (меня понесло). Мы целовались с Володей. Я сама настояла. У меня открылась в этот момент вся ненависть к мужчинам – я была тигром. На утро за 2 часа перед их отъездом меня понесло домой. Ваня и Володя пошли провожать меня. Я выбрала машину, выбрала идиота,

который приставал ко мне. Денег я с Володьки не взяла, т.к. совесть. Дала дураку немного дотронуться до моих коленок, но зато сэкономила деньги. Было 5.30 утра.

С Роем было все нормально пока, он не получил мое письмо, где я задела его эго. Надя сказала, что он не от наших и целая армия за ним, которая дает информацию. Посоветовала лучше не ехать. И если выйду за него замуж – крах моей судьбы. Я решила сейчас съездить и подзаработать денег и развод с ним... Лучше поеду в Японию.

Ходили в Джой (я была в парике) Алексей меня не узнал – был в шоке. Мы еще раз погуляли с Андреем, который не равнодушен к Катюхе. Мы собрались ехать в Анапу к Володе и Ване, друг готов был нас отвезти. Но тут мама мне сказала, что кто-то звонил

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2 раза. Это был Рой. Мы сдали билеты. Он почувствовал. А мысль, что звонил Альфредо – не приходила, (пришла, когда друг вышел из машины). Обалдеть, собрались идти в Боулинг – Катин муж приехал... (она только застегнула босоножки).

Сходили в среду (я – 102 очка), в бильярд, фишки (такая реакция?!). А дискотека... Я разбудила стриптизершу, которая не хотела делать шоу, хотела меня раздеть. Когда я ушла, она мужика (представляла из Шарм Клео), раздела догола... Это была бомба...

К Юльке ездила в Каневскую на один день. А потом она ко мне приехала. Купила белый парик, я помогала, мне материал.

Со стилистом Димой встретила. Два навороченных ----, нагло сдвинули Димку. Я думала – драка будет. Димка умница выкрутился психологически, потом (а до этого) у одного парня проблемы были. На другом месте с гипсом именно нас выбрал «Где Карина?». Дима после уговоров указал ему направление движения. Позже Юлька ночью с ним гуляла и они целовались.

Вчера ... ходили к ее мужу Игорю, который от нее хотел сбежать, когда она вышла в парике. Ей надо кончать с ним.

Господи, благослови меня в этот нелегкий путь. Я решила начать новый дневник, чтобы Холландер не воспользовался информацией.

С Божьим благословением, мудростью. Дай нам сил, терпения!!!

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12.07.2000

### ГОСПОДИ БЛАГОСЛОВИ!

Отче наш сущий на небесах. Да святится Имя Твое, да придет Царствие Твое, да будет воля Твоя, яко на небеси и на земли. Хлеб наш насущный даждь нам днесь и остави нам долги наши яко же мы оставляем должникам нашим. И не введи нас во искушение, но избави нас от лукавого. Яко Тебе есть царствие, и сила, и слава Отца и Сына и Святого Духа. Аминь.

Я начинаю писать свой очередной дневник, т.к. тот уже закончился и не было смысла брать сюда, т.к. много особой информации.

8.07. я собиралась. Вдруг неожиданно нашлась моя кассета «Шоу-гелс» на той полке, которую мы с мамой пересматривали несколько раз. Появилась – с помощью моей двоюродной сестры. А вот мумие так и нет, видно еще не время. Я очень благодарна мамуле, за всю ее помощь. Дай Господь счастья моей мамуле!!!

Как я планировала – одела парик. Рой сидел напряженный с обалденным букетом орхидей. Он меня с трудом узнал и спросил – что я сделала со своими волосами. Был холоден. После приезда горел желанием



поговорить. Мы говорили, потом поехала в Боулинг. Это был класс. Я позорно набрала 68 очков, в бильярд неплохо, а в хоккей (с шайбой выиграла). Мы пили вино и пытались драться и целоваться. Дома он начал приставать ко мне. Потом взял меня на столе, приговаривая, что он трахнет меня, что на стадионе который хочет меня. Потом бессильно меня перетащил в комнату, завязал руки моими же штанами и давай продолжать. Хотел, чтобы я молила о пощаде остановиться. Это было здорово! Все длилось часа 1,5 – 2. Я чувствовала что вся злость на меня, агрессия выливались в этот момент, боль, которую он переживал.

9.07. был самый важный день, т.к. должен был состояться разговор, в зависимости от которого я бы поехала или не поехала с ним. Мы разговаривали на той самой Виктори Сквер. Разговор длился 2,5 часа. Начиная с 1 декабря

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он говорил, что он делал, потом я. Оказывается он спал с Сашей (секретарь с Кролла). Приставал к переводчице и к маленькой Саше, которая сказала, что если бы он не был женат... Все мужики кобели.

Мне пришлось тоже все рассказать кроме Санкт-Петербургских ребят. Странно, что ему дали ложную информацию об Альфредо, яко бы он был в Москве. Это не правда. Мне не было смысла тогда бы ездить в Италию. Разговор был достаточно интересный, включая то, что он сказал про магию (научила - на свою голову) – пошел к тетке в Нью-Йорке и все узнал – о том, что я в еду подкладывала что-то (он хотел спать оказывается днем) пришлось сказать, что он был агрессивен ко мне, и я хотела это. Что ж, это было тяжело, но интересно, в Виктору Парк.

На следующий день мы поехали в аэропорт. Мой самолет был позже на 3 часа. Я проводила Роя. Встретила Стусенок, оказывается они на год уезжали в Ирландию. Дорога была хорошая. Я переживала об контроле. Увидела ту самую негритоску, и пыталась не попасть к ней. Попала к мужчине-метису. Села и иммигрейшн оффис. Взяла отпечаток пальца. Я очень переживала. Но со мной были чудесные орхидеи, которые в течении 10-ти часов открылись. Слава Тебе, Боже наш, слава Тебе!!! Я в Америке! Я ждала Роя, но не знала – прилетел ли его самолет, т.к. это было другое здание. Я села (мне помогли, дай им Бог здоровья) на Фрии Бас и доехала до здания и стала искать Роя (не зная секции). И тут мне помог Господь – он шел навстречу. Это было удивительно! Позже он признался, что имел мысли, думая, что имея эту визу улечу в другую страну (Мексику например). Увидеть Альфредо, дальше работать в Калифорнии или где-то рядом. У меня даже в мыслях этого не было.

После приезда мы отдыхали. И даже ходили, ездили и изучали метро, улицы. Пытались меня устроить в 2 клуба: «Скоурс» - самый элитный, где надо платить 300 долларов... (за возможность работать). – Не взяли, объясняя, что много девчонок с Флориды. Потом, в «Тан» - тоже нет – не объясняя почему (может потому что была

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с Роем и это не мое). Три раза возвращались во «Флэш Данс». Пришла я сама днем. Эта Маша то платьем была не довольна, то обувью. Разрешила придти в понедельник. Русская девчонка Никита помогла мне платьем и подсказала придти на эддишн вечером. Это было мое! Начала я работать с воскресенья, где заработала 400 долларов, потом 540 долларов, а вчера (среда – ок. 650 долларов). Слава Тебе, Боже наш, Слава Тебе!!! Один с Индии уже 4 дня ко мне приходит, все хочет, прикольный такой. Я начинаю издеваться. «Подойди ко мне через 15 минут». Я: «Я заведу свой будильник» или «тебе нужно 911», «твои волосы выросли и побелели, пока ты меня ждал».

Вчера у нас с Роем был день любви (секса) – эксперт. А сегодня мы встречались с Лютиси и Бобом (ее бой-фрэнд). Поговорили об одежде, придется идти в магазины в субботу. Пыталась звонить – не получилось.

Чтож, надеюсь, что я буду процветать. Дай мне Господи, и моей мамуле, мудрости, сил и терпения. Господи, благослови!

5.08.2000

23.07. – 1 год, как мы с Роем вместе – сколько всего было между нами. Он подарил мне горшок с цветами. Я позже – шторы на все комнаты, так уютно стало. Господи, помоги нам понимать, уважать и доверять друг другу. Господи, за 1,5 недели тяжелой работы я ждала этот ОФФ. Что это было... Рой оказывается знает, о том, что было в Мексике – о контакте, о наших разговорах с Альфредо – с размерах пениса?.. Как это? Поэтому он все время говорил о большом пенисе, он пронюхал всю информацию с микрофона телефона... Как это грязно... Всю ночь мы хотели играть в бильярд, ели в Макдональдсе... И выяснение отношений – лучше бы я не имела этот ОФФ, мой бизнес также. В понедельник я имела второй офф, тоже самое, но лучше, мягче. Мы с его другом Деви и его подругой с Москвы – Татьяной ходили в Скорс. Встретила там ту русскую девчонку, она станцевала песню после

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начала и когда песня еще не кончилась (Тане, Дэвид был разозлен). После этого опять выяснение отношений, пошел в бильярд, т.к. боулинг был закрыт, или занят. У меня была истерика. И я забивала черный мяч, т.к. он говорил о проигрышной партии – он же любит выигрывать... Ему было это не интересно. Потом третью партию мы играли, не могли закончить. Тут я стала супергероем, кто помогает слабым – забила черный. Лучше бы я работала. Зато как мне было тяжело. Я работала в пятницу, не спала, сразу же пошли на промоушен к 8 утра. Я познакомилась, встретила с Синди и Эдвардом. Мы поели, потом макияж. Мы были статуями. Так было интересно. Сначала эта глупая голова говорила какую-то чушь, а потом (все онемело). Потом мы были внутри этой партии. Все кушали, ходили. А мы стояли и играли. Один мужик взял и поставил стакан в мою кисть, после сказал спасибо, ушел. Другой ребенок стал давать мне деньги. Было весело, в конце мы станцевали африканские танцы – это было здорово! А потом снова работать... Я как вампир ходила, без чувств – сил не было, заработала ок. 400 долларов. Зато вчера (с 4 на 5 – 900 долларов!). – это мой рекорд. Правда – байкер дал 50 долларов, но я его другу так не станцевала, последнему парню – 5 танцев нон-стоп, дальше + 50, так 150 долларов. Кроме того, я опоздала на ВИП, пришлось 5 песен, но я танцевала 9 или 10?! У меня был стресс, я так хотела к Альфредо... Я устала, один мужик смотрел на меня замороженными глазами и давал по 1 доллару. Дали 20 долларов на стойке (мэйн) – я так не станцевала. Здорово! Зафиксировала также дату на самолет – улетаю 9.09, прилетаю на день рождения Роя.

Господи, дай мне мудрости не совершать глупостей, ошибок. Дай мне терпения, сил, благослови!!!

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21.08.2000

Вроде немного времени, а сколько произошло... В ночь с 9 – 10 Рой разбудил меня и сказал, что я не работала понедельник и вторник, провела время с бой-фрэндом. Я была в ужасе... Этот листок, где менеджер не поставит понедельник и вторник, т.к. я эти дни отработала – изменило все. У меня очередная истерика, болел желчный пузырь. Я пыталась доказать. Его нет дома сутки. Я жду его в клубе, чтобы доказать, что я работала понедельник и вторник. Его нет. Я звоню – он говорит, что не имеет значения. Я бужу его с утра и мы решили, что лучше жить в разных апартаментах. Был агрессивный, я тоже. Но с другой

стороны – тишина, свобода, мир. До этого – ранение в область правой стороны, чувство страха, сдавливание. Все изменилось. Я на работе рыдала, сдавливалась.

16.08 были на Стату Либра. Это было здорово! Природа, поднялись по 349 ступеням, плыли на пароходе.

На работе несколько раз пытались в Шэпан комнату, но я старалась увильнуть. Один день попались ябланы, которые пытались трогать, один дурак (я не разрешала дотрагиваться) стал говорить, что я хуже всех... Зато после – 5 танцев. Прошлый понедельник был ок. 900. С одним только ок. 20 танцев... Было отлично!

17.08 был конкурс. Я ходила за день до этого покрасила волосы, потом уложила их. Было хорошее настроение. Мы пообедали в ресторане, сделали фотографии, пытались найти ответы на вопросы. Началось... На первый вопрос почему я считаю, что могу быть мисс Хэйвэй, я ответила, что с помощью длинных ног могу оббежать пляж и с помощью косметики Хэйвэй помочь людям не обгореть.

Все отвечали серьезно. Я показала себя как могла. На вопрос – что бы я взяла с собой на остров – зубную щетку и расческу. Я не объяснила остроумно почему. Они смотрели на бюст, американский язык, больше общения с людьми и судьями.

Сейчас проблема с деньгами. Рой пронюхал, что я не все кладу деньги в банк. А таксис? В банке сейчас ок. 6. 330 рублей, а наличных столько же. Я хочу взять в Россию, а потом нормально откладывать и платить таксис, а Рой думает, что я фальшивлю и боится закона. Я буду платить, не хочу проблем, но с умом.

Господи, благослови!

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9.09.2000

Немного времени, а событий... В клубе я имела два раза за одну неделю по 900 долларов. Это было здорово! Но потом в среднем я заработала по 600 – 650 долларов. Причем в субботу два раза не хотели платить за танцы. Первый раз – компания, яко бы я вытащила его танцевать, а он не хотел. Но с помощью телохранителя отдали. А во второй раз – взял два, а заплатил за один, яко бы он спрашивал только об одном. Я была расстроена, но потом рассказала одному костюм. и он дал, мне это 20 долларов, т.к. я работала у стэйж. Кроме того, я была первый раз в ----- комнате (с бородкой, с телевидения). В понедельник, мы сидели два часа, разговаривали, я танцевала (у меня был такой страх). Я не позволяла дотрагиваться до меня. Я получала удовольствие. Стало в клубе все меньше и меньше народу. Было весело. Один костюм., когда я попросила пододвинуться для танца – уронил пиво, сказав, что я его пододвигала. Для другого я танцевала на месте, где кто-то разлил пиво и это выглядело – будто он описался, для другого здорового танцевала, разлила на него пиво случайно и еще в глаз треснула (случайно). Весело. С каждым днем было все хуже – был Либер Дэй в воскресенье, я заработала 500 долларов, а в понедельник – еле 200 – народу вообще не было. Отработала с удовольствием Тотал, я заработала где-то ок. 17 – 18 за 1,5 часа (включая все растраты, еду, подарки). Да, первый раз я не сконтролировала себя и дотронулась до ... коленки, а меня увидел менеджер (оуэр) – сказал, если еще раз – штраф. Не дай Бог.

Дома. Я переживала за маму, из-за этой маленькой змеи. Тетя Света хамила маме за все ее старания с документами нашего дома. Мама плакала от обиды... В нашем собственном доме унижали маму, отделились в еде, а потом, когда у них кое-что получилось в Ставрополе – они отказались. И слава Богу! Эта маленькая змея, еще узнает кое-что о жизни. Бог им судья!

Я расстраиваюсь отношению Роя к маме. В тот момент, когда я плакала по телефону маме, она переживала и сгоряча сказала, что

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все наладится. Я очень скучаю по Рою, когда его нет. Он мне очень важен...

### Ho's Prostitution Clients

Some of the man with whom, according to Ms. Shipilina's diary, she engaged in prostitution.

Time Period: January 1999 to May 2000.

Pagination for Russian handwritten and English printed versions of Ms. Shipilina's diary.

Cyprus ( "Zygos", owner Marios, "headhunter" in Krasnodar – Anastasia Vasiljeva )

1 Cyprus £ = \$1.5

<i>N</i>	<i>Client</i>	<i>"Type of service"</i>	<i>Price</i>	<i>Page Russian</i>	<i>Page English</i>
1	Ibragim	intercourse and anal sex	£ 40	20	8
2	Wonderful man	ejaculated without entering	£ 100	20	8
3	Fat man	masturbated him in a hotel	£ 30	18	8
4	Anonymous customer 1	blow job	£ 10	24	10
5	Anton	a new customer to which the owner Marios gave her	"sale"	22	9
6	Andreas	full day accompany	£50	11-12	5
7	Akhmed	three days accompany		23,25	9
8	Grandpa	masturbated him + two naked pictures	£ 60 +10	35	15
9	Andreas and his son	Regular client	golden bracelet	21	9
10	Pannikos	Regular client – masturbated him	new dress - £ 37, ring of white gold	16,19,24	7, 10
11	Rikos	Regular client (intercourse)	Silver things, makeup, + £100	6,8-10,16	3, 4, 5, 7
12	Chris	Regular client (intercourse)	£ 50, 10, 20, 10 + digital watch	2-6,11,13,24	1-3, 5, 8
13	Doctor George	Regular client	£ 50 + 100, perfume, watch, alarm clock, earring with chain, bracelet and ring of gold, silver alarm clock	7, 17-18, 26	3, 7, 11
14	Devi	One night stand client from the club	£	35	15
15	Peirre	One night stand client	£ 20	33	14
16	"Fucker" from a bank	One night stand client	£	30	13

17	Stephanos	Regular client from Ayanapa	£ 30 + £ 40 dress –£ 23, pyjamas - £ 44	28, 31,35,37	12, 15, 16
18	Rich Arab 1	One night stand client	boombox	32	13
19	Rich Arab 2	One night stand client + with another girl from the club	£	31	14
20	Eric, good friend of Rikos	Regular client	digital watch, video camera, slippers, money for dentist , additional money	21, 28,31,37	13, 16

Mexico (Mexico city night club “THE MEN’S CLUB”, “headhunter” in Moscow –Leonid  
Perlin)

<i>N</i>	<i>Client</i>	<i>“Type of service”</i>	<i>Price</i>	<i>Page Russian</i>	<i>Page English</i>
1	Anonymous client 1		\$60 but took away money	54	24
2	Mavro	Regular client		55,60	24
4	Yachingo – Boston guy	Three day stand client	For a trip to Acapulco	64	28
5	Sidney	Regular client		62	27, 28
6	Max Garcia Appedole	Regular client	For a visa assistance, golden chain, makeup	65, 73	28, 30
7	Manuel Gamio	Regular client	\$500, toilet water	69	29
8	Alfonso	Regular client	Chain for hand and foot, trip to Cancun, silver bracelet	72	29, 30
9	Alfredo	– favorite client started 02.10.1999– intercourse, performed oral sex on him	For money, various presents and trips, transporting cash to Russia, diamond ring, extra \$600, trip to Milan, Florence and Venice	58,60,71,73,83, 112, 113, 114	26, 27, 29, 30, 33, 38, 42, 43

### **Ho's Known Travels**

1991	Grozny, Chechnya to live in Krasnodar, Russia
1996	Moscow for nude photographs to market sexual services
Fall 1998	Moscow for masturbation video and prostitution
Dec. 1998	Limassol, Cyprus to work in the Zygos brothel
June 1999	Back to Krasnodar with whoring loot from Cyprus
July 1999	Moscow for prostitution and stripping
Aug. 1999	Moscow then onto Mexico City for prostitution and stripping through The Men's Club, also Acapulco, Cancun, Puerto Vallarta
Nov. 1999	Deported from Mexico back to Russia
Dec. 1999	Moscow for prostitution and to collect Mexico earnings from Alfredo Ibarra Sotelo
Jan. 2000	New York City and Las Vegas with her prime sucker of the moment
April 2000	Moscow for visa from Italian Embassy
May 2000	Milan, Venice, Florence, Italy for prostitution with Alfredo Ibarra Sotelo
May 2000	Moscow for immigrant visa from U.S. Embassy
July 2000	New York City for prostitution and stripping
Sept. 2 to 29, 2000,	traveled via Aeroflot from New York City to Moscow then to Krasnodar, Russia, and then Limassol, Cyprus.
Dec. 18, 2000 to Jan. 18, 2001,	traveled from New York City to Moscow then to Krasnodar, Russia, and, on information and belief, to St. Petersburg, Russia, and Cyprus.
Mid-April to mid-May 2001,	traveled to Moscow and Krasnodar, Russia, and Limassol, Cyprus.
Aug. 6 to Sept. 12, 2001,	traveled to Miami and Moscow and Krasnodar, Russia, and, on information and belief, to St. Petersburg, Russia, and Cyprus.
Nov. 5 to 19, 2001,	traveled to Miami.

Late Dec. 2001 to Jan. 28, 2002, traveled to Moscow, St. Petersburg and Krasnodar, Russia, and, on information and belief, to Cyprus.

In July and Aug. 2002, traveled to Moscow, St. Petersburg and Krasnodar, Russia, and Cyprus and returned to NYC via Aeroflot on August 8th.



# CONTRACT

We the undersigned:

1.....YIANNOS CHRISTODULIDES  
Manager of night club-cabaret

2.....MELIOS ATHANASIOU  
Artist Agent

3.....SEE NAMES BELOW  
Artists

Agree and accept the following:

1.The artist-s will be employed solely with the. TRAMPS Cabaret-Nightclub at L/SSOL and will not be employed or perform in any other cabaret-nightclub in Cyprus under any circumstances during the period of validity of this contract. The artist-s will participate in all the floor shows of the above cabaret-nightclub and will stay in the cabaret-nightclub during its working hours from 8.00 pm to 3.00am.

2.The artist-s is-are allowed one day off every week. In case of sickness he-she-they should obtain a certificate from a government medical officer at the beginning of the sickness period.

3.The contracting parties i.e. the manager of the cabaret-nightclub, the artist agent and the artist-s agree on the following with respect to the daily wages of the artist-s

a. Gross daily wages for each artist £16.00 -GROSS

b. Deductions:

i. Income tax £ 3.00 -DAILY

ii. Accomodation £ FREE - "

iii. Ticket fares to and from Cyprus £ 1.50 - "

iv. Artist Agent Commission £ 1.50 - "

c. Artist-s net daily wages £10.00 - "

Total (B+C=A) £16.00

4.The net daily wages of each artist, quoted above, should be paid to him-her every working day at the time of closing of the cabaret-nightclub. Any delay in the payment of these wages should be reported by the artist-s in person and without delay to the Aliens and Immigration unit of the police in their district of residence and employment.

5.This contract is valid of three months but the contracting parties may, if they so wish, amend its validity at the end of the first month and-or at the end of the second month of its validity.

6. The contracting parties have signed this contract after reading carefully the conditions there in which they fully accept.

Made in L/SSOL ..... 29.10.98

DIRECTION

*[Signature]*  
NIGHT CLUB

THE AGENT  
*[Signature]*  
MELIOS ATHANASIOU  
AGENCIES

Establishment

TRAMPS NIGHT CLUB

DEBUT

FIVE DAYS AFTER ARRIVAL

DURATION

THREE MONTHS

APPOINTMENTS

£16.00 DAILY

VOYAGES

SPECIAL CONDITIONS

IDENTITIES

Alina CHIPILINA  
(Oriental)

*[Signature]*



CANCELLED

The artist  
certified. Both the cabaret manager  
the Agent, signed in my presence

id: *[Signature]* PS 2246



21/12/98

**INSTRUCTIONS TO THE HOLDER**

1. This certificate is valid for ever.
2. Change of Residence and employment should be reported to the nearest Police Aliens' Office (or Police Station) immediately.
3. Application for further extension of stay must be made one month prior to the expiration of the alien's stay.
4. Holders of visitor's Permit are not permitted to work.
5. Holders of Employment Permit must comply with the conditions stated in their Permit.



**CYPRUS**

**ALIEN  
REGISTRATION  
CERTIFICATE**

**REG**

**Nº S326792**



(Εντύπο Γ.Α. 11')

No 446727

ΚΥΠΡΙΑΚΗ  
ΔΗΜΟΚΡΑΤΙΑ



REPUBLIC  
OF CYPRUS

ΥΠΗΡΕΣΙΑ ΜΕΤΑΝΑΣΤΕΥΣΕΩΣ  
MIGRATION OFFICE

ΑΠΟΔΕΙΞΗ/RECEIPT

Λήφθηκε το ποσό των £10 για τέλη αίτησης για άδεια  
επίσκεψης/απασχόλησης από/  
Received the sum of £10 being application fee for  
visitor/employment permit from.

Κο/Mr

Κα/Mrs

Ημερ./Date

Υπογραφή/Signature

(Form F. 74.)

Name: CHIRILINA

Nationality: Alina Russian

Occupation: Artist

Registered Address: 27605 Col. m.

Megolon Spileon STR. Nr 18 Liss

IT IS HEREBY CERTIFIED that the above  
named alien has been duly registered as an alien in  
the Register of Aliens in the Category of.....

£10,00 fee paid.

Dated at Lissn A.R.O.

this 7 day of January 1988

Registration Officer.

District of Lissn





### Change of Address

1. Reported at.....  
on..... 19....., as residing at  
.....  
.....  
..... of Police.
2. Reported at.....  
on..... 19....., as residing at  
.....  
.....  
..... of Police.
3. Reported at.....  
on..... 19....., as residing at  
.....  
.....  
..... of Police.

ΚΥΠΡΙΑΚΗ



ΔΗΜΟΚΡΑΤΙΑ

M.P. No.

Tel. No. 804507

Fax. No. 676941

MINISTRY OF INTERIOR  
MIGRATION DEPARTMENT  
NICOSIAMr Melios Athanasiou  
POBox 7384  
Limassol

15 December 1998

Rev Zygou  
23.3.99

Alina

23.12.98

Gentlement/ Sir/ Madam ,

I wish to refer to your application dated 29 October., , 1998 requesting permission under the Aliens & migration Law CAP.105 and Laws of 1972-1997 and its relevant Regulations of 1972-1996 for the following persons to enter stay and work in Cyprus temporarily as an Artist(s) **with Tramps Night club at Limassol** and inform you , that your request has been carefully considered and it was approved.

2. This visa is valid for a period of one month from the date of issue.
3. Your application has been approved subject to the following conditions :

( a ) A five ( 5 ) day visitor visa will be granted to the person/s below upon arrival in Cyprus in order to be examined for the AIDS Virus, Syphilis, Hepatitis, Tuberculosis ( chest X - Rays ) and other contagious diseases . For this they should call to the Thalassemia Centre at Acropolis, Nicosia between 7.45 and 9.45 on the first working day after their arrival in Cyprus.

( b ) They should thereafter get registered with the Aliens Section of the Police in their District of residence.

( c ) The below named artists are over 18 years of age.

( d ) They will arrive in Cyprus within one month as from today and will be employed only with the above mentioned employer and cabaret/ Night club.

( e ) These artists will come to Cyprus on the Passports mentioned below and their names in their passports will be given as below.

( f ) The Artist(s) in question is/are not allowed to enter any cabaret or Night club's premises during the provisional five days visitor period, unless he/she/they hold the necessary Employment Permit.

( g ) This permit is granted on the clear understanding that the aliens in question will produce Medical Certificates (AIDS Virus, Hepatitis, Syphilis) upon arrival in Cyprus.

**IMPORTANT : ORIGINAL VISA SHOULD BE PRESENTED AT THE PORT OF ENTRY**

<u>Name</u>	<u>Nationality</u>	<u>Passport No.</u>	<u>M.P.No.</u>
Alina CHIPILINA	Russian	43N7489821	D984000



Migration Officer

Copies to : Chief of Police  
Director of Cabaret, Yiannos Christodoulides  
KS



ARC  
NAT 5326792  
CODE Russian  
M.P. Art  
D984000

90  
(Form M. 62A.)

REPUBLIC OF CYPRUS

**TEMPORARY RESIDENT PERMIT**

Permission granted to remain in Cyprus provided that this permit may be revoked at any time by giving fourteen days notice to the holder.

This permit shall lapse forthwith if the holder ceases to be occupied as specified below.

Applications for further extension must be made at least one month before the expiry of this permit.

NAME Alina CHIPILINA

and his/her (wife, children) respectively.

CATEGORY OF RESIDENCE Employment

VALID UNTIL 22 June 1999 FINAL

NATURE OF RESIDENCE

As an artist with

"Zygos Cabaret" at Limassol

c/o POBOX 7334 Limassol

La: 20/12/98 Tel No

Artist Agent: Melios Athanasiou

Date 18 May, 1999

(A. Charalambous)  
For Chief Immigration Officer.

Copies to: Chief of Police  
KS Director of Inland Revenue

Здравствуйте Леонид!

Пишет вам Алина из Краснодара.  
Напишите, 2-3 сентября ~~за~~ дали мне  
возможность сниматься для буклета  
в дублёнках? У меня до сих пор  
эти 50\$, правда в рублях.

Я едущая в Сочи на ТЭРМ. Лаур-  
ная звезда" с нашими спонсором. Восту-  
пиме удачно, всем понравилась.

Как получились снимки в одноклет-  
ном виде (если не будет сильно трудно,  
принимите мне пожалуйста одну, на ваше  
взгляд, лучшую фотографию).

В Краснодаре я поработала с нашими  
фотографами (в кинематографическом и в одноклет-  
ном виде). ~ 2-3 полётов. Привели франца  
для разрушенного окна, стена (обложки окна  
на загромождённой местности).

Уже на днях поеду на Кипр на 3 ме-  
сяца работать (танцы).

Да, какие замечательные фотографии  
получились! Обаятельной мажорке, свет,  
Ещё раз благодарю вас, Леонид, за всё!  
Очень буду ждать от вас ответа.

Максим  
Ульянов  
АША

Одн. фото?  
Кипр?

Алина

20.11.98



Здравствуйте Леонид!

Пишет вам Алина (с Крайста-  
ра)

Я уже около месяца работаю  
в Лимассоле. Очень интересно. Мои  
танцевал преимущественно — ходил как  
маленький, а теперь танцевал толще.  
Узнала танцевать шоу-стриптиз (соо).  
Мне очень нравится танцевать, я  
уже намного лучше двигаюсь.  
За каждую thing вы получаете  
по 50 центов, если больше 10, то  
по 1 пайку. Table-dance (моя спе-  
циальность 3 пайка), а за стриптиз-  
дэнс — 5 пайков.

В целом интересно работать, но  
когда я выполняю 2. самых предло-  
жений (2 работы)...

Когда я вернусь с Кипра в Россию  
я буду работать. Работа здесь, я полюб-  
ила, но очень тяжело. Здесь очень трудная жизнь.  
Но — азиатские я уже намного лу-  
ше одеваюсь, т.к. много практики.

Мне очень хочется поехать в другую  
страну и поработать, а работать в  
улице, буду очень стараться.

А так это не

Вернусь я где-то в марте (может  
быть в начале, может в середине)  
обязательно вам позвоню.

RUSSIAN FOR Metias Athanasios (1991)  
PO Box 7384  
Limassol

Дорого и пошлите  
Алина.



дар, двадцать пятое апреля двухтысячного года.

Я, Маслова В.И., нотариус нотариального округа города  
Краснодара, Российская Федерация, свидетельствую верность подписи,  
сделанной известным мне переводчиком Воробьевой Валерией  
Александровной.



Зарегистрировано в реестре за № 3-2644

Нотариус

В настоящем документе  
пронумеровано, прошнуровано  
и скреплено печатью нотариуса

2 листа

Нотариус



Копия  
Повторное

СССР

СВИДЕТЕЛЬСТВО О РОЖДЕНИИ

Гражданин (ка) Шипилина Алина Александровна

родился (лась) 10 ноября 1975г.

тысяча девятьсот семьдесят пятого года

Место рождения: город, селение Чапаевск

район . . . . .

область, край Куйбышевская

республика РСФСР

о чем в книге регистрации актов о рождении

1975 года ноября месяца 12 числа

произведена запись за № 1223

РОДИТЕЛИ:

Отец Рыбаков Александр Андреевич

национальность русский

Мать Шипилина Инесса Александровна

национальность русская

Место регистрации Чапаевский гор.отдел ЗАГС

Куйбышевской области

Дата выдачи 12.09.1990 г.

Заведующий отделом (бюро)

записи актов гражданского состояния подпись

У-ЕР № 392900

печать: РСФСР Исполком Чапаевского горсовета

народных депутатов Куйбш.обл. Отдел

записи актов гражданского состояния

Город Краснодар, двадцать четвертого апреля,

Двухтысячного года.

Я, Маслова В.И.

нотариус нотариального округа города

Краснодара, Российской Федерации, свидетельствую

верность этой копии с подлинником документа,

в последнем подчисток, приписок, зачеркнутых

слов и иных неоговоренных исправлений или каких-либо

особенностей не оказалось.

Зарегистрировано в реестре за № 3-2585

Взыскано 2 руб. 50 коп

Нотариус



Translation from Russian

C o p y

Repeated

USSR

**BIRTH CERTIFICATE**

Citizen **CHIPILINA, ALINA ALEXANDROVNA**  
born on November, 10, 1975 (year nineteen seventy-five)

Place of birth: town of Chapaevsk, Kuibyshev Region,  
RSFSR

that was registered in the birth registrations book of year 1975, month November,  
date 12 under registration number 1223.

**P A R E N T S :**

Father: **RYBAKOV ALEXANDER ANDREEVICH**  
nationality: Russian

Mother: **CHIPILINA INESSA ALEXANDROVNA**  
nationality: Russian

Place of the registration: Chapaevskiy district Civil Status Registry  
Office  
Kuibyshev Region

Date of issue: 12-09-1990

Head registrar -signature-

V-EP № 392900

Seal: RSFSR Chapaevskiy District  
Executive Committee,  
Kuibyshev Region  
Civil Status Registry Office

City of Krasnodar, twenty fourth of April of year two thousand.

I, Maslova V.I., notary in and for the notary district of the city of Krasnodar, Russian Federation, certify the identity of this copy with the original document, no erasures, added words, crossed-out words, non-stipulated corrections or other peculiarities were found in the latter.

Registered in the registration list under number 3-2585

Duty, 2 Rbl, 50 Cop paid


Notary -signature

Notary's seal

Текст копии свидетельства о рождении и удостоверительной надписи нотариуса  
с русского языка на английский переведен переводчиком Воробьевой  
Валерией Александровной



Город Красно –

**From:** "[ääääää\_Ñáí÷áñ" <nadya\_sanches@rambler.ru>  [Add to Address Book](#)

**Subject:** Nadia

**To:** "roy den" <rdhhh@yahoo.com>

**Date:** Mon, 07 Jul 2003 20:33:48 +0400

Hi, Roy!

Alina has 2 passes. First is a usual international pass:  
60#2812380 issued August 2, 2002 by the department of interior affairs  
of the Krasnodar ter-ry.

The second one is issued by the Ministry of International affairs,  
51#0207805, on 04.04.2002.

I found the Order issued by the Ministry of Interior affairs, #310 of  
05.26.1997. It sais that a person cannot have 2 passes, unless he\she  
regular business trips, and in that case the organization he\she works  
on makes a request for another pass.

Anyway, I'm not a lawyer to make conclusions.

Bye.

Nadia

MARRIAGE CERTIFICATE

Surname HOLLANDER  
name, patronymic ROY DEN  
citizen of the USA  
nationality American  
date of birth September, 26, 1947  
place of birth state of New Jersey

and

surname SHIPILINA  
name, patronymic ALINA ALEXANDROVNA  
citizen of Russia  
nationality Russian  
date of birth November, 10, 1975  
place of birth town of Chapayevsk, Kuybyshev Region

married on March, 11, 2000 (March, eleventh, of year two thousand)

about which the registration entry of marriage № 125 was done on: year 2000,  
month March, date 11.

After marriage registration the following surnames were given to:

the husband HOLLANDER  
the wife SHIPILINA

Place of the registration in the state register: Civil Status Registration Office  
of Zapadny Administrative district,  
city of Krasndar,  
Krasnodar Region

Date of issue: 11-th of March, 2000

Head registrar of the  
Civil Status Registry Office -signature- G.I. Klimova

I-AF № 530781

Seal: Russian Federation  
Civil Status Registry Office  
Zapadny Administrative District  
City of Krasnodar  
Krasnodar Region

I, Valeria A. Vorobyeva certify that I am familiar with the Russian and the English  
languages and this translation of the original document in Russian is true and  
accurate to the best of my knowledge.

TRANSLATED IN TRANSLATION  
SERVICE DEPARTMENT  
KRASNODAR CHAMBER OF  
COMMERCE AND INDUSTRY  
/ DIRECTOR







# СВИДЕТЕЛЬСТВО О ЗАКЛЮЧЕНИИ БРАКА

ХОЛЛАНДЕР

фамилия

РОЙ ДЕН

имя, отчество

гражданин С Ш А

гражданство

американец

национальность (вносится, если указана в записи акта о заключении брака)

« 26 » сентября 1947 г.

дата рождения

штат Нью-Джерси С Ш А

место рождения

и

ШИПИЛИНА

фамилия

АЛИНА АЛЕКСАНДРОВНА

имя, отчество

гражданка России

гражданство

русская

национальность (вносится, если указана в записи акта о заключении брака)

« 10 » ноября 1975 г.

дата рождения

город Чапаевск Куйбышевская область

место рождения

заключили брак 11 марта 2000 года

число, месяц, год (цифрами и прописью)

одиннадцатого марта двухтысячного года

о чем 2000 года марта месяца 11 числа

составлена запись акта о заключении брака № 125

После заключения брака присвоены фамилии:

мужу ХОЛЛАНДЕР

жене ШИПИЛИНА

Место государственной регистрации Отдел ЗАГС Западного

административного округа города Краснодара Краснодарского края

наименование органа записи актов гражданского состояния



Дата выдачи « 11 » марта 2000 г.

Руководитель органа  
записи актов гражданского состояния Г. И. Климова

И-АГ № 530781

МТГ. 1998.



A.R.C.  
5326792

СССР USSR  
THE UNION OF SOVIET SOCIALIST REPUBLICS  
PASSPORT

Шипилина

Алина

Александровна

Подпись / Holder's signature  
владельца

*[Signature]*

43 № 7489821

СОЮЗ СОВЕТСКИХ СОЦИАЛИСТИЧЕСКИХ РЕСПУБЛИК

ПАСПОРТ  
PASSPORT

Тип / Type

Код государства / Code of  
выдачей SUN issuing State

№ паспорта / Passport No.

43 № 7489821

Фамилия / Surname

Шипилина

Имя / Given names

Алина

Гражданство / Nationality

Россия / Russian, Чкаевск  
USSR

Дата рождения / Date of birth

10.11.1945

Пол / Sex

М/Ж

Место рождения / Place of birth

Дата выдачи / Date of issue

24.09.1994

Орган, выдавший документ / Authority

МВР 468

Дата окончания срока действия / Date of expiry

24.09.2002



13

14

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U.S. IMMIGRATION  
NEW YORK, N.Y. 2988

JUL 10 2000

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UNIT

JUL 11 2002

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TEMPORARY EVIDENCE OF  
LAWFUL ADMISSION FOR  
PERMANENT RESIDENCE  
VALID UNTIL  
EMPLOYMENT AUTHORIZED

JUL 09 2001





РОССИЙСКАЯ ФЕДЕРАЦИЯ  
РОССИЯ

ШИПИЛИНА

ФАМИЛИЯ  
АЛИНА

ИМЯ  
АЛЕКСАНДРОВНА

ОТЧЕСТВО

является гражданином Российской Федерации на основании ст.

Закон РФ от 28 ноября 1991 года.

Выдано к паспорту серии XXIII-АГ  
701057

№



Дата выдачи 13 августа 1997 г.

Подпись

3684987

МТ Госнока. 1992 г.



ПАСПОРТ

ГРАЖДАНИНА

СОЮЗА СОВЕТСКИХ СОЦИАЛИСТИЧЕСКИХ РЕСПУБЛИК

Шипилина

ФАМИЛИЯ

Алина

ИМЯ

Александровна

ОТЧЕСТВО

XXIII-АГ № 701057

10 ноября 1975 года

ЧИСЛО, МЕСЯЦ, ГОД РОЖДЕНИЯ

г. Чанак

МЕСТО РОЖДЕНИЯ

Курбаншевской области

русская

НАЦИОНАЛЬНОСТЬ

Уйоновский ТОО

КЕМ ВЫДАН ПАСПОРТ

отдела внутренних

дел Ташталеукайского

района Р. Нарын



17 сентября 93 года

Начальник органа внутренних дел



*[Signature]*

XXIII-АГ № 701057

ФОТОКАРТЧКА  
НАКЛЕЕНА

\_\_\_\_\_ 19\_\_ года

СЕМЕЙНОЕ ПОЛОЖЕНИЕ

Отделом ЗАГСа Западного  
Административного округа г.Краснодара

И.И. Мухоморова 19\_\_ г. а/з № 1625

ЗАРЕГИСТРИРОВАН БРАК

С гр. <sup>ном</sup> Коммандер  
<sup>ком</sup> Рой Вениамин 1947 г.  
(год рождения)

Нач. отдела ЗАГС

XXIII-АГ № 701057



МЕСТО ЖИТЕЛЬСТВА

Республика Адыгея  
Отдел внутренних дел Тахтамукайского района  
Убачинский ПОМ  
ПРОИСАН  
пос. Яблоновский  
ул. Сквозная  
дом № 11 кв.  
01 октября 1993 г.  
Подпись

Республика Адыгея  
ПВС Тахтамукайского РОВД  
СНЯТ с регистрационного учета  
22 февраля 1993 г.  
Подпись

г. Враскинар  
ПВС Западного УВД  
ЗАРЕГИСТРИРОВАН

ул. Рашид-Беккая  
дом № 138 кв. 8  
29 02 2000  
Подпись Мартин


## Angelina's Visa Application

АНКЕТА ДЛЯ ПОЛУЧЕНИЯ ИММИГРАНТСКОЙ ВИЗЫ И РЕГИСТРАЦИОННОГО НОМЕРА ИНОСТРАНЦА		OMB APPROVAL NO. 1405-0015 EXPIRES 8-31-92 *ESTIMATED BURDEN 1 HOUR
ЧАСТЬ I - БИОГРАФИЧЕСКИЕ ДАННЫЕ		
<p>Инструкция: Заполните по одному экземпляру этой анкеты на себя и на каждого члена семьи, эмигрирующего вместе с Вами, независимо от возраста. Ответы должны быть напечатаны на машинке или написаны от руки печатными буквами. Если вопрос к Вам не относится, пишите «не касается». Если не хватит места для ответа на какой-либо вопрос, можно писать на дополнительных листах бумаги, указав номер соответствующего вопроса; эти листы должны быть приложены к анкете.</p> <p><b>ПРЕДУПРЕЖДЕНИЕ:</b> Любая ложная информация или сокрытие важных фактов может иметь следствием окончательный запрет на Ваш въезд в США.</p> <p>Данная анкета - часть I формы OF-230 и вместе с частью II составляет полную анкету для получения иммигрантской визы и регистрационного номера иностранца.</p>		
1. Фамилия Last Name: ШИПИЛИНА	Имя First Name: Алина	Отчество Middle: Александровна
2. Другие имена и фамилии, которыми Вы пользовались (замужние женщины указывают свою девичью фамилию) НЕ КАСАЕТСЯ		
3. Имя, отчество, фамилия на родном языке Алина Александровна Шипилина		
4. Дата рождения (месяц) (год) 10. 11. 75	5. Возраст Age: 24	6. Место рождения (город, поселок, село) (район, республика, область) (страна) г. Чапаевск, Кузбасская обл., Россия
7. Гражданство (если имеете двойное гражданство, укажите оба) русская	8. Пол <input type="checkbox"/> Мужской <input checked="" type="checkbox"/> Женский	9. Семейное положение <input type="checkbox"/> Холост (не замужем) <input checked="" type="checkbox"/> Женат (замужем) <input type="checkbox"/> Вдовец (вдова) <input type="checkbox"/> Разведен (разведена) <input type="checkbox"/> Состою в браке, но живем отдельно Включая мой нынешний брак, я состоял в браке 1 раз(а)
10. Внешние данные Цвет волос: русый Цвет глаз: голубой Рост: 180 Цвет кожи: белый	11. Занятие самостоятельный доход: Occupation: консультант по рекламе (в рекламных акциях), танцы в шоу-группе	
12. Особые приметы Шрам на правом плече Вакцинация на левом плече	13. Адрес г. Москва Кутузовский Проспект д. 26, под 17, кв. 400 телефон: домашний 249-22-61 служебный 8-902.694-30-45	
14. Фамилия, имя, отчество супруги (супруга) Ден Холландер Рой Дата и место рождения супруги(а): 26.09.47 Патерсон Нью Джерси		
<p>Срок супруги(а), если он отличается от Вашего</p> <p>Существующая форма предоставляется бесплатно в консульствах США</p> <p>Optional Form 230 I (RU)</p>		

15. Имена, даты и места рождения всех детей <span style="float: right;">НЕ КАСАЕТСЯ</span>				
Ф.И.О.	Дата и место рождения	Адрес (если отличается от Вашего)		
16. Назовите имена лиц, перечисленных в пунктах 14 и 15, которые будут сопровождать Вас или последуют за Вами в США <span style="margin-left: 40px;">Рой Ден Холландер</span>				
17. Фамилия, имя, отчество, дата, место рождения и адрес отца (если умер, укажите год смерти) Father's Name <span style="margin-left: 20px;">Рыбаков Александр Андреевич, 25.04.52, г. Медногорск, с. Тверь</span>				
18. Девичья фамилия, имя, отчество, дата, место рождения и адрес матери (если умерла, укажите год смерти) Mother's Name <span style="margin-left: 20px;">Шипилина Инесса Александровна, 16.09.50, с. Сокираны, г. Краснодар, ул. Рахпилевская, д. 138, кв. 8</span>				
19. Если обоих Ваших родителей нет в живых, укажите имя и адрес ближайшего родственника в вашей стране. <span style="margin-left: 100px;">НЕ КАСАЕТСЯ</span>				
20. Назовите все языки, на которых Вы говорите, читаете, пишете				
Язык	Говорю	Читаю	Пишу	
<u>РУССКИЙ</u>	<u>РУССКОМ</u>	<u>РУССКОМ</u>	<u>РУССКОМ</u>	
<u>АНГЛИЙСКИЙ</u>	<u>АНГЛИЙСКОМ</u>	<u>АНГЛИЙСКОМ</u>	<u>АНГЛИЙСКОМ</u>	
21. Назовите все места, в которых Вы жили шесть и более месяцев начиная с 16-летнего возраста. Начните с нынешнего места жительства. List below all places you have lived for six months or longer since reaching the age of 16. Begin with your present residence.				
Город, поселок, село City	Район, область, республика State	Страна Country	Занятие Occupation	Годы (от-до) Years
<u>Яблоновский</u>	<u>Краснодарский р</u>	<u>Россия</u>	<u>студентка, учитель, инструктор по аэробике, танца, концерты по рекламе</u>	<u>1992-2000</u>
<u>Лимассол</u>		<u>Кипр</u>	<u>Артистка</u>	<u>1998-1999</u>
22. Назовите все политические, профессиональные и общественные организации, связанные с коммунистическими, тоталитарными, террористическими и нацистскими организациями, в которых Вы состоите сейчас или состояли в прошлом, начиная с 16-летнего возраста. <span style="float: right;">НЕ КАСАЕТСЯ</span>				
Название и адрес	Годы (от-до)	Тип членства		

23. Укажите, бывали ли Вы в США и в каком качестве (если нет, пишите «не бывали»). Если бывали, назовите тип визы и укажите регистрационный номер иностранца (A number).

Место пребывания в США	Годы (от-до)	Тип визы	Номер дела в Службе иммиграции и натурализации (если известно) НЕ ИЗВЕСТНО
Нью-Йорк	19 января 2000 - 29 января 2000	Турист	

Подпись заявителя 

Число 25.05.2000

ПРИМЕЧАНИЕ: ЗАПОЛНЕННУЮ АНКЕТУ ВЕРНИТЕ В КОНСУЛЬСКИЙ ОТДЕЛ ПО АДРЕСУ УКАЗАННОМУ В СОПРОВОЖДАЮЩЕМ ПИСЬМЕ. ЭТА АНКЕТА СТАНЕТ ЧАСТЬЮ ВАШЕЙ ИММИГРАНТСКОЙ ВИЗЫ: ВАШЕ ЗАЯВЛЕНИЕ НА ПОЛУЧЕНИЕ ВИЗЫ НЕ БУДЕТ РАССМАТРИВАТЬСЯ, ЕСЛИ ВЫ НЕ ПРЕДСТАВИТЕ ЗАПОЛНЕННУЮ АНКЕТУ.

\* Public reporting burden for this collection of information is estimated to average 1 hour per response, including time required for searching existing data sources, gathering the necessary data, providing the information required and reviewing the final collection. Send comments on the accuracy of this estimate of the burden and recommendations for reducing it to: Department of State (OIS/EA/DR) Washington, D.C. 20520-0264, and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Paperwork Reduction Project (1405-0018), Washington, D.C. 20503



# АНКЕТА ДЛЯ ПОЛУЧЕНИЯ ИММИГРАНТСКОЙ ВИЗЫ И РЕГИСТРАЦИОННОГО НОМЕРА ИНОСТРАНЦА

OMB APPROVAL  
NO. 1405-0015  
EXPIRES 6-31-92  
\*ESTIMATED  
BURDEN 23 HOURS

## ЧАСТЬ I - ЗАЯВЛЕНИЕ ПОД ПРИСЯГОЙ

**Инструкция:** Заполните по одному экземпляру этой анкеты на себя и на каждого члена семьи, эмигрирующего вместе с Вами, независимо от возраста. Ответы должны быть напечатаны на машинке или написаны от руки печатными буквами. Если вопрос к Вам не относится, пишите «не касается». Если не хватит места для ответа на какой-либо вопрос, можно писать на дополнительных листах бумаги, указав номер соответствующего вопроса; эти листы должны быть приложены к анкете. **НЕ ПОДПИСЫВАЙТЕ АНКЕТУ ДО УКАЗАНИЯ СОТРУДНИКА КОНСУЛЬСКОГО ОТДЕЛА.** За подачу анкеты взимается денежный сбор согласно тарифным правилам, пункт 20. Сбор подлежит оплате в долларах США или в местной валюте по действующему обменному курсу или посредством банковского перевода непосредственно сотруднику консульского отдела.

**ПРЕДУПРЕЖДЕНИЕ:** Любая ложная информация или сокрытие важных фактов может иметь следствием окончательный запрет на Ваш въезд в США. Даже если Вам будет разрешен въезд в США, представление ложной информации, способствовавшей Вашему въезду, может послужить основанием для возбуждения уголовного преследования и (или) депортации Вас из страны.

Данная анкета - продолжение формы OF-230-часть I, и вместе с ней составляет полную Анкету для получения иммигрантской визы и регистрационного номера иностранца.

24. Фамилия Шипилина	Имя Алина	Отчество Александровна
25. Адрес г. Москва Кутзовский Проспект д 26, под 17, кв 400 Телефон 249-22-61	26. Адрес места назначения в США (полный адрес, включая почтовый индекс) Final U.S. Address: 545 East 14 Street, Apt 10D New York, New York 10009 Телефон 212-995-5201	
27. Лицо с которым Вы собираетесь воссоединиться (Фамилия, имя, адрес и родственные отношения) Ден Холландер Рой 545 Восток, 14-я улица, кв 10Д, Нью-Йорк, Нью-Йорк муж	28. Фамилия, имя и адрес спонсора или работодателя Ден Холландер Рой 545 Восток, 14-я улица, кв 10Д, Нью-Йорк, Нью-Йорк г Москва, Кутзовский Проспект, д 26, под 17, кв 400	
29. Цель приезда в США ПРОЖИВАНИЕ с мужем	30. Как долго Вы собираетесь пробыть в США (если постоянно, укажите) ПОСТОЯННО	
31. Предполагаемый пункт въезда в США Нью-Йорк (город)	32. Есть ли у Вас билет до места назначения? <input type="checkbox"/> Да <input checked="" type="checkbox"/> Нет	
33. В соответствии с законом США о выдаче виз каждый заявитель должен указать, не относится ли он к той или иной категории лиц, не подлежащей въезду в США. Ниже приводится общее описание указанных категорий. Внимательно прочтите список и дайте ответ (ДА или НЕТ) по каждой из категорий. На основании Ваших ответов сотрудник консульского отдела будет принимать решение о выдаче виз.		
ЗА ИСКЛЮЧЕНИЕМ СЛУЧАЕВ, ОСОБО ОГОВОРЕННЫХ В ЗАКОНЕ, ИНОСТРАНЦАМ, ОТНОСЯЩИМСЯ К ЛЮБОЙ ИЗ НИЖЕПЕРЕЧИСЛЕННЫХ КАТЕГОРИЙ, ВЪЕЗДНАЯ ВИЗА НЕ ВЫДАЕТСЯ. ОТНОСЯТСЯ ЛИ К ВАМ СЛЕДУЮЩИЕ КАТЕГОРИИ?		

Настоящая форма предоставляется бесплатно в консульствах США

Original Form 730 (1/81)



<p>а. Иностранец, страдающий инфекционным заболеванием, опасным для общества, либо страдающий сейчас или страдавший ранее физическим или психическим отклонением, представляющим или способным представлять угрозу безопасности или благополучия самого иностранца либо других лиц; иностранец, принимающий наркотики или являющийся наркомагом [212(a)(1)]</p>	Да <input type="checkbox"/> Нет <input checked="" type="checkbox"/>
<p>б. Иностранец, осуждавшийся по суду за преступление, связанное с аморальным поведением, или за дикое нарушение закона, связанное с наркотиками, либо признавший факт совершения такого преступления или нарушения закона; иностранец, осуждавшийся за два или более правонарушения в совокупном сроку в 5 лет и больше; иностранец, въезжающий в США с намерением заниматься проституцией или другой аморальной деятельностью с целью извлечения выгоды, либо занимавшийся проституцией или сходочеством в течение последних 10 лет; иностранец, занимающийся или занимавшийся в прошлом контрабандой наркотиков; иностранец, совершавший серьезное уголовное преступление в США и получивший иммунитет от судебного преследования. [212(a)(2)]</p>	Да <input type="checkbox"/> Нет <input checked="" type="checkbox"/>
<p>в. Иностранец, пытавшийся въехать в США с целью заниматься шпионажем, саботажем, нарушением экспортных правил, свержением правительства США или другой противозаконной деятельностью; иностранец, пытавшийся въехать в США с целью заниматься террористической деятельностью; иностранец, являющийся членом коммунистической или любой другой тоталитарной партии или связанной с такой партией; иностранец, который, действуя под руководством нацистского правительства Германии или другой страны, застрелен или связан с нацистским правительством Германии, отдавал приказы, призывал, способствовал или иным образом участвовал в преследовании любого лица по причинам расы, религии, национальности или политических убеждений; иностранец, принимавший участие в геноциде. [212(a)(3)]</p>	Да <input type="checkbox"/> Нет <input checked="" type="checkbox"/>
<p>г. Иностранец, в отношении которого есть основания полагать, что он будет жить за счет общества. [212(a)(4)]</p>	Да <input type="checkbox"/> Нет <input checked="" type="checkbox"/>
<p>е. Иностранец, пытавшийся въехать в США с целью выполнения квалифицированной или неквалифицированной работы, не утвержденной министерством труда; иностранец, имеющий диплом зарубежного медицинского заведения, пытающийся заниматься медицинской деятельностью, не сдав экзамена NBME или приравненный к нему. [212(a)(5)]</p>	Не касается <input type="checkbox"/> Да <input type="checkbox"/> Нет <input checked="" type="checkbox"/>
<p>ф. Иностранец, депортированный в течение последнего года, или подвергавшийся аресту и депортации в течение последних 5 лет; иностранец, пытавшийся или пытавшийся получить визу или другое положительное решение иммиграционных властей путем обмана или ложных заявлений; иностранец, сознательно способствовавший другому иностранцу во въезде или в попытке въезда в США в нарушение закона; иностранец, нарушающий раздел 274C Закона об иммиграции. [212(a)(6)]</p>	Да <input type="checkbox"/> Нет <input checked="" type="checkbox"/>
<p>г. Иностранец, не при каких условиях не имеющий права на получение гражданства США; лицо, покинувшее в прошлом США с целью избежать призыва на военную службу в военное время. [212(a)(8)]</p>	Да <input type="checkbox"/> Нет <input checked="" type="checkbox"/>
<p>з. Иностранец, въезжавший в США с целью практиковать мошенничество; иностранец, выступавший как предусмотрительное законное сопровождающее лицо для другого иностранца, не подлежащего въезду; иностранец, удерживавший за пределами США ребенка, опека над которым поручена в законном порядке гражданскому США. [212(a)(9)]</p>	Да <input type="checkbox"/> Нет <input checked="" type="checkbox"/>
<p>и. Иностранец, приезжавший ранее по обмену и не выполнявший условия покинуть пределы США на 2 года. [212(e)]</p>	Да <input type="checkbox"/> Нет <input checked="" type="checkbox"/>
<p>Если вы ответили ДА на любой из вопросов или не знаете, как ответить, объясните причину ниже или на отдельном листе.</p>	
<p>34. Подвергались ли Вы когда-либо аресту, были ли осуждены по приговору суда, отбывали ли тюремное заключение, находились ли в доме принуждения; были ли помилованы или амнистированы; находились ли на лечении в психиатрической больнице или другом заведении в связи с безумием или иным психическим заболеванием? [222(a)]</p>	
Да <input type="checkbox"/> Нет <input checked="" type="checkbox"/>	
<p>35. Я имею следующие основания утверждать, что не буду жить за счет общества:</p> <p>Личная финансовая обеспеченность (укажите, какая именно)</p> <p>Гарантия приема на работу (приложите)</p> <p>✓ Справка о материальной поддержке (приложите)</p>	
<p>36. Подавали ли Вы когда-либо заявление на въезд в США? Если да, укажите где и когда.</p> <p>16.12.99, г. Москва</p>	
Да <input checked="" type="checkbox"/> Нет <input type="checkbox"/>	
<p>37. Было ли Вам когда-либо отказано во въезде в США?</p> <p>(Если да, объясните)</p>	
Да <input type="checkbox"/> Нет <input checked="" type="checkbox"/>	
<p>38. Помогал ли Вам кто-нибудь заполнить настоящую анкету?</p> <p>(Если ДА, укажите фамилию, адрес помогающего, а также его отношение к Вам: родственник, друг, агент бюро иммиграции, юрист и др.)</p> <p>Рой Ден Холландер, г. Москва, Кутузовский Проспект, д 26, под 17, кв 400</p> <p>мать и юрист</p>	
Да <input checked="" type="checkbox"/> Нет <input type="checkbox"/>	

☒ Настоящей анкете прилагаются следующие документы:

<input type="checkbox"/> Паспорт	<input type="checkbox"/> Справка о прохождении военной службы	<input type="checkbox"/> Справка о личной финансовой обеспеченности
<input type="checkbox"/> Свидетельство о рождении	<input type="checkbox"/> Свидетельство из полиции	<input type="checkbox"/> Справка о материальной поддержке
<input type="checkbox"/> Свидетельство о браке	<input type="checkbox"/> Фотографии	<input type="checkbox"/> Предложение найма на работу
<input type="checkbox"/> Свидетельство о смерти	<input type="checkbox"/> Свидетельство о рождении всех детей, не эмигрирующих вместе с Вами (перечислите детей, не имеющих свидетельства о рождении)	<input type="checkbox"/> Другие документы (укажите, какие)
<input type="checkbox"/> Свидетельство о разводе		

**НЕ ПИШИТЕ НИЖЕ ЭТОЙ ЛИНИИ**  
Сотрудник консульского отдела поможет Вам заполнить пункты 40 и 41

40. I claim to be exempt from ineligibility to receive a visa and exclusion under item \_\_\_\_\_ in Part 33 for the following reasons:

212(a)(5)	Beneficiary of a waiver under:	212(*)	212(b)
<input type="checkbox"/> Not applicable	<input type="checkbox"/> 212(a)(3)(D)(i)	212(g)(1)	212(i)
<input type="checkbox"/> Not required	<input type="checkbox"/> 212(a)(3)(D)(ii)	212(g)(2)	
<input type="checkbox"/> Attached	<input type="checkbox"/> 212(a)(3)(D)(iv)		

41. I claim to be:

<input type="checkbox"/> Family-Sponsored Immigrant	<input type="checkbox"/> I derive foreign state chargeability under sec. 202(b) through my _____	<input type="checkbox"/> Preference: _____
<input type="checkbox"/> An employment Based Immigrant		<input type="checkbox"/> Numerical limitation: _____ (foreign state)
<input type="checkbox"/> A Diversity Immigrant		
<input type="checkbox"/> A Special Category (Specify) _____ (Returning resident, Hong Kong, Tibetan, Private Legislation, etc.)		

Я понимаю, что я должен сдать въездную визу представителю иммиграционной службы США в пункте въезда, и что наличие у меня визы не является достаточным основанием для въезда в США, если к моменту въезда я не буду иметь права на въезд согласно Закону об иммиграции.

Я понимаю, что сознательное представление любого ложного или вводящего в заблуждение заявления либо сознательное сокрытие важных фактов с моей стороны в связи с подачей настоящего заявления может вызвать окончательный отказ во въезде в США, а после въезда - стать основанием для уголовного преследования и (или) депортации.

Я, нижеподписавшийся подать заявления на въезд в Соединенные Штаты, клятвенно заверяю, что все данные в настоящей анкете, состоящей из комплекта из форм OF-230, часть I, и OF-230, часть II, указаны мной лично, в том числе ответы на пункты с 1-го по 41-й являются истинными, и что эти данные, насколько мне известно, соответствуют действительности. Я также клятвенно заявляю, что в случае, если я буду вступать в США, я не стану заниматься деятельностью, наносящей ущерб интересам общества или ставящей под угрозу благосостояние, безопасность населения или национальную безопасность США, деятельностью, запрещенной законами США о шпионаже, саботаже, общественных беспорядках, или иной деятельностью, направленной на подрывление власти или свержение правительства США с применением силы, насилия или других неконституционных методов.

Я понимаю все вышеизложенное, добровольно прошу и получаю разъяснения по всем неясным мне пунктам.

\_\_\_\_\_  
(Подпись заявителя)

Родственные отношения, заявленные в пунктах 14 и 15, подтверждены документами, представленными сотруднику консульского отдела за исключением особо отмеченных случаев:

исано и клятвенно подтверждено в моем присутствии сего, \_\_\_\_\_ дня, 19 \_\_\_\_ в \_\_\_\_\_

\_\_\_\_\_  
(сотрудник консульства)

and Item No. 20

My Missing Angel

October 15

Como esta? I hope well, and I hope you are getting some rest so we can go dancing when you come back—Yes!!!! And so we can kiss and more (?) when you come back—Yes!!!! Your dancing and kissing are pure femininity and knock me out. You are my addiction along with chocolate and one other proclivity. We can go into that when we see each other again.

Have you seen any interesting sites in Mexico? What do you do on your days off? I caught an opera at the Bolshoi last weekend. It was Yolanda by Tchiaikovsky. The young princess (always princes and princesses) was blind (she had never fallen in love) but she did not know (did not realize what she was missing) because her father (social authority) forbid anyone to tell her. (He was trying to keep her ignorant of the beauty he could not control and did not understand.) Have you ever been in love Angel? Anyway, a young (well may be not so young) rebellious prince (thinks there is more to life than social status and money) comes along and raises her consciousness (she falls in love and realizes what she has missed by following the enslaving rules of society). Before the two can consummate their love (unite in a union that transcends the physical and the emotional-- have you ever found such a union Angel?) the King (the conformist and unimaginative people in society) sentences the rebellious prince to death. Then a miraculous wise man from the mysterious East (metaphysical forces aka quantum cosmology) intercedes. The rebellious prince is saved (he transcends the restrictions of social order with the help of metaphysical philosophies) and unites with his other half the princess who now sees clearly the wonders of the worlds that lie beyond this very limited space time continuum in which we struggle to live.

That is tonight's bed time story, now go to sleep my Angelic princess.

Love Roy  
S.W.A.S.

To: Angelina Shipilina  
Londres 216, Apartamento 6  
Fax: 525 514 9837

October 3

My Darling Angel,

I just took a long walk in Victory Park. The sun was shining and it was very warm. Much of the time I thought about you and how far away you are and how lonely that makes me. But you must be even more lonely than I in a country like Mexico. Do you find it pleasing or not a place to live? I just realized that it was 10 weeks ago today that we went to Gorky Park, and in the evening I gave you the first message.

Leonid gave me your fax number so I hope you receive this. Did you receive my letters? If you are able to send a letter please do. Or better yet, send pictures of you. I assume you still have my office address.

I talked to the American Embassy and it should not be a problem (of course you never know) to obtain a tourist visa for you to the US when you return. Of course we will need a story. I have one in mind and will tell you when I see you again.

In a way it is good that you are in Mexico. You are probably safer there than here. Leonid offered to tell me what you are doing, but I said no because if you wanted to you would tell me yourself. I know you will be wise in what ever you do.

I miss you terribly. Moscow is a lonely place to live. Even when I go out with friends, I wish I was with you dancing in some club.

Take care of yourself my guardian Angel.

(My Russian tutor is off, so I was unable to have this translated—sorry)

Love Roy  
S.W.A.H. ( guest what it means)

PD Birthday Nov 2000



My dear Roy



From all my soul  
a lot of thanks to  
you for your patience,  
help, pleasure - what  
you gave me.  
It was very nice  
celebration of my  
birthday - so much  
emotions and good  
memory.  
All the best for  
you, to be optimist,  
believe in marvel (miracle,  
wonder). And your dreams  
come is truth!



I do.



Thanks  
for



Everything



Kiss you.

Angelina

13.11.2000

Angel

13 November

It is Saturday night, dark and cold outside with snow on the ground and me here in a lonely office working because there is no one to go DANCING with. Where are you Angel? Why am I always alone. I thought you said I had a guardian angel to protect me. Doesn't that mean protection from loneliness? Are you that protection? Will our differences doom the short future you saw in my hand? Enough of my moaning and groaning.

Don't you become weary of this space time continuum. Life has not been easy for you like it has been for others who have so much they cannot decide what to choose from and then complain with tears of duplicity that they have to make a choice.

Oh well, I miss you, I look at your photos, I sleep with your dog, but the perfume is gone and I still feel lonely. I wonder whether we have a future and if so how long. I guess I should just let the universe and its metaphysical underpinnings unfold—after all you have a longer period of uncertainty facing you than I have.

I guess you are the only one I have now.

Love Roy

From Julia Heart 514-9837

AGASSI Alejandro Sra. Mexico  
Telephone: (741) 69-69-00  
Fax: (741) 69-60-71

Hello Roy!

I + your love - Angelina. I have  
a lot of work, that's why I can't  
give to you answer. A lot of thanks

for your calls, cards. Your worlds,  
attention.

Here I visit many beautiful places

but I was alone, I'm think about

you. It will be nice to be together.

I'm come back in Moscow

30 november in 22.30. Little time

and we are can see each other.

In Mexico now warm  $21^{\circ} + 17^{\circ} + 20^{\circ}C$ .

But slowly become little be colder.

(not how in Moscow  $-10^{\circ}$ ).

I hold you a lot, kiss a lot  
and miss.

Angelina

15.11.99

Angelina Chipilina = little girl in Spanish  
251-5410

Leo 336-7257 250-3756

Alpuerto Poi

Hello

Ray!

Airport 6969-030511

Lufth 6969-694433

www.frankfurt-airport.de

11

I sent for you the number  
of my flying:

Frankfurt

LH 499

14:35-

Moscow

LH 3226

17:30

22:35

Mens Club - 525-533-2224

Mrs. Gilberto Quilan  
Rosa Elena

Please, give to me too infor-  
mation. Sent me fax or call  
me on the wensday (or before stay  
for me message) For me it  
very, very important. And I have  
very little time.

I kiss you!  
I hold you!

your  
Angelina.

525-182-2882

Charlie Cori



2 Dec

Angel

I hope you arrive safely

It is lonely when you are gone.

Hurry back so I can hold you again

Love  
Roy

~~Alfred~~

8612 - 699888 ab 1858

Angelina Shipilina

Alfredo's numbers    52099023  
                                 55117189  
                                 54156795

My dear Rooy!

From all my soul, all my heart I'm  
a happy New Year to you!  
With

2000

year!

I'm wish to you to be health!

Big and real love!

That your dreams come in truth!

Success in your work (more money)!

Beautiful, peace, kinds

And big, big happy!!!

All the best for you

And good luck everywhere!

I'm hear  
Your Angel...

8612-699888

ab 1858

3 Dec

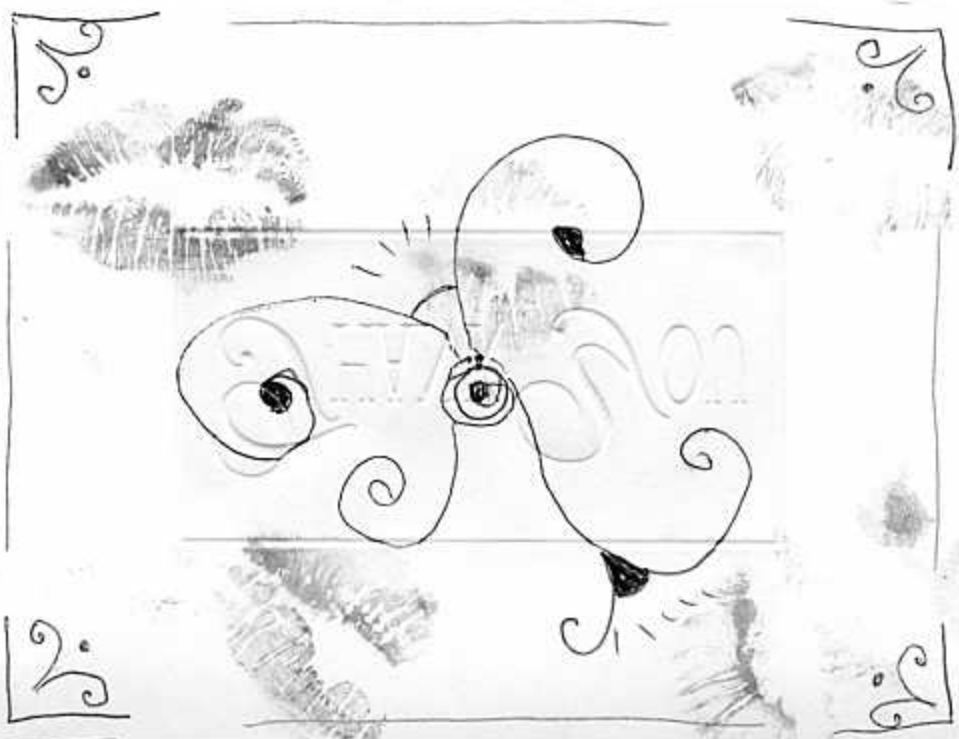
Angel

Are you okay? If you can call  
me do, If not I understand. Did  
you receive the telephone numbers  
for Alfredo 520 99023 - pager #  
Ibarra 5511 7189 - home #  
541-56795.

I miss you terribly, but you know that.  
Hope your mother is okay

Mucho Love

Roy



My dear Roy!

From all my soul I'm  
thank to you for all your  
help, for all your feelings,  
compassion, understanding,  
hospitality, passions, openness,  
good, kindhearted, for all  
the best - what you gave  
me.

I wish to you to find your  
right way and your happiness

I sweet kiss you  
and hug you.

Your Angelina

22/11/2000.

Dec 5

Angelina Shipilina 8+8612 699888  
ab 1858

Angel,

I will buy you a mobile phone ~~for~~ for  
a Christmas present. If you get one  
in Krasnodar, I will give you the amount  
for the mobile when you are in Moscow.

Or we can buy one when you are in  
Moscow. Whichever you want.

Love  
Roy

2/7/00

a lot of  
loves

My

Deary

dear

many  
beauty

From all my heart it for you...  
love-it flower. And this flower you  
must give - caloric, care, all your clean  
feeling. And after... after will come  
to you wonder! Care your flower to be  
happy with this, what you  
have. Don't make unimprovable mistakes!

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With tenderness  
loves - your  
Enigmatic  
outspoken

MADE IN RUSSIA  
63-007-99

real  
happy



4 601135 100618

flower

Angelina...  
with love...

all the  
best



4/18/00

My любимыи myne!  
I'm so miss on you  
but I must to help  
my mother, you know  
about this. How are  
you without me?  
Very soon we will be  
together. I send to  
you this spring flowers  
from Krasnodar from  
all my heart. I kiss  
and hold you  
your Angel

1211



Пашите индекс предприятия связи места назначения



Москва  
Кутузовский  
проспект  
д 26 под 17 кв 400  
For Den Hollander

Индекс предприятия связи 350020 и адрес отправителя  
Краснодар  
Дашинцевская  
138 кв 8

Angel

4/22/00

My dear myne!  
Only come back and start to  
be alone again.  
It difficult, but  
I must to do a lot  
of things here to  
see my doctor (eyes)  
make document  
on the hours, make  
my flat.

But you in my heart.  
I'm congratulat to you  
with this holiday - great  
celebration. Ask your  
преподаватель about  
this holiday (home work).  
A lot of kisses to you

1211



Пашите индекс предприятия связи места назначения



Москва  
Кутузовский Проспект  
дом 26  
под 17, кв 400

Кому Холандер

Индекс предприятия связи 353020 и адрес отправителя  
Краснодар  
Дашинцевская  
138 кв 8

Angelina







love meant trust and respect. I trust and respect the Good Angel, I always did, but given what I know now, I could never trust nor respect the Fallen Angel.

Someday in the future, three little words will become even more important than "I love you". Those words will be "let me help". I tried the best I could to help you reach your dreams, but the Fallen Angel was too powerful for me.

I honestly hope your dreams still can true. Don't give up, you will make it, if you sincerely respect people.  
Good by, I fear me.

for as long as I live, for bringing me, for a little while, a Good Angel and a Fallen Angel in one person. Your words as the Good Angel couple with your actions as the Fallen Angel gave me a revelation: If a person goes through life with hate in his heart for other people, then he creates his own prison of self torment from which he will fail to see the beauty of life. I deeply thank you for that understanding and, as a result, I sincerely from my heart forgive you. You once said that

June 13, 2000

Hello Angel  
It's Roy  
How are you?

Perhaps if I had opened  
my heart more and been  
more loving, we would  
still be together. But  
I don't think that  
whatever I said,  
whatever, whatever I  
did, whatever misunderstanding  
we had -- none of those  
mistakes justified what  
you did to harm me from  
the beginning of March  
to Milan.

But I will always be  
thankful to the universe,

And now some interesting things, what I read in books:

- ① outside equally inside
- ② similar magnetic similar
- ③ If you don't like in other people, well then this presence in you.
- ④ If we are go away from something, so ~~this~~ here to be pain or fear (terror).
- ⑤ If you made some action try to ~~make~~ do analysis to everything, what happen before, during and after, plus use your thinking, feeling and premonition, and derive (elicit) from situation lesson.
- ⑥ The situation will birth or magnetic your thinking and blockes.
- ⑦ Our block - it this, what we must to know and understand about this world.
- ⑧ If you have hit the same situation or have problems ~~with~~ with you health, therefore you are pass (to go by) some lesson. What do you must understand from this situation?
- ⑨ You - subject (cause) those, what happen with you.
- ⑩ Don't try to change world or people, change in beginner yourself. When you change yourself, change people, which around of you, will change the world.
- ⑪ If you talk, that you change therefore, you are don't change, - it ~~mask~~.
- ⑫ If somebody give to you advice or help, don't think, that it you limitations, that you can't master (floor).
- ⑬ When you don't have something, what you want to have, therefore, you either don't want, or not abvisedly really have it. If you want to get aught precise (special), find description, what do you want. Learn limit crystal of mind (idea).



- (14) Real power (strength) include - love and attention to yourself and to people.
- (15) Thinking about those, what do you want to have, but not about what you don't want.
- (16) Negative emotionals ~~don't~~ gives to you what do you want, they are bring only what you don't want.
- (17) If you everytime repeat to yourself - why you can't have a subject of your dreams, you never get this. Start to talk yourself - why you may have what do you want.
- (18) Concentrate what do you want to have, but not on the escape what you don't want. Many people knowing, what they are don't want, but very few - knowing what they want.
- (19) If you can't believe in opportunity something, you <sup>will</sup> never have this.
- (20) To learn make well-being in your life - it a process of your growth.
- (21) You came in this world have enjoy pleasure from life, but not suffer.

19.06.2000 Other part of my letter - after your answer.  
 Onestly, I don't thinking, that you forgive me. And... you can't to do this, becours it was hit for you. But remember I think: you told me, that you don't trick me - you onest (truth) with me.  
 If something happen with me strange or if I find that you avenge (revenge) me - it will be 1 of the big mistake (without connection). - without return.

Thanks for your understanding, wise.  
 (I will tell to you by myself other things).  
 Now I'm will try to look on your you.  
 Now I'm psychologist.  
 You have difficult childhood. Your parents was press on you - from this time you have a complex. The complex of degradation.

Why you need the truth? This~~s~~ for degradation yourself and complex.  
Also, this truth give to you what? Pleasure relax, ~~great~~ gratification (satisfaction), winner (on whom, what?), - answer (thing, and give me).

To other side - you try to find direction over people - for press on them - and have enjoy (how your parents, which press on you). It your inside complex - to be in the role of the boss.

My deare Ray Den Hollander - I'm your good friend and. (I think the better if you ~~prolonger~~ <sup>I don't know</sup> because my help for you - it only wash (lave) dishes and sometimes to get some dinner - you told to me this).

Remember - I'm free, I'm not your female slave. I have my right, life. I'm not boy which you can use and if you don't need - let fly.

All things in this life - return.  
Try to be the more open, more trust and before you can open other world. If ~~some~~ somebody makes something - stop ~~and~~ wait. Ask yourself - why (he is or she is made this. What the reason?). So, I hope that somethinks from these letter will help to you the better understand yourself and going on around of you.

With respect your... (girl-friend, friend, female slave, housewife, nobody or somebody - you will tell me who)... Just Angelina.



19.06.2000

Why you need the truth? This~~s~~ for degradation yourself and complex.  
Also, this truth give to you what? Pleasure relax, ~~great~~ gratification (satisfaction), winner (on whom, what?), - answer (thing, and give me)

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With respect your... (girl-friend, men, female slave, friend, housewife, nobody or somebody - you will tell me ~~to~~ who)... Just Angelina.



19.06.2000





Think  
about this  
pictor.

To be wise and  
think about my wishes  
and my inside world.

3gpaberbyu mau myne!

I'm write to you this letter before 1 day, when you will give me answer about my last chance.

Yes, it was happen. Yes, I did this, it was my fault. But you don't ask me - why I did this. When you ask me, I'm answer to you.

Really, I sit and don't know - what kind the answer you will give to me. I'm understand, that you need the time, to thing, talk with all your friends on internet, to have some advice (board) and have you result, becours it very responsible step in your life, I'm understand.

Well, what you choose - it your chance. Now I will tell you, what I never told to you.

①. From all my soul I wanted to try give to you new streamline (direction).

②. I wanted to give you (help to find) the goal in your life.

③. Help to you understand for what you live and how you can to be happy.

④. I wanted to help to you understand the philosophy of this life.

⑤. And why you have especially this life, what you have.

I want to tell you again, that I never think about you money - how get this - for me it not interesting.

7/5/00

От кого Angelina  
Откуда Russia Krasnodar  
188-кв8 Индекс места отправления  
Rashpilevskaya 350020



Место для письменного сообщения

Hello my mine!  
Interesting, now I'm with you and this card. We are has a lot of difficult situation, psycological, but we are together, what minse (oznachen), that we are took lessons. I wish both of us health, cleane love, understanding, harmony and see usnixa v gerax

Кому Ray Den Hollander  
Куда flat 10D, 14 street  
545 East, New-York  
Индекс места назначения USA

10009

Your unforgettable Angelina

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My Special Angel,

How are you? Happy I hope. As always, I miss you, but I will wait because I am patient and only half crazy.

I do not mean to be intrusive and if you think I am meddling then please tell me. I will not be offended. I just do not want to offend you, but I do want to help. Why?. Because I am concerned for you, I worry for you, I want you to be happy and successful. Why? I believe the fates have decided to make it so. There is a current running through the universe affecting everything including humans. When a person's intuition accesses that current, it tells him what he must do or what road to take. If he does not, then he will forever regret it as Eugene O'Negin did. After the happy week we spent dancing, walking, talking and hugging, it is clear to me that if I have any purpose left it is to help you.

You seem to have 3 concerns ( now doesn't that sound like a lawyer):

1. obtaining your degree
2. buying an apartment
3. pursuing your career

About the degree. As I mentioned, there must be a particular person at the institute who can make the decision to grant you the degree. That individual may be willing to grant the degree, which you earned, in return for a gift. If you can find out what the gift is, I may be able to obtain it. Or I could visit the person and try to work out a deal.

About the apartment and your career. As I said, I do not know about the world you work in and, perhaps because of that, I think it is dangerous. However, danger and risk may be necessary in order to pursue your career. This is usually part of any career, there are always risks that a person must take to succeed. But if you are taking risks or increasing your danger to obtain the apartment, I can lend you 15 instead of 10 and you can pay me back when you want. Then you can court the world for your career and know that the risks are worth your success.

I know what you are saying, "Who is this crazy American? Why does he want to help me? What does he want from me? Well think of it this way. You gave me the card with the icons to protect me. I could not have given it to myself because I did not know about it and was not a believer. You did know about it and you are a believer and your concern for me caused you to do what you could in this world to protect me. Well my concern for you causes me to do what I can to protect you.

Talk with you later Angel.

Love



EMILY MATTHEWS

You're an angel  
in human disguise!

halo or wings,

Then even though you don't have

that's both joyful and wise,

with a heart

who touches your life

If an angel is someone

here or there,

and gives them a nudge

who looks out for others

If an angel is someone

that they constantly share,

it's a gift

who's so filled with love,

If an angel is someone



Ray Den Hollander  
(1958, 1948, 19...)  
and  
Angelina

We "~~~~~" re a rare pair.

Happy Anniversary

11.08.2000.

My dear Ray! (Russian man  
who called on for  
her on my mobile  
Aug 2000)

I'm so sorry for yesterday  
unpleasantness (trouble). But still  
this time I don't have any  
idea - who is this.

Take out your emotionality  
and use your logic - why I must  
to give somebody yours telefon  
number - if I have my. Just  
think about this.

You think I'm happy about  
this situation?

I was very happy yesterday,  
when we have good mood, smile  
together. I don't want ~~I don't~~  
any trouble with you, Ray.

And I want to tell again (believe  
or not believe - your choice) but my  
soul and action is clear.

I wish to you a good trip and  
good luck to meet right people, who  
can help to you to get your work.

Your dream come is true - just  
try to believe of this.

my sweet  
kiss  
and hug to you.

Angel-

8/20/99

I know it is very  
difficult for you to  
contact me. So I  
will keep sending  
you messages. You  
know there is no  
sunshine when you  
are gone, so let me  
pay for your trips  
to Moscow and then  
there will be lots of  
sun<sup>shine</sup> here.

Love

Roy

Supper  
nashiro  
cod 49.

Я знаю, тебе очень трудно  
связаться со мной  
Тем не менее буду писать  
отправлю тебе  
когда-нибудь. Потому не  
сверну, когда ты далеко  
так это не важно мне  
твое. Счастливого тебе  
успеха в М, и тогда все



Mystery Angel

8/24/99

I received your photographs ~~mystery~~  
~~hidden~~ and put them on the pillow <sup>next to mine</sup>  
next to mine so I could smell your  
perfume the night through and dream of you.  
Can you squeeze <sup>yourself</sup> yourself into the next letter  
you send. Then when I open it, ~~and~~ you will  
pop out. Good idea - right. But if your  
magic only works on me and not letters then  
please <sup>send</sup> more pictures ~~and~~ with your perfume.  
I miss you terribly

Love Boy  
L. W. A. K.

А. Момента не ето бамскаро сега б  
септември? Копя а страно ево,  
707

Но сам бамс момо, гай а бамс момо  
ако, а не на бамс момо, момо-ако



Angel Baby

8/27

In the words of a  
classic American rock  
and Roll Song, "It is  
just like heaven being  
here with you. You are  
like an Angel to good  
to be true. And after all  
I love you I do. Angel  
baby, my Angel baby."  
So when will you be here.

Love and Kisses

Roy

S.W.A.H

Ангел, готка  
Кто знает В любви. Ангел. Ангел.  
моя сестра. Ты мне. Ты мне. Ты мне.  
с тобой - как в раю. Ты мне.  
Ангел. Ангел. Ангел. Ангел.  
Ты мне. Ты мне. Ты мне. Ты мне.  
Ты мне. Ты мне. Ты мне. Ты мне.  
Ты мне. Ты мне. Ты мне. Ты мне.  
Ты мне. Ты мне. Ты мне. Ты мне.  
Ты мне. Ты мне. Ты мне. Ты мне.  
Ты мне. Ты мне. Ты мне. Ты мне.

8/30 ~~My Precious Angel~~ My Precious Angel

When you left this time, I felt more lonely than last time. Will my loneliness increase with every time you leave?

8/31

Being a dancer in a club must be very difficult. To enjoy doing something but to face criticism for doing it requires <sup>much</sup> more strength than the petty little critics and more will than most people. A US president once said- It is not the critic who counts but the person who dares to pursue his (her) dream. The world is full of people who gave up on their dream because others disapproved.

I wish I could protect you from all the idiots of the world, but then you would never grow to your full potential.

9/1 Thinking of you while making a shower I thought: "I am she and you are me." Is that possible?

you the money. I don't want any harm to  
come to you. I would never forgive  
myself. ~~I~~ I am also troubled that you will  
not give me your telephone number or  
address — why Angel? ~~what do you think~~  
~~I will do?~~ ¶ So it is cold I am here and  
you are hiding from me in a country I  
do not think much about. Oh well, in the words  
of a rock and roll song:

Wherever you go, whatever you do I will  
be right here (or in New York) waiting for  
you. Whatever it takes or how my  
heart breaks. I'll be right here waiting  
for you.

After all you did ask me to wait, or have  
you changed your mind. ¶ Some day  
go see the movie Casablanca and you will  
see how I ~~felt~~ felt when you did not

~~It will surely by you won't be anybody~~  
~~trust you~~

~~when you did not~~ get off the airplane.

It's the scene in the train station and

it's raining

There is a little irony <sup>in it</sup> and I will  
show it to you some day -- I hope.

Love

Roy

airport in plenty <sup>- don't want to be late</sup> of time. The plane lands  
- my heart beats faster. I see Leonid  
and know that Angel is <sup>right</sup> behind <sup>him</sup> and  
I will be happy <sup>again</sup> soon. Then Leonid tells me  
Angel stayed in Mexico - my heart sank,  
the flowers ~~dropped~~ <sup>wilt</sup> dropped. Then Leonid  
said you would be in Mexico for 3 months,  
maybe more - my heart broke. I wanted  
to die. Then I read your letter. It  
confused me. I still am not sure what  
it says. My assistant Sasha says ~~you~~  
it says you like me. My reading of it  
says you will never see me again. I have  
chosen to believe Sasha - she's smart.  
But I don't know if I can bear not seeing  
you, worrying about your ~~man~~ obsessed  
drive to make that money. ~~to make that~~.

I told you once, and I will again  
that I will help you. If you are about  
to do something stupid and dangerous for  
~~buy your~~ money so you can buy that  
apartment - call me, collect. I will give



My dear  
Roy!

I'm congratulat  
to you with ~~our~~  
date. Yes, it  
fighting both of  
us but win after  
with help of understan-  
ding, flexibility and  
special love to each  
other.

I wish for both  
of us the best, that  
this cloud go away  
and become clear  
sun on the clear,

blee sky. And around  
of us - with fresh smell  
- spring flowers ...

Best wishes  
on your anniversary...  
and may your love  
grow deeper  
with every year  
you share.

Happy Anniversary  
Always with you  
belief, hope,

11.09.2000

Your

Love  
unforgettable  
Angel

My  darling,  
my dear, my special!

Qooy!

Today is my 48th day  
in Krasnodar. A lot  
things to do. We try  
to went in many agency  
(travel) to know about  
Cyprus - everywhere dif-  
ferent prices. It okey!

My mother was  
very happy to see me.  
And she is again  
very sorry, that  
she is offend to you.  
When you have some  
emotional - can you  
control yourself, do  
you understand everything -  
what you speake - do

you think about any  
pity (compassion) and a  
for trying <sup>if you don't care about</sup> ~~you don't care about~~ finish  
nezelts <sup>anything in this moment</sup> ~~anything in this moment~~ to be think  
this condition. I don't  
try exonerate my mother,  
I just try to show about  
situation. You remember  
yourself? After when you  
out your emotional - you  
told - I'm sorry, that I was  
hot. It happen with me,  
with everybody. Okey. And now  
I'm <sup>thinking about</sup> ~~not~~ bad. I'm really  
miss you. Don't smile.

Just sometime in some  
second, minute - open your  
heart, and believe that  
somebody miss on you and  
~~wish~~ you - all of you - who  
you are. Make this just  
inside of you - don't tell  
me anything. Before me this  
beautiful <sup>flowers</sup> ~~flowers~~ <sup>wieht</sup> ~~wieht~~ I  
have from you from another  
side of the word - from all  
your soul. I'm very sweet  
kiss to you, how sweet small flower  
and very very strong hug you. Angel

ΕΡΑΤΟ CYPRIUS  
ΕΚΔΟΣΕΙΣ  
ΙΔΙΟΤΗΤΗΣ

It you kiss me  
(it so great...).

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E-123

Κόμπος - Κύπρος - Ζήπερο - Χηπρε - Κόμπος

ΕΡΑΤΟ CYPRIUS  
ΕΚΔΟΣΕΙΣ  
ΙΔΙΟΤΗΤΗΣ

I think, that  
you don't have  
problem too...  
(it you and I)



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E-324

Κόμπος - Κύπρος - Ζήπερο - Χηπρε - Κόμπος



Cyp

Κόμπος - Cyprus - Zypern - Chypre - Кипр

Hello my darling,  
special day.

I sent to you very hot, sweet  
kiss and very strong hug.

Miss and think about you.

Your Angel

20.09.2010  
Cyprus

ERATO CYPRUS  
TEL: 2240 2240

8400

<http://www.toubis.gr>

E-869

## **READ THIS LETTER FIRST**

22 September

Hi My Delicious Angel (well I guess I do not know that yet but I can dream),

I am so happy that you are alright.

I have enclosed the two letters I wrote you before we talked on the telephone. Perhaps I went a little, okay a lot crazy, but you can see how worried I was that I would not see you again or worst that you needed help. I could not bear imagining you in danger and I was not there to help, so I started to organize a rescue mission. I contacted people I know who in turn know people who can help in any situation. I would lay awake at night putting together contingency plans for my going to Mexico with the right back up to help you out. After talking to you, however, I now believe you are safe. But if I am wrong tell me and I will be there as soon as I can get a flight. In the meantime I can contact people in Mexico City who can provide you with assistance. In fact Kroll has an office there. Its number is 282 2882, at Andres Bello 10, piso 6, Col. Polanco. Just tell them you are a friend of the Manager of the Moscow Office and give them my name. They will be willing to help.

It must be very difficult and scary for you to have to go to Mexico to make money for your mother's apartment. I cannot say I have ever been in a situation like that. I wonder how I would handle it, probably not as well as you. I am sorry if the two enclosed letters seem rather selfish in light of what you are going through. You are struggling to survive while I complain about the bad breaks I believe I had in life. While not rich, I cannot say that I ever had to worry about survival on the contrary I often questioned its value, perhaps that explains the short line on my palm. Anyway, between the two of us, you are clearly in the more difficult situation. I want to tell you that I am on your side and will back you in whatever you do—as long as you do not say goodbye to me.

Now I will wait for you and not kiss any ladies until I see you again, I will be patient and try not to go crazy anymore.

Can I send you flowers or would that call attention to you? I move into a different apartment tomorrow. It is on the opposite side of Kutuzovsky near the metro. It is not as big or as nice and more expensive, but that is the market. When I was looking, the agents could not understand why I wanted to live in the same area. It is of course, because when I walk in the victory park, it reminds me of you.

Be safe Angel, my new home number is 249 2325.

Much Love Roy  
S.W.A.K. (what does this mean)

My Far Away Angel,

I hope you are safe and no harm, either physical or psychological, is happening to you. I am beginning to slowly understand why you stayed, assuming you are staying of your own free will. I may be wrong, but I think you did not believe much of what I said. You are not the only one. All my life people did not believe much of what I said. Do you know who Cassandra was? The same happened to her.

So Angel where have you taken my heart? Mexico is a big country. Will you throw my heart into the garbage or will you keep it safe and unbroken? Will my stolen heart continue to beat in the hope of seeing you again or turn hard and cold from hopelessness. What will it be Angel? Will you follow your heart now that you have mine? (Twenty years from now remember that I asked that question.) Am I in your heart, if I am then ask me to wait. You once asked that of me and I waited. Perhaps you meant I should wait until you came back from Mexico at the end of the year. I will keep waiting if that is what your heart wants. Your heart Angel not your head. Don't let your logic make the decision because it will be the wrong decision, which you will not realize is wrong for decades. Let your heart tell you, then it will be right. That's just the way the universe works. It is in all the quantum mechanics books—your favorite subject: physics. That's somewhat of a joke, but also very close to the truth.

You once said you thought our meeting was meant to be because of all the events that had to occur for us to actually run into each other. I hope you still believe that. There's a path for everyone, some call it a first best destiny; when you are on that path, doors open where you never logically thought they could. I hope you wouldn't throw this door away.

Telephone me. Tell the operator to make a collect station to station call to my office. If I am not here leave a message. They all know how I feel about you. The numbers again 095 280 8810, 095 280 9929, 095 743 1350. If they are busy try again. I will be moving to another apartment soon so that number is not good for calling—am I sounding like you now.

You cannot imagine how much I miss and worry about you.

Love Roy



My darling  
special



from all my soul -  
glarry birthday !!!

Wishes is simply:

Let go you wishes  
come is truth

Smallest and biggest  
Inmost and whatever  
Heart I present to you  
It means, that

I ... you!



С Днем  
рождения!

Пожелания просты:  
Пусть исполнятся мечты,  
Маленькие и большие,  
Сокровенные, любые,  
Сердце я тебе дарю,  
Значит,  
Я тебя люблю!

9/4/00

My lover

my boy-friend  
my husband, my father,  
my unforgettable  
my special

my  
Roy Den  
Hollander !!!

4.09.2000

I'm appreciate and  
value everything - what  
you did, do and will  
do for me, when you will need, I  
will help to you to.

With many thanks  
to you

for your kindness,  
for your hospitality,  
for your understanding,  
for your patience,  
for your attention,  
for your special

feeling to my to you  
With my best wishes  
I very sweetly kiss to you and  
from all my eternal soul - hug you.  
Just you... Angel!

9/4 Sat. and you are not here, but you were here one week ago. So now I look at the pictures of you from last Saturday. The days are harder to get through when you are not around.

9/5 Sunday. A friend who works for Credit Suisse held a barbecue at his company's dacha at the Moscow Country Club. It was very beautiful, and I kept wishing that you were with me. Yes there were girls there, and yes I talked to them but no I did not flirt with them because I kept saying to myself: "Angel would not like it."

9/8 Wednesday I hope you are alright. I, however, am not since you are far away and I worry about you. Yes you are a mature woman but trouble, like men, is attracted to beautiful ladies.

9/10 Friday night. Angel is coming home - hooray! I buy a bouquet of pink roses because they remind me of my guardian Angel. Get to the

for all, what you give to me. You  
very good man, friend. You have very  
good and big heart, and soul!!!

You have ~~very~~ intuition (have possible  
feeling before something) - remember, I talk  
to you? Before my leaving in Mexico,  
you speak to me, that may be I stay  
in Mexico. You was right.

I don't written to you my address  
in Mexico, because I shall be in dif-  
ferent places, I don't know where  
exactly. I'm written to you my address  
in Krasnodar (written to me letter only  
on this is address, because other address  
now is not exist and telephone to - nobody  
live there).

So, my address:

353222

Краснодарский край  
пос. Яблоновский  
ул. Сквозная д 11/1  
Ангелина  
(Angeline)

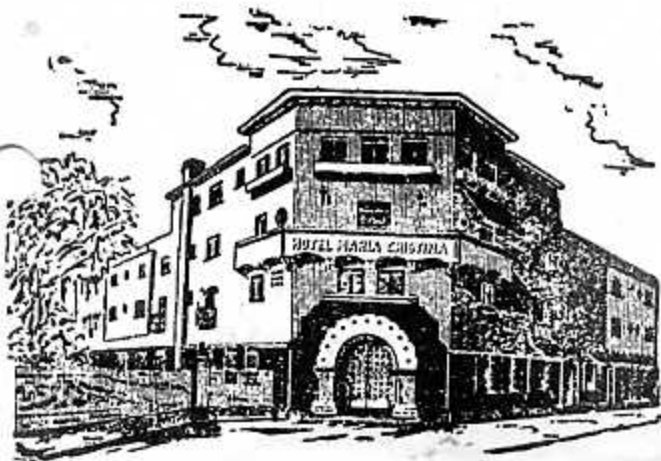
Ray, written to me this is letter  
about desember, and yours back address.  
May be we are to meet...

I'm again thanks to much for  
all. Remember Angelina...

I wish to you, that your dreams  
come is truth, love to you, good luck  
and all the best!!! I kiss to you a  
lot and embrace to much!

Angelina  



## Hotel Maria Cristina

RIO LERMA No. 31  
COL. CUAUHTEMOC

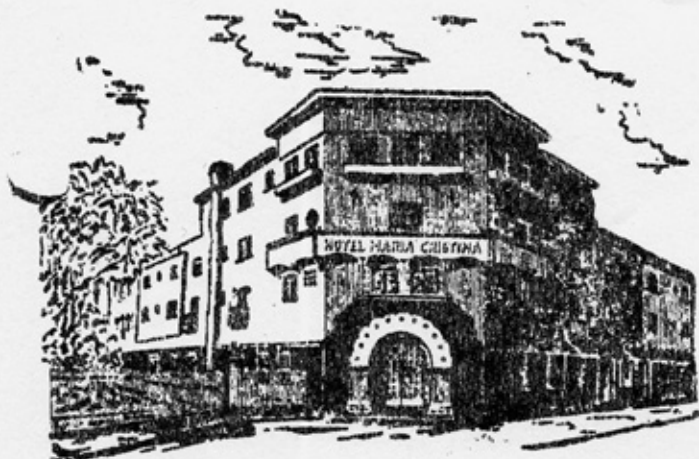
06500 MEXICO, D.F.

TELS. 5566-96-88  
5703-12-12

FAX 5566-91-94  
5592-34-47

Hello Roy! Written to you your  
Angelina. Roy, we are have here very  
time, work. I'm thinking a lot about  
my plans. In Mexico I'm meeting many  
people on model business and dancing.  
We ~~are~~ have a lot of pictures (foto) in  
many beautiful places in Mexico, in  
Acapulco. To me and other girls give  
some job (model). I'm thinking to much  
about stay in Mexico. You know, that  
I need on the money - to by the flat  
my mother. Only I may help myself.  
After back from Mexico I want to  
stay and work in Moscow, so, I thinking  
and have advice - stay in Mexico  $\approx$  2-3  
month and make money. I'm don't know  
~~ee~~ how many time exactly. I hope, that  
you understand me, my situation.  
I'm sorry Roy, but I must.

I know, you miss on me, I'm to,  
but it life. I don't know have we  
are possible to meet again...  
But I'm thank you to much, a lot



# Hotel Maria Cristina

RIO LERMA No. 31  
COL. CUAUHTEMOC

06500 MEXICO, D.F.

TELS. 5566-96-88  
5703-12-12

FAX 5566-91-94  
5592-34-47

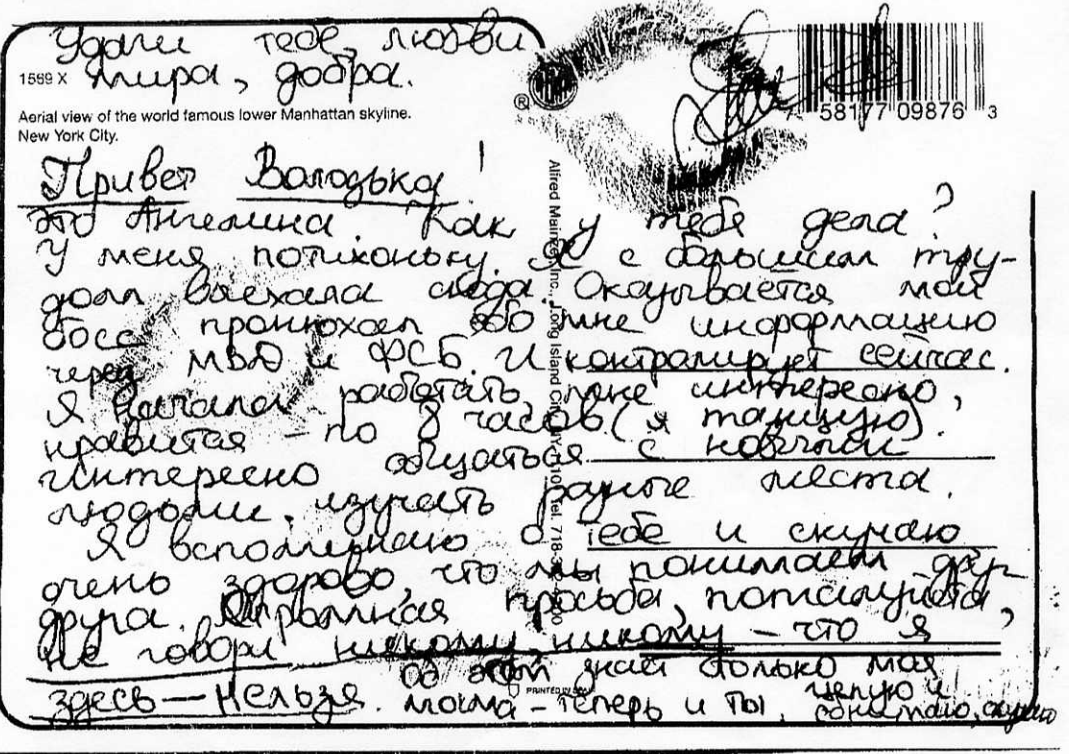
Hello Ray! Written to you your  
Angelina. Ray, we are have here very  
time, work. I'm thinking a lot about  
my plans. In Mexico I'm meeting many  
people on model business and dancing.  
We are have a lot of pictures (foto) in  
many beautiful places in Mexico, in  
Acapulco. To me and other girls give  
some job (model). I'm thinking to much  
about stay in Mexico. You know, that  
I need on the money - to by the flat  
my mother. Only I may help myself.  
After back from Mexico I want to  
stay and work in Moscow, so, I thinking  
and have advice - stay in Mexico 2-3  
month and make money. I'm don't know  
how many time exactly. I hope, that  
you understand me, my situation.  
I'm sorry Ray, but I must.

I know, you miss on me, I'm to,  
but it life. I don't know have we  
are possible to meet again...  
But I'm thank you to much, a lot

July 2000

Post Card to

Valodya 2



4 Kisses

**July 2000 Postcard to Valdimir 2 from St. Petersburg who sells jewelry with whom she had an affair in Krasnodar in June 2000, pp 44, 45 Diary Certified Translation**

Translation

Good luck, peace, love and all the kindness to you.

Hello Valodya,

This is Angelina. How are you? I am okay. It was really difficult to come here. It turns out that my boss found out information about me from MVD and FSB. And now he watches me. I began to work. It is interesting. I like it a lot. I work about eight hours a day. (I dance.) It is interesting to meet new people, to learn about different places.

I think a lot about you and I miss you and it was great that we could understand each other. Do me a huge, huge favor, please, don't tell anybody, anybody, that I am here—no way. Only my mum knows about it and now you.

I kiss you, I embrace you, I miss you.

[Four kisses are plastered on the card.]

July 2000  
Post Card  
to Valodya 2

Russia  
Россия 197-183  
~~Луга~~ Санкт-Петербург  
ул. Дубыновская 37 кб 521  
Брагинский

From  
Angelina



FLASH DANCER'S (212) 315 5107

NAME Angelina  
WEEK 7/17

MONDAY	<u>          </u>	TIME
TUESDAY	<u>✓</u>	TIME
WEDNESDAY	<u>✓</u>	TIME
THURSDAY	<u>✓</u>	TIME
FRIDAY	<u>✓</u>	TIME
SATURDAY	<u>✓</u>	TIME
SUNDAY	<u>✓</u>	TIME

WEEK                     

MONDAY	<u>          </u>	TIME
TUESDAY	<u>          </u>	TIME
WEDNESDAY	<u>          </u>	TIME
THURSDAY	<u>          </u>	TIME
FRIDAY	<u>          </u>	TIME
SATURDAY	<u>          </u>	TIME
SUNDAY	<u>          </u>	TIME

FLASH DANCER'S (212) 315 5107

NAME Angelina  
WEEK 2/4 24

MONDAY	<u>          </u>	TIME
TUESDAY	<u>          </u>	TIME
WEDNESDAY	<u>          </u>	TIME
THURSDAY	<u>✗</u>	TIME
FRIDAY	<u>          </u>	TIME
SATURDAY	<u>✓</u>	TIME
SUNDAY	<u>          </u>	TIME

WEEK 31

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TUESDAY	<u>          </u>	TIME
WEDNESDAY	<u>          </u>	TIME
THURSDAY	<u>          </u>	TIME
FRIDAY	<u>          </u>	TIME
SATURDAY	<u>          </u>	TIME
SUNDAY	<u>          </u>	TIME

(212) 315 5107

FLASH DANCER'S

NAME

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TUESDAY

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WEDNESDAY

TIME

THURSDAY

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FRIDAY

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SATURDAY

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FRIDAY

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SATURDAY

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TIME

FLASH DANCER'S (212) 315 5107

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Angelina

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WEDNESDAY

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THURSDAY

TIME

FRIDAY

TIME

SATURDAY

TIME

SUNDAY

TIME



FLASH DANCER'S (212) 315 5107

NAME Angelina  
WEEK @ CT 30

MONDAY	_____	TIME
TUESDAY	_____	TIME
WEDNESDAY	_____	TIME
THURSDAY	_____	TIME
FRIDAY	_____	TIME
SATURDAY	_____	TIME
SUNDAY	_____	TIME

WEEK 64

MONDAY	_____	TIME
TUESDAY	_____	TIME
WEDNESDAY	_____	TIME
<del>THURSDAY</del>	_____	TIME
<del>FRIDAY</del>	_____	TIME
<del>SATURDAY</del>	_____	TIME
SUNDAY	_____	TIME

FLASH DANCER'S (212) 315 5107

NAME ANGELINA

WEEK NOV-13

MONDAY	_____	TIME _____
TUESDAY	_____	TIME _____
WEDNESDAY	_____	TIME _____
THURSDAY	_____	TIME _____
FRIDAY	_____	TIME _____
SATURDAY	_____	TIME _____
SUNDAY	_____	TIME _____

WEEK 20

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TUESDAY	_____	TIME _____
WEDNESDAY	_____	TIME _____
THURSDAY	_____	TIME _____
FRIDAY	_____	TIME _____
SATURDAY	_____	TIME _____
SUNDAY	_____	TIME _____

FLASH DANCER'S (212) 315 5107

NAME Angelina  
WEEK Nov-27

MONDAY	_____	TIME
TUESDAY	_____	TIME
WEDNESDAY	_____	TIME
THURSDAY	_____	TIME
FRIDAY	✓	TIME
SATURDAY	_____	TIME
SUNDAY	_____	TIME

WEEK Dec

MONDAY	_____	TIME
TUESDAY	_____	TIME
WEDNESDAY	_____	TIME
THURSDAY	_____	TIME
FRIDAY	✓	TIME
SATURDAY	_____	TIME
SUNDAY	✓	TIME

Alina Alexandrovna Shipillina's Work Record at Flash Dancers for 2000

Ms. Shipilina worked everyday without an "Off". Days without figures mean amounts she earned on those days are unknown.

Date	Day	Profit Dollars	Gross Dollars	Dances
16-Jul	Sun	400	540	27
17-Jul	Mon	540	680	34
18-Jul	Tu	520	660	33
19-Jul	Wed	650	790	39
20-Jul	Th	400	540	27
21-Jul	Fri	610	750	38
22-Jul	Sat	660	800	40
23-Jul	Sun	250	390	20
24-Jul	Mon	510	650	33
25-Jul	Tu	680	820	41
26-Jul	Wed	640	780	39
27-Jul	Th	Off		
28-Jul	Fri	550	690	34
29-Jul	Sat			
30-Jul	Sun			
31-Jul	Mon	Off		
1-Aug	Tu			
2-Aug	Wed	500	640	32
3-Aug	Th	410	550	27
4-Aug	Fri	760	900	45
5-Aug	Sat	400	540	27
6-Aug	Sun	Off		
7-Aug	Mon	100	240	12
8-Aug	Tu	280	420	21
9-Aug	Wed	300	440	22
10-Aug	Th			
11-Aug	Fri			
12-Aug	Sat			
13-Aug	Sun			
14-Aug	Mon	760	900	45
15-Aug	Tu	760	900	45
16-Aug	Wed	Off		
17-Aug	Th	Off		
18-Aug	Fri			
19-Aug	Sat	500	640	32
20-Aug	Sun			
21-Aug	Mon	760	900	45
22-Aug	Tu	500	640	32
23-Aug	Wed	Off		
24-Aug	Th	690	830	41
25-Aug	Fri	510	650	32
26-Aug	Sat	610	750	37
27-Aug	Sun	300	440	22
28-Aug	Mon	Off		
29-Aug	Tu	520	660	33

30-Aug Wed		550	690	34
31-Aug Th		660	800	40
1-Sep Fri		500	640	32
2-Sep Sat	Off			
3-Sep Sun		360	500	25
4-Sep Mon		60	200	10
5-Sep Tu				
6-Sep Wed	Off			
9-Sep to 9/29	Vacation			
9-Oct Mon				
10-Oct Tu				
11-Oct Wed				
12-Oct Th				
13-Oct Fri				
14-Oct Sat				
15-Oct Sun	Off			
16-Oct Mon				
17-Oct Tu	Off			
18-Oct Wed	Off			
19-Oct Th		620	760	38
20-Oct Fri		560	700	35
21-Oct Sat		500	640	32
22-Oct Sun		550	690	34
23-Oct Mon				
24-Oct Tu	Off			
25-Oct Wed		590	730	36
26-Oct Th	Off			
27-Oct Fri		550	690	34
28-Oct Sat				
29-Oct Sun				
30-Oct Mon	Off			
31-Oct Tu		400	540	27
1-Nov Wed	Off			
2-Nov Th				
3-Nov Fri				
4-Nov Sat	Off			
5-Nov Sun				
6-Nov Mon				
7-Nov Tu				
8-Nov Wed				
9-Nov Th	Off			
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11-Nov Sat	Off			
12-Nov Sun				
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19-Nov Sun				

Mon	Off		
21-Nov Tu			
22-Nov Wed			
23-Nov Th			
24-Nov Fri			
25-Nov Sat	Off		
26-Nov Sun			
27-Nov Mon	Off		
28-Nov Tu			
29-Nov Wed			
30-Nov Th			
1-Dec Fri			
2-Dec Sat	Off		
3-Dec Sun			
4-Dec Mon			
5-Dec Tu			
6-Dec Wed	Off		
7-Dec Th			
8-Dec Fri			
9-Dec Sat	Off		
10-Dec Sun			
12/11 to 12/23	Probably worked 10 days		
12/24 to 1/18/01	Off	Vacation in Russia	
Total for Sample	20,890	26,350	
Average Daily Net	\$535		
Average Daily Gross	\$675		

[HOME](#) | [Members](#) | [Gear](#) | [Strippers](#) | [Articles](#) | [FAQ's](#) | [Contact](#)

**POWER HOUSE**  
 "Open Dates"

Tuesday April 30, 2002



Search Stripper Power

## Club Reviews by Dancers

### New York/New Jersey

Designed on January 25, 2001

Club	Address	Type of club	Take Home	StageFees/Payout	Phone Number	Comments
Blue Moon	588 Route 9 W North Newburgh, NY		\$300		(914) 561- 6060	
Flashdancers	1674 Broadway New York, NY	topless	\$500	\$150 per 1/2 hour champagne room, \$100 tipout	(212) 977- 8160	very cutthroat atmosphere, money can be fantastic or terrible, very little contact allowed, some high rollers, only hires 9s and 10s and treats all dancers like meat too. Classy features.
Goldfingers	92-72 Queens Blvd. Forest Hills, NY	topless	\$400	\$20 laps, VIP laps \$20/20 min, tip outs at least \$15 DJ/ \$21 House Mom	(718) 896- 4676	was shut down a couple times, dancing area is small because of zoning laws, neighborhood bar and the manager gets drunk and acts like a dick. There's no fines so if you come late or no show all the time, unless you're a big moneymaker, they'll probably get fed-up and fire you.

<b>Legz Diamonds</b>	231 W. 54th St. New York, NY	nude	\$500	\$150 per 1/2 hour private dances, tipout \$50	(212) 977- 3200	tense atmosphere, good money if you don't mind grinding and hands-on (like \$800), will hire 7s and 8s and treats all dancers like meat. Sleazy features. You have to split 50% of what you make
<b>Paradise</b>	50 W 33 St. New York, NY	nude	\$800	\$150 per 1/2 hour private dances, tipout \$50	(212) 629- 0060	in the heart of mid town, very upscale club, limos crowd, fantasy rooms, booths, and S&M room
<b>Pleasure Island</b>	78 Route 59 Monsey, NY	nude	\$1000	Minimum tipout	(914) 425- 6203	name your own price private dances, grinding and heavy hands- on. will hire 7s and 8s, management and dancers have real 'tudes!
<b>Scores</b>	333 East 60th St. NY 10021	topless	\$1000		(212) 421- 6977	
<b>Stiletto</b>	180 Route 59 West Nanuet, NY				(914) 624- 6900	
<b>Wiggles</b>	96-24 Queens Blvd. Queens, NY	nude	\$300	\$20/lap min tipout \$25	(718) 897- 4606	some contact allowed, friendly atmosphere decent money, will hire 7s and 8s and treats 10s like gold.





Michael  
Director of Investigations  
TACTICS Private Investigators ©

[View Interaction History](#)

### Your Next Step (see options below)

#### ► View Invoice

An invoice has arrived. It's time to pay and rate this Expert.

[View Invoice](#)

**! Note:** If you do not choose to view and pay, we will charge your credit card two weeks from the date of invoice.

### Interaction History

**From:** TACTICS Private Investigations

**Date:** JUL 31 2000 10:31

We were unable to gain the complete account information on this number but our effort did reflect a mailing address:

P.O. Box 8643  
Brooklyn, NY 11217

This is either a pager or cellular telephone which is being "pre-paid" and not displayed on normal telephone billings systems. Our office is experiencing an increased number of these type of accounts where cellular and paging services are allowing people to use pre-paid calling cards or pay on the account upfront, thereby not requiring the standard identification information such as: credit checks, name, birth date, "real" addresses, or social security number.

Now we made several attempts to contact this person as well and received numerous call backs but they never would leave a message or identify who they are. It is our opinion this person is most certainly "hiding" something but it is unclear as to the reasons for doing so. If there is a possibility anyone in your home could be involved with illegal gambling (bookie), drugs, or other unlawful activities, that would explain the secrecy involved here. If this persists, consider the following:

1. Contact your local police department and file a complaint for telephone harrassment. Make sure to get a case number.
2. Contact your local telephone service and ask for them to place a "trap" on your line for a couple of weeks or so. They will most likely need the police case number to do this.
3. During the following couple of weeks, keep detailed notes on exactly when this person calls you or shows up on your caller ID. (By the way, if you don't have caller ID get it) The telephone company will need the times of those calls so they can try to trace them back through their system to find a point of origin. Once in place, call the number and see if this person will call you back.

If there are other family members who "could" be involved in the illegal activities identified above, you need to sit down and ask them about it. Having a bookie, drug dealer, or whatever, contacting your home is not a good idea for the safety of the family. There is also the possibility the communications could be for other reasons or have begun through contacts over the Internet such as a "relationship" being developed or efforts by someone to speak with children in the home. Anyway, really evaluate these possibilities and try to get everyone there to be completely open and honest with you. Someone at your home, using your telephone, has some idea about this person otherwise there would be no reason for several calls to have been generated to this number. I would also start monitoring any computer activity inside the home as this could also present "clues" as to what has been happening.

I have only billed you for the exact cost to our company for the search because we were unable to fully develop the account information as first anticipated. I do hope it has been useful and that you will follow

Take care and thank you for using Exp.com!

Michael  
Director of Investigations  
TACTICS Private Investigators ©

**From:** rdhhh

**Date:** JUL 31 2000 09:41

1. The number was called a number of times from my home telephone.
2. The person at the number has not contacted me.
3. I called the number and spoke to a gentleman who would not give me his name.
4. No

**From:** TACTICS Private Investigations

**Date:** JUL 30 2000 20:02

We have some information but need for you to respond to a few questions first:

1. When was the first time you received a call from this number?
2. How often have they contacted you?
3. Have you ever spoken with an "actual" person or always reach a voice mail system?
4. Do you have any really important creditors that could be trying to collect a bill?

Thanks and look forward to hearing back from you.

M.

**From:** TACTICS Private Investigations

**Date:** JUL 25 2000 21:43

So far that has checked out to be a cellular telephone number out of Brooklyn, New York. Give us a day or so to see what we can dig up. Take care.

**From:** rdhhh

**Date:** JUL 25 2000 20:53

I agree to the proposed price. Please go ahead and determine the listing for (917) 302-5742

**From:** TACTICS Private Investigations

**Date:** JUL 23 2000 17:39

Before you pay for us to do this, try a very comprehensive search over the Internet using a free software program at:

<http://www.copernic.com>

We have found that if you search under the phone number like this (917) 302-5742 it just might turn something up. Our investigators have found a few this way when other methods do not work. If that is not productive, we can conduct an effort to locate the owner of that number for the flat fee below. May take a few days but we have pretty successful results.

**Various Photos of Angelina and Roy**  
(Approximate Chronological Order)



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СПОРТИВНОЙ  
РОССИЙСКОЙ  
МОДЫ



СЕГОДНЯ  
НЕТ!!!

— Шаюг ли спортсмены у те-  
бя сейчас, интересно ли тебе  
это?

— Что общего существует между спортом и модой?

— Что нужно для того, чтоб Татьяна Васильевна сегодня начала проектировать и выпускать спортивную одежду?

— Известно, что в 90-е годы  
убежденно в том, что для выпуск  
сделаны для бонного опыта и не  
в стране под разными формами

— Ты не пытайся стать лидером в области спортивной моды!

Source: U.S. National Science Foundation, *Science and Engineering Indicators*, 2000.

**pho**  
**des** PHOTOGRAPHY  
DESIGN

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Printing & Publishing Service  
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**Leonid Perlin**  
*director*

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121293

Tel. (095) 148-3323 (3-8pm)  
Fax. (093) 148-4429 (24h)  
E-MAIL: perlin@online.ru









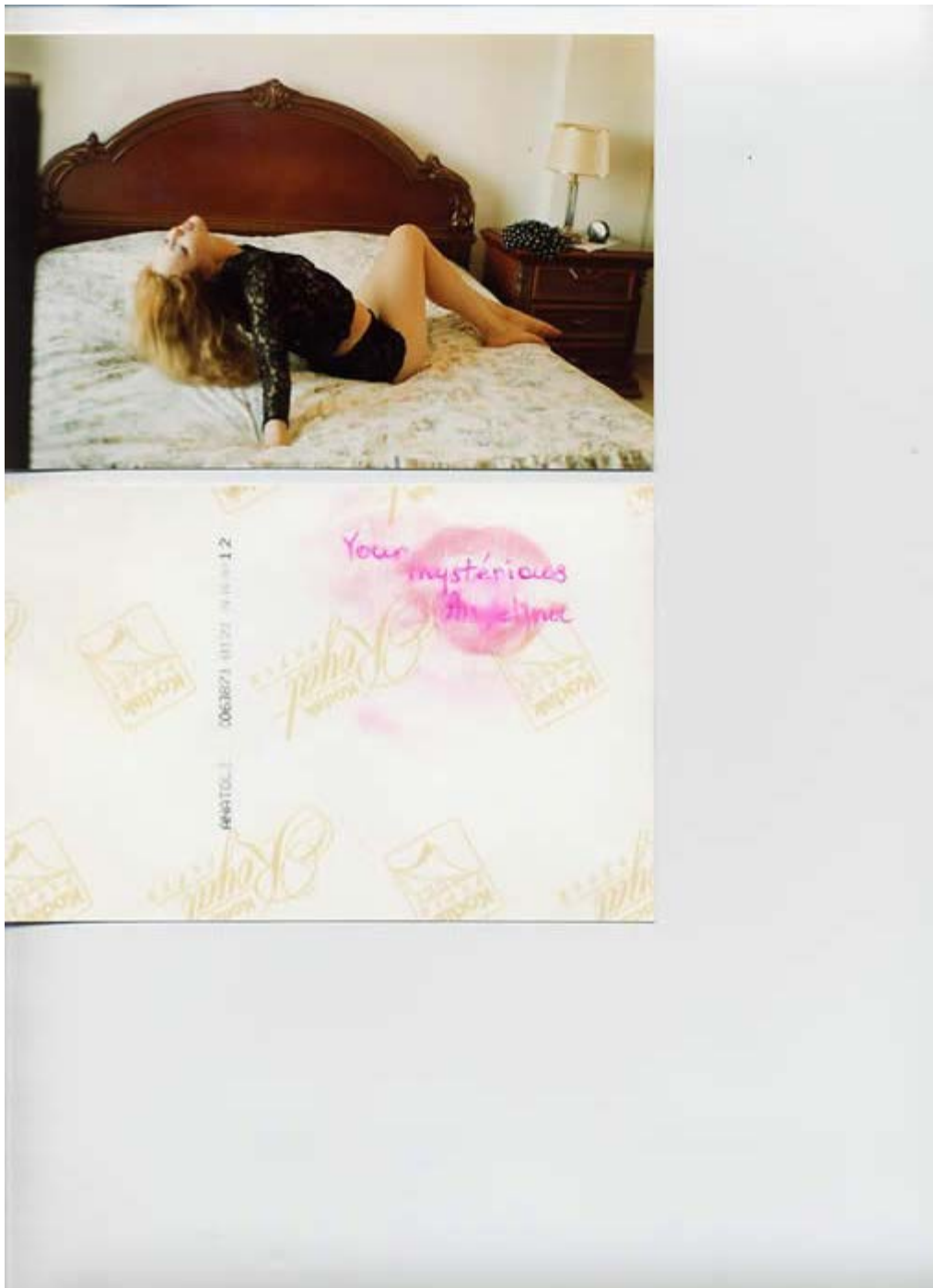


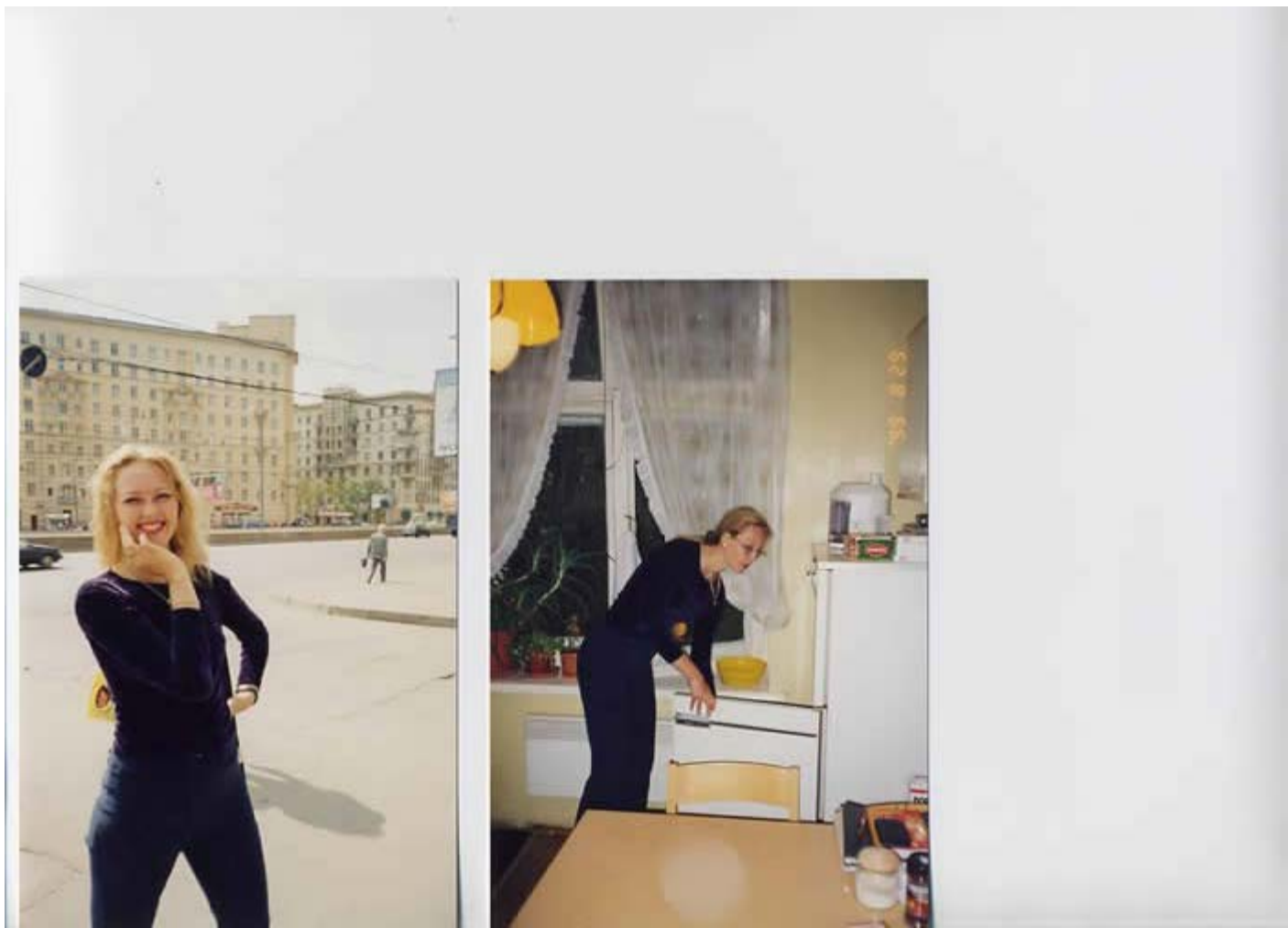
































































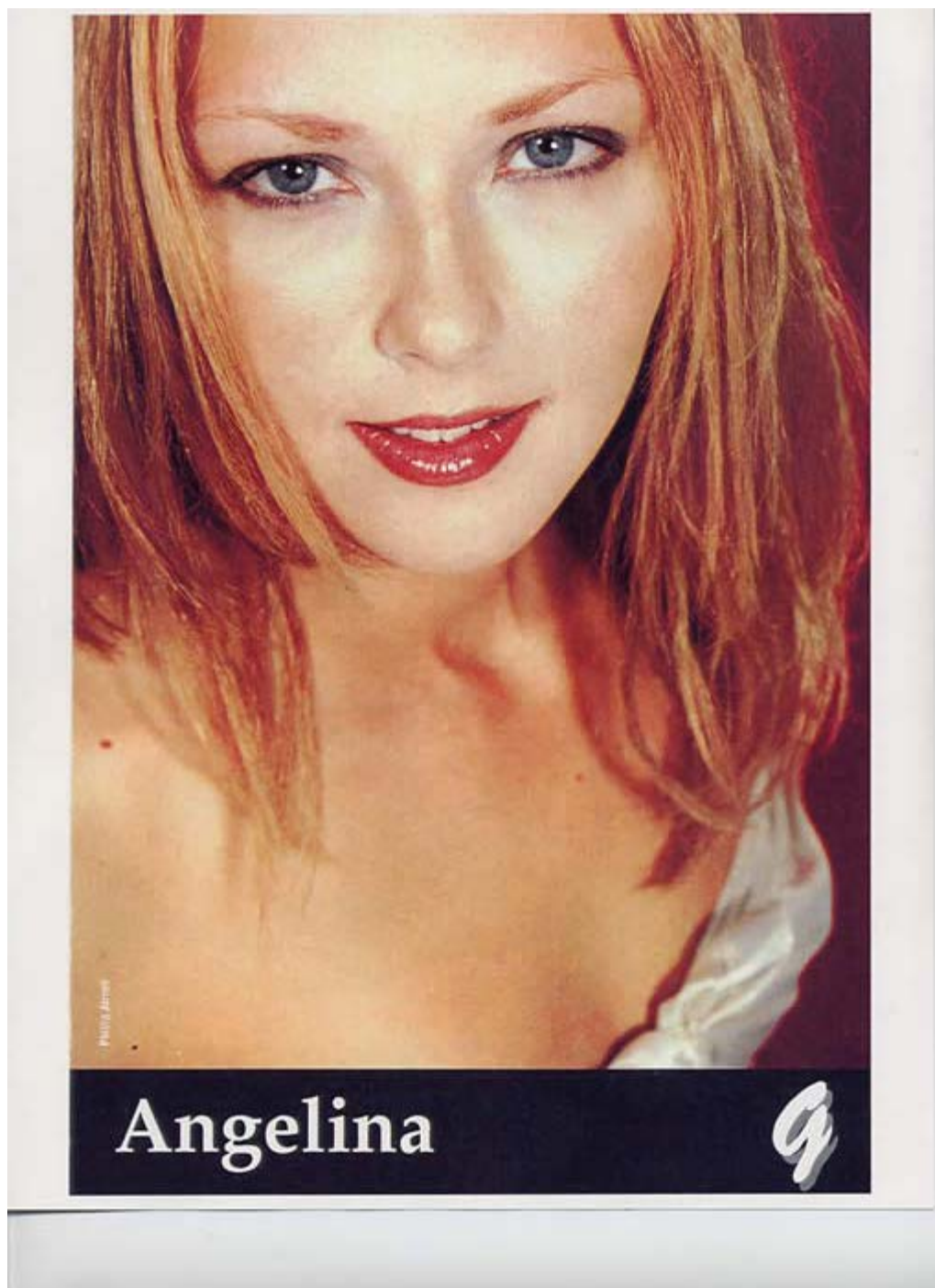


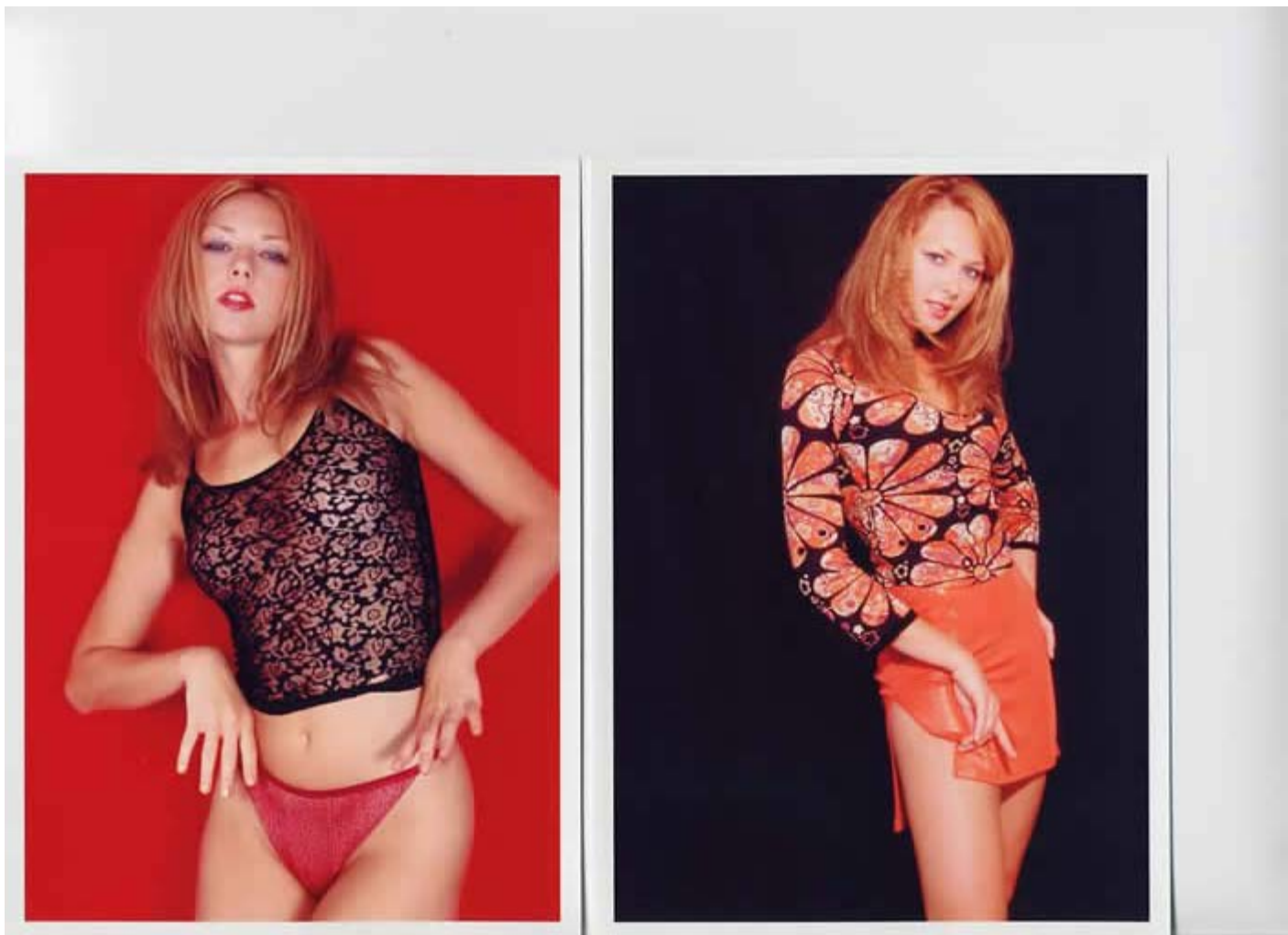
Height: 5'11"   Bust: 36B   Waist: 27   Hips: 36   Dress: 6-8   Shoe: 11   Hair: Blonde   Eyes: Blue

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MODELS FOR PRINT & TELEVISION

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NEW YORK, N.Y. 10116-1402  
(212) 629-6404 • Fax (212) 629-6403  
[www.gracedelmarco.com](http://www.gracedelmarco.com)









s a t u r d a y   m a y   6   t h   2 0 0 6

# STANDARD SATURDAYS

WITH DJ CEL & GUEST DJ PUMPKIN  
HOSTED BY SUPERMODEL  
ANGELINA SHIPILINA 

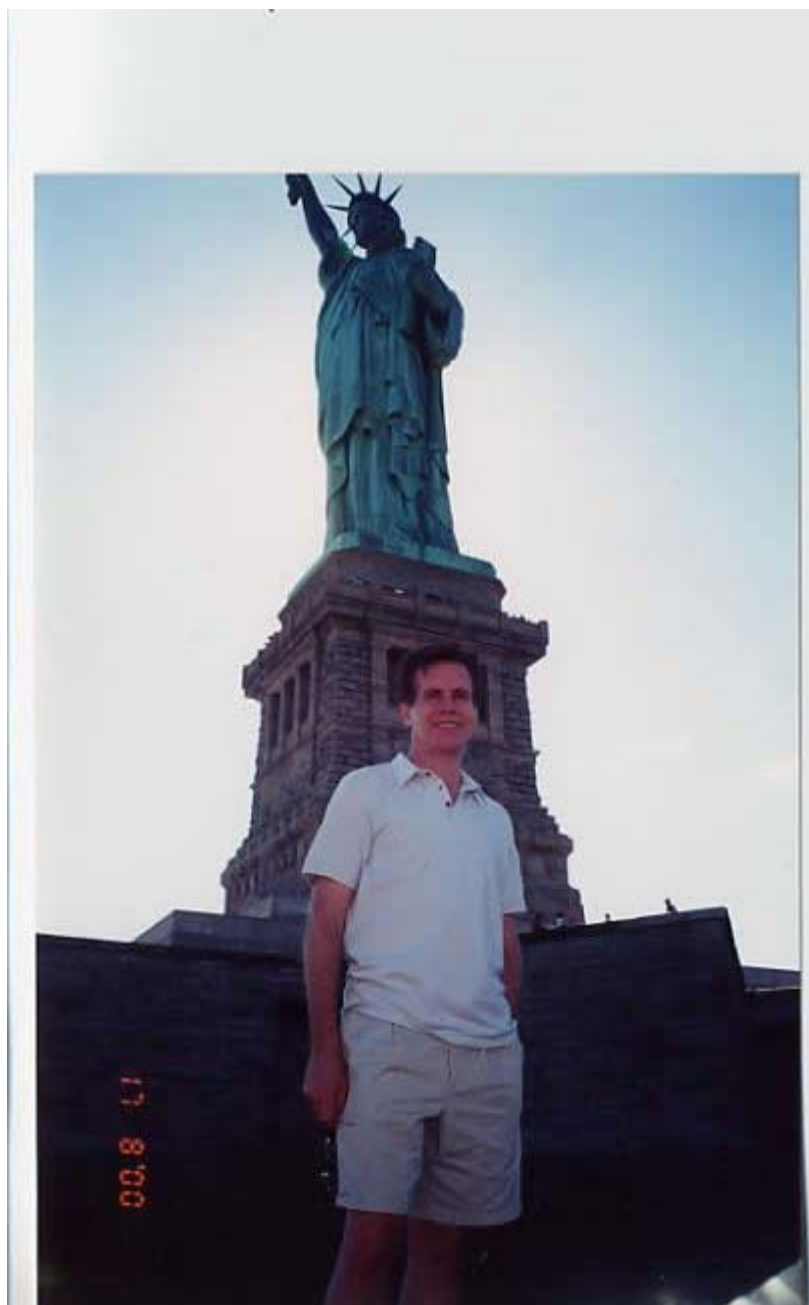
\$175 BOTTLES OF ABSOLUT ALL NIGHT  
OPEN BAR 10 - 11 PM  
LADIES FREE UNTIL MIDNIGHT

16 W 22 STREET BTW 5 AND 6 AVE  
INFO: 917.939.9511 // 212.229.2000













# Affidavits from residents of Krasnodar about Angelina working as a prostitute before she swore to I.N.S. that she didn't.

**КОПИЯ** 3

В Службу Эмиграции и Натурализации США

Я, \_\_\_\_\_, имеющая паспорт \_\_\_\_\_, выданный ПВС УВД Западного округа г.Краснодара 19.05.2000, проживающая по адресу г.Краснодар, ул. \_\_\_\_\_ кв.2, знала Шинилину Алину Александровну с 1997г. как одну из моделей моей приятельницы Васильевой Анастасии – директора дома моды своей мамы Титыны Васильевой (знакомы с 1993г.). Я посещала все демонстрации показов их коллекций, таким образом, я часто общалась в этом кругу и знала достаточно много информации о каждой модели.

С 1996 по 2001 год я работала в ресторане гостиницы Интурист администратором. Шинилина Алина и ее подруги Лена и Оля часто прогуливались возле гостиницы. Они буквально не давали прохода иностранцам. В ресторан они заходили уже с клиентами или одним клиентом на троих.

По поводу поведения и личной жизни девочек я неоднократно общалась с Анастасией Васильевой, и она не удивлялась происходящему, так как сама много раз видела их с разными мужчинами. Настя говорила: «Им бесполезно делить какие-то замечания по поводу их личной жизни, так как они, а в частности Шинилина Алина, связаны с городским криминальным миром, и мне бы не хотелось столкнуться с ним». Алину часто видели в компании грузина по имени Рей. По словам интуристовских палатных проституток, он был сутенером дешевых уличных девушек с ул.Красной.

Когда такие проститутки как Алина, Оля и Лена появлялись сами в ресторанах и барах гостиницы Интурист, их просто выталкивали, выгоняли, иногда с рукоприкладством (местные гостиничные проститутки) на улицу.

Как-то одно время девочки не появлялись возле Интуриста. Ходили слухи, что всех проституток, которые снимаются на улице Красной, забрали на профосмотр в вендиспансер. Как оказалось позже Алина и Надя уехали работать на Кипр в декабре 1998г.

Но как ни странно Надя erschien в Краснодар после двух дней работы.

Когда я пришла в агентство к Насте, я встретила там Надю, и она рассказала о том, что работа связана с проституцией, и что Алина согласилась на такую работу.

Вскоре я узнала, что Алина Шинилина познакомилась с американцем по имени Рей и собирается выйти за него замуж. В марте 2000г. они зарегистрировали брак. Но Алина сразу не уехала с ним, а осталась в Краснодаре. Приблизительно полгода она еще находилась в городе и естественно она с разными мужчинами заходила в Интурист, то есть продолжала будучи замужем оказывать интимные услуги за деньги.

Зная, что Алина и ее мать Инесса связаны с криминальными структурами, прошу хранить тайну свидетельских показаний.

ПОДПИСЬ: \_\_\_\_\_

г. Краснодар, двадцать второе апреля, две тысячи второго года.

Я, Морозов Д.Ю., интариус г.Краснодара, РФ, свидетельствую подлинность подписи лично явившейся ко мне Закуцкой Елены Вячеславовны, известной мне как лицо, указанное в настоящем документе, подписавшее его в моем присутствии и надлежащим образом подтверждающее оформление настоящего документа.

Зарегистрировано в реестре под № 4139.

Получено ст.22 Основ.

Интариус. \_\_\_\_\_



«Копия»

To the US Immigration and Naturalization Service

Me, \_\_\_\_\_, holder of the passport issued by PVS of the Ministry of Foreign Affairs of the Western District of the City of Krasnodar on May 19, 2000, living to the address. City of Krasnodar, \_\_\_\_\_ st. 36, apt. 2, have been acquainted with Shipilina Alina Alexandrovna since 1997. That time she was one of the photomodels of my friend Anastasiya Vasilyeva – director of the Fashion House belonging to her mother Tatyana Vasilyeva (we are acquainted since 1993). I attended all presentations of their collections, so I frequently communicated in this circle and knew a lot about each of the models.

From 1996 to 2001 I held worked as the manager of the Intourist hotel restaurant. Alina Shipilina and her girlfriends Lena and Olga have frequently walked near the hotel. They literally pursued foreigners. They went to the restaurant already with the clients or one client for the three of them.

I talked a few times with Anastasiya Vasilyeva on the behavior and personal life of the girls, and she was not surprised to hear me, because she herself had many times seen these girls with different men. Anastasiya said: "It is useless to speak to them about their personal life, because they, and Shipilina Alina in particular, are linked to the city criminal world, and I would not like to confront them". Alina was frequently seen in the company of the Georgian man called Rey. According to the currency prostitutes who worked in the Intourist hotel, he was the ponce of the cheap street girls from Krasnaya street.

When such prostitutes as Alina, Olga and Lena came by themselves in the restaurants and bars of the Intourist hotel, local hotel prostitutes simply pushed them out in the street, sometimes with blows.

For some time the girls did not appear near the Intourist hotel. There were rumors that all prostitutes which worked in the Krasnaya street were taken for professional medical examination to the venerologic prophylactic centre. As it turned out later Alina and Nadya leaved in December 1998 to work in Cyprus.

But strangely enough Nadya has returned to Krasnodar after two days of work.

When I came to Anastasiya's agency, I have met there Nadya, and she has told me that the work was connected with prostitution, and that Alina had agreed to such work.

Soon I have learned that Alina Shipilina has acquainted with an American called Roy and that she was going to marry him. In March 2000 they have registered their marriage. But Alina did not go with him at once, but has stayed in Krasnodar. She stayed in the city for approximately half-year and naturally she came with different men to the Intourist, that is, she continued to render sexual services for money.

Knowing that Alina and her mother Inessa are connected with criminals, I ask you to keep the secrecy of testimony.

SIGNATURE: [Signature] \_\_\_\_\_

City of Krasnodar, the Twenty Second of April of the Year Two Thousand and Second.

Me, Morozov D.Yu., the notary of the City of Krasnodar, witness the authenticity of the signature of Zakoutskaya Elena Vyacheslavovna, known to me as the person indicated in the present document, who signed it in my presence and who had properly confirmed drawing up of the present document.

Included in the Register under № 4139

Collected – Article 22 of the Basics.

Notary [Signature]

[Impress of the seal of the notary Morozov Dmitry Yuryevich]

#### APOSTILLE

(Convention de La Haye du 5 octobre 1961)

1. Russian Federation

This public document has been signed by

2. Morozov D.Y. 3. acting in the capacity of: notary public of the city of Krasnodar

4. bears the seal/stamp of the notary public Morozov D.Y.

Certified

5. in the city of Krasnodar 6. On April 23, 2002

7. by Shevtsova I.P., Leading Specialist on Notary Services of the Main Administration of Justice

8. No 601 9. Seal/Stamp [Impress of the seal of the Main Administration of the Ministry of

Justice of the Russian Federation for Krasnodar Area]

10. Signature: [Signature]

*Морозов Д.Ю.*  *Сем. ред. А.Д. 20.04.02*

ма. Двадцать третьего мая две тысячи второго года. Я, Москаленко Игорь Викторович, нотариус Пушкинского района Московской области, свидетельствую подлинность подписи, сделанной переводчиком Сеничевым Аркадием Олеговичем.

Зарегистрировано в реестре за № 2-100

Взыскано по тарифу: 5 руб. 00 коп.

Нотариус

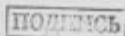
Москаленко И.В.



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мастичной печатью  
2 (два) листа

Нотариус

Москаленко И.В.



но

23 МАЯ 2002 Я, Москаленко И.В.,  
нотариус Пушкинского р-на Моск. обл.,  
свидетельствую достоверность этой копии подлинным  
документа, в последнем подписок,  
присписок, зачеркнутых слов и иных  
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КОПИЯ

В Службу Эмиграции и Натурализации США

Я, \_\_\_\_\_, имеющая паспорт  
 выданный УВД Восточного округа г.Новороссийска Краснодарского края  
 03.11.1998г., проживающая по адресу: Краснодарский край, г.Новороссийск,  
 3, з/но Шипилину Алину Александровну с 1998г. Я записалась на  
 подготовительные курсы в Кубанский Государственный Университет. Во время учебы  
 я посещала шейпинг и степ в клубе «Алинта». Там занимались манекенщицы Анастасия  
 Васильева: Наташа и Катя, подруги Алины. Тогда я узнала о том, что Алина общается  
 с иностранцами, зарабатывая, таким образом, деньги, оказывая услуги интимного  
 характера. Тарифы были известны не только лицам, оказывающим услуги, но и лицам  
 общающимся с ней. Они несколько раз выезжали на Кипр по работе в клуб «Зигос». В  
 декабре 1998 – январе 1999 года Алина выезжала на Кипр. Ее подруга Надя после двух  
 дней работы вернулась в Краснодар, так как поняла что работа связана с проституцией.  
 Было время, когда Алина была связана с краснодарским студентом, грузином Роем. Он  
 имел Алину в числе поставляемых девушек. Затем, познакомившись с американцем  
 Роем, вышла за него замуж, весной 2000г., но после свадьбы осталась в Краснодаре  
 продолжать дело. Алина появлялась во многих местах города, то есть, будучи замужем  
 все также занималась проституцией.

Так как со стороны Алины на меня может быть оказано давление (она  
 рассказывала о своих связях с криминальными структурами), прошу хранить тайну  
 свидетельских показаний.

ПОДПИСЬ:

Г. Краснодар, восемнадцатое апреля две тысячи второго года.

Я, Морозов Д.Ю., нотариус г.Краснодара, РФ, свидетельствую подлинность  
 подписи лично явившейся ко мне Лофицкой Викторин Владимировны, известной мне  
 как лицо, указанное в настоящем документе, подписавшее его в моем присутствии и  
 надлежащим образом подтвердившее оформление настоящего документа.

Зарегистрировано в реестре под №3957.

Взыскано ст.22 Основ.

Нотариус.



To the US Immigration and Naturalization Service

I, \_\_\_\_\_ holder of the passport issued by the Branch of the Ministry of Foreign Affairs for the Eastern District of City of Novorossisk, Krasnodar Territory, on November 03, 1998, living to the address: Krasnodar territory, City of Novorossisk, \_\_\_\_\_, know Shipilina Alina Alexandrovna since 1998. I attended preparatory courses to enter Kuban State University. During study I visited shaping and step sections of "Anita" club. There trained the models of Anastasiya Vasilyeva: Natasha and Katya, Alina's girlfriends. Then I learned that Alina had contacts with foreigners, thus earning money by rendering sexual services. The tariffs were known not only to the persons who rendered the services, but as well to other persons who communicated with her. They went a few times to Cyprus to work in the "Zigos" club. In December 1998 - January 1999 Alina left to Cyprus. Her girlfriend Nadya has returned to Krasnodar after two days of work, because she understood that the work was connected with prostitution. There was a time when Alina was communicated with a Krasnodar student, Georgian man Rey. He had Alina among his delivered girls. Then, having acquainted with the American named Roy, she married him in the spring of 2000, but after marriage she stayed in Krasnodar to continue her business. Alina appeared in many parts of the city, that is, being married she continued to be engaged in prostitution.

As Alina may put pressure upon me (she said about her connections with criminal structures), I ask you to keep the secrecy of testimony.

SIGNATURE: \_\_\_\_\_ [signature]

City of Krasnodar, the Eighteenth of April of the Year Two Thousand and Second.

Me, Morozov D.Yu., the notary of the City of Krasnodar, witness the authenticity of the signature of Lofitskaya Victoria Vladimirovna, known to me as the person indicated in the present document, who signed it in my presence and who had properly confirmed drawing up of the present document.

Included in the Register under № 3957

Collected - Article 22 of the Basics.

Notary [Signature]

[Impress of the seal of the notary Morozov Dmitry Yuryevich]

#### APOSTILLE

(Convention de La Haye du 5 octobre 1961)

1. Russian Federation

This public document has been signed by

2. Morozov D.Y. 3. acting in the capacity of: notary public of the city of Krasnodar

4. bears the seal/stamp of the notary public Morozov D.Y.

Certified

5. in the city of Krasnodar 6. On April 23, 2002

7. by Shevtsova I.P., Leading Specialist on Notary Services of the Main Administration of Justice

8. No 602 9. Seal/Stamp [Impress of the seal of the Main Administration of the Ministry of

Justice of the Russian Federation for Krasnodar Area]

10. Signature: [Signature]

*Shevtsova I.P.*

ПОДПИСЬ

*Семцов Д.Ю.*

*20.04.02*

ма. Двадцать третьего мая две тысячи второго года. Я, Москаленко Игорь Викторович, нотариус Пушкинского района Московской области, свидетельствую подлинность подписи, сделанной переводчиком Сеничевым Аркадием Олеговичем.

Зарегистрировано в реестре за № 8-1022

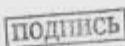
Взыскано по тарифу: 5 руб. 00 коп.

Нотариус **ПОДПИСЬ** Москаленко И.В.



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мастичной печатью  
2 (два) листа

Нотариус **ПОДПИСЬ** Москаленко И.В.



на

23 МАЯ 2002 г. Я, Москаленко И.В.,  
нотариус Пушкинского р-на Моск. обл.,  
свидетельствую верность этой копии с подлинным  
документа, в последнем подчисток,  
приписок, зачеркнутых слов и иных  
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Нотариус **ПОДПИСЬ**

**КОПИЯ**

В Службу Эмиграции и Натурализации США

Я, \_\_\_\_\_ 06.70 г.р., имеющая паспорт  
выданный ПВС УВД Прикубанского округа г.Краснодара 09.11.2001г., проживающая  
по адресу: г. Краснодар, ул. \_\_\_\_\_, жилая Шипилину Алина  
Александровну с сентября 1996г. Она пришла ко мне в школу №37, где я работала  
заместителем директора по воспитательной работе, с предложением вести кружок  
занятий аэробикой с девочками старших классов. Узнав о ее образовании (Институт  
физкультуры, сейчас Академия физической культуры), я согласилась помочь набрать  
ей группу. После этого мы сдружились, Алина познакомила меня со своими подругами  
– манекенщицами. Ну а так как все тайное становится явным, то очень скоро я узнала,  
что Алина, а также Лена и Оля (ее близкие подруги) занимаются проституцией.

Мы бывали у Алины в поселке Яблоновский, где она проживала с матерью.  
После нескольких предложений Алины о том, чтобы я оказывала услуги интимного  
характера за деньги, я охладела к встречам с такими подругами, но часто в городе  
видела то Алину с Леной, то Наташу, то Катю поздно вечером в кругу мужчин. Алина  
имела долгое близкие отношения с грузином, которого они мне представляли как Рес.  
Какое-то время я не жила в г. Краснодаре, а по приезде в 1999г. узнала, что Алина  
уехала на Кипр зарабатывать деньги. Наталья мне также сказала, что Алина собиралась  
на мне и моих учениках зарабатывать проценты, если бы мы тоже согласились  
зарабатывать проституцией как все девочки. Особенно высока была такса за работу в  
«стрип» как Алина, Лена и Оля. Наталья рассказала мне, что Алина ездила на Кипр с  
Надей, но Надя скоро вернулась. Мне стало интересно, что и как на Кипре. Я позвонила  
Наде, и мы встретились. Периодически встречались в кафе, чтобы отдохнуть. Так я  
узнала, что Алина познакомилась с американцем и собирается замуж. В марте 2000  
года была свадьба. Я думала, что Алина с Роем (супруг) уехали, но в августе-сентябре  
еще видела Алину на «старых местах работы» - возле гостиницы Интурист и Кавказ.  
Надя и Наталья подтверждали при встрече, что она еще не уехала и продолжает  
зарабатывать деньги проституцией. Это было несудивительно: с внешними данными  
Алины и ее моральным обликом вести нормальную трудовую деятельность  
невозможно.

Зная о связи Алины и ее матери с криминальным миром (девочки рассказывали  
об угрозах и насилии с ее стороны от Рес – сутенера - и его друзей), прошу хранить  
тайну свидетельских показаний.

ПОДПИСЬ: \_\_\_\_\_

г. Краснодар, восемнадцатое апреля две тысячи второго года.

Я, Морозов Д.Ю., нотариус г. Краснодара, РФ, свидетельствую подлинность  
подписи лично явившейся ко мне Решульской Ларисы Ильиничны, известной мне как  
лицо, указанное в настоящем документе, подписавшее его в моем присутствии и  
подлежащим образом подтверждающее оформление настоящего документа.

Зарегистрировано в реестре под №3958.

Взыскано ст.22 Основ.

Нотариус



\_\_\_\_\_

To the US Immigration and Naturalization Service

Me, \_\_\_\_\_, 5, 1970, holder of the \_\_\_\_\_ I issued by PVS of the Ministry of Foreign Affairs of the Prikoubansky District of the City of Krasnodar on November 09, 2001, living to the address: Krasnodar, \_\_\_\_\_, I, hostel, know Shipilina Alina since September 1996. She has come to me to the school No 37, where I worked as the deputy director on pedagogical work and proposed to establish a circle of aerobics with the girls of senior classes. Having learned about her education (the Institute of Physical Culture, now the Academy of Physical Culture), I have agreed to help in collecting a group to her. After we got friends, she introduced me to her model girlfriends. Time reveals secrets, and I have learned very soon that Alina and as well Lena and Olga (her close girlfriends) are engaged in prostitution.

We visited the village of Yablonovsky, where she lived with the mother. After a few Alina's proposals to me to render sexual services for money, I have cooled to meet such girlfriends, but frequently saw sometimes Alina and Lena, sometimes Natasha, sometimes Katya late in evening in city in the men's company. Alina had long close relations with a Georgian, whom they have introduced to me as Rey. I did not live in Krasnodar for some time, and on arrival in 1999 I learned that Alina had left to Cyprus to earn money. Natalya as well told me, that Alina was going to earn percents on me and my schoolgirls if we as well had agreed to earn by prostitution like all the girls. The highest rate was paid for work in "trio" – Alina, Lena and Olga. Natalya has told me, that Alina went to Cyprus with Nadezhda, but Nadezhda soon came back. It was interesting to me to learn how were things in Cyprus. I have called Nadezhda and we met. We periodically met in cafe to have a rest. So I have learned that Alina has acquainted with an American and was going to marry. In March 2000 they have married. I thought, that Alina and Roy (her spouse) have left, but in I still saw her in August – September in the "old workplaces" near the Intourist and Kavkaz hotels. Nadezhda and Natalya have confirmed in the conversation that she has not left yet and continues to earn money by prostitution. It was no wonder: having Alina's appearance and her morals it is impossible to conduct normal labour activity.

Knowing that Alina and her mother are connected with the criminal world (the girls told me on threats and violence from her side from Rey – the ponce – and his friends), I ask you to keep the secrecy of testimony.

SIGNATURE: \_\_\_\_\_

City of Krasnodar, the Eighteenth of April of the Year Two Thousand and Second.

Me, Morozov D.Yu., the notary of the City of Krasnodar, witness the authenticity of the signature of Reshouskaya Larisa Ilyinichna, known to me as the person indicated in the present document, who signed it in my presence and who had properly confirmed drawing up of the present document.

Included in the Register under № 3958

Collected – Article 22 of the Basics.

Notary [Signature]

[Impress of the seal of the notary Morozov Dmitry Yuryevich]

APOSTILLE

(Convention de La Haye du 5 octobre 1961)

1. Russian Federation

This public document has been signed by

2. Morozov D.Y. 3. acting in the capacity of: notary public of the city of Krasnodar

4. bears the seal/stamp of the notary public Morozov D.Y.

Certified

5. in the city of Krasnodar 6. On April 23, 2002

7. by Shevtsova I.P., Leading Specialist on Notary Services of the Main Administration of Justice

8. No 603 9. Seal/Stamp [Impress of the seal of the Main Administration of the Ministry of

Justice of the Russian Federation for Krasnodar Area]

10. Signature: [Signature]

Подпись

ПОДПИСЬ

Семед А.О.  
Григор



ма. Двадцать третьего мая две тысячи второго года. Я, Москаленко Игорь Викторович, нотариус Пушкинского района Московской области, свидетельствую подлинность подписи, сделанной переводчиком Сеничевым Аркадием Олеговичем.

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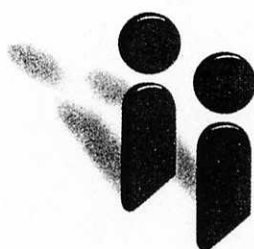
на

23 МАЯ 2002 г. Я, Москаленко И.В.,  
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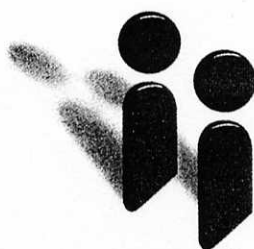
March 5<sup>th</sup>, 2002.

I, Luis Fernando Molina Pérez, a citizen of México, Mexican passport number 98330018775, speaking under oath, hereby depose and say as follows:

1. I am the Director of Incomer Internacional, S.A. a Mexican firm that specializes in private investigations and security advisors and Area Governor for Mexico in Mexico City, Mexico, Central and South America, for the World Association of Detectives; which has operated since 1948 as Incomer, S.A. and since 1973 as Incomer Internacional, S.A.
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Director  
Incomer Internacional, S.A.

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КОН. 11.12

**ПОСТАНОВЛЕНИЕ**  
**о возбуждении уголовного дела**

**КОПИЯ**

г. Краснодар

25.01.2002г.

Прокурор Центрального административного округа г. Краснодара старший советник юстиции Б.К. Овдиенко, рассмотрев материалы проверки № 99вх-02, от 16.01.2002г. по обращению адвоката Повалий С.А. в интересах Роя Дена Холлэндера на действия Шипилиной И.А.

**УСТАНОВИЛ:**

Рой Ден Холлэндер, являясь гражданином Соединенных Штатов Америки, по служебным делам в период 1999-2000г.г. неоднократно приезжал в Россию, где познакомился с жительницей г. Краснодара Шипилиной Алиной, с которой впоследствии в загсе г. Краснодара они заключили брак.

После отъезда из г. Краснодара в США, Рой Холлэндер обнаружил дневник Шипилиной А., заполненный ею собственноручно. Из текста дневника следовало, что Шипилина А., как до знакомства с Холлэндером, так и после занималась проституцией.

Решив выяснить все обстоятельства вскрывшегося факта, Холлэндер в 2001г. прибыл в г. Краснодар с целью опроса знакомых Алины.

В это же время, мать Алины – Шипилина Инесса Александровна, имея своей целью опорочить и оклеветать мужа Алины – Роя Дена Холлэндера, стала намерено встречаться с людьми, которые в г. Краснодаре общались, контактировали с Холлэндером, знали его лично в течение какого-то времени. При общении с этими людьми, Шипилина И.А. умышленно распространяла заведомо ложную информацию о Холлэндере, в частности говорила о том, что Холлэндер является умственно больным, преступником, что он находится в розыске и его разыскивает полиция. Шипилина И.А. знала, что распространяемые ею сведения являются ложными, т.к. она длительное время общалась с Холлэндером, сам Холлэндер неоднократно выезжал из США в Россию, другие страны, беспрепятственно, не скрываясь, перемещался по территории, как США, так и России, в США имеет постоянное место работы, офис, постоянное место жительства. В Россию приезжал неоднократно в связи со служебной деятельностью, т.е. выполнять все это для него было бы невозможным если бы он был преступником и находился в розыске. Кроме того, в случае если бы Холлэндер являлся сумасшедшим, душевно больным, он бы не мог беспрепятственно путешествовать по миру, выезжать из США, неоднократно посещать различные страны, вести служебную деятельность в России.

Опрошенные в прокуратуре Центрального округа жители г. Краснодара, которым Шипилина И.А. говорила о том, что, якобы, Холлэндер преступник и сумасшедший, поясняли, что они имели свое мнение о Холлэндере, знали его как человека порядочного, доброжелательного, приветливого, не скандального, спокойного и выдержанного и поэтому те сведения, которые сообщала им Шипилина И.А. воспринимали, как клевету на Холлэндера.

Общаясь, по своей инициативе, с женщинами, работавшими у Холлэндера в качестве переводчиков Мартысь Н.Г. и Санчес Н.К., Шипилина И.А. также говорила им о том, что Холлэндер преступник и сумасшедший с целью опорочить его честь и достоинство, а также с целью подрыва его репутации в России. Более того, общаясь с Санчес Н.К. Шипилина И.А. в дополнение к сообщению ей ложных сведений о Холлэндере, высказывала в ее адрес угрозы в случае если она не прекратит работу с Холлэндером.



Кроме распространения среди лиц знавших Холлэндера, как по работе, так и по личным отношениям, заведомо ложных сведений о том, что Холлэндер является преступником и сумасшедшим, Шипилина И.А. говорила им, что он терроризирует ее дочь, женился на ней с целью наживы, имея умысел направить ее в США на работу в стриптиз бары.

Данные доводы также не состоятельны и являются заведомо ложными, т.к. изначально Холлэндер был готов и желал жениться на Шипилиной Алине именно с целью создания нормальной семьи.

Распространяя подобного рода клеветнические сведения о Холлэндере Шипилина И.А. делала это в том числе и публично, в частности распространяя такие сведения среди коллектива преподавателей кафедры гимнастики Краснодарской Академии физической культуры, общаясь с людьми в общественных местах. Так, в частности с Мартысь Н.Г. Шипилина И.А. разговаривала в офисе ООО «Миллениум», в присутствии сотрудников. Присутствующая при разговоре менеджер-переводчик Емельянова Галина, знавшая о Холлэндере сделал замечание Шипилиной И.А., когда последняя стала негативно отзываться о Холлэндере, при этом угрожать Мартысь Н.Г. расправой, в случае если та в будущем будет работать с Холлэндером.

Таким образом, Шипилина Инесса Александровна общаясь с людьми, знавшими лично, либо через кого-то Холлэндера Роя Дена, умышленно распространяла среди данных людей заведомо ложные сведения о Холлэндере, порочащие его честь и достоинство, а также подрывающие его репутацию при этом данные сведения она распространяла публично, в общественных местах, в присутствии граждан.

Таким образом, Шипилина Инесса Александровна совершила преступление, предусмотренное ч. 2 ст. 129 УК РФ, клевета.

На основании изложенного, руководствуясь ст.ст. 27, 108, 109 УПК РСФСР;

#### ПОСТАНОВИЛ:

1. Возбудить уголовное дело по ч. 2 ст. 129 УК РФ в отношении Шипилиной Инессы Александровны, проживающей по адресу: г. Краснодар, ул. Раппоптовская, д. 138, кв. 8 по факту распространения заведомо ложных сведений в отношении Роя Дена Холлэндера, порочащих его честь и достоинство, подрывающих его репутацию, по квалифицирующему признаку публичности.

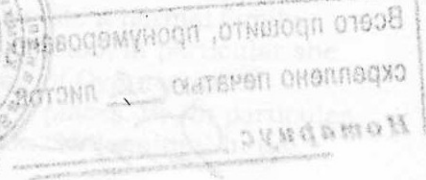
2. В соответствии со ст. 115 УПК РСФСР уголовное дело для организации проведения дознания направить начальнику СУВД Центрального административного округа г. Краснодара.

3. О принятом решении уведомить заинтересованных лиц.

Прокурор Центрального  
административного округа г. Краснодара  
Старший советник юстиции

Б.К. Овдиенко

*Инесса Александровна Шипилина*  
*Секретарь*







APOSTILLE APOSTILLE  
(CONVENTION DE LA HAYE DU 5 OCTOBRE 1961-  
ГААГСКАЯ КОНВЕНЦИЯ ОТ 5 ОКТЯБРЯ 1961 г.)

1. РОССИЙСКАЯ ФЕДЕРАЦИЯ  
ИСТОЧНИК Официальный документ  
2. ПОДПИСАН Воронко В.К.

3. ВЫСТУПАЮЩИМ В КАЧЕСТВЕ прокурора  
Исмаиловского адм. округа г. Краснод.  
4. СКРЕПЛЕНЫ ПЕЧАТЬЮ / ПИТАМНОМ Исмаилов  
прокуратора РР

(официальное название учреждения)

5. В ГОРОДЕ Краснодар 25.01.2002  
(дата цифрами)

7. Исмаилов В.П. Вер. СССР. 10  
и.и.и. Вер. Вер. Вер. Вер.  
(фамилия, должность лица,  
название удостоверяющего органа)

8. ЗА 80  
9. МЕСТО ПЕЧАТИ И.И.И.И.И.

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2 листа



06 ФЕВ 2002

года,

Химки

В.В. Валерий Валентинович, нотариус г. Химки

Московской области, свидетельствую

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заверения, в последнем подчисток,

зачеркнутых слов и иных

исправлений или каких-либо

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R E S O L U T I O N  
Of Institution a Criminal Case

Krasnodar

January 25, 2002

After considering materials of examination № 99Вх-02 of January 16, 2002 according to an application of the advocate Povaliy S.A. in favour of Roy Den Hollander on conduct of Shipilina I.A. public prosecutor of the Central Administrative District of Krasnodar senior counsellor of justice Ovdienko B.K.

E S T A B L I S H E D:

A citizen of the United States of America Roy Den Hollander came to Russia repeatedly during the period of 1999-2000 where he has made the acquaintance of a dweller of Krasnodar Shipilina Alina to whom he has got married later on at a Registry Office of Krasnodar.

After departure from Krasnodar to the USA Roy Hollander found out Shipilina's A. diary filled in with her own hand. As it became clear from the text of the diary Shipilina A. went in for prostitution both before acquaintance with Hollander and after that.

Deciding to clear up all of circumstances of the revealed fact Hollander comes to Krasnodar in 2001 with the purpose of questioning of those who were acquainted with Alina.

At the same time Alina's mother – Shipilina Inessa Aleksandrovna which purpose was to defame and to slander Alina's husband - Roy Den Hollander, becomes to meet people intentionally who mixed with Hollander and got into contact with him in Krasnodar, who knew him by sight during some period. By mixing with this people Shipilina I.A. deliberately spread a flagrant lie about Hollander, in particular she told that Hollander is mentally ill, a criminal, that he is in investigation by policy. Nevertheless Shipilina I.A. knew very well that information spread by her is false, because she mixed with Hollander during a long period, Hollander himself left the USA for Russia, other countries time and again freely, did not hiding himself, transferred through a territory both the USA and Russia, he has a permanent working place, his office, and a permanent place of residence. He came in Russia repeatedly in connection with his business, i.e. it would be impossible for him to carry out all of this when he would be a criminal or in investigation. In addition, in the case if Hollander would be mad, insane, he could not travel through the world without hindrance, leave the USA, repeatedly visit different countries, conduct his business in Russia.

Dwellers of Krasnodar questioned at the Office of Public Prosecutor of the Central District to whom Shipilina I.A. told that as if Hollander is a criminal and mad, explained that they had their own opinion of Hollander, they knew him as honest, well-wishing, affable, non scandalous, calm and self-possessed man and that is why they perceived the information from Shipilina I.A. as slandering Hollander.

When Shipilina I.A. mixed by her own initiative with women worked with Hollander as interpreters Martys N.G. and Sanches N.K., she also told them that Hollander is a criminal and mad having purpose to defame his honour and dignity and also with the purpose to undermine his prestige in Russia. In addition, when Shipilina I.A. let know to Sanches N.K. a false information of Hollander, she told threats directed against Sanches N.K. if the late will not stop to work with Hollander.

In addition to the wittingly false information spread among persons who knew Hollander from his work and from personal relationships that Hollander is a criminal and mad, Shipilina I.A. told them that he terrorizes her daughter, that he got married to her daughter with the purpose of gain having intention to direct her to the USA to work at strip-tease bars.

These arguments are also lame and wittingly false, because Hollander was ready and wished to get married to Shipilina Alina exactly with the purpose to create a normal family.

Shipilina I.A. spread calumnious information of Hollander publicly too, in particular she spread such information among lecturers and instructors of the Chair of Gymnastics of Krasnodar Academy of Physical Training, mixing with people at public places. So, in particular, Shipilina I.A. spoke to Martys N.G. in the office of an open corporation "Millennium" in the

presence of other employees. Manager-interpreter Emelyanova Galina who was present by the talking and who was acquainted with Hollander was forced to rebuke Shipilina I.A. when the late became speak negatively of Hollander and menace Martys N.G. with reprisal if she will continue to work with Hollander.

So, when Shipilina Inessa Aleksandrovna mixed with people who were acquainted with Hollander personally or through somebody, she deliberately spread wittingly false information of Hollander among these people, such information defamed his honour and dignity and also undermined his prestige and in spite of this she spread this information publicly, at public places, in the presence of other citizens.

So, Shipilina Inessa Aleksandrovna has committed a crime, prescribed by the p.2 of the art. 129 of the CC of the RF, slander.

On the grounds of the above mentioned, following directions of the art.art. 27, 108, 109 of the CPC of the RSFSR

#### R E S O L V E D:

1. To institute a criminal case according to the p.2 of the art.129 of the CC of the RF with respect to Shipilina Inessa Aleksandrovna living at the address: Krasnodar, Rashpilevskaya str., bld.138, fl.8 in connection with the fact of spreading wittingly false information of Roy Den Hollander which defamed his honour and dignity and also undermined his prestige with qualifying sign of publicity.

2. In accordance with the art. 115 of the CPC of the RSFSR the criminal case has to be directed to the chief of the Directorate of Internal Affairs of the Central Administrative District of Krasnodar for conducting inquiry to be organized.

3. The interested persons have to be informed of the decision.

Public prosecutor of the Central  
Administrative District of Krasnodar  
senior counsellor of justice

Ovdienko B.K.  
(signature)

The true copy.  
The secretary  
(signature)

There are the armed Seal on the  
every page of the Resolution:  
"Office of Public Prosecutor of the  
Russian Federation. The Office  
of Public Prosecutor of the Central  
Administrative District of Krasnodar"



APOSTILLE  
(Convention de la Haye du 5 Octobre 1961)

1. RUSSIAN FEDERATION  
THIS PUBLIC DOCUMENT
2. HAS BEEN SIGNED BY OVDIENKO B.K.
3. ACTING IN THE CAPACITY OF PUBLIC  
PROSECUTOR OF THE CENTRAL  
ADMINISTRATIVE DISTRICT OF KRASNODAR
4. BEARS THE STAMP OF OFFICE OF PUBLIC  
PROSECUTOR OF THE RF  
CERTIFIED
5. AT KRASNODAR
6. THE 25 JANUARY 2002
7. BY SHEVTSOVA I. P., CHIEF SPECIALIST ON NOTARIATE  
OF THE CHIEF DEPARTMENT OF JUSTICE
8. NUMBER 90
9. SEAL OF MINISTRY OF JUSTICE OF THE RUSSIAN  
FEDERATION. CHIEF DIRECTORATE OF THE MINISTRY  
OF JUSTICE OF THE RUSSIAN FEDERATION IN  
KRASNODARSKIY KRAI. INT 2309054566
10. SIGNATURE

There are sewn, numbered and  
sealed with the Seal of the  
Chief Directorate of the Ministry  
of Justice of the Russian  
Federation in Krasnodarskiy Krai 2 leaves

The armed seal:  
MINISTRY OF JUSTICE OF THE  
RUSSIAN FEDERATION. Chief  
Directorate of the Ministry of Justice of the  
Russian Federation in Krasnodarskiy Krai. INT  
2309054566

February 6, 2002. I, Baranov Valery Valentinovich,  
Notary Public of Khimky Town, Moscow Region hereby  
certify the true of this copy to the original and there are no  
blots, alternations, strikes and other non-mentioned  
corrections or peculiarities in the original.

Reg.No.: 3017 Tax: 3, 00

Signature and seal of the Notary Public.

Переводчик

Загребиль Д.И.  
Хим-



ки. Шестого февраля две тысячи второго года, я, *Баранов Валерий Валентинович*, нотариус города Химки Московской области, свидетельствую подлинность подписи известного мне переводчика, переводившего с русского языка на английский язык *Заребиль Дениса Ивановича*.

Зарегистрировано в реестре за №: *3019*

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*Баранов В.В.*



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6 (шесть) листов

Нотариус

*Баранов В.В.*



From Department of Internal Affairs  
Chief of the Department of Internal Affairs of the Central District of Krasnodar  
*Ostapenko P.I.*

Mr. Roy Den Hollander

On 25.01.2002 the procuracy of the Central District of the city of Krasnodar brought criminal action № 47603 pursuant to Article 129.2 of the Criminal Code of the R.F. against Shipilina, A.I. The conduct of the preliminary investigation was directed to the Department of Internal Affairs of the Central District of the City of Krasnodar.

In connection with this matter it is necessary to question you as a victim and therefore we ask you to answer the following questions in full detail.

I, Roy Den Hollander, a citizen of the USA, residing at 545 East 14<sup>th</sup> Street, New York, New York 10009, US passport No. 200315516, speaking under oath, hereby depose and say as follows, to the best of my knowledge and belief, in answer to the attached questions:

1. When, where, and in what circumstances did you make the acquaintance of Alina Shipilina?

On July 4, 1999, I arrived in Moscow to begin work as the manager of the Russian Division for the American firm Kroll Associates. I was hired on a consulting basis to improve the firm's operations and increase its business in Russia. Kroll is a worldwide security and consulting company.

I met Alina Shipilina, whom I later called Angel, on Friday, July 23, 1999. I was walking back to my apartment at 7 Denis Davidov in Moscow around 23:00. As I turned into the driveway leading to my front door, I came upon a party emanating from the basement of the building where I lived. The night was warm and a handful of people, including a couple of very pretty Russian girls who were talking with two men, were standing outside by the driveway. I decided to check it out and headed for the basement entrance to the party when a man whom I assumed to be the host told me it was for invitees only. I said, "How do I get an invitation?" He asked whether I was an American, I said yes. We exchanged names and he showed me inside to the bar and left. I didn't speak Russian beyond that of a three year old, but the bartender spoke English, so we struck up a conversation. While we were talking, I heard someone behind me say my name or something in English. I turned and there she was, a few inches taller than me, beautiful, blonde, all a glow and smiling—I felt like a sack of bricks and said to myself, this is the one. She said, "Hi I am Angelina." We went outside at her suggestion where she told me she was a model and dancer and that the party was hosted by her model agency, and that she would be in Moscow for another week working as a model. She told me one of her pictures was on display in an exclusive clothing store a few blocks down Kutuzovsky from my apartment building, which I saw later on. She came from Krasnodar, said she didn't have any boy friends at the moment and that she had been a three-time Russian long jump champion when in school. From that night until she left for Krasnodar the following Friday, we went out every night except one. She wanted to dance and dance all night long. I wanted to be with her always. We only kissed and hugged, but I was in heaven—I was in love. I had found the girl of my dreams. I couldn't believe my good

fortune. When she left, I took her to the airport with my driver, and we kept in touch through letters and telephone calls until she returned to Moscow the end of August.

2. For what purpose and in what circumstances did you enter into marriage with A.S.?

I fell in love with Alina and wanted to build a life together with her in America. I never met anyone before for whom I felt this way. I didn't want to lose her. I wrote her love letters that included statements such as "I received your photographs and put them on the pillow next to mine, so I could smell your perfume the night through and dream of you," or "It's just like heaven being here with you. You are an Angel too good to be true."

We got married on March 11, 2000, in Krasnodar at ZAGS. I was surprised that she had not invited any of her friends and especially that her mother did not show for the wedding. I would have invited my friends for sure because I felt exhilarated and proud, but my friends were in America. It appears that one reason for my joy was that Alina was secretly putting, as she wrote in her diary, "salts and sugars" in my meals before the wedding that caused narcotic like symptoms in me.

3. In what circumstances did you make the acquaintance of the mother of Alina, I.A. Shipilina, and what were the relations between you and her?

I visited Alina and her mother, Inessa, in Krasnodar over New Year's when the millennium changed to the year 2000. We spent the evening celebrating at her and her mother's house. Her mother was hospitable and friendly, serving up many different courses, of which Alina couldn't eat too much because she was already bursting out of the seams of her skin tight mini dress. At midnight we all went outside to the road to set off fireworks. It was very dark, but I could see the black shapes of lots of people standing around. All of a sudden the entire sky lit up with rockets and sparklers and bombs bursting everywhere. It looked like a war as far as the eye could see. Alina was setting off rockets and firecrackers; jumping up and down in her mini shirt filled with glee like a little child.

I considered my relations with Inessa good but was troubled by why she didn't come to our wedding in Krasnodar in March 2000. At the time, Alina said her mother had to work. By the end of August 2001 when the marriage was on the rocks, the relations were not good. In one fax that Inessa sent to Alina on my fax machine, Inessa said I was like a bloodsucker, never satisfied, and she ended the fax wishing her married daughter "new conquests".

4. a) What was the reason for divorce?

I learned from Alina's diary, her words, and her actions that she was a prostitute, repeatedly committed adultery, consistently lied to me, wanted to date the men who watched her strip at "Flash Dancers" (a club) and married me in order to obtain a green card. Within three months of our marriage she traveled to Italy on her second passport to keep the entry stamp out of her other passport that she would use to travel to the United States with me. In Italy she engaged in adultery and prostitution with an old client of hers from Mexico, Alfredo Ibarra. In July, just four months after our marriage, she engaged in sexual conduct in Krasnodar with a man named Vladimir from St. Petersburg. After that tryst at 5:30 in the morning, she allowed a taxi driver to fondle her knee in order to save on the fare.

She insisted on working as a lap dancer rather than devoting her time to pursuing modeling, acting or singing that many of my friends were willing to help her with. It became clear to me that Alina was driven solely by greed for the wealth the sex industry could provide her. All her talk of “special love”, karma philosophy, and dreams were no more than a ruse to trick me into bringing her to America, so she could sell herself to as many men for big money as possible.

Some examples from her diary:

About our wedding she said, “And on Saturday, March 11, 2000, we registered our marriage. It was merry! I did not accept it very seriously; for me it was only business. I become so tired of him.” Page 41 of the certified English translation of her diary; p 101 of the Russian language copy.

Her June 25, 2000, diary entry states, “The problem is in his real feelings to me. I am a stimulus for him. He sees me as a real wife, but it is absurd.... I will never see him as a real husband.” Page 46 English; pp 120-21 Russian.

January 17, 2000, “Roy says that I am the only happiness of his. He wants me to be near him.... If only he were younger....” Page 37 English; p 90 Russian.

April 5, 2000, “He wrote me a letter saying how it was difficult for him to be alone.... Frankly speaking, I cannot imagine what I will do with him in Moscow. Listen to his philosophy? To wash, to clean and to cook? And leave my mother all alone.... On one hand I would like that we remained friends, but he would not hinder my meetings with friends and I would give him freedom.” P 41, 42 English; p 103 Russian.

April 20, 2000, “What will happen if I will not receive a visa to America? I will go—with Leonid’s help—to Greece or Venezuela. In June I am sure to go somewhere!” Page 43 English; p 108 Russian.

July 6, 2000, “I decided to go to America for now and make some money and to get a divorce from him. Then better to go to Japan.”

b) Is your marriage with Shipilina dissolved?

Yes

5. a) When and for what purpose did you come to Krasnodar? b) did you meet with acquaintances of Alina and A.I. Shipilina? c) exactly when did you come and with whom did you associate?

a) Under New York law I sued Alina for an annulment or in the alternative a divorce based on her adultery or cruel and inhuman treatment. Under any of these causes of action I needed to provide evidence to the court concerning her conduct. Annulment required I prove to the judge or jury that my wife lied about or failed to tell me something of such importance that had a reasonable man in my position known the truth he would not have married her. Cruel and inhuman treatment required showing any type of conduct by Alina towards me that the court considered to make our continued cohabitation physically or mentally harmful or just improper.

**Comment [djw1]:** I would leave this out, or at least reduce it to a minimum. It adds nothing and detracts something.

The key evidence I possessed for all these causes of action was a copy of Alina's diary, but before the court would accept the diary as evidence, I needed to prove that she wrote the diary and that the events depicted were accurate. In order to do that, I needed to find potential witnesses knowledgeable about her writing style and some of the events Alina wrote about. Once I found such witnesses, I could obtain their testimony for the court under the Hague Convention on Taking Evidence Abroad in Civil or Commercial Matters. Furthermore, Alina's defense for annulment and adultery also required me to find additional evidence that I previously did not know about. In order to authenticate Alina's diary and find additional evidence for the court proceedings, I traveled to Krasnodar in search of knowledgeable witnesses willing to tell the truth.

I was in Krasnodar from April 15 to 22, 2001, and from June 10 to 17, 2001.

b) Yes, I met or contacted acquaintances of Alina. I assume that you want to know which ones. I recall meeting the following:

Alexey Dikov

Katherina Alexevna Gerokaris

Vera Ivanasova

A man who answered the door at Vita C by the Aurora Movie Theater. I was looking for the manager whom Alina introduced me to and said had helped her move from Grozny.

Evgeniy Martianov

V.G. Minchenko, Acting Rector Kubanskaya State Academy of Physical Training

Yulya Yurevna Kudinova

Dmitri Morosov, photographer of models

Andrei Sergeevich Petrov

Alexey Smolin, Manager of Troika Restaurant

Anastasia and Dima Vasilyeva of the Tatianna Vasilyeva Fashion House

The head of ZAGS whose name I believe is G.I. Klimova

Next-door neighbors of Alina at 138 Rashpilevskaya

c) I associated with my two translators, Natalya Martys, Nadya Sanchez and my attorney Svetlana Povaliy and a reporter named Victoria Aleynikova.

6. When and by what means did it become known to you that I.A. Shipilina was spreading information about you that does not correspond to reality?

I believe I first learned about Inessa's efforts to keep people from providing me information by defaming me and threatening potential witnesses during a telephone call to my translator Natalya Martys or from an email she sent to me on May 16, 2001.

7. When, to whom, and exactly what did she say about you?

The best I can discern follows:

1. Natalya Martys: (W) 39 04 11. On or about April 26 –27, Inessa Shipilina visited Ms. Martys' office twice.

At first, she (Inessa) came into my (Natalya) office, she told me very bad things, also she told that you are criminal, crazy, etc. In addition she told me that you'd never visit Russia again, because you are a criminal and our police know it. She forced me to say with whom you met in Krasnodar. After this she tried to force me to write a paper with number of my passport and current address for Court with detailed describing of your last

visit into Krasnodar: each meeting, with whom and when.... I said, O.k., see you tomorrow, I'll make this paper. When she left our office I called my lawyer, and she refused to make any paper without special request from Court. When Alina's mother came again, I told her, I agreed to help to show the real matter of justice but you haven't any possibilities for this. She was very angry, she promised to locate me at the prison very soon. Yes, it was very unpleasant, you know. Also she told that you forced Alina to write her diary, she could kill me! Natalya was frighten because Alina and Inessa have money from Alina's prostitution and stripping work in New York and also have connections with Chechen gangsters.

On or about July 12th:

Inessa apparently sent to Natalya's home a forged court summons in an effort to threaten and intimidate her into no longer providing translation services to me.

2. Vera Ivananova Ivanasova (W) 59 66 95, (H) 32 06 51: On or about the last week of April 2000 and the first week of May.

Inessa went to Vera and threatened to sue her in court, accusing Vera of taking money from me to distribute Alina's diary. Inessa said some very negative things about me that Vera did not want to repeat in my presence. Inessa told "everybody" in the Gymnastic Department at the Academy of Physical Culture that Vera was distributing the diary to people in the Academy because I had paid her money. Others found out that Inessa was lying and made her apologize to Vera in front of the Academy's instructors.

3. Anastasia Vasilyeva and her husband Dima (W) 55 74 63, 55 98 07: On or about April 23-28:

Alina telephoned Anastasia and asked to come over and meet with Anastasia about her meeting the previous week with me. Anastasia refused. Later, Inessa telephoned Anastasia and asked Anastasia questions about her meeting with me. Inessa told Anastasia that I was a criminal. Inessa also talked to Dima. Then Alina and Inessa sent a message on Anastasia's pager that they know Anastasia had sold information to me, and they will meet in court. Anastasia was very scared over the situation and Dima was very upset.

4. Alexei Dikov (M) 63 55 58, 902 439 6706: On or about April 23-28:

Inessa called Alexei to try to intimidate him into not talking to me.

5. Yevgeniy Martianov, Tel 62 31 37: On or about April 23-28:

Inessa called Martianov to ask whether I had talked to him and had given him some papers. Inessa said Roy was a crazy person.

6. Dmitri Morosov (W) 56 00 23: On or about the last week of April or first week of May:

I believe Alina or Inessa contacted Morosov and defamed me to him because when my translator called him he acted nasty and refused to meet with me, saying he had heard about me.

7. Nadya Sanches (W) 39 04 11: On June 13, 2001 at about 15:30:



Inessa walked over to Nadya, my translator, and me and tried to intimidate Nadya into giving Inessa her name. When Nadya refused, Inessa said in a very threatening manner, "If you work for Roy, you will get into a big mess."

8. Roy Den Hollander:

On June 16, 2001: Inessa called Alexei Dikov looking for an FSB person to deal with Roy.

On June 17, 2001: In the morning, Inessa called Roy's driver in Moscow and told him not to pick Roy up at the airport that night. When Roy arrived at the Krasnodar Airport to leave for Moscow, Inessa was standing with a militiaman and pointed Roy out to him and said a photograph was taken. Then Inessa followed Roy and his translator to the car and stood near the car apparently talking on her mobile telephone.

9. Larisa Novocelskaya, Editor "Улица Красная", 350000 г. Краснодар ул. Гоголя 52, (W) 55 93 09: On or about June 18-29, 2001:

Inessa visited the office of the editor of "Улица Красная" shouted and threatened her over an article the paper had printed in its April 30 – May 6 edition about the situation between Roy and Alina. I believe Inessa defamed me to the editor. The editor was intimidated into not reporting any follow up stories.

8. Did I.A. Shipilina ever spread false information about you earlier or did this only happen after you came to Krasnodar in 2001 and began to associate with her acquaintances and the acquaintances of her daughter?

According to Anastasia Vasilyeva, Inessa told her before my trips to Krasnodar that I was not generous enough.

9. How did the actions of I.A. Shipilina harm your honor, worth, dignity, and affect your reputation?

I am a lawyer with a Masters of Business in Finance. I received my MBA with honors from Columbia University in May 1997 and my Juris Doctor degree with high honors from George Washington University in 1985. I belong to two of the four national academic honor societies in America: Order of the Coif and Beta Gamma Sigma. I have worked for ABC Television News, the United States Department of the Treasury for which I received a Top Secret Security Clearance from the Federal Bureau of Investigation, and one of the best law firms in America: Cravath, Swaine & Moore. These credentials attract people and businesses not only in the US but Russia to retain my services not just for my skills but my integrity, honesty and dependability. In Russia, I have been providing legal and business advice to Russian organizations, the government and individuals since 1991, which included the Department of Overseas Business Promotion in the Ministry of Foreign Economic Affairs, Intertraining Association and Kroll Associates Moscow. My reputation for straightforwardness has enabled me to publish a number of articles on law, politics, economics and Americans in Business World Weekly and Law Gazette, and appear on BK TV KT on one occasion to provide analysis of laws governing the buying and selling of securities.

As our world becomes smaller and smaller, a mean-spirited individual's defamation of another person can easily have reach beyond the parochial geography in which it was

made. Inessa Shipilina's malicious, premeditated and willful efforts to besmirch my character in a wholly unjustified attempt to keep the truth about her daughter from the New York State Courts not only harmed the concept of justice by which civilized people live but left a spreading stain on my reputation not only in Russia but one that could easily expand to wherever I may conduct business or deal with decent-minded people in this small world of ours. It is not as unlikely as one might think to accidentally meet someone who knew an acquaintance of ours in a distant city or country. In fact, contemporary population mathematics postulates that any of us can have a message personally delivered to anyone else in the world by going through a chain of at most six people. Unless the Krasnodar court puts a stop to Ms. Shipilina's spurious statements calculated to cause grievous harm to my dignity, honor, worth and reputation, and to call into question in the minds of others all the credentials I have garnered thus far in this life, then there is no telling how far and deep her injurious conduct may reach. In addition, when considering the surprises that life brings, it is not unfeasible that this time next year I might have the opportunity to work with organizations or individuals in Krasnodar, but not unless my name is cleared.

---

Roy Den Hollander, M.B.A., J.D.  
545 East 14<sup>th</sup> Street  
New York, NY  
10009 USA

Sworn to before me as true to the best of his knowledge and belief by Roy Den Hollander, M.B.A., J.D., to me known to be the individual described in and who executed the foregoing document, and acknowledged that he executed the document on this       day of March 2002.

Civil Defamation Suit  
September 2002

To the Court of Leninskiy district of Krasnodar

Plaintiff: Roy Den Hollander  
D.b. 09.26.1947  
National passport 200315516  
Issued by the national passport center 04.19.1999  
Representative attorney of the legal advice office  
Of Zapadny district of Krasnodar  
S.A.Povaliy,  
350062 Krasnodar  
Rashpilevskaya str. 62

Defendant: Inessa Alexandrovna Shipilina  
Residing: Krasnodar, Rashpilevskaya str.

Declaration of the defense of honor, dignity, business reputation and moral damage recovery

I registered my marriage with Alina Alexandrovna Shipilina on 03.11.2000, after that together with my wife I left for the USA, New York, where I resided.

As soon as I became aware that Alina describes her relationships with other men in her diary, I decided to learn the real situation and came to Krasnodar, I met people, who knew her before our wedding. I brought a divorce suit in the USA.

In the meanwhile Alina's mother, Inessa Alexandrovna Shipilina, started to spread among our common acquaintances information, damaging my honour, dignity and business reputation.

Thus, talking to Natalya Martys she said that I was a criminal, wanted by the Federal forces, she said that I had committed grave crimes. All the facts are not true and were deliberately invented by I.A.Shipilina. Besides, she told Vera Ivanovna Avanesova defamatory insinuations about my alleged criminal past and present.

Talking to Anastasiya Vasilyeva on the phone the defendant told about me as a criminal sent Anastasiya messages on the beeper, where she threatened her with punishment if Anastasiya witnessed against her. She also told Nadezhda Sanchez the things defaming my honor and dignity.

Talking with Evgeniy Kardakov on the phone Shipilina said, that I was a mentally diseased person, socially dangerous, she urged Kardakov not to talk with me.

The above-mentioned witnesses can confirm all the episodes.

The stories told about me are not real facts, they defame my dignity, honor and business reputation.

My business reputation was damaged as a result of defendant's actions. I am a licensed attorney and have a number of clients not only in the USA, but in other countries as well, including Moscow and Krasnodar. I have to explain to my partners that I am not crazy and don't have criminal past or present.

Furthermore, spreading the information, defaming my honor, dignity and business reputation the defendant brings me moral harm.

I estimate the damage caused me by the defendant as 500 hundred rubles.

On the basis of the above-mentioned and governed by the articles 151,

152, 1099-1101 of the Civil code of the Russian Federation.

I appeal:

1. to make the defendant disprove the information defaming my honor, dignity, the untrue words that I m not normal , mentally diseased person, criminal by apologizing before me.
2. To recover from the defendant the compensation for the moral damage in the sum of 500 hundred rubles.
3. To pay all the duties at her cost

Enclosure

1. the copy of the declaration
2. the papers confirming that Shipilina spread the information defaming my honor and dignity
3. papers disproving the information spread by Shipilina.

Roy Den Hollander

**КОПИЯ**

КОПИЯ

Р С Ф С Р

Исполнительный комитет  
Краснодарского городского  
Совета народных депутатов  
Управление жилищно-  
коммунального хозяйства  
БЮРО ТЕХНИЧЕСКОЙ  
ИНВЕНТАРИЗАЦИИ  
350000, г. Краснодар  
ул. Леваневского 16  
Тел. 52-2734, 59-23-61  
От 12.09. 2001 г №  
На № 15/23

### СПРАВКА

Настоящая справка выдана Краснодарским бюро Технической инвентаризации в том, что гр. Шипилина

1. Инесса Александровна,
2. Алина Александровна

По картотеке городских домовладений числится собственником строений в городе Краснодаре имеют каждая по 1/2 доли купленной кв-ры № 8 по ул. Раппиневской № 138.

Справка выдана для предъявления по месту требования.

Печать

Начальник бюро технической инвентаризации

Подпись

Техник бюро

Подпись

Россия, город Краснодар, 19 сентября 2001 года.

Я, Мартынов И.И., нотариус нотариального округа г. Краснодара свидетельствую верность этой копии с подлинником документа. Я сличил копию с подлинником, причем в последнем подчисток, приписок, зачеркнутых слов и иных не оговоренных исправлений или каких либо особенностей не оказалось.

Зарегистрировано в реестре за № 1006/1

Взыскано 1000 руб

Нотариус

И.И. Мартынов



КОНПОЛ

АПОСТИЛЬ АПОСТИЛЬ  
(СОВЕРШЕН ПО ЗАКАЗУ В ОКТЯБРЕ 1991  
ГЛАВНЫМ КОМПЕТЕНТНЫМ ОТ 6 ОКТЯБРЯ 1991 Г.)

1. ГОСУДАРСТВЕННЫЙ СЕРТИФИКАТ

НАСТОЯЩИЙ ОТ ПОСЫЛКИ ДОКУМЕНТ

2. ПОДПИСИ Мартыновский Н.И.

(фамилия)

3. ВЫПУСКАЮЩИМ В КАЧЕСТВЕ нотариуса

Игорь-Сергей Красноводар

4. СКАЗАННЫМ ПОСЫЛКИ ПОСЫЛКИ Михаил

Иванович Мартыновский Н.И.

(официальное название учреждения)

УДОСТОВЕРЯЮ

5. В ГОРОДЕ Красноводск 19.09.2001.

7. Ваняшев М.Р. (фамилия)

Вну. нотар. (фамилия, должность лица)

8. За № 1265 (наименование удостоверяющего органа)



Иванов

Copy

RSFSR  
Executive Committee  
Krasnodar Town Soviet  
of People's Deputies  
Lodgement Maintenance Office  
Technical Inventory Bureau  
Levanevskogo str., 16,  
350000 Krasnodar  
tel. 52-2734, 59-23-61

Our ref. No. 15/23  
Dated September 12, 2001

### CERTIFICATE

#### TO WHOM IT MAY CONCERN

It is given to certify that

1. Inessa Alexandrovna Shipilina
2. Alina Alexandrovna Shipilina,

as it is appeared from files of the Town Lodgement Register, are real estate owners and each of them holds 1/2 of purchased flat No. 8 at Rashpilevskaya str., bldg. 138.

#### Seal

/signature/  
Director  
Technical Inventory Bureau

/signature/  
Bureau Clerk

Russia, Krasnodar Town, on the 19th day of September 2001, I, I. I. Martynov, Notary Public of Krasnodar Town hereby certify that this is a true copy of the original and there are no blots, alternations, strikes and other non-mentioned corrections or peculiarities in the original.

Reg. No.: 10611 Tax: as law provided  
Signature and seal of the Notary Public.

1. Country: **RUSSIA**

THIS PUBLIC DOCUMENT

2. has been signed by Martynov I. I.  
3. acting in the capacity of the Notary Public of Krasnodar  
4. bears the seal/stamp of the said Notary Public

2001

## 6. September 12, 2001

8. No: 1265

## 10. Signature

ПОДПИСЬ

Загребиль Д. И.  
Хим-





ки. Четырнадцатого декабря две тысячи первого года, я, Баранов Валерий Валентинович, нотариус города Химки Московской области, свидетельствую подлинность подписи известного мне переводчика, переводившего с русского на английский язык Загребиль Дениса Ивановича.

Зарегистрировано в реестре за №: 39216

Взыскано по тарифу: 5 руб. 00 коп.

Нотариус

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Баранов В.В.

Гербовая печать  
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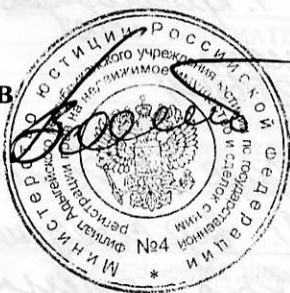
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« 10 » февраля 2002г.

исх. № 1/2002 - 16

На основании запроса от \_\_\_\_\_ г., № \_\_\_\_\_, сообщаем, что Шипилина Инесса Александровна, 1950 года рождения, обратилась 09.08.2000 года в Учреждение юстиции по государственной регистрации прав на недвижимое имущество и сделок с ним Тахтамукайского района РА с заявлением о регистрации перехода права собственности и регистрации сделки на объект по адресу: п. Яблоновский, ул. Сквозная, 11 к Царевой Светлане Александровне, 1949 года рождения, на основании Договора дарения жилого дома с земельным участком от 08.08.2000 года, удостоверенного Чуюко С.Г., нотариусом Тахтамукайского НО РА, в реестре № 1597, о чем в Едином государственном реестре прав на недвижимое имущество и сделок с ним 04.09.2000 года сделана запись регистрации № 01-01/04-3/2000-219.

**Государственный регистратор прав  
Тахтамукайского района РА**



**Ратушный П.В.**

г. Краснодар, Краснодарский край, Российская Федерация.

Седьмое мая, две тысячи второго года.

Я, Морозов Д.Ю., нотариус г. Краснодара, свидетельствую верность этой копии с подлинником документа. В последнем подчисток, приписок, зачеркнутых слов и иных не оговоренных исправлений или каких-либо особенностей нет.

Зарегистрировано в реестре за № 5310

Взыскано

Нотариус



Государственный архив Республики Татарстан  
по государственному архиву Республики Татарстан  
и сноскам с ним по Татарскому району

Республика Татарстан  
Татарский район  
Государственный архив

На основании запроса от  
гос. архива Республики Татарстан  
от 08.08.2000 года в Удмуртский архив  
гос. архива Республики Татарстан  
и сноскам с ним по Татарскому району  
с записями о регистрации перехода права собственности  
сделки на объект по адресу: п. Яковлевский, ул. Советская, д. 11 к/1

АПОСТИЛЬ АПОСТИЛЬ  
(CONVENTION DE LA HAYE DU 5 OCTOBRE 1961)  
ТАЛГСКАЯ КОНВЕНЦИЯ ОТ 5 ОКТЯБРЯ 1961 г.)  
1. РОССИЙСКАЯ ФЕДЕРАЦИЯ  
НАСТОЯЩИЙ ОФИЦИАЛЬНЫЙ ДОКУМЕНТ  
2. ПОДПИСАН Мордочев Д.Ю.  
(фамилия)  
3. ВЫСТУПАЮЩИМ В КАЧЕСТВЕ исполнителя  
исполн. с.р. г. Краснодар  
4. СКРЕПЛЕН ПЕЧАТЬЮ /ШТАМПОМ исполн.  
исполн. Мордочев  
(официальное название учреждения)  
5. В ГОРОДЕ Краснодаре 8.05.2000  
6. Исеева И.П. вер. исеев. ис.  
(фамилия, должность лица)  
7. исполн. И.И. М.р. исеев  
8. За № 684 название удостоверяющего органа



10. [Signature]

**Branch of Adyg Republican Agency of Justice on State Registration  
of the Rights on Real Estate and Bargains with It  
for Takhtamoukaysky District**

**Deputy Prosecutor  
for Takhtamoukaysky District  
of the Republic of Adyg  
Barcho N.R.**

February 18, 2002

Ref. No 1/2002-16

On the basis of inquiry dated \_\_\_\_\_, No \_\_\_\_\_, we notify that Shipilina Inessa Alexandrovna, born in 1950, has filed an application to the Adyg Republican Agency of Justice on State Registration of the Rights on Real Estate and Bargains with It for Takhtamoukaysky District on August 09, 2000. She applied for registration of transition of the property right and registration of the bargain with the real estate object located to the address: village Yablonevsky, Skvoznaya street, 11 to Tsareva Svetlana Alexandrovna, born in 1949, on the basis Gift Agreement in relation to the apartment house with the land plot dated August 08, 2000 certified by the State Notary Takhtamoukaysky District of the Republic of Adyg, included in the register under No 1597, which was registered in the Uniform State Register of Rights on Real Estate and Bargains with It on September 04, 2000, registration record No 01-01/04-3/2000-219.

The State Registrar of the Rights  
for Takhtamoukaysky District of the Republic of Adyg [Signature] Ratoushny P.V.

[Impress of the seal No 4 of the Branch of Adyg Republican Agency of Justice on State Registration of the Rights on Real Estate and Bargains with It]

City of Krasnodar, Krasnodar territory, Russian Federation.

The Seventh of May of the Year Two Thousand and Second.

Me, Morozov D.Yu., the notary of the City of Krasnodar, witness the conformity of this copy to the original of the document; in the latter have not appeared to be any erasures, additions, crossed out words and other not stipulated corrections, nor any singularities.

Included in the Register under № 5310

Collected – 10 roubles

Notary [Signature]

[Impress of the seal of the notary Morozov Dmitry Yuryevich]

**APOSTILLE**

(Convention de La Haye du 5 octobre 1961)

1. Russian Federation

This public document has been signed by

2. Morozov D.Y.

3. acting in the capacity of: notary public of the city of Krasnodar

4. bears the seal/stamp of the notary public Morozov D.Y.

Certified

5. in the city of Krasnodar

6. On May 8, 2002

7. by Shevtsova I.P., Leading Specialist on Notary Services of the Main Administration of Justice

8. No 684

9. Seal/Stamp [Impress of the seal of the Main Administration of the Ministry of Justice of the Russian Federation for Krasnodar Area]

10. Signature: [Signature]

*Shevtsova I.P.*

*[Signature]*

*Семевед А.О.*

*Куржб -*



Agency <b>NYPD</b>		ORI <b>NY</b>		New York State DOMESTIC INCIDENT REPORT (PRINT UPPER CASE)		SPRINT No. (NYPD) <b>U-13</b>		Incident Report No.		Pct. of Report <b>114</b>		
Date of Report <b>12.13.00</b>	Time of Report <b>1615</b>	Date of Occur <b>12.12.00</b>	Time of Occur <b>1600</b>	Address of Occurrence <b>28-15 34 St</b>				Apt. No. <b>4H</b>	Sector	Beat		
Compl./Victim's Last Name, First, M.I. <b>SHIPILINA, ALINA</b>				Address <b>28-15 34 St Astoria</b>						Sex <b>F</b>		
Date of Birth <b>11.10.75</b>	Age <b>25</b>	Home Telephone <b>(212) 274-4902</b>	Race <input checked="" type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> Other <input type="checkbox"/> Indian <input type="checkbox"/> Asian <input type="checkbox"/> Unk	Ethnic Origin <input type="checkbox"/> Hispanic <input checked="" type="checkbox"/> Non-Hispanic <input type="checkbox"/> Unknown						<b>+</b>		
Suspect/Other Party Last Name, First, M.I. <b>Hollander, Roy</b>				Address <b>545 E. 14 St Manhattan #10D</b>						Sex <b>M</b>		
Date of Birth <b>10.26.47</b>	Age <b>53</b>	Home Telephone <b>(212) 995-5201</b>	Race <input checked="" type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> Other <input type="checkbox"/> Indian <input type="checkbox"/> Asian <input type="checkbox"/> Unk	Ethnic Origin <input type="checkbox"/> Hispanic <input type="checkbox"/> Non-Hispanic <input type="checkbox"/> Unknown								
Suspect Relationship to the Complainant/Victim <b>Husband</b>			Suspect Present? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		Offense/Incident Involved: <input type="checkbox"/> Fel <input checked="" type="checkbox"/> Misd <input type="checkbox"/> Viol <input type="checkbox"/> Other		Description (Offenses) <b>Agg Harassment</b>					
Order of Protection? Violated? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		Issuing Court		OP Registry Checked <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		Expir. Date		Complaint Report Prepared? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		Compl. No.		
Report Received <input checked="" type="checkbox"/> Walk-in <input type="checkbox"/> Radio Run												
Suspect Used/Threatened Weapons? Type: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			Victim Injured? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		Describe		Aided No.		Removed to Hospital? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		What Hospital?	
Photos Taken? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		Arrest Made? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		Non Arrest Reason <input type="checkbox"/> No Offense Committed <input type="checkbox"/> Not at Scene <input type="checkbox"/> Warrant Requested <input checked="" type="checkbox"/> Other				If Arrest Made, Did Perp. Resist? <input type="checkbox"/> YES <input type="checkbox"/> NO				
Charge(s) (List All) <b>Aggravated Harassment</b>								Arrest No.				
Family/Household Members Present? If YES, Last Name, First <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO						Date of Birth		Relationship				
Domestic Incident Report Receipt Issued? If NO, Reason: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO						DV Notice Issued to Victim <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		Date <b>12.13.00</b>				
Suspect's Actions: <input type="checkbox"/> Biting <input type="checkbox"/> Choking <input type="checkbox"/> Destroying Property <input type="checkbox"/> Forcible Restraint <input type="checkbox"/> Grabbing <input type="checkbox"/> Hair Pulling <input type="checkbox"/> Homicide <input type="checkbox"/> Injury to Child <input type="checkbox"/> Kicking <input type="checkbox"/> Pulling Phones From Wall <input type="checkbox"/> Punching <input type="checkbox"/> Pushing <input type="checkbox"/> Pushing/Slamming Into Walls <input type="checkbox"/> Sexual Abuse <input type="checkbox"/> Slapping <input type="checkbox"/> Threats With Weapon(s) <input type="checkbox"/> Throwing Items <input type="checkbox"/> Using Weapon(s) <input checked="" type="checkbox"/> Verbal Abuse <input type="checkbox"/> Other:												
Narrative of the Incident: (include results of investigation and basis for action taken) <b>AT 7/10/00 clv states that her husband did call her on the telephone and stated that if she did not pay him \$20,000 dollars that he would have her deported back to Russia. clv states that perps actions did cause her annoyance and alarm. clv does not want to press charges at this time</b>												
Victim's Statement of Allegations: <b>My husband (Roy Den Hollander) push to me give to him 20,000 \$ and he threaten me - if I don't pay this money, he will send me back in Russia.</b>												
False Statements made herein are punishable as a Class A Misdemeanor, pursuant to Section 210.45 of the Penal Law.								Victim's Signature <i>[Signature]</i>		Date <b>12.13.00</b>		
Other involved Agency(s)												
Is There Reasonable Cause to Suspect A Child May Be The Victim of Abuse, Neglect or Maltreatment? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO If Yes, Reporting Officer Must Contact the NYS Child Abuse Hotline Registry # 1-800-635-1522.						Any Guns In The House? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO Household Member Have a Pistol Permit? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Permit No. _____ Issuing County _____ Name _____						
REFERRALS: <input type="checkbox"/> Child Protective Services <input type="checkbox"/> Licensing Bureau <input type="checkbox"/> Adult Protective Services <input type="checkbox"/> Domestic Violence Services <input type="checkbox"/> Other Outside Agency						Name of Person Notified: Date: _____ Time: _____ Notified By: _____						
Reporting Officer's Signature (Include Rank) <i>[Signature]</i>						Officer I.D. No. <b>918752</b>		Date <b>12.13.00</b>		Page of <b>1</b>		
Supervisor's Signature (Include Rank) <i>[Signature]</i>						Date <b>12.13.00</b>				Pages		

Agency <b>NYPD</b>		ORI <b>NY</b>		New York State <b>DOMESTIC INCIDENT REPORT</b> (PRINT UPPER CASE)		SPRINT No. (NYPD) <b>WA 1N</b>		Incident Report No.		Pct. of Report <b>114</b>		
Date of Report <b>06.27.01</b>	Time of Report <b>2000</b>	Date of Occur <b>06.29.01</b>	Time of Occur <b>2100</b>	Address of Occurrence <b>28-15 34<sup>ST</sup> ASTORIA N.Y. 11103</b>				Apt. No. <b>4H</b>	Sector	Beat		
Compl./Victim's Last Name, First, M.I. <b>SHIPILINA ALINA A</b>				Address <b>28-15 34<sup>ST</sup> ASTORIA N.Y. 11103</b>						Sex <b>F</b>		
Date of Birth <b>11.10.75</b>	Age <b>25</b>	Home Telephone <b>(718) 274-4902</b>	Race <input checked="" type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> Other <input type="checkbox"/> Indian <input type="checkbox"/> Asian <input type="checkbox"/> Unk		Ethnic Origin <input type="checkbox"/> Hispanic <input checked="" type="checkbox"/> Non-Hispanic <input type="checkbox"/> Unknown							
Suspect/Other Party Last Name, First, M.I. <b>HOLLANDER ROY DEN</b>				Address <b>545 EAST 14 ST. N.Y. N.Y. 10009</b>						Sex <b>M</b>		
Date of Birth <b>09.26.47</b>	Age <b>53</b>	Home Telephone <b>(212) 995-5301</b>	Race <input checked="" type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> Other <input type="checkbox"/> Indian <input type="checkbox"/> Asian <input type="checkbox"/> Unk		Ethnic Origin <input type="checkbox"/> Hispanic <input checked="" type="checkbox"/> Non-Hispanic <input type="checkbox"/> Unknown							
Suspect Relationship to the Complainant/Victim <b>HUSBAND</b>			Suspect Present? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		Offense/Incident Involved: <input type="checkbox"/> Fel <input type="checkbox"/> Misd <input type="checkbox"/> Viol <input type="checkbox"/> Other		Description (Offenses) <b>AGGRAV. HARRASSMENT</b>					
Order of Protection? Violated? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		Issuing Court <b>Family Court</b>		OP Registry Checked <input type="checkbox"/> YES <input type="checkbox"/> NO		Expir. Date <b>07.31.01</b>		Complaint Report Prepared? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		Compl. No.		
Report Received <input checked="" type="checkbox"/> Walk-in <input type="checkbox"/> Radio Run												
Suspect Used/Threatened Weapons? Type: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			Victim Injured? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		Describe		Aided No.		Removed to Hospital? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		What Hospital?	
Photos Taken? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		Arrest Made? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		Non Arrest Reason <input type="checkbox"/> No Offense Committed <input checked="" type="checkbox"/> Not at Scene <input type="checkbox"/> Warrant Requested <input type="checkbox"/> Other				If Arrest Made, Did Perp. Resist? <input type="checkbox"/> YES <input type="checkbox"/> NO				
Charge(s) (List All) <b>Agg. HARRASSMENT</b>								Arrest No.				
Family/Household Members Present? If YES, Last Name, First <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO						Date of Birth		Relationship				
Domestic Incident Report Receipt Issued? If NO, Reason: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO						DV Notice Issued to Victim <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		Date <b>06.27.01</b>				
Suspect's Actions: <input type="checkbox"/> Biting <input type="checkbox"/> Choking <input type="checkbox"/> Destroying Property <input type="checkbox"/> Forcible Restraint <input type="checkbox"/> Grabbing <input type="checkbox"/> Hair Pulling <input type="checkbox"/> Homicide <input type="checkbox"/> Injury to Child <input type="checkbox"/> Kicking <input type="checkbox"/> Pulling Phones From Wall <input type="checkbox"/> Punching <input type="checkbox"/> Pushing <input type="checkbox"/> Pushing/Slamming Into Walls <input type="checkbox"/> Sexual Abuse <input type="checkbox"/> Slapping <input type="checkbox"/> Threats With Weapon(s) <input type="checkbox"/> Throwing Items <input type="checkbox"/> Using Weapon(s) <input type="checkbox"/> Verbal Abuse <input checked="" type="checkbox"/> Other:												
Narrative of the Incident: (include results of investigation and basis for action taken) <b>AT T/P/O O/V STATES ABOVE PERP DID VIOL. A VALID ORDER of protection by stealing her diary and posting it on the internet along with nude photos of C/V in an attempt to annoy &amp; alarm C/V</b>												
Victim's Statement of Allegations: <b>Моя сестра - Рой Ден Холландер украл мою дневник и разместил с сексуальными изображениями, портретом мое голаголубое и сексуальное фото на интернет. Также он разместил на сайте 2 фотографии моего лица. Я хочу на сайте удалить эти фотографии и предупредить, а также хочу сообщить о преступлении в полицию. Я хочу сообщить о преступлении в полицию. Я хочу сообщить о преступлении в полицию.</b>												
False Statements made herein are punishable as a Class A Misdemeanor, pursuant to Section 210.45 of the Penal Law.								Victim's Signature <i>[Signature]</i>		Date <b>6.27.01</b>		
Other involved Agency(s)												
Is There Reasonable Cause to Suspect A Child May Be The Victim of Abuse, Neglect or Maltreatment? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO						Any Guns In The House? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		Any Guns Seized? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		Household Member Have a Pistol Permit? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
If Yes, Reporting Officer Must Contact the NYS Child Abuse Hotline Registry # 1-800-635-1522.						Permit No.		Issuing County		Name		
REFERRALS: <input type="checkbox"/> Child Protective Services <input type="checkbox"/> Licensing Bureau <input type="checkbox"/> Adult Protective Services <input type="checkbox"/> Domestic Violence Services <input type="checkbox"/> Other Outside Agency						Name of Person Notified: Date: Time: Notified By:						
Reporting Officer's Signature (Include Rank) <b>PO [Signature]</b>						Officer I.D. No. <b>925892</b>		Date <b>6.27.01</b>		Page of <b>1</b>		
Supervisor's Signature (Include Rank)						Date				Pages		

Queens, at 89-14 Parsons Blvd., Jamaica, NY  
11432, on January 31, 2001

P R E S E N T: Hon. JOHN M. HUNT

Judge

2001 Q 00644  
In the Matter of a Proceeding under  
Article 8 of the Family Court Act

ALINA A. SHIPILINA

Date of Birth:

Petitioner,

v.

ROY DEN HOLLANDER

Date of Birth:

Respondent,

Docket No.

O-01988/01

TEMPORARY  
ORDER OF PROTECTION

☒ Ex-Parte

☐ Respondent  
Present in Court

NOTICE: YOUR FAILURE TO OBEY THIS ORDER MAY SUBJECT YOU TO MANDATORY ARREST AND CRIMINAL PROSECUTION, WHICH MAY RESULT IN YOUR INCARCERATION FOR UP TO SEVEN YEARS FOR CRIMINAL CONTEMPT, AND/OR MAY SUBJECT YOU TO FAMILY COURT PROSECUTION AND INCARCERATION FOR UP TO SIX MONTHS FOR CONTEMPT OF COURT. IF YOU FAIL TO APPEAR IN COURT WHEN YOU ARE REQUIRED TO DO SO, THIS ORDER MAY BE EXTENDED IN YOUR ABSENCE AND CONTINUE IN EFFECT UNTIL YOU APPEAR IN COURT.

NOTICE: PURSUANT TO SECTION 1113 OF THE FAMILY COURT ACT, AN APPEAL FROM THIS ORDER MUST BE TAKEN WITHIN 30 DAYS OF RECEIPT OF THE ORDER BY APPELLANT IN COURT, 35 DAYS FROM THE DATE OF MAILING OF THE ORDER TO APPELLANT BY THE CLERK OF COURT, OR 30 DAYS AFTER SERVICE BY A PARTY OR THE LAW GUARDIAN UPON THE APPELLANT, WHICHEVER IS EARLIEST.

A petition under Article 8 of the Family Court Act, sworn to on January 31, 2001 having been filed in this Court in the above entitled proceeding, and good cause having been shown,

Now therefore, it is hereby ORDERED that ROY DEN HOLLANDER observe the following conditions of behavior:

- [01] Stay 500' away from: [A] ALINA A. SHIPILINA
- [B] the home of ALINA A. SHIPILINA
- [E] the place of employment of ALINA A. SHIPILINA;

[02] Refrain from assault, stalking, harassment, menacing, reckless endangerment, disorderly conduct, intimidation, threats or any criminal offense against ALINA A. SHIPILINA;

[99] Observe such other condition(s) as are necessary to further the purposes of protection [specify conditions]: RESPONDENT NOT TO MAKE PHONE CALLS TO PETITIONER.;



JUDITH YORK

Present in Court

It is further ordered that this temporary order of protection shall remain in effect until April 6, 2001

Dated: January 31, 2001

Hon. JOHN M. HUNT, J.F.C.

APR 06 2001

Order Extended to

5-31-01

J.F.C.

Order Extended to

J.F.C.

THIS IS TO CERTIFY THAT THIS IS A TRUE COPY OF A  
TEMPORARY ORDER OF PROTECTION MADE IN THE MANNER  
DESIGNATED IN SUCH COPY AND SHOWN BY THE RECORDS  
OF THE FAMILY COURT OF THE STATE OF NEW YORK,  
WITHIN THE CITY OF NEW YORK, FOR THE COUNTY OF  
QUEENS

Richard Canner Clerk of Court

Dated: JAN 31 2001, 20

CHECK APPLICABLE LINE:

- ☐ Personal service executed (specify date): \_\_\_\_\_
- ☐ Order mailed on (specify date(s) and to whom mailed): \_\_\_\_\_
- ☐ Order received in court on (specify date(s) and to whom given): \_\_\_\_\_

The Family Court Act provides that presentation of a copy of this order of protection to any police officer or peace officer acting pursuant to his or her special duties shall authorize, and in some situations may require, such officer to arrest a person who is alleged to have violated it's terms to bring him or her before the court to face whatever penalties may be imposed therefore.

Federal law provides that this order must be honored and enforced by state and tribal courts, including courts of a state, the District of Columbia, a commonwealth, territory or possession of the United States, if it is established that the person against whom the order is sought has or will be afforded reasonable notice and opportunity to be heard in accordance with state law sufficient to protect that person's rights (18 U.S.C. 2265).

It is a federal offense to: cross state lines to violate an order of protection; cross state lines to engage in stalking, harassment or domestic violence; purchase, transfer, possess or receive a firearm following a conviction of a domestic violence misdemeanor involving the use or attempted use of physical force or a deadly weapon; or (for persons other than military or law enforcement officers while on duty) purchase, transport, possess or receive a firearm while an order of protection, issued after notice and an opportunity to be heard, prohibiting assault, harassment, threatening and/or stalking, is in effect (18 U.S.C. §§922(g)(8), 922(g)(9), 2261, 2261A, 2262).



FAMILY COURT OF THE STATE OF NEW YORK  
COUNTY OF QUEENS

ALINA A. SHIPILINA  
Petitioner,  
v.

ROY DEN HOLLANDER  
Respondent,

Docket No.  
O-01988/01

PETITION  
Family Offense

TO THE FAMILY COURT:

The undersigned Petitioner respectfully shows that:

1. ALINA A. SHIPILINA resides at 28-15 34TH ST., #4H., ASTORIA, NY 11103-0000, and is the SPOUSE of the Respondent.
2. Respondent resides at 545 EAST 14TH ST., #10D,, NEW YORK, NY 10009-0000.
3. On or about January 28, 2001 at a music store in new York county at approx. 2:30pm, the Respondent committed an act or acts which constitute (aggravated harassment in the second degree), (harassment in the first degree), (harassment in the second degree), (menacing in the second degree), (menacing in the third degree), (assault in the second degree), (assault in the third degree), (attempted assault), (disorderly conduct), (reckless endangerment), (stalking in the first degree), (stalking in the second degree), (stalking in the third degree), (stalking in the fourth degree) toward ALINA A. SHIPILINA who is the SPOUSE of said Respondent in that the Respondent threatens petr. Petr. states " My husband threatened to have me deported. He said that America was not for me and that it was his decision where I live. He makes me very afraid because he threatens to send me away without telling me when. He tells me that he know people in the Embassy and Immigration, both here and in Moscow. " Petr. states that about 1 month ago resp. grabbed petr. by the arm and left a scratch on petr.'s arm. Petr. states that resp. wnts petr. to pay resp. between \$15,000 and \$25,000 to stay in the USA. Petr. states that resp. once showed petr. a gun and that resp. sleeps with a knife. Petr. is afraid of resp. and seeks that resp. stay away from petr. and petr.'s residence and stop threatening petr.
5. The following aggravating circumstances, if any, are present

in this case: Resp. has a history of threatening petr. and once showed petr. a gun.

6. The following criminal, matrimonial or family court proceeding(s) involving the respondent (has)(have) been filed:  
N/A

7. Indicate whether a previous application has been made to any court or judge for the relief requested herein and, if so, the relief, if any, granted and the date of such relief: N/A

8. Respondent is licensed or has a license application pending to carry, possess, repair, sell or otherwise dispose of the following firearms: Petr. does not know.

9. Respondent is in possession of the following licensed and unlicensed firearms: Petr. states that resp. once showed petr. a gun.

10. There is a substantial risk that the Respondent may use or threaten to use a firearm unlawfully against Petitioner (and members of the Petitioner's family or household) for the following reasons:

a. Respondent has been convicted of the following violent felony offenses: N/A

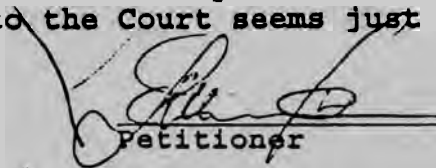
b. Respondent has previously been found to have willfully failed to obey an order of protection and such willful failure involved (infliction of serious physical injury, use or threatened use of a deadly weapon or dangerous instrument and behavior constituting a violent felony offense) as follows: N/A

c. The following facts and circumstances create a substantial risk that Respondent may use or threaten to use a firearm unlawfully against Petitioner or members of Petitioner's family or household: N/A

WHEREFORE, Petitioner prays

(a) that the Respondent be adjudged to have committed the family offense alleged;


(b) that the Court enter an order of protection, specifying conditions of behavior to be observed by the Respondent in accordance with Section 842 of the Family Court Act; and for such other and further relief as to the Court seems just and proper.

  
Petitioner

VERIFICATION

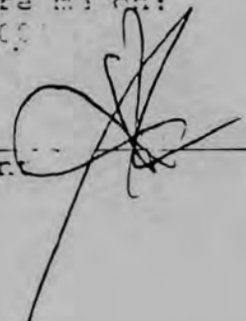
STATE OF NEW YORK                    )  
  : ss.:  
COUNTY OF QUEENS                 )

ALINA A. SHIPILINA, above named being duly sworn, deposes and says: I am the Petitioner in the within action; that I have read and know the contents of the foregoing Petition; that the same is true to my own knowledge, except as to matters therein stated to be alleged on information and belief, and that as to those matters, I believe it to be true.

  
\_\_\_\_\_  
Petitioner

Sworn to before me on:  
January 31, 2008

\_\_\_\_\_  
Court Assistant



# KUBA, MUNDY & ASSOCIATES

ATTORNEYS AT LAW

RONALD J. KUBA  
NICHOLAS J. MUNDY\*

\*(ADMITTED IN N.Y. & N.J.)

DAWN P. GUIDONE†  
PAULETTE DETIBERIIS†

†(ADMITTED IN N.Y. & CT.)

321 BROADWAY  
NEW YORK, NY 10007  
(212) 732-5050  
FAX (212) 766-0049

ROCKLAND COUNTY OFFICE  
(914) 356-1313

NEW JERSEY OFFICE  
(201) 801-0601

February 5, 2001

Via Certified Mail RRR and First Class Mail

Roy Den Hollander  
545 East 14<sup>th</sup> Street, #10D  
New York, NY 10009

Dear Mr. Hollander:

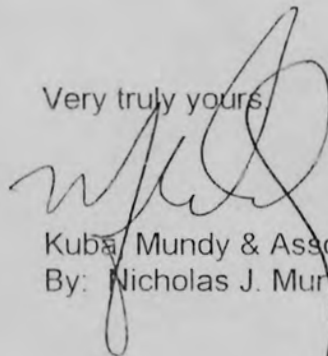
This office has been retained by your wife, Alina Shiplina. Ms. Shiplina has requested that we commence divorce proceedings, but not before giving you the opportunity to contact us, or to have an attorney contact us on your behalf, to discuss the possibility of resolving this matter amicably.

Divorce proceedings can be difficult for both parties. Recognizing this, our client desires to discuss the issues with you in a mutually agreeable setting, in the hopes that reasonable solutions can be reached.

Nonetheless, if I do not receive a response from you or your attorney within seven (7) days from the date of this letter, my client has instructed me to commence action without your cooperation.

Please be guided accordingly.

Very truly yours,



Kuba, Mundy & Associates  
By: Nicholas J. Mundy, Esq.

NJM/ab

Supreme Court of the State of New York  
County of NEW YORK

Date of filing: 2/13/2001  
Index No. 01350091  
Plaintiff designates

ROY DEN HOLLANDER

Plaintiff

against

ALINA A. SHIPILINA, a/k/a  
Angelina Chipilina

Defendant

New York  
County as the place of trial  
The basis of the venue is

Plaintiff's residence  
Summons with Notice

Plaintiff resides at  
545 East 14th St.  
New York, N.Y. 10009  
County of New York

## ACTION FOR A DIVORCE

To the above named Defendant

and, ACTION TO ANNUL A MARRIAGE

**You are hereby summoned** to serve a notice of appearance, on the Plaintiff's Attorney(s) within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear, judgment will be taken against you by default for the relief demanded in the notice set forth below.

Dated, February 12, 2001  
New York, New York

  
JUDITH BADER-YORK

Attorney(s) for Plaintiff

Office and Post Office Address

331 Madison Avenue  
15th Floor  
New York, NY 10017  
(212) 986-1480

NOTICE: The nature of this action is to dissolve the marriage between the parties, on the grounds of the cruel and inhuman treatment of the plaintiff by the defendant; the adultery of defendant; in the alternative, to annul the marriage on the grounds of the defendant's fraud.

The relief sought is.

A judgment of absolute divorce in favor of the Plaintiff dissolving the marriage between the parties in this action; in the alternative, a judgment annulling the marriage between the parties. The nature of any ancillary relief demanded is equitable distribution of the marital property of the parties, awarding counsel fees to the Plaintiff, and for such other further and additional relief as the court may deem just, proper and equitable in the premises.

**KUBA, MUNDY & ASSOCIATES**  
ATTORNEYS AT LAW

RONALD J. KUBA  
NICHOLAS J. MUNDY\*

\*(ADMITTED IN N.Y. & N.J.)

DAWN P. GUIDONE †  
PAULETTE DETIBERIIS †

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ROCKLAND COUNTY OFFICE  
(914) 356-1313  
NEW JERSEY OFFICE  
(201) 801-0601

March 12, 2001

Judith Bader-York, Esq.  
331 Madison Avenue, 15<sup>th</sup> Floor  
New York, NY 10017

Re: **Hollander v. Shiplina**  
Index Number 350091/01

Dear Ms. Bader-York:

Enclosed please find defendant's Demand for Complaint.

As discussed this date, in the interest of sparing our respective clients embarrassment, time and expense, my client has asked that we attempt to resolve divorce and financial matters amicably. My letter to your client dated February 5, 2001 offered to proceed in that fashion, but was responded to with a Summons alleging, among other things, cruel and inhuman treatment.

In a final effort to avoid public disclosure of certain familial facts and circumstances, which by their nature should remain private and personal, I am once again extending the opportunity to engage in non-formal discovery and exchange of financial disclosure and documentation pertinent to equitable distribution and maintenance issues, prior to draft and filing of a Complaint, Answer and Counterclaims in this matter.

Please be guided accordingly.

Very truly yours,

Kuba, Mundy & Associates  
By: Nicholas J. Mundy, Esq.

NJM/ab

**PRIVILEGED AND CONFIDENTIAL**  
**ATTORNEY WORK PRODUCT**  
[Draft 5/23/01]

**Complaint Against Ms. Shipilina**

1. On or about January 31, 2000, in Moscow, Russia, Ms. Shipilina, unbeknownst to her future husband, decided to accept her future husband's marriage proposal solely to obtain a green card so she could work in America as a lap dancer and prostitute; she had no intention of fulfilling her duties as a spouse.
2. On or about March 5 to March 11, 2000, in Krasnodar, Russia, Ms. Shipilina surreptitiously put foreign substances into her husband's meals that caused him sleepiness, nausea, constipation, euphoria and befuddled thinking, symptoms consistent with opiate poisoning.
3. On March 11, 2000, in Krasnodar, Russia, Ms. Shipilina did not consider her wedding ceremony on that day as serious; for her it was just business in order to obtain a green card to America.
4. From March 11, 2000, the day of her marriage, to the present in New York City, Russia and Cyprus, Ms. Shipilina has repeatedly slandered and libeled her husband to her prostitution clients, lap dancing clients, lovers, friends, relatives and associates.
5. On or about March 2000 in Krasnodar, Russia, Ms. Shipilina stated to a third party that she would not be faithful to her husband because she was a "symbol of self realization" and would not bring herself down for her husband by obeying her marital vows.
6. From the middle of March until the beginning of June 2000, Ms. Shipilina refused to cohabit with her husband.
7. On or about the last half of March 2000 in Krasnodar, Russia, Ms. Shipilina engaged in intercourse twice with a Russian man whose first name is Valodya.
8. On or about the beginning of April 2000 in Krasnodar, Russia, Ms. Shipilina illegally acquired a second Russian passport to hide her subsequent trip to Milan, Florence and Venice, Italy for prostitution purposes.
9. On or about the beginning of April 2000 in Krasnodar, Russia, Ms. Shipilina tried to seduce a man named Alexei who managed the Russian discotheque "Joy".
10. On or about the first half of April 2000 in Krasnodar, Russia, Ms. Shipilina discussed with one of her prostitution clients, Alfredo Ibarra Sotelo, intimate details of her marital relationship, see allegations 16, 17, 18 and 19 below.

11. On or about April 2000 in Krasnodar, Russia, Ms. Shipilina planned, without notification or consultation with her husband, to travel to Greece or Venezuela to ply her trade as a lap dancer and prostitute if she did not obtain a spousal immigrant visa to the United States.
12. On or about the beginning of May 2000 in Krasnodar, Russia, Ms. Shipilina dated a man whom she had talked with only once on the telephone.
13. [On or about May 9, 2000, in Krasnodar, Russia, Ms. Shipilina engaged in sexual conduct with a Russian man whose first name is Andrei.]
14. On or about May 9, 2000, in Krasnodar, Russia, before going out looking for men with her friend Katya she cold heartedly and callously wrote to her husband, "You present me the best moments of my life and I send you Special Love."
15. On or about the middle of May 2000 in Krasnodar, Russia, Ms. Shipilina sexually propositioned a Russian man with the first name of Valodya, see allegation 7 above.
16. On or about the middle of May 2000 in Krasnodar, Russia, Ms. Shipilina conspired with her prostitution client Alfredo Ibarra Sotelo, see allegation 10 above, to deceive her husband into believing that the two of them were only friends.
17. On or about May 19 to 22, 2000, in Milan, Florence and Venice, Italy, Ms. Shipilina engaged in numerous counts of prostitution by repeatedly having intercourse, fellatio and other sexual conduct with Alfredo Ibarra Sotelo, see allegations 10 & 16 above, in return for money and jewelry.
18. On or about May 19 to 22, 2000, in Milan, Florence and Venice, Italy, Ms. Shipilina used illegal drugs to enhance her sexual performance with her prostitution client Alfredo Ibarra Sotelo, see allegations 10, 16, and 17 above.
19. On or about May 19 to 22, 2000, in Milan, Florence and Venice, Italy, Ms. Shipilina denigrated, insulted, mocked and otherwise slandered her husband to her prostitution client Alfredo Ibarra Sotelo, see allegations 10, 16, 17 and 18 above.
20. On or about the end of May 2000, in Italy and Moscow, Russia, Ms. Shipilina took extraordinary actions to disguise from her husband her prostitution activities in Italy, including praying to God that her husband will never suspect anything.
21. Through out Ms. Shipilina's marriage to Roy Den Hollander, she maintained contact with her prostitution client Alfredo Ibarra Sotelo, see allegations 10, 16, 17, 18 and 19 above, while swearing to her husband that she no longer communicated with Mr. Ibarra.



22. On or about June 16, 2000, in Krasnodar, Russia, Ms. Shipilina cold heartedly and calculatingly lied to her husband when she told him by telephone that there was no one else but him and that she respected and loved him, which was all part of her plan to circumvent the Immigration Laws of the United States in order to assure that her husband take her to America.
23. On or about the middle of June 2000 in Krasnodar, Russia, Ms. Shipilina stated that her husband saw her as a real wife, but that she would never see him as a real husband.
24. On or about the third week in June 2000 in Krasnodar, Russia, Ms. Shipilina dated and engaged in petting in public with a Russian man whose first name is Roma.
25. On or about June 24 and 25, 2000, in Krasnodar, Russia, Ms. Shipilina engaged in sexual conduct with a Russian man whose first name is Valodya from St. Petersburg, a different man than the one cited in allegations 7 and 15 above.
26. On or about 5:30 am on June 25, 2000, in Krasnodar, Russia, Ms. Shipilina allowed a taxi driver to rub her knees in order to save money on the fare.
27. On or about June 28, 2000, in Krasnodar, Russia, Ms. Shipilina intended to once again engage in sexual conduct with a Russian man whose first name is Valodya, see allegation 25 above.
28. On or about July 5, 2000, in Krasnodar, Russia, Ms. Shipilina duplicitously and hypocritically wrote her husband that she was sending him "clean love" just days after she engaged in a sexual affair with a Russian man by the first name of Valodya, see allegation 25 above.
29. On or about the first week in July 2000 in Krasnodar, Russia, Ms. Shipilina stated her plans were to go to America as her husband's wife to make money as a lap dancer and prostitute and then divorce her husband.
30. On or about July 10, 2000, when Ms. Shipilina arrived in America in her husband's apartment in New York City, Ms. Shipilina refused to put her belongings in the dresser, but instead kept most of her belongings in a large suitcase near the closet where she hung the dresses she used for stripping.

[In a July 1999 postcard to her boyfriend Valodya in St. Petersburg, see allegations 25 and 27, Alina expresses her view that her marriage is just business to her.]

[In a July 1999 postcard to her boyfriend Valodya in St. Petersburg, see allegations 25 and 27, Alina expresses her romantic feelings for Valodya.]

31. On or about July 17, 2000, in New York City, Ms. Shipilina began working as a lap dancer at Flash Dancers on Broadway and began collecting the business cards of some of her customers, contacting them and dating her customers.
32. From July through November 2000 in New York City, Ms. Shipilina repeatedly lied to her husband about whether she worked in the private Champagne Room at Flash Dancers and the activities she engaged in while in that room with men and women in return for money.
33. From July to the present in New York City, Ms. Shipilina made from lap dancing and dating her customers between \$13,000 and \$15,000 in cash a month on which she failed to file quarterly income tax returns and which she transport out of the United States without filing the proper papers with the United States Custom Service.
34. In August and October 2000 in New York City, Ms. Shipilina refused to consult with a tax accountant concerning the proper reporting of her taxes, which caused her husband to decide to file a separate return for 2000.
35. From July through September 2000 in New York City, Ms. Shipilina refused to contribute to the household even though she was earning far more than her husband.
36. From July through December 2000 in her husband's apartment in New York City, Ms. Shipilina stated she preferred to work at Flash Dancers than go out with her husband.
37. From mid July through the beginning of September and then again in October and November 2000 in her husband's apartment in New York City, Ms. Shipilina surreptitiously put foreign substances into her husband's meals that caused sleepiness, nausea, constipation, euphoria and befuddled thinking, see allegation 2 above.
38. In early August 2000 late one evening in the kitchen of her husband's apartment in New York City, Ms. Shipilina, six feet two inches tall, weighing 150 lbs and a former three times champion of Russia in the long jump, tried to stab her husband with a kitchen knife.
39. On or about August 8 and 9, 2000, in New York City, Ms. Shipilina failed to go work, which was where she told her husband she was going, and was out of the home from around 6pm until 4:30am the next morning.
40. On or about the middle of August, September and October 2000 in New York City and Krasnodar, Russia, Ms. Shipilina began feigning a nonexistent serious medical condition in a cold and calculating effort to elicit even more sympathy from her husband in order to distract him from the truth of her continuing ruthless exploitation of his love for her.

[On or about September 9, 2000, in New York City at Flash Dancers, Ms. Shipilina in return for money went into a private room where she allowed a bearded man who appears on television to intimately touch her so that she received pleasure.]

41. On or about September 4, 2000, in New York City, Ms. Shipilina, before traveling to Cyprus where she planned and visited three of her former prostitution clients, duplicitously told her husband that she kissed him from her clear soul and said he was her only lover and true boyfriend.
42. From September 9 to September 29, 2000, Ms. Shipilina refused to allow her husband to travel with her to Krasnodar, Russia, and Limassol, Cyprus, where she met with three men, their first names are Rikos, Andrios and Stephanos, who were formerly her prostitution clients when she worked as a prostitute and lap dancer at the night clubs Tramps and Zygos in Limassol, Cyprus, from January to June 1999.
43. On or about September 26, 2000, in Krasnodar, Russia, Ms. Shipilina insisted to her husband that she never engaged in prostitution because, as she said, after she sold her body to a man she would go to church and God would forgive her and then it was as if it never happened. Ms. Shipilina then insidiously rebuked her husband with, "If God can forgive me; why can't you!"
44. On or about the beginning of October 2000 in New York City, Ms. Shipilina lent her husband at his request \$600 in cash, when her husband paid her back he mistakenly paid her \$640, but Ms. Shipilina, after counting the money twice, did not inform her husband about his overpayment.
45. On or about the middle of October 2000 in her husband's apartment in New York City, Ms. Shipilina threatened her husband with death by putting into his food some poison she had brought from Russia with her or by having her Russian friends in New York kill him, see allegations 2 and 37 above.
46. On or about the end of October 2000 in her husband's apartment in New York City, Ms. Shipilina maliciously smashed against the floor a prized memorabilia coffee cup of her husband's from Channel 5 News; when asked why she smashed the cup after unsuccessfully trying to cover up her actions, she said her husband was not meant to have the cup anymore.
47. On or about the beginning and end of November 2000 in her husband's apartment in New York City, Ms. Shipilina threatened her husband by saying that after she moved out of his apartment something very bad, even death would happen to him because she would have her Russian friends harm him.
48. On or about the middle of November 2000 in the foyer of her husband's apartment in New York City, Ms. Shipilina took the knife she carries out of her purse and tried to stab her husband, see allegation 38 above.

49. On or about the beginning of December 2000 in New York City, Ms. Shipilina refused to submit a change of address card to the United States Post Office when she moved out of her husband's apartment because a paralegal at the law firm of Kuba, Mundy & Associates told her it would be better in her efforts to obtain a permanent green card for the Immigration and Naturalization Service to believe that she was still living with her husband.
50. On January 28, 2001, at around 2:30pm in the Virgin Coffee Shop on Union Square, Ms. Shipilina threatened her husband by saying that if he did not lie to the Immigration and Naturalization Service in order to get her a permanent green card, she would have her Russian mafia friends put him in the hospital or kill him or she would do it herself.
51. On January 31, 2001, one year to the date that her husband had proposed marriage and three days after her husband refused to lie to the Immigration and Naturalization Service (INS) so Ms. Shipilina could obtain a permanent green card, she perjured herself before the Queens County Family Court by making false accusations against her husband in order to obtain a temporary order of injunction in an effort to use the Justice System to intimidate her husband into acceding to her demands that he perjure himself to the INS in order for her to obtain a permanent green card.
52. From March until December 2000 in New York City, Russia and Cyprus, Ms. Shipilina wantonly and recklessly engaged in unprotected sex with various men.
53. From May 2000 to the present in New York City, Russia and Cyprus, Ms. Shipilina often uses the name "Angelina" and the last name "Chipilina" as well as a black wig to disguise herself and keep some of her nefarious activities from being identified with her.
54. From July 2000 to the present in New York City, Russia and Cyprus, Ms. Shipilina has repeatedly demonstrated extreme avarice.
55. From July 2000 to the present in New York City, Ms. Shipilina experiences great joy working in the sex industry and the money it brings her.
56. From December 1998 to the present in New York City, Russia, Cyprus and Mexico, Ms. Shipilina has been an active member in the underworld Russian sex industry acting as a prostitute, procurer, pornography film producer and lap dancer.
57. From December 1998 to the present in New York City, Russia, Cyprus and Mexico, Ms. Shipilina has activity prompted and profited from the international Russian sex industry by recruiting young women for prostitution and pornography films.
58. From July 23, 1999 to December 2000, in New York City, Las Vegas, Florida and Russia, Ms. Shipilina repeatedly lied, dissembled and prevaricated to her future and current husband in a ruthless and opportunistic plan to exploit her husband's love and

compassion for her in order to defraud him into marriage so she could acquire a temporary green card and to deceive him, once they were married, into believing she was a faithful and devoted spouse so that he would take her to America and provide her with assistance in America.

59. From July 23, 1999 to the present in America, Russia, Cyprus and Mexico, Ms. Shipilina incongruously and deceptively likened herself to an Angel who spread joy around and did wonderful things while in reality she was greedily pursuing as much money as she could through prostitution and lap dancing.
60. From February 1999 to December 1999 in Russia, Las Vegas and New York City, Ms. Shipilina intentionally engaged in a course of conduct to intimidate and cause emotional distress in her husband by practicing black magic rituals.



**Supreme Court of the State of New York  
New York County Courthouse  
60 Centre Street  
New York, New York 10007**

Jun 04, 2001

To: COHEN GOLDSTEIN & SILPE LLP  
505 PARK AVENUE - 8TH FLOOR  
NEW YORK, NEW YORK 10022

For Plaintiff

: Index # 0350091/2001

Case of HOLLANDER, ROY DEN  
V SHIPILINA, ALINA A.

YOU ARE HEREBY DIRECTED TO APPEAR FOR A PRELIMINARY CONFERENCE ON 06/21/01, AT 9:30 AM BEFORE JUSTICE LOBIS, JOAN, I.A.S PT. 20 ROOM 345, PHONE # 374-8547 AT 60 CENTRE STREET, NEW YORK, NEW YORK 10007.

Both parties must be personally present in court at the time of the conference, (202.16(f) (1) Uniform Rules).

**COUNSEL ARE ADVISED THAT THE FOLLOWING PAPERS SHALL BE EXCHANGED AND FILED WITH THE COURT NO LATER THAN 10 DAYS PRIOR TO THE PRELIMINARY CONFERENCE :** (i) statements of net worth; (ii) all paycheck stubs for the current calendar year and the last paycheck stub for the immediately preceding calendar year; (iii) all filed state and federal income tax returns for the previous three years, including both personal returns and returns filed on behalf of any partnership or closely held corporation of which the party is a partner or shareholder, (iv) all W-2 wage and tax statements, 1099 forms, and K-1 forms for any year in the past three years in which the party did not file state and federal income tax returns, (v) all statements of accounts received during the past three years from each financial institution in which the party has maintained any account in which cash or securities are held, (vi) the statements immediately preceding and following the date of commencement of the matrimonial action pertaining to: (A) any policy of life insurance having a cash or dividend surrender value; and (B) any deferred compensation plan of any type or nature in which the party has an interest including, but not limited to, Individual Retirement Accounts, pensions, profit-sharing plans, Keogh plans, 401(k) plans and other retirement plans.

**Counsel must provide the court with copies of these papers at the time of the conference. Both parties personally must be present in court at**

**the time of the conference, and the judge personally shall address the parties at some time during the conference.**

**(202.16(e) (f) )1) Uniform rules).**

The matters to be considered at the conference may include, among other things: (i) applications for pendente lite relief, including counsel fees; (ii) compliance with the requirement of compulsory financial disclosure, including the exchange and filing of a supplemental statement of net worth indicating material changes in any previously exchanged and filed statement worth; (iii) simplification and limitation of issues; (iv) settlement of all or some portions of the case; (v) the establishment of a timetable for the completion of all disclosure proceedings, (202.16 (f) (2) Uniform Rules).

**There will be no adjournments without court approval.** The recipient of this notice is advised to notify opposing counsel and/or self-represented litigants of the conference date.

**Counsel are required to complete the information form on the next page and submit it to the court at the time of the conference.**

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

-----X  
ROY DEN HOLLANDER,

Index No.350091/01

Plaintiff,  
-against-

VERIFIED COMPLAINT

ALINA A. SHIPILINA, a/k/a  
Angelina Chipilina,

Defendant.

-----X

Plaintiff, by his attorneys, Cohen Goldstein & Silpe,  
LLP, as and for his Verified Complaint, alleges as follows:

1. The parties were married on March 11, 2000, in Krasnodar, Russia in a civil ceremony.
2. Each of the parties was over the age of twenty-one (21) years at the time of the commencement of this action.
3. Plaintiff has been a resident of the State of New York for a continuous period in excess of two (2) years immediately preceding the commencement of this action.
4. There are no children born of the marriage and none are expected.
5. There is no other action, pending between the parties for divorce, annulment, separation or dissolution of the marriage, whether in the Courts of this State, or in any sister



state or foreign jurisdiction.

6. No decree or judgment of divorce, annulment, separation or dissolution of the marriage has been granted to either party in any Court of this State or in any sister state or foreign jurisdiction.

7. Plaintiff has taken all steps solely within his power to remove any barrier to defendant's remarriage.

**AS AND FOR A CAUSE OF ACTION  
FOR DIVORCE ON THE GROUNDS OF  
DEFENDANT'S CRUELTY**

8. Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 7 of this verified complaint with the same force and effect as if fully set forth herein.

9. Throughout the parties' marriage and without just cause, provocation or consent, defendant engaged in a course of cruel and inhuman treatment toward plaintiff, which included, but was not limited to the following:

(a) At the end of October 2000, while the parties were walking across a street, defendant admitted that she had taken drugs while engaged in sexual intercourse as a prostitute when she traveled to Italy in May 2000.

(b) During that same conversation, when plaintiff

expressed his upset and horror at defendant's behavior, defendant punched plaintiff in the back causing him pain.

(c) On information and belief commencing sometime in 2000 and continuing throughout the marriage, defendant engaged in regular acts of prostitution causing plaintiff humiliation, embarrassment and concern for his own health and safety.

(d) On or about September 9, 2000, while working as a lap dancer at Flash Dancers in New York City, defendant engaged in sexual contact with a stranger, causing plaintiff humiliation and embarrassment.

(e) In or about November 2000, in the foyer of the marital apartment, defendant took a knife from her purse and attempted to stab plaintiff.

(f) On a couple of occasions during November, 2000 while at the marital residence, defendant threatened plaintiff that her "Russian mafia friends" would hurt plaintiff and possibly kill him after she moved out of the marital apartment.

(g) On or about January 28, 2001, at the Virgin Coffee Shop in Manhattan defendant threatened plaintiff that if he did not lie to the Immigration and Naturalization Service to get her a green card, that she would direct her "Russian mafia friends" to put plaintiff in the hospital or even kill him.

10. The foregoing acts of cruel and inhuman treatment have greatly injured plaintiff and have caused plaintiff great anguish. Defendant's wilful actions have rendered it unsafe and improper for plaintiff to cohabit with defendant as husband and wife.

**AS AND FOR A CAUSE OF ACTION FOR  
DIVORCE ON THE GROUNDS OF  
DEFENDANT'S ADULTERY**

11. Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 10 of this verified complaint with the same force and effect as if fully set forth herein.

12. In or about the end of May 2000, defendant engaged in an adulterous affair with Alfredo Ibarra Sotelo and had sexual intercourse with him in Milan, Italy.

13. Defendant is currently employed as a lap dancer, stripper and prostitute. On information and belief defendant has been regularly engaged in acts of prostitution with numerous males on various dates and at places, not all of which are now known to plaintiff.

14. Plaintiff has always conducted himself toward defendant in a proper and fit manner and has always been a loving and dutiful husband. Defendant's conduct hereinafter complained

of was without just cause, provocation or consent on plaintiff's part.

**AS AND FOR A CAUSE OF ACTION  
FOR ANNULMENT ON THE GROUNDS OF FRAUD**

15. Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 14 of this verified complaint with the same force and effect as if fully set forth herein.

16. In or about December 2000, a few days before defendant moved out of the former marital apartment, she advised plaintiff she would not change her address because it would be better for her immigration case if she had the same address as plaintiff. She also threatened plaintiff with bodily harm if he ever did anything to undermine her application for a green card and sought to induce plaintiff to lie in order to help her obtain a green card.

17. On information and belief, defendant obtained plaintiff's consent to the marriage by fraud in that she never intended to live with defendant as husband and wife and only intended to use the marriage to obtain an immigrant visa to secure legal entry to the United States and to become a legal permanent resident.

WHEREFORE, plaintiff demands judgment against defendant as follows:

1. Granting plaintiff an annulment on the grounds of fraud; or in the alternative

2. Granting plaintiff an absolute divorce dissolving the marriage between plaintiff and defendant upon the grounds of cruel and inhuman treatment and adultery of the plaintiff by the defendant;

3. Granting plaintiff exclusive possession of the marital apartment;

4. Granting plaintiff equitable distribution of the parties' marital property or a distributive award in lieu thereof;

5. Awarding plaintiff counsel and expert fees and expenses, in connection with the prosecution of the within action; and

6. Granting plaintiff such other and further relief as the Court deems just, together with the costs and disbursements of this action.

Dated: New York, New York  
June 21, 2001

Yours, etc.

COHEN GODDSTEIN & SILPE, LLP

By: 

Steven M. Silpe, Esq.

Attorneys for Plaintiff

505 Park Avenue

New York, New York 10022

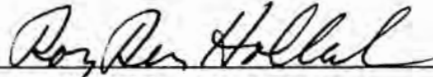
(212) 315-4400

INDIVIDUAL VERIFICATION

STATE OF NEW YORK    )  
                                  ) ss. :  
COUNTY OF NEW YORK    )

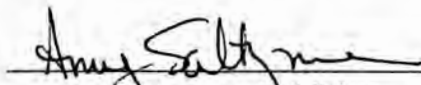
ROY DEN HOLLANDER, being duly sworn, deposes and says:

Deponent is the plaintiff in the within action;  
deponent has read the foregoing Complaint and knows the contents  
thereof; the same is true to deponent's own knowledge, except as  
to the matters therein stated to be alleged on information and  
belief, and as to those matters, deponent believes them to be  
true.



ROY DEN HOLLANDER

Sworn to before me this  
21st day of June, 2001

  
Notary Public

AMY SALTZMAN  
Notary Public, State of New York  
No. 025A5019252  
Qualified in Westchester County  
Commission Expires October 18, ~~20~~2001

**PRIVILEGED AND CONFIDENTIAL  
ATTORNEY WORK PRODUCT**

**Legal Proceedings**

(Page cites are first to English; second Russian)

1. Issues

- a. Fraudulent concealment or misrepresentation of material facts.
- b. Adultery
  - i. Prostitution as course of immoral conduct to infer adultery.
- c. Cruel and Inhuman treatment
- d. Finances
- e. Obstruction of Investigation
- f. Impeachment

2. Preliminary

- a. Order directed at Alina to stop Alina from interfering with Roy's investigation into the issues of the case:
  - i. Alina telephoned Anastasia Vasiljeva trying to keep her from providing Roy with information and followed up with a message on Anastasia's pager that Alina and Anastasia would meet in court. As a result, Anastasia refuses to provide Roy with further relevant information.
  - ii. Alina and Inessa visited Irina, Melios and Marios Athanasiou recently in Cyprus and apparently told them not to provide information to Roy.  
And to put a halt to her mother from
  - iii. Threatening translators and potential witnesses, and
  - iv. Forging false court documents in an effort to intimidate people into not cooperating with Roy's efforts to find information leading to potential witnesses out side the court's subpoena power for testimony as to fraud, adultery and impeachment.
- b. Order to prevent concealment and transfer of cash income abroad because it is marital property. During marriage Alina accumulated property, income after expenses, of nearly \$100,000 while Roy loss in the stock market over \$150,000.
- c. Name Alina's partners in adultery as co-respondents, name as Vladimir Doe.
- d. Motion for physical examination to determine if carrying STDs.
- e. Mundy's dissemblance about medical records showing I beat Alina.
- f. Mundy's threat to use evidence of an alleged crime committed by Roy to obtain a favorable settlement for his client in a civil litigation—the extortion audiotape.

2. Discovery

- a. Method for Russia, Cyprus, Mexico and Italy
  - i. Preliminary investigation



1. Interview sheets for all potential witnesses.
  2. Potential witnesses write down information and notarize signatures.
  3. Court action to stop Alina's and Inessa's interference and defamation in Krasnodar.
  - ii. Voluntary video depositions
  - iii. Written Questions
  - iv. Commission
  - v. Letters Rogatory to compel testimony
- b. Production of original diary for inspection and copying. Complete diary from beginning to present for evidence as to issues of
- i. Annulment: Fraudulent concealment or misrepresentation of material facts for which need corroboration.
    1. Material facts concealed
      - a. Habitual prostitution
      - b. Pornography work
      - c. Completely nude stripping with sexual contact work
      - d. Extensive promiscuity
      - e. Recruitment of girls for Russia's sex industry
      - f. Plan to leave Russia by marrying a foreigner
      - g. History of sexually transmitted diseases
    2. Intention to marry Roy for green card
    3. Intention to commit adultery after marriage
      - a. Second international passport
    4. Substances in food to induce Roy to go through with the wedding
  - ii. [Adultery
    1. Prostitution as course of immoral conduct inferring adultery.
    2. Incidents of adultery and co-respondents.]
  - iii. Cruel and inhuman treatment
    1. Willingness to put apparent narcotics in fiancée's food in total disregard of possible effect as to fiancée's health.
    2. Refusal to live with Roy in Moscow.
      - a. "What would I do, listen to his bloody philosophy." (39; 103)
    3. Admission of drug use to heighten sexual experience with prostitution client.
    4. Striking Roy.
    5. Engaging in regular acts of prostitution.
    6. Carried a STD.
    7. Tried to attack Roy with knife.
    8. Threats of grave bodily injury or death at the hands of Alina's Chechen mafia friends and her Chechen connections..

- iv. Finances
    - 1. Income
    - 2. Assets
      - a. Apartment and house
      - b. Cyprus bank account
  - v. Impeachment
    - 1. Honesty = Truthfulness, Sincerity
      - a. Willingness to lie under oath
        - i. [Lied to Court in obtaining Temporary Order of Protection]
        - ii. Lied to INS about
          - 1. Prostitution
          - 2. Arrest and deportation from Mexico.
          - 3. Cyprus occupation.
          - 4. Use of drugs.
      - b. Repeated evasion of taxes in US, Russia, Mexico and Cyprus. (Criminal Behavior)
      - c. Willingness to put apparent narcotics in fiancée's food in total disregard of possible effect as to fiancée's health. (Criminal Behavior)
    - 2. Inability to accurately recall details.
  - vi. Obstruction of Investigation that Alina planned and executed along with her mother to prevent the discovery of facts pertinent to the plaintiff's cause of action.
- c. Authentication that diary reports events that actually occurred and was written by Alina.
- 1. Admission,  
but if refuses then
  - 2. Depositions (Written Questions, Commission, Letters Interrogatory). How many would the court require? Many have probative information on other issues.
    - a. Alexei Dikov
    - b. Inessa Shipilina
    - c. Tatyanna formerly at Flash Dancers
    - d. Aunt Sveta and her daughter Alyona
    - e. Friend Natasha who lives upstairs in her building
    - f. Katya who Alina often looked for guys with.
    - g. Lena, nurse and adviser
    - h. Olga, friend Alina and Lena
    - i. Inessa, worked at Vasiljeva, friend of Alina and Nadya who went to Cyprus with Alina but returned in two days when realized work involved prostitution.

- j. Anastasia Vasiljeva
  - k. Azul
  - l. Vladimir the sculptor
  - m. Vladimir 1
  - n. Vladimir 2
  - o. Chris 1, Cyprus
  - p. Stephanos, Cyprus
  - q. Vera Ivanasova
  - r. Yulya
  - s. Alfredo Ibarra
  - t. Katya
  - u. Irina
  - v. Others
- 3. Handwriting samples
    - a. Academy of Physical Culture
    - b. Zags
    - c. Letters to Leo
    - d. [Problem with directing Alina to write dictated text is that she studied calligraphy and may be able to disguise her handwriting.]
  - 4. Check the fingerprints on original diary pages.
- d. Production of all correspondence between Alina and Roy.
  - e. Authentication of correspondence in Roy's possession.
  - f. Authentication of letter from Alina that stated, "If something happen with me strange or if I find that you avenge me it will be one of the big mistake (without correction)—withour return.
    - i. Admission
  - g. Production of both international passports to infer
    - i. Concealment of intent before marriage to commit adultery and prostitution by surreptitiously traveling outside of Russia as evidence that for Alina marriage was not a serious obligation.
      - 1. Second international passport will show countries visited, when, provide its number that will allow backing tracking to show applied for before marriage.
    - ii. Impeachment as to honesty by showing intent to deceive
    - iii. Finances
      - 1. Hiding of assets through the violation of Customs laws by concealing transportation of cash overseas.
    - iv. Obstruction
      - 1. Travel overseas to persuade potential witnesses not to talk to Roy.

- a. Travel to Cyprus in April-May to persuade Irina, Melios and Marios not to talk to plaintiff.
- h. Production of all telephone records for both mobile and home in both US and Russia since inception of marriage to infer
  - i. [Adultery]
  - ii. Finances
    - 1. Contact with bank institutions
  - iii. Obstruction
  - iv. Impeachment
- i. Production of all emails
  - i. Finances
    - 1. Contact with bank institutions
  - ii. Obstruction
  - iii. Impeachment
- j. Production of any correspondence with men or women with whom she
  - i. Engaged in providing sexual services including lap dancing and stripping, prostitution or pornography or procuring for money before and after the marriage,
  - ii. [Engaged in sexual activity with after the marriage,]
- k. [Production of all medical records concerning STDs and diseases of the sex organs.]
- l. Production of Alina's income tax returns during marriage and before marriage in order to ascertain the existence of hidden assets.
  - i. 1998 Russia
  - ii. 1999
    - 1. Cyprus
    - 2. Mexico
    - 3. Russia
  - iii. 2000
    - 1. Russia
      - a. Italy prostitution
    - 2. US Quarterly filings, use form 4506 to obtain from IRS.
  - iv. 2001
    - 1. US Quarterly filings, use form 4506 to obtain from IRS.
- m. Production of all financial records, accounting for all income and assets, if records do not exist then a bona fide estimation.
  - i. New York
    - 1. Flash Dancers
      - a. Copy of all work schedules
      - b. Accounting for all income and cash receipts

2. Grace Del Marco
3. Free Lance modeling such as Judy Vann Associates
4. New modeling agency
5. Prostitution
  - a. Accounting for all cash receipts
6. Citibank accounts statements and safe deposit box usage.
7. Overseas accounts
- ii. Mexico
  1. Gentlemen's Club
    - a. Work schedules
    - b. Accounting for all income and cash receipts
  2. Penthouse Club
    - a. Work schedules
    - b. Accounting for all income and cash receipts
  3. Prostitution
    - a. Accounting for all cash receipts
- iii. Cyprus
  1. Zygos and Tramps
    - a. Work schedules
    - b. Accounting for all income and cash receipts
  2. Prostitution
    - a. Accounting for all cash receipts
- iv. Russia
  1. Apartment
    - a. [If Alina's name is not on the deed she still holds a 0.5 interest under Russian law because the apartment is her place of permanent residence.]
  2. House in village
  3. Prostitution
    - a. Accounting for all cash receipts
- n. Interrogatories to Alina
  - i. Full name, address and telephone number for the manager of Flash Dancers for the night shift when Alina works.
  - ii. Full name, address and telephone number for all defendant's past and present clients and customers with whom she engaged in sexual intercourse, deviate sexual intercourse and sexual contact as defined by NYS Penal Law 130; sexual conduct as defined by NYS Penal Law 230 and erotic conduct, including but not limited to lap dancing, stripping, erotic moving and still pictures, in return for money or some other economic benefit.
  - iii. List of all the places traveled to, date and with whom traveled since March 11, 2000.

- iv. List of addresses of all places stayed overnight since March 11, 2000.
- v. [List of all overnight guests in apartment in New York, Krasnodar or house in Yablonoskiyi village.]
- vi. For the full names, current addresses, telephone numbers of all the people that she and/or her mother contacted and the dates contacted in an effort to prevent them through persuasion intimidation or threats from providing information or assistance to the plaintiff in his investigation in the facts of this case.
- vii. Complete information about all the videos, digital images and still pictures that show her in sexually explicit positions or activities that she made for money (Finances, Annulment immoral conduct, Course of immoral conduct; Impeachment):
  - 1. When made?
  - 2. Where made?
  - 3. Name, address and telephone number of producers?
  - 4. How much paid for each video?
  - 5. Name, address and telephone number of person who paid Alina?
  - 6. Description of the images?
- viii. For a list of all employers and parties to whom she provided services in return for money and material benefit from 1998 to the present.
- ix. [For the full names, current addresses and telephone numbers for parties with whom she committed adultery or have first hand knowledge of her adulterous activities as defined by NYS law from March 11, 2000, to Present. Including but not limited to
  - 1. Boyfriend she was with on July 5 at around 4:30pm on the subway platform at Broadway on the N line. He was in his mid to late twenties, about six feet, round face. She was wearing white with red ribbons in her hair.
  - 2. Reya who procures models, including Alina, for sexual activity. Most of the models in Krasnodar know about Reya.
  - 3. Her clients in her almost daily masturbation service. (39; 102, 103)
  - 4. Vladimir who has a wife from Kazakhstan and a two-year-old child, and is friends with Vadik whose mother hung herself. (39, 42; 102, 110)
  - 5. Natasha who lives in the same building as Alina. (40; 105)

6. Arsen who installed her TV antenna over a two-day period. (39, 40; 102, 103)
  7. Roma. (44; 121)
  8. Vladimir and Vanya from St. Petersburg who sell jewelry. (44, 45; 122, 123)
  9. Stephanos whom Alina visited in Cyprus in September 2000 and other times.
  10. Rikos whom Alina visited in Cyprus in September 2000 and other times.
  11. Andrios whom Alina visited in Cyprus in September 2000 and other times.
  12. Knife grinder. (19; 44)
  13. Vladimir who Alina arranged to help Inessa buy the apartment while Alina was in America with Roy. (35; 90)
  14. Dima who was pushed around by new Russians. (45; 123) [Adultery]
  15. Indian man whom Alina called a number of times. (46; 127)
  16. Brian Rubens, Nomura Securities, kissed and massaged his back at Flash Dancers. [Adultery]
  17. Bearded man who works in TV that touched her in “single room” at Flash Dancers from which she had pleasure. (48; 130) [Adultery]
  18. Christopher Cecil, customer at Flash Dancers. [Adultery]
  19. Arturo Barrera, older Mexican man who likes Russian girls, customer at Flash Dancers. [Adultery]
  20. Alfredo Ibarra from Mexico (42, 43; 112-114)]
  21. Peter Petrovich, 233 E 60 St. Multiple telephone calls from Alina’s mobile to his number, 212 829 1105.
  22. All other men and women with whom Alina engaged in sexual contact as defined by NYS Penal Law 130 and sexual conduct as defined by NYS Penal Law 230 since March 11, 2000.]
- x. For the full names, current telephone numbers, current addresses and nature of her relationship with the following: (NOT A COMPLETE LIST OF ALL WITNESS WANT TO DEPOSE, JUST LIST OF THOSE FOR WHOM DO NOT HAVE CONTACT INFORMATION.)
1. [Producers and people present when Alina made her masturbation video. In addition, the location, date and money Alina earned. [Adultery]]
  2. The “clairvoyant” from whom Alina obtained the “salts and sugars”. (40, 46; 104, 128) [Fraud, Impeachment]
  3. Tatyanna who use to work at Flash Dancers and was friend of Alina’s. [Fraud, Impeachment]

4. Nadya who went to Cyprus with Alina but returned after two days because the work involved prostitution? (Anastasia, Dmitri) [Impeachment]
5. Inessa, worked at Vasiljeva, friend of Alina and Nadya who went to Cyprus with Alina but returned in two days when realized work involved prostitution. [Fraud, Adultery, Impeachment]
6. Nadya who worked in Cyprus when Alina was there but husband sued for divorce because she was engaged in prostitution. (Yulya Kudinova Interview) [Impeachment]
7. Natasha who lives in the same building as Alina. (40; 105) [Fraud, Adultery, Authentication]
8. Katya who accompanied Alina on dates with Vladimir and Vanya from St. Petersburg. (39, 40, 41, 44, 45; 102, 105, 110, 123, 124, 125) [Fraud, Adultery, Finances, Authentication, Impeachment]
9. Masha Chebitkevich, Diary p 46, attended her bridal shower June 21, 2000.
10. Vladimir who is sculptor, in late 30s friend Alina for year. (Yulya Kudinova interview) [Fraud, Adultery, Impeachment]
11. Manager of the Aurora Movie Theater and Vita S who help Alina and Inessa move to Krasnodar from Grozny. [Fraud, Adultery, Impeachment]
12. Inya who won Miss Charming and Miss Russian Radio in the 2000 Miss Krasnodar contest. (39; 101) [Fraud, Adultery, Impeachment]
13. Alina's medical doctor in Krasnodar. [Fraud]
14. Asya (faxes) [Fraud]
15. Lena, close friend and nurse who advised Alina to do eye operation, marrying Roy good business move, Alexei did not see her as a wife. (34, 39; 84, 100) [Fraud, Adultery, Authentication]
16. Olga, friend of Alina's and Lena (Yulya Kudinova Interview) [Fraud, Adultery, Authentication]
17. Nadya who advised Alina not to go to America. (42, 45; 111, 125) [Fraud, Adultery]
18. Aunt Sveta and daughter Alyona who lived with Alina and Inessa in the Spring and Summer 2000. (48; 132) [Fraud, Adultery, Impeachment, Finances, Authentication]
19. Larissa who delivered money to Inessa when Alina was in Cyprus. (8; 20) [Finances, Impeachment]
20. Yulya from Krasnodar who knew Alina in Cyprus and went horseback riding with her. (16, 45; 37,) [Finances, Impeachment]



21. Tax driver whom Alina allowed to fondle her knee because it would reduce the fare. (45; 123) [Impeachment]
  22. Dima who Alina asked him about Italy before she went there for prostitution with Alfredo. (42; 111) [Adultery, Impeachment]
  23. Yulya from Kanevskaya who has a husband Igor. (45; 124) [Fraud, Adultery]
  24. Yulya jailed with Alina in Mexico. (31; 77) [Adultery, Impeachment]
  25. Max Garcia Appedole (25, 28, 30; 57, 65, 73) [Adultery, Impeachment]
  26. Doctor Krasnodar. [Fraud]
  27. Doctor Moscow. (18; 42) [Fraud]
  28. Mark to whom Alina told about her work in Cyprus and who apparently shot porno film of Alina. (17, 19; 40, 43) [Adultery, Impeachment]
  29. Asya-family adviser, mentioned in July 16 and August 17, 2000, faxes from Inessa. [Fraud, Impeachment]
  30. Nikita, Russian girl who helped Alina at Flash Dancers. (46; 127) [Fraud, Adultery, Finances]
  31. Chris 1, Cyprus. (1-5; 1-11) [Adultery, Finances, Authentication, Impeachment]
  32. Rikos and wife, Cyprus. (3-5; 6-10) [Adultery, Impeachment]
  33. Dr. George, orthopedist, who stopped talking to Alina, Cyprus. (3, 7, 11, 15; 7, 18, 26, 34) [Adultery, Finances, Impeachment]
  34. Kostos, employee of Marios who escorted the girls, Cyprus. (5; 10) [Adultery, Impeachment]
  35. Marios, Cyprus. (1, 9; 1, 22) [Fraud, Adultery, Finances, Impeachment, Obstruction]
  36. Tatyana, in hotel with her husband when Alina with Akhmed. Tatyana from Rostov, was 22, former ballerina. (9; 22, 23) [Adultery, Impeachment]
  37. Stelios told Inessa he wanted to have sex with Alina. (14, 15; 32, 36) [Adultery, Impeachment]
- o. List of all people want to depose given current state of information. List may change with new information acquired from on going investigation.
- i. Alexei Dikov. [Authentication, Obstruction, Impeachment]
  - ii. Inessa Shipilina. [Authentication, Fraud, Adultery, Finances, Obstruction, Impeachment]
  - iii. Boyfriend she was with on July 5 at around 4:30pm on the subway platform at Broadway on the N line. He was in his mid to late twenties, about six feet, round face. She was wearing white with red ribbons in her hair. [Adultery]

- iv. Reya who procures models, including Alina, for sexual activity. Most of the models in Krasnodar know about Reya. [Adultery, Impeachment]
- v. Her clients in her almost daily masturbation service. (39; 102, 103) [Adultery, Impeachment]
- vi. Vladimir who has a wife from Kazakhstan and a two-year-old child, and is friends with Vadik whose mother hung herself. (39, 42; 102, 110) [Adultery, Impeachment]
- vii. Natasha who lives in the same building as Alina. (40; 105) [Authentication, Fraud, Adultery]
- viii. Arsen who installed her TV antenna over a two-day period. (39, 40; 102, 103) [Adultery]
- ix. Roma. (44; 121) [Adultery]
- x. Vladimir and Vanya from St. Petersburg who sell jewelry. (44, 45; 122, 123) [Adultery]
- xi. Stephanos whom Alina visited in Cyprus in September 2000 and other times. [Authentication, Adultery]
- xii. Rikos whom Alina visited in Cyprus in September 2000 and other times. (3-5; 6-10) [Adultery, Impeachment]
- xiii. Andrios whom Alina visited in Cyprus in September 2000 and other times. [Adultery]
- xiv. Knife grinder. (19; 44) [Adultery]
- xv. Vladimir who Alina arranged to help Inessa buy the apartment while Alina was in America with Roy. (35; 90) [Adultery, Finances]
- xvi. Dima who was pushed around by new Russians. (45; 123) [Adultery]
- xvii. Azul. [Authentication, Adultery, Impeachment]
- xviii. Indian man whom Alina called a number of times. (46; 127) [Adultery]
- xix. Brian Rubens, Nomura Securities, kissed and massaged his back at Flash Dancers. [Adultery]
- xx. Bearded man who works in TV that touched her in “single room” at Flash Dancers from which she had pleasure. (48; 130) [Adultery]
- xxi. Christopher Cecil, customer at Flash Dancers. [Adultery]
- xxii. Arturo Barrera, older Mexican man who likes Russian girls, customer at Flash Dancers. [Adultery]
- xxiii. Alfredo Ibarra from Mexico (42, 43; 112-114) [Authentication, Fraud, Adultery, Finances, Impeachment]
- xxiv. Peter Petrovich. Multiple telephone calls to Russian male living in Bronx 212 829 1105. [Adultery]
- xxv. Producers and people present when Alina made her masturbation video. In addition, the location, date and money Alina earned. [Adultery, Impeachment]

- xxvi. The “clairvoyant” from whom Alina obtained the “salts and sugars”. (40, 46; 104, 128) [Fraud, Impeachment]
- xxvii. Tatyanna who use to work at Flash Dancers and was friend of Alina’s. [Fraud, Adultery, Impeachment]
- xxviii. Anastasia Vasiljeva. [Authentication, Adultery, Obstruction, Impeachment]
- xxix. Nadya who went to Cyprus with Alina but returned after two days because the work involved prostitution? (Anastasia, Dmitri) [Adultery, Impeachment]
- xxx. Inessa, worked at Vasiljeva, friend of Alina and Nadya who went to Cyprus with Alina but returned in two days when realized work involved prostitution. [Fraud, Adultery, Impeachment]
- xxxi. Nadya who worked in Cyprus when Alina was there but husband sued for divorce because she was engaged in prostitution. (Yulya Kudinova Interview) [Adultery, Impeachment]
- xxxii. Natasha who lives in the same building as Alina. (40; 105) [Fraud, Adultery, Authentication]
- xxxiii. Vera Ivanasova. [Authentication, Obstruction]
- xxxiv. Katya who accompanied Alina on dates with Vladimir and Vanya from St. Petersburg. (39, 40, 41, 44, 45; 102, 105, 110, 123, 124, 125) [Authentication, Fraud, Adultery, Finances, Impeachment]
- xxxv. Vladimir who is sculptor, in late 30s friend Alina for year. (Yulya Kudinova interview) [Fraud, Adultery, Impeachment]
- xxxvi. Manager of the Aurora Movie Theater and Vita S who help Alina and Inessa move to Krasnodar from Grozny. [Fraud, Adultery, Impeachment]
- xxxvii. Inya who won Miss Charming and Miss Russian Radio in the 2000 Miss Krasnodar contest. (39; 101) [Fraud, Adultery, Impeachment]
- xxxviii. Alina’s medical doctor in Krasnodar. [Fraud]
- xxxix. Lena, close friend and nurse who advised Alina to do eye operation, marrying Roy good business move, Alexei did not see her as a wife. (34, 39; 84, 100) [Fraud, Adultery, Authentication]
- xl. Olga, friend of Alina’s and Lena (Yulya Kudinova Interview) [Fraud, Adultery, Authentication]
- xli. Nadya who advised Alina not to go to America. (42, 45; 111, 125) [Fraud, Adultery]
- xlii. Aunt Sveta and daughter Alyona who lived with Alina and Inessa in the Spring and Summer 2000. (48; 132) [Authentication, Fraud, Adultery, Impeachment, Finances]
- xliii. Larissa who delivered money to Inessa when Alina was in Cyprus. (8; 20) [Finances, Impeachment]
- xliv. Yulya Kudinova. [Authentication]
- xlv. Yulya from Krasnodar who knew Alina in Cyprus and went horseback riding with her. (16, 45; 37,) [Finances, Impeachment]
- xlvi. Tax driver whom Alina allowed to fondle her knee because it would reduce the fare. (45; 123) [Impeachment]

- xlvi. Dima who Alina asked him about Italy before she went there for prostitution with Alfredo. (42; 111) [Adultery, Impeachment]
- xlvi. Yulya from Kanevskaya who has a husband Igor. (45; 124) [Fraud, Adultery]
- xlix. Yulya jailed with Alina in Mexico. (31; 77) [Adultery, Impeachment]
  - 1. Max Garcia Appedole (25, 28, 30; 57, 65, 73) [Adultery, Impeachment]
  - li. Doctor Krasnodar. [Fraud]
  - lii. Doctor Moscow. (18; 42) [Fraud]
  - liii. Mark to whom Alina told about her work in Cyprus and who apparently shot porno film of Alina. (17, 19; 40, 43) [Adultery, Impeachment]
  - liv. Asya-family adviser, mentioned in July 16 and August 17, 2000, faxes from Inessa. [Fraud, Impeachment]
  - lv. Nikita, Russian girl who helped Alina at Flash Dancers. (46; 127) [Fraud, Adultery, Finances]
  - lvi. Chris 1, Cyprus. (1-5; 1-11) [Adultery, Finances, Authentication, Impeachment]
  - lvii. Dr. George, orthopedist, who stopped talking to Alina, Cyprus. (3, 7, 11, 15; 7, 18, 26, 34) [Adultery, Finances, Impeachment]
  - lviii. Kostos, employee of Marios who escorted the girls, Cyprus. (5; 10) [Adultery, Impeachment]
  - lix. Marios, Cyprus. (1, 9; 1, 22) [Fraud, Adultery, Finances, Impeachment, Obstruction]
  - lx. Tatyana, in hotel with her husband when Alina with Akhmed. Tatyana from Rostov, was 22, former ballerina. (9; 22, 23) [Adultery, Impeachment]
  - lxi. Stelios told Inessa he wanted to have sex with Alina. (14, 15; 32, 36) [Adultery, Impeachment]
  - lxii. “Azul” or “Asul” Juginta Raszyukevichina, Lithuania. (25, 27, 29, 30, 31; 58, 62, 68-75) [Authentication, Fraud, Adultery]
  - lxiii. Katerina
- p. Italy
  - i. Hotel records
  - ii. Entry records
- q. Depositions (Written Questions, Commission, Letters Interrogatory)
  - i. Annulment: Fraudulent concealment or misrepresentation of material facts, need corroboration.
    - 1. Inessa Shipilina. [Fraud]
    - 2. Alexei Dikov. [Fraud]
    - 3. The “clairvoyant” from whom Alina obtained the “salts and sugars”. (40, 46; 104, 128) [Fraud]

4. Natasha who lives in the same building as Alina. (40; 105) [Fraud]
5. Katya who accompanied Alina on dates with Vladimir and Vanya from St. Petersburg. (39, 40, 41, 44, 45; 102, 105, 110, 123, 124, 125) [Fraud]
6. Inya who won Miss Charming and Miss Russian Radio in the 2000 Miss Krasnodar contest. (39; 101) [Fraud]
7. Alina's medical doctor in Krasnodar. [Fraud]
8. Lena, close friend and nurse who advised Alina to do eye operation, marrying Roy good business move, Alexei did not see her as a wife. (34, 39; 84, 100) [Fraud]
9. Nadya who advised Alina not to go to America. (42, 45; 111, 125) [Fraud]
10. Aunt Sveta and daughter Alyona who lived with Alina and Inessa in the Spring and Summer 2000. (48; 132) [Fraud]
11. [Vladimir who has a wife from Kazakhstan and a two-year-old child, and is friends with Vadik whose mother hung herself. (39, 42; 102, 110) [Fraud]]
12. Yulya from Kanevskaya with husband Igor. (45; 124) [Fraud]
13. Alfredo Ibarra whom Alina told all about her relationship with Roy at 40. (25, 26, 27, 28, 29, 30, 33, 35, 38, 40, 42, 43; 58, 60, 62, 65, 67, 68, 69, 71, 72, 73, 81, 83, 90, 99, 104, 105, 110, 111, 112, 113, 114) [Fraud]
14. Doctor Krasnodar. [Fraud]
15. Doctor Moscow. (18; 42) [Fraud]
16. Asya-family adviser, mentioned in July 16 and August 17, 2000, faxes from Inessa. [Fraud]
17. Dmitri Morozov, Alina's long time photographer and confidant. [Fraud]
18. Nikita, Russian girl who helped Alina at Flash Dancers. (46; 127) [Fraud]
19. Melios, Cyprus. (Cyprus Documents) [Fraud]
20. Irina, Cyprus. (Cyprus Documents) [Fraud]
21. Marios, Cyprus. (1, 9; 1, 22) [Fraud]
22. "Azul" or "Asul" Juginta Raszyukevichina, Lithuania. (25, 27, 29, 30, 31; 58, 62, 68-75) [Fraud]

r. Divorce

i. Cruel and inhuman treatment

1. Episodes

- a. Alina admitted to using drugs when she prostituted herself in Italy.
- b. Regular prostitution
- c. Dated customers at strip club

- d. Engaged in sexual conduct with stranger at Flash Dancers
    - e. Adultery
    - f. Visited Cyprus clients, which she told me about when she moved out.
      - g. Stephanos
      - h. Rikos
      - i. Andreas
    - j. Threats
    - k. Letter
    - l. Physical intimidation
      - i. Hit in back
    - m. Attempt to injure with knife
  - 2. Effect
    - a. Javors
    - b. Friends
    - c. Cheryl
    - d. Maiya
    - e. Carol
    - f. Jeff
  - 3. Defense to Alina's accusations of Roy's cruel treatment.
    - a. Argument against abuse: In dairy Alina writes about any unpleasantness but none concerning her allegations of Roy's abuse, which implies it never happened.
- ii. [Adultery: need proof other than testimony of spouse. Subpoena of letters to and from co-respondents with Deposition notice. Lack full knowledge of incidents.]
- 1. Inessa Shipilina. [Adultery]
  - 2. Boyfriend she was with on July 5 at around 4:30pm on the subway platform at Broadway on the N line. He was in his mid to late twenties, about six feet, round face. She was wearing white with red ribbons in her hair.
  - 3. Reya who procures models, including Alina, for sexual activity. Most of the models in Krasnodar know about Reya.
  - 4. Dima who Alina asked about Italy before she went there for prostitution with Alfredo. (42; 111) [Adultery]
  - 5. Alfredo from Mexico. (42, 43; 112-114) [Adultery]
    - a. Production of photos and letters sent by Alina and record of telephone calls he made to Alina. (44; 118)
  - 6. Vladimir 1 who has a wife from Kazakhstan and a two-year-old child, and is friends with Vadik whose mother hung herself. (39, 42; 102, 110) [Adultery]

7. Natasha who lives in the same building as Alina. (40; 105) [Adultery]
8. Arsen who installed her TV antenna over a two-day period. (39, 40; 102, 103) [Adultery]
9. Roma. (44; 121) [Adultery]
10. Vladimir 2 and Vanya from St. Petersburg who sell jewelry. (44, 45; 122, 123) [Adultery]
11. Stephanos whom Alina visited in Cyprus in September 2000 and at other times. [Adultery]
12. Rikos whom Alina visited in Cyprus in September 2000 and at other times. [Adultery]
13. Andrios whom Alina visited in Cyprus in September 2000 and at other times. [Adultery]
14. Knife grinder. (19; 44) [Adultery]
15. Vladimir who Alina arranged to help Inessa buy the apartment while Alina was in America with Roy. (35; 90) [Adultery]
16. Katya who accompanied Alina on dates with Vladimir and Vanya from St. Petersburg. (39, 40, 41, 44, 45; 102, 105, 110, 123, 124, 125) [Adultery]
17. Inya who won Miss Charming and Miss Russian Radio in the 2000 Miss Krasnodar contest. (39; 101) [Adultery]
18. Lena, close friend and nurse who advised Alina to do eye operation, marrying Roy good business move, Alexei did not see her as a wife. (34, 39; 84, 100) [Adultery]
19. Nadya who advised Alina not to go to America. (42, 45; 111, 125) [Adultery]
20. Alyona, Aunt Sveta's daughter, who lived with Alina and Inessa in the Spring and Summer 2000. (48; 132) [Adultery]
21. Vladimir who is sculptor, in late 30s friend Alina for year. (Yulya Kudinova interview) [Adultery]
22. Dima who was pushed around by new Russians. (45; 123) [Adultery]
23. Yulya from Kanevskaya and her husband whom Alina visited. (45; 124) [Adultery]
24. "Azul" or "Asul" Juginta Raszyukevichina, Lithuania. (25, 27, 29, 30, 31, 42; 58, 62, 68-75, 111) [Adultery]
25. [Dmitri Morozov, Alina's long time photographer and confidant. [Adultery] ]
26. Nikita, Russian girl who helped Alina at Flash Dancers. (46; 127) [Adultery]
27. Brian Rubens, Nomura Securities, kissed and massaged his back at Flash Dancers, which was on business card. [Adultery]

28. Bearded man who works in TV that touched her in “single room” at Flash Dancers from which she had pleasure. (48; 130) [Adultery]
29. Indian man whom Alina called a number of times. (46; 127) [Adultery]
30. Christopher Cecil, customer at Flash Dancers. [Adultery]
31. Owner Flash Dancers to give testimony on true nature of her activities at the club such as special touch in Champagne room. [Adultery]
32. Peter Petrovich. Multiple telephone calls.

iii. Immoral course of conduct to infer adultery

1. Producers of masturbation video for US dollars
2. Taxi driver whom Alina allowed to fondle her knee because it would reduce the fare. (45; 123)
3. Natasha who lives in the same building as Alina. (40; 105) [Prostitution]
4. Alfredo (25, 26, 27, 28, 29, 30, 33, 35, 38, 40, 42, 43; 58, 60, 62, 65, 67, 68, 69, 71, 72, 73, 81, 83, 90, 99, 104, 105, 110, 111, 112, 113, 114) [Prostitution]
5. Vladimir and Vanya from St. Petersburg who sell jewelry. (44, 45; 122, 123) [Prostitution]
6. Stephanos whom Alina visited in Cyprus in September 2000 and at other times. [Prostitution]
7. Rikos whom Alina visited in Cyprus in September 2000 and at other times. [Prostitution]
8. Andrios whom Alina visited in Cyprus in September 2000 and at other times. [Prostitution]
9. Nadya who went to Cyprus with Alina but returned after two days because the work involved prostitution? (Anastasia, Dmitri) [Prostitution]
10. Nadya who worked in Cyprus when Alina was there but husband sued for divorce because she was engaged in prostitution. (Yulya Kudinova Interview) [Prostitution]
11. Manager of the Aurora Movie Theater and Vita S who help Alina and Inessa move to Krasnodar from Grozny. [Prostitution]
12. [Inya who won Miss Charming and Miss Russian Radio in the 2000 Miss Krasnodar contest. (39; 101) [Prostitution]]
13. Aunt Sveta and daughter Alyona who lived with Alina and Inessa in the Spring and Summer 2000. (48; 132) [Prostitution]
14. Larissa who delivered money to Inessa when Alina was in Cyprus. (8; 20) [Prostitution]
15. Yulya from Krasnodar who knew Alina in Cyprus and went horseback riding with her. (16, 45; 37) [Prostitution]



16. Dima who Alina asked him about Italy before she went there for prostitution with Alfredo. (42; 111) [Prostitution]
17. Yulya jailed with Alina in Mexico. (31; 77) [Prostitution]
18. Max Garcia Appedole (25, 28, 30; 57, 65, 73) [Prostitution]
19. “Azul” or “Asul” Juginta Raszyukevichina, Lithuania. (25, 27, 29, 30, 31, 42; 58, 62, 68-75, 111) [Prostitution]
20. Mark to whom Alina told about her work in Cyprus and who shot porno film of Alina. (17, 19; 40, 43) [Prostitution]
21. Dmitri Morozov, Alina’s long time photographer and confidant. [Prostitution]
22. Chris 1, Cyprus. (1-5; 1-11) [Prostitution]
23. Rikos and wife, Cyprus. (3-5; 6-10) [Prostitution]
24. Dr. George, orthopedist, who stopped talking to Alina, Cyprus. ( 3, 7, 11, 15; 7, 18, 26, 34) [Prostitution]
25. Kostos, employee of Marios who escorted the girls, Cyprus. (5; 10) [Prostitution]
26. Melios, Cyprus. (Cyprus Documents) [Prostitution]
27. Marios, Cyprus. (1, 9; 1, 22) [Prostitution]
28. Tatyana, in hotel with her husband when Alina with Akhmed. Tatyana from Rostov, was 22, former ballerina. (9; 22, 23) [Prostitution]
29. Stelios told Inessa he wanted to have sex with Alina. (14, 15; 32, 36) [Prostitution]
30. Tatyanna who used to work at Flash Dancers.
31. Indian man whom Alina called a number of times. (46; 127) [Prostitution]
32. Brian Rubens, Nomura Securities, kissed and massaged his back at Flash Dancers. [Prostitution]
33. Bearded man who works in TV that touched her in “single room” at Flash Dancers from which she had pleasure. (48; 130) [Prostitution]
34. Christopher Cecil, customer at Flash Dancers. [Prostitution]
35. Arturo Barrera, older Mexican man who likes Russian girls, customer at Flash Dancers. [Prostitution]

### 3. Finances (Refer Analysis if Net Worth Statement)

#### a. Depositions

- i. Flash Dancers management
- ii. Dee Simons of Grace Del Marco.
- iii. Other modeling agencies.
- iv. Other employers and consumers of her services.

### 4. Obstruction of Investigation

- a. Alina planned, directed and participated in threatening, intimidating and cajoling people not to provide information or assistance to the plaintiff pertinent to plaintiff's cause of action.
    - i. Alina and Inessa threatened Anastasia Vasiljeva with court action.
    - ii. Alina and Inessa told Irina, Melios and Marios Athanasiou not tell plaintiff anything about Alina's work in Cyprus and the nature of her recent trips to Cyprus, in part, to visit her former customers.
    - iii. At Alina's direction, Inessa threatened the plaintiff's translator with arrest and imprisonment. Inessa also apparently forged a Russian court summons and sent it to the plaintiff translator's home.
    - iv. At Alina's direction, Inessa falsely accused a fellow professor of providing information to the plaintiff in return for money in an effort to intimidate the professor. In addition, Inessa threatened the professor with court action.
    - v. Similar tactics were used with varying degrees of success against
      1. Morosov, the photographer
      2. Alexei Smolin
      3. Alexei Dikov
      4. Vladimir 2 from St. Petersburg
      5. Yvegeniy Martianov, Trainer
      6. Others
5. Impeachment (Written Questions, Commission, Letters Interrogatory)
  - a. In her July 2000 post card to Vladimir in St. Petersburg, Alina says about working at Flash Dancers, "I like it a lot."
  - b. US doctor who analyzed gall bladder problem to show Alina lied about the seriousness in order to elicit more sympathy.
6. Choice of law
  - a. Under Russian law, Alina's state of mind at the time she married as expressed in her diary makes the marriage a nullity.
7. Status of Potential Witnesses and Evidence
  - a. Interviewed on Krasnodar Trip April 15-22
    - i. Masseur-Andrei S. Petrov.
    - ii. Trainer-Yvegeniy V. Martianov.
    - iii. Professor-Vera I. Ivanasova.
    - iv. Vice Rector Krasnodar Academy Ohysical-Vladimir G. Minchenko. Did not provide copies of Alina's handwriting.
    - v. Friend-Katya A. Gerokapis.
    - vi. Former boy friend-Alexei V. Dykov.
    - vii. Model agency-Anastasia Vasilyeva and Dmitri

- viii. Neighbors
    - ix. Imperio Manager-Andrei Mishenkin, says does not know Alina.
    - x. Reporter-Victoria
  - b. Interviewed on Krasnodar trip June 13-17
    - i. Alexei Dikov
    - ii. Katya Gerokaris
    - iii. Alexei Smolin
    - iv. Vera Ivanasova
    - v. Andrei Petrov, Masseuse
    - vi. Yvegeniy Martianov, Trainer
    - vii. Yulya Kudinova
  - c. Need to interview-refer interview sheets
    - i. Nadya who went to Cyprus with Alina but returned after two days.
    - ii. Natasha who lives upstairs
    - iii. Lena, nurse and adviser
    - iv. Olga, friend Alina and Lena
    - v. Inessa, worked at Vasiljeva, friend of Alina and Nadya who went to Cyprus with Alina but returned in two days when realized work involved prostitution.
    - vi. Reya, procurer for models
    - vii. Aunt Sveta and her daughter Alyona
    - viii. Nadya 2, Cyprus, divorced by husband for prostitution
    - ix. Manager Vita S
    - x. Valodya 1
    - xi. Vladimir the sculptor
    - xii. Krasnodar doctor
    - xiii. Arsen-antenna
    - xiv. Roma
  - d. Others
    - i. Alfredo
    - ii. St. Petersburg-Vladimir. Call, confront, want the truth.
    - iii. Flash Dance owner
    - iv. Leo
      - 1. Moscow doctor
      - 2. Tanya
8. File complaint for abuse of process tort.

**PRIVILEGED AND CONFIDENTIAL**  
**ATTORNEY WORK PRODUCT**  
(Draft 7/24/01)

**Preliminary Conference Agenda**

Try to get judge to look at case because it presents unusual problems. In talking to judge try to lay groundwork for next appearance.

**Opening Statement**

I would like an annulment because Ms. Shipilina (Parentheses indicate when I learned about activity)

1. Misrepresented and concealed that she worked in the international sex industry engaged in the following activities:
  - a. Making sexually explicit videos. [Such as one in which she masturbated for the camera and men in return for US dollars.] (June 2001)
  - b. Habitually prostituting herself, including an almost daily masturbation service for men (March 2001) and working for a well known procurer in Krasnodar [Reya] who provided models for sexual activities to New Russians in return for money (July 2001),
  - c. Completely nude stripping with hands on sexual contact to make her customers finish (March 2001),
  - d. Recruitment of girls for Russia's sex industry (April 2001);
2. Misrepresented and concealed her extensive promiscuity that was not done in return for money ("I have only had sex with one other man.") (March 2001);
3. Concealed her intention before our marriage to commit adultery after the marriage as evidenced by her obtaining a second international passport to hide from Roy her visit to Alfredo Ibarra in Italy to whom she prostituted herself. The passport was applied for before the marriage (April 2001);
4. Surreptitiously and repeatedly put substances in my food about five days before the wedding after I told her I was thinking about not going through with the marriage. These substances caused symptoms identical to narcotic poisoning that made it impossible for me to think clearly enough to extricate myself from the situation and cancel the marriage. She did not hold a shotgun to my head. She just surreptitiously, maliciously and with reckless disregard put narcotics in my food. (December 2000)
5. Concealed her having a sexually transmittable disease (March 2001);
6. Misrepresented and concealed that she wanted to marry me not to be a true wife but to obtain a green card so she could work in New York City as a lap dancer and prostitute. (March 2001) Since coming to the US last July, she has worked as a lap dancer at Flash Dancers on Broadway,

grossing nearly \$15,000 in cash a month on which she evades taxes. She has also apparently been cutting private deals with various customers at Flash Dancers who are willing to pay extra for more intimate attention.

Her diary makes it clear that she married me so she could ply her trade in the number one sex market in the world.

For example:

1. Page 33 English; 82 Russian
2. Page 40 English; 104, 105 Russian
3. Page 39 English; 101 Russian
4. Page 44 English; 120 Russian

Ms. Shipilina is a very accomplished actress who can cry at will; pretend to be all bubble bath, dewy morning and moonlight while ruthlessly manipulating others with deceit and prevarications in order to maximize her return on the very attractive body that God gave her. She has grossed nearly \$130,000 in the past twelve months as a result of her defrauding me into marrying her and bringing her to America.

#### Reasons Want Annulment

1. Justice.
2. My financial obligation to reimburse the government if Alina becomes a public charge continues until she
  - a. Becomes naturalized citizen,
  - b. Works in US for 10 years,
  - c. Ceases to be a legal permanent resident, or
  - d. Dies.

An annulment dramatically increases the probability of Alina “ceasing to be a legal permanent resident” thereby reducing the time frame in which she may become a public charge.

#### Direct and Counter

1. Order directing Alina to stop her from interfering with Roy’s investigation into the issues of the case:
  - i. Alina telephoned Anastasia Vasiljeva trying to keep her from providing Roy with information and followed up with a message on Anastasia’s pager that Alina and Anastasia would meet in court. As a result, Anastasia refuses to provide Roy with further relevant information.
  - ii. Alina and Inessa visited Irina, Melios and Marios Athanasiou recently in Cyprus and apparently told them not to provide information to Roy.
- And to put a halt to her mother from
  - iii. threatening translators and potential witnesses, and
  - iv. forging false court documents in an effort to intimidate people

into not cooperating with Roy's efforts to find information leading to potential witnesses outside the court's subpoena power for testimony as to fraud, adultery and impeachment.

2. Order to prevent concealment and transfer of cash income abroad because it is marital property. During marriage Alina accumulated property, income after expenses, of nearly \$100,000 while Roy lost in the stock market over \$150,000. Push for Equitable Distribution.
3. Motion for physical examination to determine if carrying STDs.
4. Mundy's dissemblance about medical records showing I beat Alina.
5. Mundy's threat to use evidence of an alleged crime committed by Roy to obtain a favorable settlement for his client in a civil litigation—the extortion audiotape.
6. Mundy's veiled threat to embarrass me and deplete my assets if I did not help Alina obtain a permanent green card.
7. Amend pleadings
  - a. Annulment allegations above.
  - b. Adultery
    - i. Name Alina's partners in adultery as co-respondents, name as Vladimir Doe for Vladimir 1, Vladimir 2, Rikos, Stephanos, Andrios, TV man at Flash Dancers and others.
  - c. Cruel and Inhuman
    - i. Refused to live with me in Moscow right after our marriage.
    - ii. Refused to allow me to travel to Cyprus with her, where she visited a few of her former clients.

#### Admissions

1. Russian diary authentic
2. Video authentic
3. Title to apartment at 138 Rashpilevskaya in Alina's name.
4. Title to half house in Yablonovskiyi village in Alina's name.
5. Document 1 authentic
6. Works as lap dancer at Flash Dancers
7. Monthly gross income around \$15,000 in cash
8. Wanted to date some of her customers at Flash Dancers.
9. Dated some of her customers at Flash Dancers.
10. Maintains bank account in Cyprus
11. Surreptitiously put narcotics in Roy's food just before wedding date.
12. Works as prostitute in New York
13. Worked as prostitute in Russia
14. Worked as lap dancer and prostitute in Cyprus.
15. Worked as lap dancer and prostitute in Mexico
16. Her lap dancing included drink, table, strip tease and private dances as defined by the sex industries normal course of conduct.
17. Contrived a story with Alfredo to deceive Roy into believing that she did not prostitute herself to him but were only friends.

18. Repeatedly asked the Russian Orthodox Saint Nicolas to help her succeed in her business as a lap dancer and prostitute. (Impeachment-immoral behavior that reflects on character.)
19. Said that after she engaged in prostitution, she went to church, God forgave her and it was as if it never happened. (Impeachment-immoral behavior that reflects on character.)
20. Wanted to marry a foreigner so could live abroad.
21. Misrepresentations and concealment on immigrant visa application with respect to prostitution, arrest and deportation, occupation in Cyprus, employment after college. (Impeachment-bad reputation for truth and veracity.)
22. Has not paid the full amount of US taxes. (Impeachment-criminal and immoral behavior reflecting on character.)
23. Never saw Roy as a husband.
24. Married Roy solely to obtain a green card so could work in America.

#### Documents

1. Put on table a few pages from diary that show fraud on Alina's part. Pages from both English translation and Russian version.
2. Bring all possible relevant documents.
  - a. Preliminary Conference Agenda and Documents
  - b. Legal Proceedings
  - c. Diary.
    1. Xenia's marked up Russian and English.
    2. Unmarked copy Russian.
  - d. Masturbation video.
  - e. Document 1 and translation.
  - f. Mundy's letter.
  - g. Flash Dance schedule
  - h. Both versions of birth certificate and translations
  - i. Alina Questiona
  - j. Work Product
    1. Legal Arguments
    2. Protection Order
  - k. Law notebook

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LOUIS A. MANGONE  
OF COUNSEL

\*\*AWAITING ADMISSION

July 26, 2001

Mr. Roy Den Hollander  
545 E. 14<sup>th</sup> Street  
Apt. 10-D  
New York, New York 10009

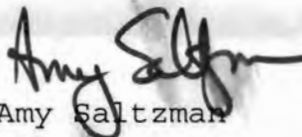
Re: Hollander

Dear Roy:

Enclosed please find a copy of the preliminary conference stipulation and order signed in court today. Please send us your draft Net Worth Statement as soon as possible so that we can prepare the final document. As you know, it must be exchanged and filed on August 10<sup>th</sup>.

Regards.

Sincerely,

  
Amy Saltzman

Enclosure  
AS/jlm



SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

ROY DEN HOLLANDER

Plaintiff

-against-

Index No.: 350091/01

ALINA A. SHIPILINA

Defendant

Part No. 20

PRELIMINARY CONFERENCE STIPULATION/ORDER  
CONTESTED MATRIMONIAL

PRESIDING: HON. JOAN LOBIS  
Justice of the Supreme Court

The parties and counsel have appeared before this Court on JULY 26, 1900  
at a preliminary conference on this matter held pursuant to 22 NYCRR 202.16.

The court has received a copy of:

Date Filed or To Be Filed

- (1) A sworn Net Worth Statement of each party; and
- (2) A signed copy of each party's attorney retainer agreement; and
- (3) Counsel for both parties have certified that they have no knowledge that the substance of the statements or allegations of fact (including the Net Worth Statements) submitted by their respective clients is false.

Plaintiff	Defendant
9/28/01	9/28/01
9/28/01	9/28/01

both sides by  
8/10/01

A. Required Information

(1) Attorney for Plaintiff  
COHEN, GOLDSTEIN + SILVE, LLP  
BY: STEVEN M. SILVE  
505 PARK AVE., NY, NY 10022

Attorney for Defendant  
KUBA, MUNDI + ASSOCIATES  
BY: PAULETTE DETIBERIS  
321 BROADWAY, NY, NY 10007

Phone: 212 315-4400

Phone: 212 732 5050

(2) Summons: Date Filed 2/13/2001 Date Served 2/13/2001

(3) Notice of No Necessity Filed: Yes        No X

(4) Date of Marriage: 3/11/2000

(5) Name(s) and Age(s) of Child(ren): none

**B. Stipulation**

The parties hereby stipulate, for purposes of trial, that the following issues between them are:

	RESOLVED	UNRESOLVED
(1) Fault <i>will not be an issue</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
(2) Custody	<input checked="" type="checkbox"/> n/a	
(3) Visitation	<input checked="" type="checkbox"/> n/a	
(4) Child Support	<input checked="" type="checkbox"/> n/a	
(5) Maintenance		<input checked="" type="checkbox"/>
(6) Equitable Distribution		<input checked="" type="checkbox"/>
(7) Other _____		

ANY ISSUES WITH RESPECT TO FAULT, CUSTODY AND FINANCE THAT ARE NOT SPECIFICALLY DESCRIBED ABOVE AS UNRESOLVED MAY NOT BE RAISED IN THE ACTION UNLESS GOOD CAUSE IS SHOWN.

THE ABOVE IS HEREBY STIPULATED TO BY THE PARTIES.

Roy De Hollander  
PLAINTIFF  
[Signature]  
PLAINTIFF'S ATTORNEY

[Signature]  
DEFENDANT  
Kuba Wundy + Associates BY:  
Paulette Detiberis  
DEFENDANT'S ATTORNEY  
PAULETTE DETIBERIS

**C. Pendente Lite Relief**

With respect to the pendente lite applications, the court hereby directs or the parties stipulate that:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
PLAINTIFF  
\_\_\_\_\_  
PLAINTIFF'S ATTORNEY

\_\_\_\_\_  
DEFENDANT  
\_\_\_\_\_  
DEFENDANT'S ATTORNEY

**D. Law Guardians/Experts**

(1) **Law Guardian/Guardian Ad Litem** (Check One)

- a. n/a The Court hereby appoints \_\_\_\_\_ as law guardian/guardian ad litem for the infant child(ren). ✓
- b. n/a The parties shall submit to the Clerk of this Part within \_\_\_\_\_ days from the date hereof a list of persons deemed suitable to serve as law guardian/guardian ad litem, together with a stamped, self-addressed envelope. ✓

(2) **Neutral Expert** (Check One)

- a. \_\_\_\_\_ The Court hereby appoints, on consent of the parties, the following as neutral expert to assist the court: N/A ✓
- b. \_\_\_\_\_ The parties shall submit to the Clerk of this Part within \_\_\_\_\_ days from the date hereof a list of experts deemed suitable for appointment as neutral expert, together with a stamped, self-addressed envelope. ✓

**E. Case Scheduling**

- (1) In addition, the Court orders the following discovery deadlines. (Fill in specific dates for the below to be served or conducted).

	<u>Plaintiff</u>	<u>Defendant</u>
(1) Notice for Discovery and Inspection	<u>10/15/01</u>	<u>10/15/01</u>
(2) Interrogatories	<u>10/15/01</u>	<u>10/15/01</u>
(3) Depositions	<u>11/12/01</u>	<u>11/12/01</u>
(4) Exchange of Expert Reports	<u>To be determined</u>	<u>To be determined</u>
(5) Other	<u>Both sides reserve the right to further discovery, if needed.</u>	

(2) **Discovery Problems**

The parties shall contact the court **immediately** if it appears that there are any problems with the above schedule. If the Court is not contacted, discovery may be deemed completed as of the above dates or sanctions may be imposed.

(3) **Expert Witnesses**

At least sixty (60) days prior to the trial date set forth below, each party shall serve and file with the court a written report of each expert witness whom the party expects to call at trial and, at least thirty (30) days prior to the trial date set forth below, each party shall serve and file

with the court any reply report. If a party intends that a written report shall substitute at trial for direct testimony, that party shall so advise the other party and the court at least ten (10) days prior to trial.

(4) **Witnesses (Other Than Expert)**

At least ten (10) days prior to trial, each side shall submit to the court and the other side a list of all other witnesses (excepting impeachment or rebuttal witnesses) whom that side intends to call at trial, specifying, where applicable, those whose depositions will be used.

(5) **Exhibits**

The parties shall consult and work out a stipulation governing the authenticity and admissibility of all trial exhibits concerning which the parties can agree, which exhibits shall be premarked before the case is called for trial. Ten (10) days prior to trial, the parties shall submit to the Part a list or lists of: (i) all exhibits stipulated to be admissible, (ii) plaintiff's proposed additional exhibits, and (iii) defendant's proposed additional exhibits.

(6) The court orders the parties and their attorneys to appear at a compliance conference to be held

on 11/15/01 at 9:30am

The parties shall bring to the compliance conference a preliminary copy of their Proposed Statement of Disposition. 22 NYCRR 202.16(h).

(7) The court orders a Note of Issue to be filed on or before 12/3/01

(8) **THE COURT ORDERS THAT THE TRIAL IN THIS MATTER WILL BE HELD ON:**

December 17 x 18 at 9:30 a.m./p.m.

trial December 13, 2001 at 9:30 am

**SO ORDERED:**

Dated: New York, New York

7/26, 192001

2001

[Signature]  
J.S.C.

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

-----X

ROY DEN HOLLANDER,

Index No.350091/01

Plaintiff,

-against-

Notice of Motion

ALINA A. SHIPILINA, a/k/a  
Angelina Chipilina,

Defendant.

-----X

PLEASE TAKE NOTICE, that upon the annexed affirmation of Amy Saltzman, Esq. dated August 31, 2001, together with the exhibits annexed thereto and upon all the papers and proceedings heretofore had herein, a motion will be made at Room 130, of the Supreme Court of the State of New York, in and for the County of New York, to be held at the Courthouse located at 60 Centre Street, New York, New York on the 20<sup>th</sup> day of September, 2001 at 9:30 a.m. or as soon thereafter as counsel can be heard for an Order:

1. Granting plaintiff an annulment on the grounds of fraud;
2. Granting plaintiff appropriate financial relief;
3. Awarding plaintiff counsel fees; and
4. Granting plaintiff such other and further relief as the Court deems just, together with the costs and disbursements of this action.

PLEASE TAKE FURTHER NOTICE, that pursuant to CPLR § 2214

(b), answering papers, if any, must be served upon the undersigned so as to be received at least seven (7) days prior to the return date of this motion.

Dated: New York, New York  
August 31, 2001

Yours, etc.

COHEN GOLDSTEIN & SILPE, LLP

By: 

Amy Saltzman Esq.

Attorneys for Plaintiff  
505 Park Avenue  
New York, New York 10022  
(212) 315-4400

To: Paulette DeTiberiis, Esq.  
Kuba, Mundy & Associates  
321 Broadway  
New York, New York 10007  
(212) 732 - 5050

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

-----X  
ROY DEN HOLLANDER,

Index No.350091/01

Plaintiff,  
-against-

**AFFIRMATION**

ALINA A. SHIPILINA, a/k/a  
Angelina Chipilina,

Defendant.

-----X

AMY SALTZMAN, an attorney admitted to practice before the Courts of the State of New York, affirms under the penalty of perjury as follows:

1. I am an associate of Cohen, Goldstein & Silpe, LLP, attorneys for plaintiff Roy Den Hollander. This affirmation is made in support of plaintiff's motion for a default judgment against defendant granting an annulment of the parties' marriage on the grounds of fraud.

2. This action was commenced on February 13, 2001, by the filing of a Summons with Notice. A copy of Summons With Notice is attached as Exhibit A. Defendant was personally served also on February 13, 2001. A copy of the Affidavit of Personal Service is attached as Exhibit B.

3. On June 21, 2001, plaintiff served a Verified Complaint on defendant's attorneys. A copy of the Verified



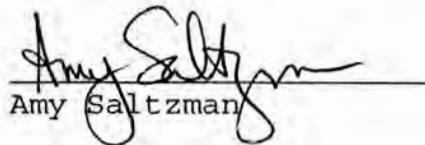
Complaint with an affidavit of service is attached as Exhibit C.

4. Defendant's answer was due within twenty days after service of the complaint, with an additional five days for service by mail (i.e. July 17, 2001). CPLR §§ 3012(a), 2103(b)(2).

5. Defendant has failed to serve any responsive pleading to plaintiff's verified complaint. She has failed to contest any of the allegations seeking an annulment on the ground of fraud, or in the alternative, a divorce on the ground of cruel and inhuman treatment. Accordingly, pursuant to CPLR § 3215, plaintiff requests a default judgment be entered against defendant and that an annulment of the marriage be granted.

6. No prior application has been made for the relief requested herein.

Dated: New York, New York  
August 31, 2001

  
Amy Saltzman



SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK-----X  
ROY DEN HOLLANDER

Plaintiff,

Index No. 350091/01

-against-

ALINA A. SHIPILINA, a/k/a  
ANGELAINA CHIPILINA,

ANSWER

Defendant.  
-----X

Defendant by her attorneys, Kuba, Mundy &amp; Associates, for her Answer herein:

1. Admits allegations contained in Paragraphs 1, 2, 4, 5 and 6 of the Complaint herein.
2. Denies each and every allegation contained in Paragraphs 8, 9(a) - (g), 10, 11, 12, 13, 14, 15, 16, and 17, and the WHEREFORE Clause (1) - (6), of the Complaint herein.
3. Denies any knowledge or information sufficient to form a belief as to each and every allegation contained in Paragraphs 3 and 7.

**AS AND FOR A FIRST COUNTERCLAIM**

4. The Defendant repeats and realleges each of the foregoing paragraphs as if fully set forth herein.
5. On repeated occasions the Plaintiff has been cruel and acted in an inhuman manner towards the Defendant, all of which resulted in endangering the physical and mental well being of the Defendant to a degree that it is unsafe and improper for the Defendant to cohabit with the Plaintiff. More specifically:
  - (a) The Plaintiff constantly argued and fought with the Defendant, and refused to perform his duties as husband;
  - (b) The Plaintiff constantly embarrassed and belittled the Defendant in the presence of friends and the public;

(c) During the beginning of their marriage, the Plaintiff executed a written Marriage Contract containing specific paragraphs with regard to the marriage and the behavior of the Defendant;

(d) That on or about July 11, 2000, the Plaintiff executed a Personal and Business Management Agreement in order that he could have complete control over the Defendant's career and salary as a professional model and dancer;

(e) That on or about August 1, 2000, the Plaintiff executed an Agreement containing specific paragraphs with regard to how the Defendant was to behave;

(f) That in or about the summer of 2000, while the Plaintiff and the Defendant were at the Virgin Record Shop in Manhattan, the Plaintiff threatened the Defendant that if she did not do everything he told her he would have her deported. On that same occasion, the Plaintiff did attempt to extort money from the Defendant;

(g) That on or about December 13, 2000, the Plaintiff threatened and attempted to extort money from the Defendant when he threatened the Defendant that if she did not pay him a certain amount of money he would have her deported;

(h) That on or about March, 2001, the Plaintiff stole from the Defendant her personal diary and sent copies to her friends and family. That on that same occasion, the Plaintiff in written letter to certain friends and family, defamed, disgraced and belittled the Defendant by calling her a prostitute and revealing certain husband/wife privileges;

(i) That on or about June 19, 2001, the Plaintiff without the Defendant's knowledge and/or consent, created an internet website entitled <http://www.alinashipilina.com>, in which he posted the Defendant's personal diary and naked photographs of the Defendant;

(j) That the Plaintiff constantly accused the Defendant of going out with and engaging in sexual relations with other men, there being no truth to the Plaintiff's allegations;

(k) That the Plaintiff on numerous occasions threatened to "put" the Defendant out of the house and have her "deported" from the United States if she did not pay him certain amounts of money;

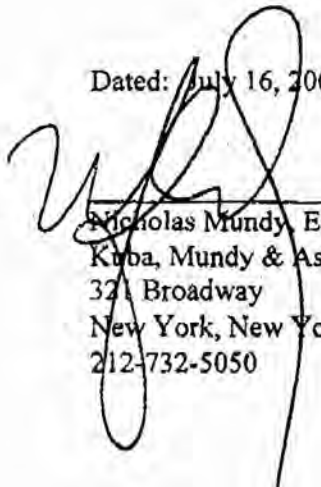
6. The foregoing acts of cruel and inhuman treatment have greatly injured the Defendant and have caused the Defendant great anguish.

7. The Defendant has always conducted herself toward the Plaintiff in a proper and fit manner and has always been a loving and dutiful wife

8. The Plaintiff's conduct as stated above was without just cause, provocation or consent of the Defendant.

WHEREFORE, the Defendant demands judgment dismissing the Complaint, judgment on the counterclaim for divorce, equitable distribution of the marital property, counsel and disbursement expenses together with such other and further relief as to the Court seems just and proper.

Dated: July 16, 2001



Nicholas Mundy, Esq.  
Kuba, Mundy & Associates  
321 Broadway  
New York, New York 10007  
212-732-5050

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[Draft 9/14/01]

[Robert, my prior attorney, Steven Silpe, never responded to defendant's answer presumably because her never received it. He did file a motion for default through his associate Amy Saltzman based on no answer being filed although it was.]

**Answer to Defendant's First Counterclaim**

5.

- a. Denies
- b. Denies
- c. Need more specifics. She may be referring to a prenuptial executed in Russia before the marriage, which according to my Russian attorney has no legal effect in the US. Or she may be referring to the following agreement reached after I learned of her adultery and prostitution in Italy.
  - a. June 15, 2000 Agreement
  - b. Alina refrain from engaging in sexual conduct with other men.
  - c. Alina refrain from trying to deceive or trick me.
  - d. Alina refrain from communicating with Alfredo.
- d. Denies
- e. Need more specifics. She may be referring to an August 1, 2000 Agreement in which she agreed:
  - a. Angel will not engage in sexual conduct with other men.  
Sexual conduct means any touching of the sexual or other intimate parts of a person not married to the actor for the purpose of gratifying the sexual desire of either party. It includes: intercourse; oral and anal sex; masturbation; physical contact with the clothed or unclothed genitals, pubic area, buttocks or female breast, fondling upper thigh and rubbing the covered penis against covered buttocks.
  - b. Angel will not try to deceive or trick me regarding any matter especially her sexual conduct.
  - c. Angel will not communicate with Alfredo.
  - d. Additional agreement made July 31. Angel will not communicate with Valodya 2 whom she met in June.
  - e. As agreed to on August 1, 2000, if Angel violated any part of this agreement between June 18 and August 1, 2000, and did not tell Roy the full truth of that violation then she agrees to a separation and to move out of Roy's apartment. If Angel violates any part of this agreement after August 1, 2000, and Roy learns about it before Angel tells him, then she agrees to a separation and to move out of Roy's apartment.

[On July 31, 2000, I learned from my wife that she had engaged in sexual contact with another Russian in Krasnodar only days after she

begged forgiveness for her earlier adulterous activities including her prostitution in Italy in May. In an attempt to determine whether the marriage could be saved, I wrote down her promises so our agreement would be clear and she could not claim memory lost or that she did not understand the conduct addressed. She would often parse sentences to convolute their common sense meaning and defined sex as only as intercourse. My wife has a copy of this agreement.]

f. Denies

g. Denies

i. [In August Alina and I agreed to separate and she said she would compensate me for the help I provided her while in America with her career. In Mid-late December, I asked her to live up to this agreement as usual she refused. When we met, Alina was holding her purse in her lap, which was unusual. I asked her to put the bag away because I knew she often carried a knife and did not want her to lose her temper again. I showed Alina the bill, and she started accusing me of trying to black mail her, saying I wanted money in return for my going along with Peter's plan. I was surprised and offended. I took the bill back; she stuck her sharpened right pinky fingernail into my finger causing it to bleed. I grabbed my bag and tried to leave, but she stood in front of me. She grabbed my wrist. (Just as she did to a process server in Flash Dancers.) When she let go, I tried to move around her, but she stayed in front of me. (Just as she did to the process server in Flash Dancers.) I could not leave. She stared into my eyes in the typical Soviet inquisitorial method, and asked whether I was going to agree to Peter's plan. I demurred.

h. Denies

i. [In my preliminary investigation to discover leads to evidence to prove the allegations of my complaint, I contacted people familiar with the defendant, defendant's activities and who were mentioned in the defendant's diary. My investigation was to find credible leads for authenticating defendant's diary and finding additional evidence. There is no husband-wife privilege without loyalty and confidence between the two.]

i. Denies

i. [I set up the internet site to circumvent the impact of the defendant and her mother's threats and intimidation of potential witnesses, their illegal efforts to thwart my investigation and to find additional potential witnesses.]

j. Denies

- i. [Defendant's diary reveals her sexual activities with other men while married.]
- k. Denies
  - i. [September 2000 defendant went on a three-week vacation to Russia and Cyprus. I went to Krasnodar right after she returned from Cyprus, and told her I wanted to see her diary from May until September 2000. I thought she would have already made entries from her Cyprus trip. I said if she did not show it to me that I would change the locks on my apartment, and when she returned to the US, she could live with her friend Tanya, who also stripped at Flash Dancers. She gave me the entries. I wanted the entries to see what the truth was about her sexual activities since her trip to Italy with Alfredo to engage in prostitution in late May.]

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[Draft 9/23/01]

**Statement of Defendant's Net Worth and Tax Returns**

(Items on which defendant committed perjury and suggestions for proving such.)

Family Data

1. Occupation: Alina failed to include stripper or lap dancer. Alina's tax returns stated her occupation in 2000 was bartending while her net worth statement listed modeling for both 2000 and 2001.
  - a. Proof Alina worked and works at Flash Dancers
    - i. An affidavit of service states that service was made on Alina while dancing at Flash Dancers. Service of Petition filed in Queens Family Court, RDH v. Shipilina 02615/01; dismissed along with TOP 01988/01 on July 31.
    - ii. Deposition of Barry the night manger of Flash Dancers or subpoena for Angelina's work schedule since July 17, 2000.
      1. September 19, 2001, talked to manager Barry who admitted having her work schedules for at least a month.
    - iii. Copies of Angelina's work schedules for 2000. Possible authentication problem.
    - iv. Millard and Associates as witness of Alina working at Flash Dancers.
    - v. Depositions of Tatyanna and Nikita.
    - vi. Witnesses who are friends of mine who saw her strip at Flash Dancers
      1. Maiya
      2. Jesse
      3. Moody
    - vii. Alina's diary, English translation pages 48 to 50; Russian pp 126 to 131.
  - b. Proof Alina not bartender.
    - i. Interrogatory as to places of bartending employment.
      1. Check with bars to determine whether they employed defendant.
    - ii. Bars generally do not hire independent contractors as bar tenders, so Alina must have payment stubs from her bartending employers.
      1. Production request for payment stubs

Expenses

1. Telephone amount of around \$100 is dramatically low. She has home telephone service with Verszion that includes its answering service and mobile service with AT&T. Her mobile service for October 2000 totaled \$222.33. Mobile Statement.

- a. Proof
    - i. Subpoena directly from Verizon and AT&T Alina's telephone records.
2. Liquor at zero strains credibility.
3. Laundry at zero not possible. She does not have a washer and dryer in her apartment.
4. Medical insurance expense false. Alina and I had a joint Oxford HMO plan from August 2000 to March 2001, which cost each of us about \$300 a month.
  - a. Proof
    - i. Subpoena Oxford records
5. Appliances and maintenance in the amount of \$2000 a month is unrealistically high. There is no maintenance on Alina's rental apartment. She may have included this amount for tax purposes. \$2000 a month infers \$16,000 for the eight months up to the time she filed her net worth that she lived in her apartment while her yearly gross income for 2000 was \$18,800.
  - a. Proof
    - i. Production of all receipts.
6. Vacations underreported for the past year.
  - a. September 9-10, Alina flew to Moscow then to Krasnodar on Aeroflot. On September 18 or 19, she and her mother at Alina's expense flew to Cyprus where they stayed until September 25<sup>th</sup> at a five star hotel, 357 5 321 100. September 28 Alina flew back to Moscow and on the 29<sup>th</sup> flew back to NYC.
  - b. December 21, 2000, Alina flew to Moscow and Krasnodar on Aeroflot. She returned January 18, 2001.
  - c. During the last half of April and the beginning of May, Alina traveled to Krasnodar and with her mother traveled to Cyprus.
7. Income taxes reported are dramatically low and do not include a whole year but just taxes on income Alina earned from July to December of 2000. She entered the country in July 2000.
  - a. Federal-Amended Return reports taxes on Alina's income for six months at \$4556 or \$759 on a monthly basis.
  - b. State-Amended Return for six months of work reports \$430 or \$72 on a monthly basis.
  - c. City-Amended Return for six months of work reports \$344 or \$57 on a monthly basis.
8. Beauty parlor expenses are greater than zero.
  - a. She weekly gets a pedicure because when she is on stage at Flash Dancers advertising her wares, her feet are just below the eye level of the men sitting around the stage, giving her money.
    - i. Proof
      1. Deposition of Flash manager
  - b. Whenever she attends a modeling event it costs her around \$50 to have her hair done.
    - i. Interrogatory as to whom is her hair stylist.



9. Failed to state the expenses for her photo portfolios used in modeling. She had one created last August by Phillip Jarrell and probably had another one done recently.
  - a. Proof
    - i. Photocard with Jarrell's name on it.
    - ii. Interrogatory on Jarrell.
10. Failed to include her nightly expenses for stripping at Flash Dancers. For a girl to strip she has to pay management around \$100 each night. On top of that she must tip the DJ \$10 to \$15, the house mother who watches over the girls possessions around \$15 and pay the hair stylist or cosmetician for their assistance if she uses them. All toll, Alina would pay out \$140 each night or \$2800 a month when working five nights a week as the management requires. Alina worked four months in 2000, so her Flash Dancers expenses were \$11,200.
  - a. Proof
    - i. NYS, NYC and IRS for record keeping requirements and filings of lap dancing clubs with respect to income received from dancers
    - i. Deposition of Barry the night manager of Flash Dancers and copies of Alina's work schedules.
11. Total Expenses of \$4,500 a month infers yearly expenses of \$54,000, which I believe is about right when factoring in her stripping expenses, but she reported her total income for 2000 as only \$18,800, which implies her reported income does not meet her expenses, so she must have other income sources.

Gross Income: Does not specifically state the period it is for. Her 2000 tax returns indicate her income for 2000 at \$18,861; therefore, she did not report any of her income on the Net Worth Statement for the year 2001.

1. Fails to include income earned at Flash Dancers as a lap dancer, which I estimate at around \$120,000 since July 2000.
  - a. Proof
    - i. Alina's diary pp 48-50; Russian 126 to 131.
      1. Tax returns false
        - a. August 21, 2000, "Roy learned that I did not keep all money in bank. And what about taxes? I have in the bank approximately 6300\$ and approximately same amount in cash. I want to take this money to Russia and then deposit it to the bank and pay taxes. Roy thinks I am lying and fears law. I will pay, I do not want problems, but I will do it intelligently." Diary p 50 English; p 130 Russian. Copy defendant's Safe Deposit Box agreement.
    - ii. Defendant's Citibank statement for July 26 to August 21, 2000, states a balance of \$7,681.51. By August 21, defendant had been working in the US for only five weeks.
    - iii. Deposition of Barry the night manger of Flash Dancers with request to produce Angelina's work schedule since July 17, 2000.

1. Question as to range that girls make.
2. Is Alina a hard worker?
3. How much does a girl have to pay management, house mother, D.J., make up artist and hair stylist in order to work there.
- iv. Depositions of Tatyanna and Nikita.
- v. Media reports on lap dancing and strip club business.
  1. Maiya saw a report on Friday or Saturday night August 17 or 18 over Comcast Cable NJ on a book signing that reported the income of lap dancers.
  2. Saturday, September 8, 20001, Fox Magazine, Channel 46 at 10pm story on lap dancers at VIP. One girl said she can make \$1000 a night.
- vi. West law search for cases involving lap dancers.
- vii. Find someone to pose as student majoring in journalism and doing a paper on lap dancers or for their Women Studies courses on the financial independence of women. Interview Flash management and dancers. How women with little education or are new immigrants survive economically in NYC.
- viii. Subpoena Alina's bank records for the past year to track the flow of money into and out of the Citibank accounts.
- ix. IRS or NYS tax regulations for estimating the income of lap dancers as they do with waitresses and bartenders.
- x. FOIA with Dept of Treasury for any studies or guideline for estimating lap dancer income.
- xi. Academic studies on prostitution and stripping economics.
- xii. Research Library books on stripping.
- xiii. Search Amazon and B&N.
2. Failed to include income from prostitution.
3. Failed to include income from Judy Vann Associates and International Performance Productions, which were reported to the IRS.
  - a. Proof
    - i. Subpoena each firm's records concerning Alina's employment. Both firms keep detailed accounts.
    - ii. Subpoena IRS records.
4. Failed to include income from modeling jobs arranged by Grace Del Marco modeling agency.
  - a. Proof
    - i. Deposition of knowledgeable officer of the agency with subpoena to produce all records concerning "Angelina", which is her modeling name.
5. Failed to answer items l, m and s. This was not an oversight. One of Alina's favorite methods of lying is by omission, which she does not consider lying at all.

Assets

1. Failed to state her bank account in Cyprus.
2. Failed to state the \$1200 security deposit on her apartment.
  - a. Proof
    - i. Subpoena apartment broker's records. I have the name and firm of the broker.
3. Failed to list the apartment owned in Krasnodar and the half house owned in Yablonovski Village outside Krasnodar.
  - a. Proof
    - i. My Krasnodar lawyer will try to obtain documentation.
    - ii. Alina's diary pp 33, 35, 37, 40; Russian pp 78, 84, 85, 89 and 98.
    - iii. Alina grossed around \$30,000 in Mexico when factor in \$2,200 commission to Leo and \$1600 commission to club. Diary pp 33, 35; pp 78, 84, 85.
4. Failed to mention her vested interest in her Russian pension as a result of some of her legitimate work in Russia.
5. Failed to include numerous jewelry items she earned in return for providing sexual favors to her customers as stated in her diary.
  - a. Require Alina to produce jewelry she received from her tricks and lap dancing clients for inspection and appraisal.

#### Tax Returns

2. Who helped Alina prepare her tax returns?
3. None of Alina's tax returns are signed or dated. I know they are not accurate, and I doubt they were ever filed. I believe we can obtain court authorization to file a form 4506 directing the IRS to send certified copies of Alina's tax filings to us. Perhaps there is another way as well.
4. Alina's tax returns report her total income for 2000 as 18,861, which means the income reported in her Net Worth Statement did not include any income for the year 2001.
5. Alina wrongly classified herself as "single" instead of "married filing a separate return", which would have increased her taxes. This leads me to believe that one of her current boy friends completed her tax returns. Since Alina and I are still married, obtaining his name may assist in proving adultery.
6. Alina's returns failed to included income from Judy Vann Associates, International Performance and Productions and modeling jobs arranged by Grace Del Marco model agency.
7. Alina falsely listed her occupation as bartender.
8. US 1040
  - a. Failed to include a copy of page 2
  - b. Gross income from bartending \$7,754.
    - i. Interrogatory as to places of bartending employment.
    - ii. Bars generally do not hire independent contractors as bar tenders, so Alina must have payment stubs from employers.
      1. Production request for payment stubs
9. Amended US 1040X

- a. When and why did Alina file an amended form?
- 10. NY State Amended Tax Return
  - a. When was it filed?
  - b. States additional gross income \$12,096 while US 1040X cites additional income as \$11, 241. Which is it?

Deposition Questions on Finances

- 1. Update the vacations and their costs since July 26, 2001
  - a. July 26 or 27 to July 31 or August 1, 2001, Alina traveled to Las Vegas.
  - b. August 5 to September 6, 2001, Alina took a vacation from Flash Dancers. Probably attended the “Pimp and Ho Costume Ball” August 31 to September 3 at the Mandalay Hotel in Las Vegas.
- 2. In which months of 2000 did Alina earn her reported \$18,800.
- 3. Who told you that an income of around \$7600 would not be believable for you to have lived on so you filed an amended return adding another \$11,200 to your income.

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[Draft 9/23/01]

**Outline of Annulment Case and Evidence**

(Dates refer to when defendant made an entry in her diary. Diary cites are first to page numbers of Certified English translation by Dennis Whelan and then to the page numbers of Russian language original. Dates in parentheses indicate when plaintiff acquired full knowledge of a fact.)

1. Defendant intended to marry plaintiff solely for entry into the US on a permanent basis, which, along with the other benefits of living legally in the US, would enable defendant to earn large sums of money in the sex industry.
  - a. Pre and Post Marital Admissions [marriage occurred March 11, 2000]:
    - i. The following cites are from defendant's dairy for which need authentication.
      1. December 10, 1999, "I want very much to find a foreigner and live abroad; I want to buy a flat and marry a foreigner, but I do not want to live in Kransnodar." Page 34 English; p 82 Russian. (March 2001)
      2. January 17, 2000, "Roy says that I am the only happiness of his. He wants me to be near him.... If only he were younger...." Page 37 English; p 90 Russian. (March 2001)
      3. January 27, 2000, "I do not know, but it worth while marrying him only for the purpose to receive American citizenship. He is not the person I need." Page 39 English; p 95 Russian. (March 2001)
      4. January 29, 2000, "Roy is good as a friend and sexual partner, but Roy as a husband...." Page 39 English; p 97 Russian. (March 2001)
      5. February 4, 2000, "...he (plaintiff) began speaking about a paper according to which I will not have any right on his money in the case of divorce. So, in this case I will receive nothing.... In my turn I told him about a paper according to which he would have no right to send me out of the country." P 40; p 98. (March 2001)
      6. February 19, 2000, "Lena said as well that the business with Roy is very advantageous to me." Page 41 English; p100 Russian (March 2001)
      7. April 5, 2000, "And on Saturday, March 11, 2000, we registered our marriage. It was merry! I did not accept it very seriously; for me it was only business. I become so tired of him...." Page 41 English; p 101 Russian. (March 2001)
      5. April 5, 2000, "He wrote me a letter saying how it was difficult for him to be alone.... Frankly speaking, I cannot

- imagine what I will do with him in Moscow. Listen to his philosophy? To wash, to clean and to cook? And leave my mother all alone.... On one hand I would like that we remained friends, but he would not hinder my meetings with friends and I would give him freedom” P 41, 42 English; p 103 Russian. (March 2001) Just three days later in an April 8, 2000, Post Card, need authentication, defendant continued to mask her true reason for marrying plaintiff, “My love husband! I’m so miss on you but I must help my mother.... I send you this spring flowers from all my heart. I kiss and hold you.”
8. April 20, 2000, “For the first time he finished in me. Oh, my God, whom I allowed to do it....” Page 43 English; p 108 Russian. (March 2001)
  9. April 20, 2000, “What will happen if I will not receive a visa to America? I will go—with Leonid’s help—to Greece or Venezuela. In June I am sure to go somewhere!” Page 43 English; p 108 Russian. (March 2001)
  10. April 5, 2000, “Then, when we went to the disco “Joy”, Alexey told me that on wanted me and that I was driving him mad. He bought a bottle of Champaign. I was near to going with him.... I tried to seduce Alexey, to get him,....” Pp 41,42, English; pp 102, 104. Then on April 22, 2000, defendant wrote in a post card, need authentication, “My dear husband! Only come back and start to be alone again. It difficult, but I must to do a lot of things here.... But you in my heart. A lot of kisses to you.”
  11. On May 19,2000, defendant traveled to Italy to engage in adultery and prostitution with Alfredo Ibarra. Pp 44, 45; pp 112-14. On May 10, 2000, defendant wrote in two cards, need authentication, “My dear husband! In Krasnodar hard. I try to written dissertation and help my mother.... Your wife.” And, “You are present to me the best moments in my life. With special love your Angel.”
  12. June 5, 2000, “We went with Roy to the forest, he wanted to have sex with me, but I refused because sometimes there were people passing by. The most important was that his age might be clearly seen. If he were a young boy....” Page 45 English; p 117 Russian. (March 2001)
  13. June 5, 2000, “On May 31, 2000 I received visa!!! Praise to God! Page 45 English; p 117 Russian.
  14. June 25, 2000, “The problem is in his real feelings to me. I am a stimulus for him. He sees me as a real wife, but it is absurd.... I will never see him as a real husband.” Page 46 English; pp 120-21 Russian. (March 2001)
  15. July 6, 2000, “I decided to go to America for now and make some money and to get a divorce from him. Then better to go to Japan.” Diary p 47; p 124. (March 2001)

16. July 12, 2000, "God be praised!!! I am in America." Page 48 English; p 126 Russian.
  17. July 12, 2000, "I began working on Sunday and earned 400 dollars, then 540 and yesterday, on Wednesday, I earned 650 dollars. God be praised!!! P 48; p 127.
  18. September 9, 2000, "In total I earned 17-18 thousand dollars in 1.5 months (including everything – expenses, meals and presents)." P 50; p 130.
  19. September 9, 2000, "Besides, for the first time I went to a single room – I danced to a bearded man from TV. On Monday we sat there for 2 hours, I danced (I was so frightened). I allowed him to touch me. I received a pleasure." P 50; p 130. Then on September 11, 2000, just two days later the defendant wrote in a wedding anniversary card, need authentication: "Always with you belief, hope, love unforgettable. Your Angel"
  - ii. Alexei Dikov, defendant's former boy friend said, "Alina had one aim, to go outside of Russia." (June 14, 2001) Need written questions
  - iii. According to defendant's friend, Yulya Kudinova, "Alina always thought about money and how to get it. She was a pit bull in her pursuit of money. She used all connections and a lot of men to get money. Alina didn't have money to start a career as a model and she used men to get it. Alina left Alexei Dikov because he didn't have money." (June 16, 2001) Need written questions
  - iv. Anastasia Vasiljeva, defendant's model agent in Krasnodar, said defendant only wanted money and the luxury life. (April 16, 2001) Need written questions
  - v. Lena (friend of Olga who is also friend of defendant) told defendant that marriage with Roy good business deal. (March 2001)Page 41 English; p 100 Russian. Need written questions
  - vi. Natasha who lives in same building as defendant with whom defendant keeps all her things. P 42 English; p 105 Russian. Need written questions
  - vii. Tatyanna from Flash Dancers. Need to interview.
- b. Refusal to show normal affection
- i. Defendant engaged in adultery in Krasnodar three weeks after her marriage with a man named Volodya. Diary p 41; p102.
  - ii. Defendant engaged in prostitution with Alfredo Ibarra Sotelo in Italy within three months of her marriage and just days before her successful interview for an immigrant visa at the US Embassy. Diary p 44-45; p112-114.
  - iii. Defendant went to great lengths to hide her prostitution and adulterous affair with Mr. Ibarra in Italy for fear that plaintiff would not take her to America, May 19, 2000, "And now it is very important to me to extinguish all evidence. I closed package with adhesive tape and tried

to hide gold and money. I hope so Roy did not learn anything. Amen! I thank God for everything; bless me!" June 5, 2000, "I came to Roy. My cellular phone was disconnected. I had to open the door with keys and ring at the door. He looked so surprised when he saw me. He began to ask me – How I came, what and where and so on. He was inspecting me for a long time and got infuriated because he could not find anything. He thought that I spent time in Moscow with some boy friend and now came to him. .... Next day we went to take photos and when I asked to give me my bag, he took it and began to open all its section and watch what was in as if it was a joke. I was watching at him perplexedly and very calmly. He was examining me. After it I understood that he would examine my "Fa" bag. When Volodya met me at registration in Moscow I gave him package with everything money, brilliants. I feared that he might tell something to Roy." Diary p 45; pp 114-16. (March 2001)

- iv. Defendant engaged in another act of adultery four months after her marriage with a man named Volodya from St. Petersburg. Diary p 47; p 123.
- v. Defendant maintained communication with Valodya from St. Petersburg while defendant was living in plaintiff's apartment. July 2000 Postcard, need authentication of copy and written questions, to Valodya, "Good luck, peace, love and all the kindness to you. Hello Valodya, This is Angelina. How are you? I am okay. It was really difficult to come here. It turns out that my boss found out information about me from MVD and FSB. And now he watches me. I began to work. It is interesting. I like it a lot. I work about eight hours a day. (I dance.) It is interesting to meet new people, to learn about different places. I think a lot about you and I miss you and it was great that we could understand each other. Do me a huge, huge favor, please, don't tell anybody, anybody, that I am here—no way. Only my mum knows about it and now you. I kiss you, I embrace you, I miss you." (Four lipstick kisses are on the card.) (August 2001)
- vi. Defendant dated other men in Krasnodar during the four months following her marriage:
  - a. Arsen, Diary p 41, 42 English; p 102 Russian.
  - b. Roma, Diary p 47 English; p 121 Russian.
- vii. Defendant tried repeatedly after her marriage to seduce one man in Krasnodar who managed a disco: Alexey Smolin, Diary pp 41, 42, 44; pp 102, 104, 110. Mr Smolin states, need written question, "Alina offered herself to me. I could have slept with her if I wanted." (June 16, 2001)
- viii. Defendant refused to live with plaintiff in Moscow for three months following her marriage, lying to plaintiff that her eye operation did not go well so she needed to be near her eye doctor and she needed to help her mother change the title to her house. According to defendant's diary, her eye operation went well, and defendant did not want to



cohabit with plaintiff, April 5, 2000, “I had doubts before operation but now I am happy and I don’t want even to think about glasses, except for sunglasses. It is so wonderful to see the world with your own eyes!” Diary p 42; p103. “Frankly speaking, I cannot imagine what I will do with him in Moscow. Listen to his philosophy? To wash, to clean and to cook? And leave my mother all alone....” Diary p 41, 42 English; p 103 Russian. (March 2001)

6. Defendant insisted that plaintiff not travel to Krasnodar and Cyprus with defendant for a three-week vacation in September 2000 that she scheduled, in part, so she would not be home for plaintiff’s birthday. In Cyprus defendant met with former clients:
    - a. Rikos, Diary pp 3, 4, 5, 7; pp 6, 8, 9, 10, 16.
    - b. Andrios, Diary p 6; pp11, 12.
    - c. Stephanos, Diary pp 12, 13, 15, 16; pp 28, 31, 35, 37.
  - c. Other acts and patterns of conduct that infer defendant’s sole purpose was immigration to earn money
    - i. Transportation of cash overseas
      1. Cyprus bank account transactions. Need to subpoena records. (September 2001)
2. Misrepresented love and affection for plaintiff in order to induce plaintiff’s consent to marriage
- a. Representations before marriage
    - i. [Written Questions to Valeria A. Vorobyova, who translated prenuptial, defendant talked with her about why wanted to marry plaintiff.]
    - ii. Correspondence from defendant to plaintiff prior to marriage:
      1. November 15, 1999, fax on stationery of Westin Hotel in Acapulco, need authentication: “It your love—Angelina. Here I visit many beautiful places but I was alon, I’m think about you. It will be nice to be together. I hold you a lot, kiss a lot and miss.” In the evening of day on which defendant sent fax she engaged in sex with Alfredo. Dairy p 32; p 73
      2. November 19, 1999, fax from Mexico, need authentication: “I kiss you! I hold you! Your Angelina.” On day that defendant sent this fax, she helped Max to finish. Diary p 32; p73.
      3. February 7, 2000, Valentine’s Day Card, need authentication: “A lot of loves, my dear Roy. From all my heart it for you...Love—it flower.... With tenderness loves—your enigmatic outspoken flower, Angelina with love.
  - b. Falsity of Representations before marriage (March 2001)
    - i. Defendant rarely thought about plaintiff from September through November 1999 as indicated by defendant only mentioning plaintiff

- twice in diary while in Mexico. September 23, 1999, p 26; p 57, November 12, 1999, p 30; p 70.
- ii. Defendant visited many beautiful places from September to November 1999, but not alone, rather with many different men with whom she engaged in sexual relations and/or prostitution:
    1. Acapulco with Salvador, pp 22-25; pp 48-54.
    2. “Uana-huatu” with Alfredo, pp 26, 27; p 58.
    3. Pyramids with Alfredo, p 27; p 60.
    4. Cancun with Alfredo, p 28; p 62.
    5. Acapulco with Yatsinto, p 29; p 64.
    6. Puerto Vallarta with Alfredo, pp 29, 30; pp 65, 67.
    7. Acapulco with a Boston man, pp 29, 30; p 65.
    8. “Huatulko” with Alfredo, p 30; p 68.
  - c. Defendant did not have love and affection for plaintiff as manifested by her engaging in sexual relations and prostitution with other men during the time before marriage when the defendant and plaintiff were courting, July 1999 to February 2000:
    - i. A customer referred to as “one fucker”, p 25; p 54.
    - ii. Mavro, pp 25, 27.
    - iii. Dated one man “very good at kissing”, p 26, p 57.
    - iv. Max Garcia Appedole, pp 26, 29, 32; pp 57, 65, 73.
    - v. Still referred to her boy friend of three years, Alexei Dikov, as “darling”, p 27; p 60.
    - vi. Sydney, p 28; p 62.
    - vii. Alfonso, pp 31, 32; p 72.
    - viii. Alfredo, p 32; p 73.
    - ix. Back in Russia defendant continued her sexual relationship with her long time Russian boy friend, Alexie Dikov, p 34, 35; p 80, 82.
    - x. Defendant engaged in intercourse with Alfredo in Moscow. Defendant states in her diary, “I worried very much—I feared that Roy would notice me,” p 35; p 83.
    - xi. Telephone sex with Alfredo, p 40; p 99.
  - d. Defendant concealed true feelings for plaintiff in order to induce plaintiff’s consent to marriage (March 2001)
    - i. January 17, 2000, “If only he (plaintiff) were younger....” P 37; p 90.
    - ii. January 27, 2000, “He (plaintiff) is not the person I need.” P 39; p 95.
    - iii. January 29, 2000, “He (plaintiff) is a fool,....” P 39; p 96.
    - iv. January 29, 2000, “Roy is a good friend and sexual partner, but Roy as a husband....” P 39; p 97.
    - v. April 5, 2000, “How much nerves took and how many troubles gave to me Mr. Hollander! On March 1, 2000 we moved to our new flat. He helped us with students. But it takes too much nerve to deal with his bloody philosophy.” Page 41 English; p 101 Russian.

- vi. April 20, 2000, "For the first time he finished in me. Oh, my God, whom I allowed to do it..." Page 43 English; p 108 Russian.
  - vii. June 5, 2000, "We went with Roy to the forest, he wanted to have sex with me, but I refused because sometimes there were people passing by. The most important was that his age might be clearly seen. If he were a young boy..." Page 45 English; p 117 Russian.
  - viii. June 25, 2000, "The problem is in his real feelings to me. I am a stimulus for him. He sees me as a real wife, but it is absurd.... I will never see him as a real husband." Page 46 English; pp 120-21 Russian.
- e. Misrepresentations from defendant to plaintiff after marriage as inference of defendant's intention before marriage to fraudulently induce plaintiff to marry her
- i. In an April 8, 2000, Post Card, need authentication, defendant continued to mask her true reason for marrying plaintiff, "My love husband! I'm so miss on you but I must help my mother.... I send you this spring flowers from all my heart. I kiss and hold you." Just three days before sending this post card, defendant wrote in her diary on April 5, 2000, "He wrote me a letter saying how it was difficult for him to be alone.... Frankly speaking, I cannot imagine what I will do with him in Moscow. Listen to his philosophy? To wash, to clean and to cook? And leave my mother all alone.... On one hand I would like that we remained friends, but he would not hinder my meetings with friends and I would give him freedom" Diary p 41, 42 English; p 103 Russian.
3. Defendant concealed surreptitiously and repeatedly putting substances into plaintiff's food just days before the wedding that caused narcotic like symptoms in plaintiff in order to induce plaintiff to marry defendant after plaintiff expressed possibly canceling the planned marriage. (December 2001)
- a. April 5, 2000, "Two days prior to registration he (plaintiff) said that he might cancel everything..." Diary p 41; p 101. "...The clairvoyant gave me salt and sugar to admix into his food. His smile began to look like a smile of innocent angel." Diary p 42; p 105.
  - b. July 12, 2000, "...I was admixing something in his (plaintiff's) meals. He wanted to sleep even in the day. I had to tell him, that he was too aggressive towards me and I wanted to lower his level of aggression." P 48; p 126.
  - c. Doctor Gorny's medical records in which I described the effect of defendant's poisoning.
  - d. Written questions on defendant's "clairvoyant" in Krasnodar
4. Defendant concealed her plan before the marriage ceremony to meet with Alfredo to engage in adultery and prostitution.
- a. April 5, 2000, "It took a long time to make my second passport.... But thanks to God, I have now 2 passports. May be I will go for a week to Mexico and

meet Alfred to earn some money. But I need a good reason for Roy. It is dangerous, but I will see....” P 42; pp 104-05.

- i. Need original second international passport or Apostile copy of dated application for second international passport or affidavit as to time necessary to obtain a passport as evidence that defendant’s scheme concocted before marriage.
- b. May 19, 2000, while on her way to Italy to engage in adultery and prostitution with Alfredo Ibarra, defendant wrote, “...Roy called Alfredo up. When Alfredo told me about it I wanted to reject everything. Just on that very day I passed money for visa to Italy. He felt why on that very day... He said that he was my husband and he wanted to marry me (but we are already married – probably, he wanted something more serious). He began to ask Alfredo about our relations. Alfredo did not answer, instead he called me up and we agreed that Azul was whom Alfredo wanted. Roy asked him how long Alfredo stayed with me in December; what was between us in Mexico and in Moscow. We agreed that Alfredo escorted me in my trips around Mexico, because he fell in love with Azul and they took me with them. He said that I was only a good friend of his. He was in Moscow for 1 day and half of that day he spent with me.” P 44; p 110-11.

#### 5. Defendant concealed criminal conduct

##### a. Prostitution Russia, Cyprus, Mexico

- i. Defendant provided a daily masturbation service for her clients in Krasnodar. April 5, 2000, “I don’t want to make blow job because I had to get involved in masturbation for 1.5 years everyday. Roy will never understand it, because he is a man.” P 41; p 102. (March 2001). And defendant worked for a well-known procurer, Reya, in Krasnodar who provided models for sexual activities to New Russians in return for money, interview with defendant’s friend Katya Gerokaris. Need written questions. (July 2001). Defendant told her modeling agent in Krasnodar, Anastasia Vasiljeva, that defendant voluntarily engaged in prostitution in Cyprus, that it was not forced on her. Need written questions. (April 16, 2001)
- ii. Prostitution Cyprus and Mexico based on defendant’s diary:

<i>N</i>	<i>Client</i>	<i>“Type of service”</i>	<i>Price</i>	<i>Page Russian</i>	<i>Page English</i>
1	Ibragim	Intercourse and anal sex	£ 40	20	9
2	Wonderful man	Ejaculated without entering	£ 100	20	9
3	Fat man	Masturbated him in a hotel	£ 30	18	8
4	Anonymous customer 1	Blow job	£ 10	24	11
5	Anton	A new customer to which the owner Marios gave her	“sale”	22	10
6	Andreas	Bought her for full day	£50	11-12	6
7	Akhmed	Bought her for three days		23,25	10
8	Grandpa	Masturbated him + two naked pictures	£ 60 +10	35	16
9	Andreas and his son	Regular client	Golden bracelet	21	9

10	Pannikos	Regular client – masturbated him	new dress - £ 37, ring of white gold	16,19,24	7,11,13
11	Rikos	Regular client (intercourse)	Silver things, makeup, + £100	6,8-10,16	3,4,5,7
12	Chris	Regular client (intercourse)	£ 50, 10, 20, 10 + digital watch	2-6,11,13,24	1-3,5,8
13	Doctor George	Regular client	£ 50 + 100, perfume, watch, alarm clock, earring with chain, bracelet and ring of gold, silver alarm clock	7, 17-18, 26	3,7,11
14	Davie	One night stand client from the club	£	35	13,16
15	Peirre	One night stand client	£ 20	33	15
16	“Fucker” from a bank	One night stand client	£	30	13
17	Stephanos	Regular client from Ayanapa	£ 30 + £ 40 dress –£ 23, pajamas - £ 44	28, 31,35,37	12,16
18	Rich Arab 1	One night stand client	Boombox	32	14
19	Rich Arab 2	One night stand client with another girl from the club	£	31	14
20	Eric, good friend of Rikos	Regular client	digital watch, video camera, slippers, money for dentist , additional money	21, 28,31,37	14,17

Mexico (Mexico City “Gentlemens Club”)

<i>N</i>	<i>Client</i>	<i>“Type of service”</i>	<i>Price</i>	<i>Page Russian</i>	<i>Page English</i>
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	Anonymous client 1		\$60 but took back money	54	25
2	Mavro	Regular client		55,60	25,27
3	Yatsinto – Boston man	Three day stand client	For a trip to Acapulco	64	29
4	Sidney	Regular client		62	27,28
5	Max Garcia Appedole	Regular client	For a visa assistance, golden chain, makeup	65, 73	29,32
6	Manuel Gamio	Regular client	\$500, toilet water	69	31
7	Alfonso	Regular client	Chain for hand and foot, trip to Cancun, silver bracelet	72	31,32
8	Alfredo	Favorite client started 02.10.1999– intercourse, performed oral sex on him	For money, various presents and trips, transporting cash to Russia.	58,60,71,73,83	26,27,29,30,31, 32,33,34,35,37, 40

iii. April 5, 2000, “Two days prior to registration he (plaintiff) said that he might cancel everything because I told him that I did not like to speak with him about my past.... He infuriated me-I had to speak about Cyprus, about Mexico, that I was tired there and that I had not want and did not have sex there.” Diary p 39; p 101.

6. Defendant made misrepresentation as to premarital sexual conduct:

a. Prostitution, see above number 5.

7. Concealment of acts inferring an immoral character

a. Masturbation video, need authentication: In the fall of 1998, defendant made sexually explicit video in which she masturbated for the camera and men in return for US dollars. (June 2001)

i. Written questions Marc Paulsen, Torrance California

ii. Written questions Leo Perlin, Moscow

b. Completely nude stripping that included physical contact of a sexual nature and the bartering of sexual favors. (March 2001)

i. Moscow lawyers for evidence of Zygus activities and definitions of different dances.

ii. “...I for the first time danced table dance for a very thick man. He touched me....” P 1; p 1.

- iii. "On December 29 (1999) I had to insist on striptease, but I did not take off panties, stealthily. That day I have danced 3 striptease dances and 1 table dance." P 2; p 3.
- iv. January 19, 1999, "I danced for one customer a striptease and then a table dance but during time table dance he wanted striptease, and during striptease he came." P 3; p 6.
- v. January 19, 1999, "In ZIGOS he kneeled before me and kissed me below navel - it happened before we left the club. Then we went to hotel. Marios took me in his car. I and George went to hotel." P 3; p 7.
- vi. March 7, 1999, "I will do my best to be in first place in our business." P 7; p 17.
- vii. March 21, 1999, "Yesterday I talked with Sergey (after meeting with Pannikos) and burst into tears. I told him that Pannikos urged me to help in masturbation - and I am so tired of all it..." p 8; p 19.
- viii. March 21, 1999, "For the first time in my life - 5 privates 6 pounds each + 10 drinks." P 8; p 19.
- ix. March 21, 1999, "Yesterday Marios shouted at me because I went with Pannikos. He does not come to club, I have sex with him, I receive something for it and the club does not receive anything..." p 8; p19.
- x. April 3, 1999, "Last week here came tourists from Kuwait. Marios sold to them me, Regina, Julia and Nadya (40 pounds to each of us). My admirer told me that he did not want sex and being very pleased with it I drank much wine and I was stupid enough to give in to him. Prior to it I asked him to give me 100 dollars - not for sex, I just needed this money. He answered that he had left all his money downstairs with security desk. Most awful that he introduced has member into my anus. It was very painful and terrible. After it I did not feel my fanny for three days - it was very painful... He told me that he will come once more to ZIGOS or I could myself come later to him and take this money. He left the next day... Let God be his (Ibragim's) judge..." p 9; pp 20.
- xi. April 3, 1999, "I told that without sex it would cost 40 pounds, with sex - 100 pounds." P 9; p 20.
- xii. April 3, 1999, "I am glad, when a customer finishes during a private. Some persons finish this way for the first time." P 9; p 21.
- xiii. April 16, 1999, "And before Easter Marios sold me to other customer (Anton)." P 10; p 22.
- xiv. April 16, 1999, "He wanted to buy for me three days off, but I agreed only for one day off. Then he talked to the boss and bought me for three days." P 10; p 23.
- xv. April 25, 1999, "On Friday I for the first time had 8 privates and 12 drinks. I had a complete breakdown. Prior to it one fucker took me and wanted me to make him oral sex, I persuaded him to give me 10 pounds." P 11; p 24.
- xvi. May 29, 1999, "When I was with one young customer I have nearly fallen out of cabin (room) for privates." P 14; p 31.

- xvii. June 15, 1999, "Yesterday, on Monday, I had 4 privates and 5 drinks." P 15; p 34.
  - xviii. June 23, 1999, "On Friday, at 18:06 I called up Stephanos. I told him that I shall go with another customers to Ayanapa." P 16; p 35.
  - xix. June 23, 1999, "On Saturday I made a record - 10 privates, including 5 to one remarkable grandpa, and as well 2 table and 12 drinks. In total it made 500 pounds..." p 16; p 35.
  - xx. June 23, 1999, "Stephany took me and we went to Larnaka.... I earned 60 pounds for 30 minutes of masturbation..." p 16; p 35.
  - xxi. June 23, 1999, "On Sunday I worked without much effort - [?] privates, 4 tables and 8 drinks. Three customers wanted to take me - that son of a bitch Stelios, a fat man and Davie. I preferred to leave with Davie. I came back by motorbike. It was marvelous!" p 16; p 35.
  - xxii. Septmeber 16, 1999, "Today one fucker promised me to give his credit card. I went with him; I left my work before my working time actually ended. But he gave 60\$ and wanted to lure me into his house – he promised to give me 300\$ more; later, when I refused to kiss him, he threatened to go to police and took back all money... He was the most down man... Ali... Fucker..." p 25; p 54.
  - xxiii. November 20, 1999, "I made that day 11 dances, but Alfredo paid to me for 14. We went to a nightclub. Girls there have nice breasts and figures. A brunette danced to me in the private room. Alfredo helped, she was slightly biting me and pawed as well. It was interesting. Then Alfred wanted to take me to the hotel for massage. When I refused he went into hysterics and began to cry. He said that he could not wait any more and that I was playing with him. I understood that I had to stop waiting, had some rum and gave it to him. He was happy... The next day he presented to me a dog – it is a wonder! On Tuesday he again paid for 14 dances. We went to "Titanium". All men were looking at me and I was looking at girls. Then a Mexican girl danced in a private room where were sitting 3 men with their girls. I had drunk so much that day... I gave it to him that night; I was drunk and spoke much in Russian." P 32; p 73.
  - xxiv. February 19, 2000, "Alfredo called me up – he finished while he spoke to me. We spoke about 40 minutes. He is crazy with sex. I told him that I am sitting in white underwear and what I am touching..." p 40; p 99.
  - xxv. Defendant worked strip tease in Krasnodar. Interview Alexei Dikov, defendant's former boyfriend. Need written questions (June 14, 2001)
  - xxvi. "Alina didn't have money to start a career as a model and she used men to get." Interview Yulya Kudinova, defendant's friend. Need written questions (June 16, 2001)
- c. Defendant advertised herself to men on a website where she would charge \$20 for a meeting. Interview Alexei Dikov, defendant's former boy friend. Need written questions (June 14, 2001)



- d. Recruitment of girls for Russia's sex industry (April 2001) [Post marital conduct inferring premarital concealment of immoral character.]
  - i. April 20, 2000, "On Friday we went to Leonid's party.... I persuaded girls to go to Mexico.... I will try to cooperate with him—look for girls ready to work in Mexico. Each girl will pay to me 100 dollars a month. My God, bless me!!!" P 43; pp 107-08.
    - 1. Need written questions Leo Perlin, Moscow
  - ii. Defendant tried to sell a young girl overseas from a village outside Krasnodar according to interview with defendant's friend, Yulya Kudinova. Need written questions (June 16, 2001)
- e. Infidelity
  - i. In Cyprus, defendant who at the time had a boy friend in Russia for over three years, pp 4, 7, 9, 14; pp 7, 16, 20, 32, writes with respect to another man, "I do not know, but it seems that I am ready to sleep with him. If only I had not my menstruation... I do not consider it an unfaithfulness, I do not feel, that I am unfaithful,..." P 2; p 3.
  - ii. Document One discovered in defendant's bag in August 2000. "...Why does he want fidelity? Why do I have to be faithful?...." Need certified translation and authentication
- f. Defendant's material misrepresentations to the INS on her immigrant visa about
  - i. Prostitution. Visa application, diary various pages
  - ii. Arrest and deportation from Mexico. Visa application, diary pp 33, 34; pp 76-79
- g. Defendant's tax evasion in US
  - i. Income according to defendant's dairy, pp 48-50; Russian pp126 to 131
  - ii. Citibank statement for August
  - iii. Need other Citibank statements
  - iv. Need Cyprus bank records
- h. Defendant's shipment of cash overseas in violation of US Custom's regulations
  - i. Need Cyprus bank records
- i. Defendant defrauded her Moscow agent, Leonid, out of part of his commission.
  - i. April 20, 2000, "Leonid said that Salvador felt offended with me, because I had love affair with Alfonso, I abandon him and he informed police. It is foolish. He simply feared that I can leave him and work for myself. I had to lie that I borrowed from Roy 10 000\$ because I lost 7 000\$ in the credit card account." Diary p 43; p 107.

- j. Defendant concealed that she believed dishonesty was the best policy and lacked the capacity to learn how to be a more civilized person when caught engaging in reprehensible acts.
  - i. After plaintiff confronted defendant with her adulterous activity in Italy, defendant criticized herself for not being more clever in hiding the affair. June 25, 2000, “What a thing Lena thought of. I should have gone on a local train to come by station where 40 train was but instead I took a bus. I will learn.” P 46; p 120.
  - ii. June 15 & 16, 2000, telephone conversations in which defendant duplicitously begged forgiveness and made promises that she had no intention of keeping. Contemporaneous telephone notes, Diary pp 46, 47; pp 119-123, Copy of postcard to Valodya.
- 8. Defendant knew plaintiff could not have children so her marriage to him at the age of 24 was not genuine because she wanted to have children.
- 9. Materiality
- 10. Plaintiff acted as ordinary prudent person with duty to inquire when put on notice:
  - a. April 5, 2000, “Two days prior to registration he said that he might cancel everything because I told him that I did not like to speak with him about my past.... He infuriated me – I had to speak about Cyprus, about Mexico, that I was tired there and I did not want and did not have sex there.” P 41; p 101.
- 11. Plaintiff relied.

**PRIVILEGED AND CONFIDENTIAL**  
**ATTORNEY WORK PRODUCT**

[Draft 9/26/01]

**Outline of Cruel And Inhuman Case and Evidence**  
(New additions underlined>

1. Physical Abuse

- a. End of October 2000: Defendant and plaintiff ate lunch at the Coffee Shop in Union Square. When they were walking across the street talking about the “drops” that defendant took to make her orgasm more quickly when she had prostituted herself to Alfredo Ibarra in Italy; defendant punched plaintiff in the back very hard. Defendant missed plaintiff’s spine by less than an inch. At six feet, two inches in street shoes and a 145 pounds, all muscle, the defendant is very strong, having been the three-time long jump champ of Russia and presently working eight hours a night, five nights a week as a lap dancer.

2. Physical Threats

- a. In a letter from defendant dated June 18, 2000, defendant says, “If something happen with me strange or if I find that you avenge (revenge) me it will be 1 of the big mistakes (without correction)—without return.”
- b. In early August 2000, defendant and plaintiff were arguing in plaintiff’s kitchen and defendant got angry, cursed plaintiff and tried to grab a knife to attack him. Defendant swore, “You son of a bitch, you will pay for all your wrong doings.” Not an uncommon expression of hers. See Diary
- c. Plaintiff was able to get between defendant and the knives, but had great difficulty keeping defendant’s hand from the knives. Defendant is six feet tall in her bare feet, weighing around 145 lbs and a former three times champion of Russia in the long jump.
- d. In the middle of October 2000 in plaintiff’s apartment while plaintiff and defendant were sitting on the couch in the living room, defendant threatened plaintiff with death by putting into plaintiff’s food some poison defendant he had brought from Russia with her or by having her Russian friends in New York kill plaintiff. Defendant had asked plaintiff, “Why are you afraid of me?” Plaintiff answered, “Because you could kill me.” Defendant responded, “That would be easy. There are many ways to do it. I could put some of the poison I brought from Russia in your food or have my friends here kill you.” Defendant kept in plaintiff’s apartment what she described as poison. Defendant told plaintiff she took a little to clean her body, but too much could kill. Plaintiff has kept some of this substance. Defendant’s diary shows she put some unknown substances in plaintiff’s food just before they got married. Diary p 42; p 105. Plaintiff’s doctor in the US later described plaintiff’s symptoms from those unknown substances as similar to opiate poisoning or some other narcotic.

- e. In the beginning and the end of November 2000 in plaintiff's apartment, defendant threatened plaintiff by saying that after she moved out of plaintiff's apartment something very bad, even death would happen to plaintiff because defendant would pay plaintiff back by having her Russian friends harm him.
- f. On Sunday January 28, 2001, in the afternoon, defendant and plaintiff met at the Virgin Coffee shop in Union Square to separate their insurance coverage. During the conversation, defendant kissed plaintiff full on the lips, long and hard. After the kiss, she whispered in plaintiff's ear, "You son of a bitch, if you do not help me get green card my Chechen friends will put you in the hospital, kill you or I will do it myself."

### 3. Verbal abuse

- a. Defendant repeatedly told plaintiff that he was mentally ill.
  - i. Diary June 25, 2000, "I recommended to him a psychologist...." P 46; p 120.

### 4. Sexual misconduct and emotional abuse

- a. Defendant refused to live with plaintiff in Moscow right after their marriage on March 11, 2000. Diary April 5, 2000, entry: "He (plaintiff) wrote to me a letter saying how it was difficult for him to be alone, how nice is his Russian teacher who helped him in everything. Frankly speaking, I cannot imagine what I will do with him in Moscow. Listen to his philosophy? To wash, to clean and to cook? And leave my mother all alone..." Diary pp 41, 42; p103. Defendant intentionally deceived plaintiff by providing false reasons for staying in Krasnodar. Defendant lied that her recovery from her laser eye operation of February 23, 2000, was not going well so she needed to stay close to her doctor, Diary p 42; p103, and that the paper work on transferring her house to her aunt would take until the end of May. Defendant's real reason for not living with her husband in Moscow was so she could pursue her promiscuous, partying life style in Krasnodar.
  - i. Diary April 5, 2000, entry, "Inna was preparing to a competition. We went to a party to MENTOS – it was nice! First Inna wanted to go to Tony, but she did not manage it because of the institute. In the competition Inna was awarded a title "Miss Charming" and "Miss Russian Radio" – all thanks to Morozov. Alena took the first place. After it we had such a party... I danced sometimes with Morozov and sometimes with one more young man from "Premiera" - Alexey. I danced so much that I was presented with a basket of "Silver Line" perfume. That young man began to speak on continuing our relation – openly. He is fanny... Then, when we went to the disco "Joy", Alexey told me that on wanted me and that I was driving him mad. He bought a bottle of Champaign. I was near to going with him..." Diary p 41; pp 101, 102.

- ii. Diary April 5, 2000, entry, "Katya and me went to discos. In "Joy" there was "Hit FM", nice music. Last time some boys wanted to get acquainted with us, but they did not succeed, because we sat to a taxi accompanied by guards. I tried to seduce Alexey, to get him, but nobody can help me to glue the ceiling." Diary p 42; p 105.
- iii. Diary May 19, 2000, entry, "On April 29 there was a show in dramatic theater. I was so glad to see Vitalik and my other acquaintances... A good show, it lasted for approximately 3 hours. There were 50 models participating in the show. There were no free places in auditorium. That night my mum and me met Easter. We were inside church. During procession we were nearly knocked down. Nevertheless, it was wonderful!" Diary p 43; p 109.
- iv. Diary May 19, 2000, entry, "Katya and me walked. It was raining; the weather was cool. We went to "Samson-16". My former bridegroom was there with his girl; he always takes her along. In the break he disappeared without leaving a trace. "Samson" began at 18 and ended at 00:05. Lilya won this competition. That girl who was trained by her mother did not even enter the top ten. . On the way from disco Katya got acquainted with Andrey, we went to his friend. I did not like. I went with Andrei and Katya to the same place I tried to seduce Alexei. When I was ready and said I was ready, it turned out that what Andrei wanted was a surprise. My friend Katya was against this and this upset Andrei and Andrei was left with nothing." Diary pp 43, 44; pp 109, 110.
- v. Diary May 19, 2000, "Ma went away and this time I did not bring anybody home with me although I wish I had. So I camee to Volodya. I told him that I want to go to a picnic out of the city. He began to refuse; he said that he had already gone out of the city with Vladik. I insisted and he admitted that he is married, he has a child (2 years old), and he had married in 1998. His wife is from Kazakhstan but she is Russian. He lied, he wanted me and continued to lie. I was shocked." Diary pp 44; pp 109, 110.
- b. In July 2000, defendant admitted to having continuing communications with Alfredo Ibarra with whom she committed prostitution and adultery in Italy in May 2000.
- c. In July 2000, defendant admitted having an affair in Krasnodar with a man named Valodya from St. Petersburg. Defendant said she and Valodya were both naked except she had her panties on and she helped Valodya finish but did not have intercourse with him while the two were at her friend Katya's house. This occurred on June 26, 2000, just days after plaintiff confronted defendant over the telephone on June 15 and June 16, 2000, with the discovery of her May 2000 trip to Italy to prostitute herself to Alfredo Ibarra. During the June 15 telephone conversation, defendant pleaded for another chance and promised to change, saying it would never happen again. Plaintiff's contemporaneous notes of the telephone call

state: "Roy forgive me, give me one last chance. I will try to correct mistake. Please give me last chance. I had sex with nobody else except Alfredo. I don't make any sex in Krasnodar during marriage. I tell you honestly. I tell you I was with nobody else. I don't want to speak lies in the future. I sorry for lies what I told." During the June 16, 2000, telephone conversation, my contemporaneous notes state, "You are only one man with whom I have serious relations. And to forgive is the higher moral principal. If you really love me, give me one last chance to renew my life. Because if you do not give me this chance, I do not have anything. I very big sorry. Only from 1999 do I see world. Before I had nothing. I make a lot of mistakes because I did not know the man. You great man, clever and wise, you taught me things. It was my mistake. I did not take you seriously. I thought you had wind in your head. You smart. But the more I like you is your heart. You very important in my life and I do not have anyone but you. Now we honest before each other. You not only friend, but specially love you. What you do for me is very important. I do not have too much experience. I make a lot of mistakes. I very big sorry. I feel myself very bad. I cry everyday. I have learned my lesson. I must respect you. All things you do, I appreciate. You were close to me. Your heart was not open. Before stupid mistakes, you was in my heart and stayed in my heart. All criminals in jail have chance to start new life. Before you, I am criminal. I ask you for a chance. I will try to change. Nobody wanted me to be honest before you. First man who take so serious honest and truth. In Russia no one wanted to be honest. Remember, I love you. You very important as person to me. Cannot forgive unless problem. If high intellect then forgive. I can change."

The following are defendant's June 25, 2000, diary statements concerning these telephone calls, "On Sunday a surprise waited for me but we came back on Monday. I was looking for Roy for 3 days but he appeared on the 4<sup>th</sup> day. (I went to the post office to send photos to Alfredo.)" Diary p 46; pp 119, 120.

"I was shocked. He told me that he knew everything in detail: about Milan, about Volodya, about the flat where he lived with his mother... I think that somebody has told him about it. Roy was with me everywhere – in Krasnodar and at home. All of it was so strange... I admitted that it was my fault. I did it. I begged for pardon. He disappeared for 2 days. I was telling him that forgiveness is the highest moral virtue. I asked him to give me my last chance. I lost hope that he would forgive me. He told me that he would never forgive me. I watched at everything with other eyes. He has an inferiority complex since his childhood, and he looks for truth to manage other people. But I am not a slave! I recommended to him a psychologist and he answered that he would agree I myself would be such a psychologist... The problem is in his real feelings to me. I am a stimulus for him. He sees ma as a real wife, but it is absurd... I will never see him as a real husband. On Sunday, when I was at Natasha's, he called me up and told me that he forgave me... He apologized for the time to think, for

the pain, which he had caused to me. But I must cease to meet and to speak to Alfredo. He sees in Alfredo his rival.” Diary p 46; p 120.

“I met Roma. I put on a black wig. We kissed a little. He is funny... At the exhibition I got acquainted with boys from St. Petersburg. We went to cafes, chattered, drank and then Katya hit with her sports bike a pole and I hit people.” Diary p 47; p 121.

Defendant’s July 6, 2000, entry, “We met once more those boys on Monday. We persuaded them to stay and go the next day. We ate salad, drank some wine and for the first time in my life I was drunk and kind... In the evening we went to Katya’s. We bought shrimps and wine. We kissed with Volodya, and I myself began it. That moment all my hatred to men came to the surface – I was like a tiger. In the morning I went home and Volodya and Vanya went to see me off. I stopped a car and the driver tried to accost to me. I let him touch a little my knees but saved some money. It was 5:30 in the morning.” Diary p 47; p 123.

In July 2000 postcard to Valodya, defendant writes, “This is Angelina. How are you. I am okay. It was really difficult to come here. It turns out that my boss (plaintiff) found out information about me from MVD and FSB. And now he watches me. I began to work. It is interesting. I like it a lot. I work about 8 hours a day. I dance. It is interesting to meet new people, to learn about different places. I think a lot about you and I miss you and it was great that we could understand each other. Do me a huge, huge favor, please, don’t tell anybody that I am here—noway. Only my mum knows about it and now you. I kiss you, I embrace you, I miss you.” (4 lip stick kisses on back of card.)

Around Christmas 2000, Alina and Valodya where in contact with each other when the both of them were in Russia, and in the early part of May 2001, they were both in Krasnodar. On or about May 10-14, 2001, at defendant’s instruction, her mother, Inessa Shiplina, gave Valodya defendant’s telephone number in the US and one of he modeling cards.

Interview with Valodya. Need written questions of Valodya

- d. In early August Alina said she wanted to go out with some of her “clients” at Flash Dancers. I said no and she complained.
  - i. I then found business cards from some of he clients in her bag that she always took to work.
  - ii. On one Nomura Manager’s card she wrote, “massage and kissed back.” Need certified translation and authentication.
  - iii. She admitted collecting business cards. Since she only wore tong panties, she would fold the cards and put them inside her. See various business cards.
  - iv. My telephone logs showed calls to one of her customers that she admitted pursuing. A private investigator tried to track the individual down but could not and concluded: “It is our opinion this person is most certainly hiding something but it is unclear as to the reasons for doing so. If there is a possibility anyone in your

home could be involved with ...unlawful activities, that would explain the secrecy involved here.” July 31, 2000 Report.

- e. For two nights August 7 & 8<sup>th</sup> defendant did not come home until 4:15 am, her usual time for returning from work. She said she was at work, but her work schedule showed she was off. See Work Schedule Week of August 7.
- f. In early September 2000, defendant engaged in an act of prostitution under NY State law in a private room at Flash Dancers. September 9, 2000, diary entry: “Besides, for the first time I went to a single room – I danced to a bearded man from TV. On Monday we sat there for 2 hours, I danced, I was so frightened. I allowed him to touch me. I received a pleasure.” Diary p 50; p 130.
- g. Defendant refused to permit plaintiff to accompany her on her vacation to Krasnodar and Cyprus in September 2000.
- h. In September 2000 in Krasnodar, defendant told plaintiff she “met” with three of her former clients when she traveled to Cyprus in September 2000. [Defendant also traveled to Cyprus at the end of April or beginning of May 2001]:
  - i. Rikos: In 1999 she engaged in sexual activity for makeup, silver necklace with her name on it, a necklace with heart made from pearls, she tried to get video camera for her mother from him but was unsuccessful (he kissed her between legs, Alina masturbated him, intercourse at least two times). Diary pp 3, 4, 5, 7; pp 6, 8-10, 16.
  - ii. Andreas: In 1999 he paid for entire day of work and paid her 50 pounds. Diary p 6; pp11-12.
  - iii. Stephanos: In 1999 they had intercourse many times in return for money. Diary pp 12, 16; pp 28, 31, 35, 37
- i. Also in Krasnodar in September 2000 defendant said she never engaged in prostitution because afterwards, she goes to church and asks forgiveness, which God gives her, so it is as if it never happened. Then defendant told plaintiff, “If God can forgive me, why can’t you?”
- j. In October 2000, defendant told plaintiff that she used drugs to heighten her sexual experience with Mr. Ibarra when she engaged in prostitution with him in Italy in May 2000. Diary pp 44, 45; pp112-14
- k. In October, defendant made repeated calls to the home number for Peter Petrovich, 233 E 60<sup>th</sup>, 212 829 1105.

## 5. Adultery

- a. Within one month of defendant’s wedding on March 11, 2000, she wrote in her dairy on April 5, 2000:
  - i. “My mum went yesterday in the evening to St. Petersburg. My God, help her! The most interesting event was Arsen with whom I got acquainted in trolleybus. He is tall (higher 2 m). He looked like a monster (good monster from a tale). He offered himself to help



me with aerial; he worked for 2 days, but TV image remained far from ideal. I began to step aside from him.” Dairy p 41; p 102.

- ii. “What I had with Volodya... I at last had made up my mind. He took keys from Vadik. It was an old, badly groomed flat (here hanged herself Vadik’s mother). We had some wine and made love. Afterwards he had a rest (I was cooling). He is good at making love. We had it twice and the second time he even did not prepare... I did not finish. He was preparing in an interest way. It is strange, but I doubt whether I would be able to finish if I did not meet a real man?” Dairy p 41; p 102.

- b. Within two and a half months of defendant’s wedding, from her May 19, 2000, diary entry: “Praise to God, on May 20 I came to Milan. The man in customs was a fool but I had a ticket and I did not fear. He spoke a little Spanish. He asked: “What for did you come?” That is not any damned business of his. Alfredo met me and we went to “Lloyd” hotel. He was so happy... He is the first real man in my life. He gifted to me small brilliants (golden ring, ear-rings and a chain). I gifted to him my portrait, caviar and sweets. We made love... In a few minutes I finished. Alfredo’s member is so large.”

“We went for a walk in Milan, talked to each other. The next day we went to Florence. It took 3 hours – we went by a speed train. In Florence we visited museums. There Alfredo gifted to me golden ear-rings and a golden ring with a garnet. When we went to Florence the train was practically empty and we touched each other, giving a start if somebody was passing by. We returned in the evening, approximately at 00:30. We were tired but we went to a disco where they played Latin American dances. We danced so good that a few girls began to dance with us.”

“The next day (May 22) in the morning we went to agencies but none of them was interested in me: they wanted another kind of girls - dark-haired and swarthy. It means that this is not mine. Then we went to Venice. We swam along channel in a little steamer. Then we went to a square where there was a church. We were there only for 4 hours but it was marvelous. Alfredo kissed me, told me that he wanted me, embraced me... Roy never behaves like that - he always fears something. He fears that I will take his money and he is always tensed. In the night we went back. Having come back we went to a nightclub. There were a lot of Russian girls, and we chose one for one drink – 25 dollars. Alfredo danced with a girl and then he went away for a talk with her. I pretended to be jealous and he made excuses tome. But after it we had a storm of a night. I could not finish for a long time but he took the first position – when I was lying on the back and my legs were raised in vertical position. Yes and also the drops worked. We slept only 3 hours in the night. Previous night he did not allow me to sleep – touched, caressed. And in the morning I again finished quickly. His member fits for [?]. And he is so happy when I finish... A wonder! And Roy is simply a fool. After it I can hardly expect that I will want him!”

“Alfredo gave me 600\$ and wanted to give 100\$ more, but I refused – he had done for me so much... My God, send to him health and happiness! In the street a woman asked him to buy her an ice-cream and he did it! A man at the station asked to give him some money – he had not sum sufficient to buy a ticket - and Alfredo gave money to him. This is what I call humanity. Alfredo has a very special soul and heart. My God, send to him all the best!!!”

“And now it is very important to me to extinguish all evidence. I closed package with adhesive tape and tried to hide gold and money. I hope so Roy did not learn anything. Amen!”

“I thank you my God for everything; bless me!” Diary pp 44, 45; pp 112-14.

6. In September and October, defendant intentionally inflict emotional distress on plaintiff by saying that her doctor in Krasnodar diagnosed her with a tumor on her gall bladder that could mean death. When defendant returned to the US, plaintiff took defendant to her doctor who arranged for a sonar gram. After the sonar gram, defendant told plaintiff that it confirmed her Krasnodar doctor’s opinion. Plaintiff talked to the doctor who analyzed the sonar gram, who said there was no tumor, just a fold in the gall bladder and there was nothing to worry about.
7. In April through July 2001, defendant concocted and executed with the assistance of her mother, Inessa Shipilina, a campaign that defamed, disgraced and belittled plaintiff to his employees and potential witnesses in these court proceedings in an intentional effort to prevent the discovery of relevant facts by threatening and intimidating plaintiff, plaintiff’s translators and potential witnesses:
  - a. Natalya Martys: (W) 39 04 11. On or about April 26 –27, Inessa Shipilina visited Ms. Martys’ office twice. Ms Martys said, “At first, she (Inessa) came into my office, she told me very bad things, also she told that you (plaintiff) are criminal, crazy, etc. In addition she told me that you'll never visit Russia again, because you are a criminal and our police know it. She forced me to say with whom you met in Krasnodar. After this she tried to force me to write a paper with number of my passport and current address for Court with detailed describing of your last visit into Krasnodar: each meeting, with whom and when.... I said: "O'k, see you tomorrow, I'll make this paper." When she left our office I called my lawyer, and she refused to make any paper without special request from Court. When Alina's mother came again, I told her: "I agreed to help to show the real matter of justice but you haven't any possibilities for this." She was very angry, she promised to locate me at the prison very soon. Yes, it was very unpleasant, you know. Also she told that you forced Alina to write her diary, she could kill me!” Natalya was frighten because Alina and Inessa have money from Alina’s prostitution and stripping work in New York and also have connections with Chechen gangsters.

On or about July 12<sup>th</sup>, Inessa sent to Natalya's home a forged court summons in an effort to threaten and intimidate her into no longer providing translation services to Roy. In addition to the emotional distress caused Natalya, she had to take the time to consult with her lawyer once again. Need copy false summons and certified translation

- b. Vera Ivananova Ivanasova (W) 59 66 95, (H) 32 06 51: According to Ms. Ivanasova, on or about the last week of April 2000 and the first week of May, defendant's mother, Inessa, went to Vera and threatened to sue her in court, accusing Vera of taking money from plaintiff to distribute defendant's diary. Inessa said some very negative things about plaintiff that Vera did not want to repeat in plaintiff's presence. Inessa told "everybody" in the Gymnastic Department at the Academy of Physical Culture that Vera was distributing the diary to people in the Academy because plaintiff had paid her money. Others in the Academy found out that Inessa was lying and made her apologize to Vera in front of the Academy instructors. Need written questions
- c. Anastasia Vasilejeva and her husband Dima (W) 55 74 63, 55 98 07: According to them, on or about April 23-28, defendant telephoned Anastasia and asked to come over and meet with Anastasia about her meeting the previous week with plaintiff. Anastasia refused. Later, Inessa telephoned Anastasia and asked Anastasia questions about her meeting with plaintiff. Inessa told Anastasia that plaintiff was a criminal. Inessa also talked to Dima. Then Alina and Inessa sent a message on Anastasia's pager that they know Anastasia had sold information to plaintiff, and they will meet in court. Anastasia was very scared over the situation and Dima was very upset. Need written questions
- d. Alexei Dikov (M) 63 55 58, 902 439 6706: On or about April 23-28: Inessa called Alexei to try to intimidate him into not talking to plaintiff. Need written questions
- e. Yevgeniy Martianov, (H) 62 31 37: On or about April 23-28: Inessa called Martianov to ask whether plaintiff had talked to him and had given him some papers. Inessa told him that plaintiff was a crazy person. Need written questions
- f. Dmitri Morosov (W) 56 00 23: On or about the last week of April or first week of May: Alina or Inessa contacted Morosov and defamed plaintiff. Need written questions
- g. Nadya Sanchez (W) 39 04 11: On June 13, 2001 at about 15:30: Inessa walked over to Nadya and plaintiff and tried to intimidate Nadya into giving Inessa her name. When Nadya refused, Inessa said in a very threatening manner, "If you work for Roy, you will get into a big mess." Nadya was scared because Alina and Inessa have money from Alina's prostitution and stripping work in New York and also have connections with Chechen gangsters. Need written questions
- h. Roy Den Hollander: On June 16, 2001, according to Alexei Dikov, Inessa called him looking for an FSB person to "deal" with the plaintiff. On June 17, 2001, in the morning, Inessa called plaintiff's driver in Moscow and

told him not to pick plaintiff up at the airport that night. Need written questions of driver When plaintiff arrived at the Krasnodar Airport to leave for Moscow, Inessa was standing with a militiaman and pointed plaintiff out to him and said a photograph was taken. Then Inessa followed plaintiff and his translator to the car and stood near the car apparently talking on her mobile telephone. Inessa's efforts were an attempt to intimidate plaintiff into not returning to Krasnodar to continue his investigation and to intimidate plaintiff's translator into not working for him.

- i. Larisa Novocelskaya, Editor "Улица Красная", 350000 г. Краснодар ул. Гоголя 52, (W) 55 93 09: On or about June 18-29, 2001, according to a reporter, Inessa visited the office of the editor of "Улица Красная" shouted and threatened her over an article the paper had printed in its April 30 – May 6 edition about the situation between plaintiff and defendant. Inessa also defamed plaintiff to the editor. The editor was intimidated into not reporting any follow up stories. Need written questions

8. Destruction of Plaintiff's Prized Personal Possession

- a. In August 2000 defendant intentionally smashed on the kitchen floor of plaintiff's apartment a prized memento coffee cup from plaintiff's former employer, Channel 5 News. Plaintiff learned of the incident by accidentally finding small pieces of the cup spread in a semi-circle in the foyer next to the kitchen. When plaintiff confronted defendant, she said she had gotten mad and smashed the cup and added, "You weren't meant to have it any more."

9. Effect of Defendant's actions on Plaintiff.

- a. As a result of the above actions by defendant, plaintiff visited a therapist, Dr. Arthur Gray, for one session in September and then beginning on November 8, 2000, plaintiff visited Irene Javors once weekly until February 7, 2001, just five days after service of defendant's Temporary Order of Protection.
- b. Various Friends

**PRIVILEGED AND CONFIDENTIAL**  
**ATTORNEY WORK PRODUCT**  
[Draft 9/26/01]

**October 4, 2001, Conference Responses**

**Reasons Want Annulment**

1. This was my first marriage, in fact, I had never been engaged before. I opened my heart to this woman and ended up drugged, tricked, denigrated and used by her as if I were no more than a toy to satisfy her greed to make lots of money in the US sex industry. An annulment will help me partially wipe this very revolting experience from my everyday consciousness. It will help mitigate the emotional harm she recklessly caused me in her ruthless rush for money because an annulment, at least legally, says the marriage never occurred because I was defrauded into giving my consent. There is some solace in having a court say that I was tricked, albeit by a ruthless professional, which will enable me to put this incident behind me.
2. Justice. The fact situation satisfies the elements of annulment.
3. My financial obligation to reimburse the government if Alina becomes a public charge continues until she
  - a. Becomes naturalized citizen, will take 3 to 4 years
  - b. Works in US for 10 years,
  - c. Ceases to be a legal permanent resident, or
  - d. Dies.
4. An annulment dramatically increases the probability of Alina "ceasing to be a legal permanent resident" thereby reducing the time frame in which she may become a public charge.
5. Defendant does not want an annulment because it would lessen her chances of becoming a permanent resident.
6. At the Preliminary Conference, Judge Lobis remarked that an annulment would have an affect on Alina's immigration status. Alina's counsel said it would not, which was misleading in a Clintonesque manner. Whether the proceedings end in an annulment or divorce, the INS can terminate Alina's current status. Her status is called "Conditional Permanent Residency", which basically means she has a temporary green card for two years from the date of entry. The impact on Alina's future status, however, depends on whether an annulment based on fraud is granted or a divorce based on some other fault. After the marriage is terminated either by annulment or divorce, Alina can change her status to "Permanent Residency", which means a permanent green. But in order to acquire the permanent green card, Alina has to show that she did not marry me for immigration purposes that the marriage on her part was for bona fide reasons and not a sham. An annulment based on fraud will make it impossible for Alina to convince the INS that she married me for love and wanted to be my wife. That is why her attorney said that Alina still loved me and did not want a divorce. A divorce for adultery or cruel and inhuman treatment would give Alina a chance to

still prove to the INS that she married for love and not a green card and to obtain permanent residency.

#### Unprofessional Conduct by Mundy

1. Mundy's dissemblance about medical records showing I beat Alina.
2. Mundy's threat to use evidence of an alleged crime committed by Roy to obtain a favorable settlement for his client in a civil litigation—the extortion audiotape.
3. Mundy's veiled threat to embarrass me and deplete my assets if I did not help Alina obtain a permanent green card.

# CENTER FOR RUSSIAN LAW

MOSCOW, RUSSIAN FEDERATION

Reply to: Attorney Xenia Menshova  
mailto:Menshova@RussiaLaw.com

The Honorable Joan Lobis  
Judge  
New York

re: Roy Den Hollander

Dear Judge Lobis:

I represent Roy Den Hollander in the Russian Federation (RF). Mr. Den Hollander asked me to report on status of complaint brought by him in Krasnodar, RF, against Inessa Aleksandrovna Shipilina, citizen of the Russian Federation with registered place of residence in Krasnodar.

As of this day, 29 September 2001:


1. Under Russian criminal procedure, criminal case includes three stages of investigation:
  - a. Inquest, or pre-indictment preliminary investigation (*doznanie*);
  - b. Post-indictment investigation (*predvaritel'noe rassledovanie*);
  - c. Judicial investigation (*sudebnoe issledovanie*), that is, trial by judge or jury.
2. Investigative arm of the prosecutor's office (*prokuratura*) has now completed stage of inquest (*doznanie*).
3. On basis of the results of inquest, prosecutor's office initiated criminal case against Shipilina (closest Anglo-Saxon equivalent to "bringing a criminal" case is indictment) under article 129 of the Criminal Code of the RF, *Defamation*, that is, *dissemination of knowingly false information that will harm the honor and dignity of another person or undermine that person's reputation*.
4. Pursuant to Code of Criminal Procedure, Article 108, criminal case is initiated only after completion of preliminary investigation and only if investigation reveals probable cause and sufficient grounds for complaint.
5. Pursuant to Code of Criminal Procedure, Article 133, prosecutor must finish conduct of post-indictment investigation within period of two months (or such time as granted by court in extension) and either submit case for trial or dismiss it.

In summary, in judgment of City Prosecutor, pre-indictment inquest has shown sufficient grounds to bring indictment under charge of criminal conduct.

We are trying to fax to Den Hollander copy of indictment prepared by prosecutor.

I am available for telephone confirmation of this information at (7-095) 963-9834, but will be absent from office period 1 October-10 October.

Respectfully,



Xenia Menshova

**PRIVILEGED AND CONFIDENTIAL  
ATTORNEY CLIENT WORK PRODUCT**  
[Draft 10/1/01]

**Evidentiary Needs**

[(**Court**) means court approval required. The issue to which it goes follows each evidentiary need.]

1. Complete original diary and authentication.
  - a. Finance
    - i. Occupation
    - ii. Income taxes erroneous
    - iii. Income false
    - iv. Apartment ownership
    - v. Valuable jewelry
  - b. Annulment
    - i. Married for green card
      1. Admissions
      2. Refusal to show normal affection
    - ii. Misrepresentations of love and affection
    - iii. Surreptitiously put narcotic like substances in food
    - iv. Concealed intent before marriage to commit adultery with Mr. Ibarra
    - v. Concealed criminal conduct
      1. Prostitution
    - vi. Misrepresentations as to premarital sexual conduct
    - vii. Concealment of immoral acts
      1. Fully nude stripping with sexual contact and bartering of sexual services
      2. Recruitment of girls for the sex industry
      3. Infidelity
      4. US tax evasion
      5. Defrauded Moscow agent of his commission
      6. Congenital dishonesty
  - c. [Cruel and Inhuman
    - i. Physical Threats
      1. Poison in food
    - ii. Verbal abuse
    - iii. Sexual misconduct and emotional abuse
    - iv. Adultery]
2. Production of all correspondence between defendant and plaintiff
  - a. Annulment
3. Production of both international passports
  - a. Annulment
    - i. Married for green card
      1. Refusal to show normal affection



- ii. Concealed intent before marriage to commit adultery with Mr. Ibarra
  - iii. Concealed acts inferring immoral character
    - 1. Shipment of cash overseas in violation of Custom's regulations.
- b. Finance
  - i. Assets
- 4. Production of all telephone records for both mobile and home in both US and Russia since inception of marriage
  - a. Finances
    - i. Assets
      - 1. Different financial accounts
- 5. Production of all emails
  - a. Finances
    - i. Assets
      - 1. Different financial accounts
- 6. Production of any correspondence with men or women with whom she engaged in providing sexual services including lap dancing and stripping, prostitution or pornography or procuring for money before and after the marriage.
  - a. Finances
    - i. Income
    - ii. Assets
  - b. Annulment
    - i. Married for green card
      - 1. Admissions
    - ii. Misrepresented love and affection
    - iii. Concealed criminal conduct
    - iv. Concealed acts inferring an immoral character
- 7. Authentication of April 8 and 22, 2000, post cards from defendant.
  - a. Annulment
    - i. Married for green card
      - 1. Admissions
    - ii. Misrepresented love and affection
- 8. Authentication of two May 10, 2000, post cards from defendant.
  - a. Annulment
    - i. Married for green card
      - 1. Admissions
- 9. Authentication of September 11, 2000 wedding anniversary card.
  - a. Annulment
    - i. Married for green card
      - 1. Admissions
- 10. Written questions of **(Court)**
  - a. Alexei Dikov
    - i. Annulment
      - 1. Married for green card
        - a. Admissions

- 2. Concealment of acts inferring immoral character
    - a. Nude stripping
    - b. Advertised self on internet
- b. Alexei Smolin
  - i. Annulment
    - 1. Refusal to show normal affection
- c. Yulya Kudinova
  - i. Annulment
    - 1. Married for green card
      - a. Admissions
    - 2. Concealment of acts inferring immoral character
      - a. Bartering of sexual services
      - b. Recruitment of girls for sex industry
- d. Anastasia Vasiljeva
  - i. Annulment
    - 1. Married for green card
      - a. Admissions
    - 2. Concealed criminal conduct
- e. Lena
  - i. Annulment
    - 1. Married for green card
      - a. Admissions
- f. Natasha
  - i. Annulment
    - 1. Married for green card
      - a. Admissions
    - 2. Concealed criminal conduct
    - 3. Concealed immoral character
    - 4. Concealed dishonesty
- g. Clairvoyant
  - i. Annulment
    - 1. Concealed putting narcotic like substances in food
- h. Katya Gerokaris
  - i. Annulment
    - 1. Concealed criminal conduct
- i. Leonid Perlin, Moscow
  - i. Annulment
    - 1. Concealment acts inferring immoral character
      - a. Masturbation video
- j. Marc L. Paulsen, Torrance, Cal.
  - i. Annulment
    - 1. Concealment acts inferring immoral character
      - a. Masturbation video
- k. Valodya in St. Petersburg
  - i. Annulment
    - 1. Married for green card

- a. Refusal to show normal affection
  - l. [Vera Ivanasova
  - m. Martianov
  - n. Dmitri Morosov
  - o. Nadya Sanches
  - p. Valodya driver
  - q. Editor Krasnaya Ulitsa]
- 11. Authentication of copy of July 2000 post card to Valodya in St. Petersburg.
  - a. Annulment
    - i. Refusal to show normal affection
  - b. Cruel Inhuman
    - i. Sexual misconduct, emotional abuse
- 12. Subpoena records of Cyprus and Citibank bank accounts.
  - a. Finances
    - i. Income
    - ii. Assets
  - b. Annulment
    - i. Married for green card
      - 1. Other conduct that infers defendant's purpose was immigration to earn money
- 13. Authentication November 15 & 19, 1999, faxes.
  - a. Annulment
    - i. Misrepresented love and affection
- 14. Authentication February 7, 2000, Valentine Day's Card.
  - a. Annulment
    - i. Misrepresented love and affection
- 15. Dr. Gorny's medical records in which I describe effect of defendant's poisoning.
  - a. Annulment
    - i. Concealed putting narcotic like substances in food
- 16. Second international passport or apostille copy of dated application for second international passport or affidavit as to time necessary to obtain a passport.
  - a. Annulment
    - i. Concealed intent before marriage to commit adultery with Mr. Ibarra.
- 17. Authentication of masturbation video
  - a. Annulment
    - i. Concealment of acts inferring immoral character
- 18. Zygos nature of business
  - a. Annulment
    - i. Concealment acts inferring immoral character
      - 1. Nude stripping with sexual contact
- 19. Authentication and certified translation of Document 1
  - a. Annulment
    - i. Concealment immoral character
      - 1. Infidelity
- 20. NY State definition of prostitution

- a. Annulment
    - i. Criminal conduct
  - b. Cruel Inhuman
    - i. Sexual misconduct, emotional abuse
- 21. Authentication June 18, 2000, letter with threat
  - a. Cruel Inhuman
    - i. Physical threat
- 22. Certified translation of Alina's handwriting on back of Nomura manager's card and authentication that it is Alina's handwriting
  - a. Cruel Inhuman
    - i. Sexual misconduct, emotional abuse
- 23. Roy's telephone logs for July to show repeated calls to one of Alina's customers
  - a. Cruel Inhuman
    - i. Sexual misconduct, emotional abuse
- 24. Natalya's email about Inessa's threats and copy with certified translation of false summons
  - a. Cruel Inhuman
    - i. Defamation, disgrace, belittlement
- 25. Subpoena defendant's work schedules at Flash Dancers
  - a. Finances
    - i. Occupation
    - ii. Income
- 26. Authentication of defendant's 2000 work schedules
  - a. Finances
    - i. Occupation
    - ii. Income
- 27. Millard & Associates as witness of defendant working at Flash Dancers, how many she or other girls do in a night and amount she or other girls pay the club nightly to work there.
  - a. Finances
    - i. Occupation
    - ii. Income
- 28. Subpoena Verizon and AT&T telephone records
  - a. Finances
    - i. Expenses
- 29. Subpoena defendant's Oxford Health Records
  - a. Finances
    - i. Expenses
- 30. Obtain directly from the IRS copies of defendant's tax returns
  - a. Finances
    - i. Expenses
- 31. NYC, NYS, IRS record keeping requirements and filings for lap dancing clubs that hire dancers as independent contractors who pay the club for dancing there.
  - a. Finances
    - i. Expenses
- 32. Authenticate defendant's safe deposit box contract

- a. Finances
    - i. Income
- 33. Evidence as to lap dancers income
  - a. Media reports
  - b. Columbia academic studies on lap dancing economics
  - c. IRS Administrative Reports
  - d. FOIA Dept Treasury
  - e. Books
- 34. Subpoena defendant's Citibank and Cyprus bank records since July 2000
  - a. Finances
    - i. Income
- 35. Subpoena Judy Vann Associates, International Performance Productions and Grace Del Marco records for defendant's income from work arranged by these agencies since August 2000.
  - a. Finances
    - i. Income
- 36. Subpoena apartment broker's record as to security deposit.
  - a. Finances
    - i. Expenses
- 37. Records of apartment and house ownership in Krasnodar
  - a. Finances
    - i. Assets
- 38. Page 2 of defendant's US 1040 for 2000
  - a. Finances
    - i. Income

**PRIVILEGED AND CONFIDENTIAL**  
**ATTORNEY WORK PRODUCT**

(Draft 9/22/01)

**Opening Statement and Summation Ideas**

1. This is not your typical marriage gone wrong. It involves a pathological lying Russian prostitute who tricked the plaintiff into marrying her so she could immigrate to New York to work as a lap dancer and prostitute where such work brings more money than any other place in the world. She tricked the plaintiff not just by her talent to make people feel sorry for her, she can cry at will, but by putting substances in the plaintiff's food to make him more willing to go through with a marriage he was thinking of canceling.
2. Defendant's Law Violations
  - a. US Immigration and Nationality Act
  - b. US Tax Act
  - c. Russian Tax Law
  - d. Russian Criminal Code
  - e. Cyprus Law Against Prostitution
  - f. Mexico Law Against Prostitution
  - g. Mexico Immigration Law
  - h. Italy Law Against Prostitution
  - i. Italy Narcotics
3. Defendant's strategy was to trick plaintiff into believing she was a decent person who got a raw deal in order to make me feel sorry for her and to encourage in me the illusion that she was romantically interested in me. This way she knew I would be willing to spend his money, time, energy and effort to benefit her, and all she would have to do in return is to engage in sexual conduct and pretend to care about me.
4. She is like a female Dorian Gray except she wears her painting on her face instead of keeping it in the attic.
5. After plaintiff learned about a couple of defendant's adulterous activities through the end of May, defendant again deceived plaintiff by convincing him to bring her to America by promising that she would change and be faithful. She begged for one last chance, she cried and pleaded that she had nothing in Krasnodar. However, in America she continued to pursue men sexually, especially her customers, and maintained contacts with previous clients and lovers.
6. [When Alina was young, probably 16, she decided that her goal in life was to make money off of men by using her looks, body and a false but pleasing personality. Besides satisfying her greed, her strategy would enable her to achieve vengeance against men in general by tricking them into falling in love, lust or feeling sympathy for her. She planned to exploit those feelings for money and use them to cause men emotional pain. She promised herself she would not be a good girl but a user of men.

Her false personality communicates a childish innocence and naiveté that masks a cold-hearted malicious ruthlessness. She hates men and intends them only physical and spiritual harm.]

7. Alina will allow anything to be done to her for money, including taking it in the tail that she could not sit for three days.
8. Defendant sold plaintiff a fantasy.
9. Useful expressions
  - a. Plaintiff saw more in Alina than there was.
  - b. Alina's perspective is that she has lips to whisper lies, lips to kiss a man and make him suffer. She will treat men like slaves, make them suffer body and soul.
  - c. Alina is not exactly the sort of person she pretends to be, the blushing and schoolgirl manner stammering and crying.
  - d. Alina is real good, chiefly the eyes, throb in her voice and the tears. She is dangerous.
  - e. Alina tries to buy loyalty with sex.
  - f. Alina never played square with me for a half an hour at a stretch since I have known her.
  - g. Alina tries to elicit sympathy from men that she then uses to take advantage of them.
  - h. When I was living with her I felt as if I was a toad on a wet rock and a snake was looking at the back of my neck.
  - i. Alina is a big league blond, expensive babe who knows what she has got. All bubble bath and dewy morning and moonlight, but inside blue steel—cold, cold like ice only not that clean.
  - j. I am fighting the evil that has lurked in the female soul since creation
    - i. The vamp an unscrupulous female who uses her charms to exploit men.
    - ii. The false victim who pretends to have had her rights violated by evil men but in fact was the violator.
    - iii. Modern day feminazi who uses duplicity to exploit popular trends that blame men as the source of all the evil in the world; therefore, the denial of rights to any one man is justified.

- k. She is as hollow and empty as the spaces between the stars.
- l. She didn't look like a tramp; she didn't look like a crook. Which meant only that she could be both with more success than if she had.
- m. To her, money is more important than another person's feelings.
- n. She can take your last dollar from between your teeth and look at you like you stole it from her.
- o. An innocent face that hides more than a lying tongue.
- p. She manipulates men with complete disregard for the harm she may cause them.
- q. She is like the aliens in "Independence Day" except she goes from man to man exploiting and laying waste.



Wrote back - J. said. 11/22/01

SUPREME COURT OF THE STATE  
COUNTY OF NEW YORK

-----X  
ROY DEN HOLLANDER

Plaintiff,

Index No. 350091/01

-against-

ALINA A. SHIPILINA, a/k/a  
ANGELAINA CHIPILINA,

Defendant.  
-----X

**Supplement Demand  
for Discovery and  
Inspection**

**PLEASE TAKE NOTICE**, that pursuant to CPLR 3120 you are hereby required to produce and permit discovery by the defendant, or her attorneys, or someone acting on her behalf, the following articles, documents and things for inspection, copying, testing and photographing, at the law offices of KUBA, MUNDY & ASSOCIATES, located at 321 Broadway, New York, New York 10007, on the 9th day of November, 2001

1. Copies of all petitions, applications, papers, documents, forms, correspondence, receipts and information prepared and/or submitted and/or filed with the Immigration and Naturalization Service and/or any other agency and/or the American Embassy and/or Consulate, including but not limited to forms I-130 - Immediate Relative Petition, I-485 - Adjustment of Status Application, and G-325 - Biographical Data Worksheets, on behalf of the defendant, by Roy Den Hollander and/or the defendant and/or any authorized representative.


2. Copies of all petitions, applications, papers, documents, forms, correspondence, receipts and information received from the Immigration and Naturalization Service and/or any other agency, and/or the American Embassy and/or Consulate in response to the above.

**PLEASE TAKE FURTHER NOTICE**, that in the event of your failure to comply with the discovery notice, the undersigned will move for an Order of Preclusion.

---

**PLEASE TAKE FURTHER NOTICE**, that this demand shall be a continuing demand  
up to the time of trial.

Dated. New York, New York  
October 15, 2001



Kuba, Mundy & Associates  
By: Paulette DeTiberiis, Esq.

**AFFIDAVIT OF SERVICE**

State of New York            )  
  ) ss.:  
County of New York         )

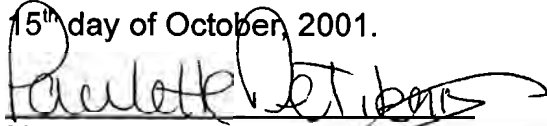
I, ALENA FARLEY, depose and say that deponent is not a party to this action, am over the age of eighteen (18) and reside within the State of New York and that on the 15<sup>TH</sup> day of October, 2001, I served a copy of the within SUPPLEMENT DEMAND FOR DISCOVERY AND INSPECTION, by ordinary mail within State of New York, addressed to each of the following persons at the last known addresses set forth after each name:

ROBERT MOSES, ESQ.  
60 East 42<sup>nd</sup> Street, Suite 3210  
New York, New York 10165

By: ordinary mail

  
ALENA FARLEY

Sworn to before me this  
15<sup>th</sup> day of October, 2001.

  
Notary Public

PAULETTE DETIBERIS  
Notary Public, State of New York  
No. 02DE8036571  
Qualified in Queens County  
Commission Expires Jan. 31, 2002

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

-----X

ROY DEN HOLLANDER,

: Index No. 350091/01

Plaintiff,

-against-

JUDGMENT OF DIVORCE

ALINA A. SHIPILINA,

Defendant.

-----X

The plaintiff having brought this action for an annulment and a judgment of absolute divorce by reason of the cruel and inhuman treatment of the plaintiff by defendant and defendant's adultery, and the Summons bearing the notation "ACTION FOR DIVORCE" and the Verified Complaint herein having been duly served upon defendant within this State, and the plaintiff having first appeared by COHEN, GOLDSTEIN & SILPE, LLP, and then by his substituted counsel, ROBERT H. MOSES, ESQ., and defendant having appeared by KUBA, MUNDY & ASSOCIATES, and having interposed an Answer to the Complaint, and which Answer contained a counterclaim for a judgment of absolute divorce by reason of the cruel and inhuman treatment of the defendant by the plaintiff, and thereafter this matter having come on for inquest before me as one of the justices of the Supreme on November 2, 2001, and the parties having stipulated that plaintiff withdraw the causes of action for divorce based on defendant's adultery and his causes of action for an annulment of the marriage, and the parties having proceeded to inquest for dual divorces based

on defendant's cruel and inhuman treatment of the plaintiff and plaintiff's cruel and inhuman treatment of the defendant, and the pleadings were amended to conform to the proof, and such proof having been considered by me, and after due deliberation this Court having granted plaintiff a judgment of divorce, and defendant a judgment of divorce, I decide and find as stated in the separate FINDINGS OF FACT AND CONCLUSIONS OF LAW of even date herewith:

Plaintiff's address is 545 East 14th Street, Apartment 10D, New York, New York 10009, his Social Security Number is 141-40-7359, and defendant's address is 28-15 34<sup>th</sup> Street, Apartment 4H, Astoria, New York 11103, and her Social Security Number is 063-90-4695.

**NOW**, on motion of ROBERT H. MOSES, ESQ., attorney for the plaintiff, it is

**ORDERED AND ADJUDGED**, that the marriage between the plaintiff, ROY DEN HOLLANDER, and defendant, ALINA A. SHIPILINA, is dissolved by reason of defendant's cruel and inhuman treatment of the plaintiff [D.R.L. 170(1)] and plaintiff's cruel and inhuman treatment of the defendant [D.R.L. 170(1); and it is further

**ORDERED AND ADJUDGED**, that the written Agreement of the parties, dated November 2, 2001, a copy of which is attached to the Findings of Fact and incorporated in this Judgment by reference, shall survive and shall not be merged in this Judgment, and the parties hereby are directed to comply with every legally enforceable term and provision of such Agreement, including any

provision to submit an appropriate issue to arbitration before a single arbitrator, as if such term or provision were set forth in its entirety herein, and the Court retains jurisdiction of the matter concurrently with the Family Court for the purpose of specifically enforcing such of the provisions of that Agreement as are capable of specific enforcement, to the extent permitted by law, and of making such further judgment with respect to maintenance or support as it finds appropriate under the circumstances existing at the time application for that purpose is made to it, or both; and it is further

ORDERED AND ADJUDGED, that defendant is authorized to resume the use of her maiden name, to wit: Shipilina.

ENTER: *Ray Den Hollander v. Alina D. Shipilina*  
*Arden # 358091/01*  
# 000017 *JBH*

Consented to as to form and Substance and Notice of Settlement waived.

*Kuba, Mundy & Associates*  
KUBA, MUNDY & ASSOCIATES  
Attorneys for Defendant  
321 Broadway  
New York, New York

**FILED**  
DEC 18 2001  
COUNTY CLERK'S OFFICE  
NEW YORK

STATE OF N.Y.  
COUNTY OF NEW YORK  
JUDICIAL DISTRICT  
CLERK  
IN SENATE CHAMBER  
NEW YORK COUNTY  
LEGISLATIVE CHAMBER

12/12/01  
JOAN B. LOBIS

DEC 20 2001  
THAT I HAVE COMPARED THIS  
COPY WITH THE ORIGINAL  
FILED IN MY OFFICE. OF  
*William Goodman*  
Clerk

12-18-01  
AND THAT THE SAME IS A  
CORRECT TRANSCRIPT  
HEREOF AND OF THE  
WHOLE OF WHICH ORIGINAL  
IN WITNESS WHEREOF,  
I HAVE HEREUNTO SET MY  
HAND AND AFFIXED MY  
OFFICIAL SEAL.

*William Goodman*  
COUNTY CLERK AND CLERK OF THE  
SUPREME COURT, NEW YORK COUNTY  
FACSIMILE SIGNATURE (USCJ)  
PURSUANT TO SEC. 903,  
COUNTY LAW.  
FEE PAID

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

-----  
ROY DEN HOLLANDER,

Petitioner,

Index No. 350091/01

AFFIDAVIT IN SUPPORT

-against-

ALINA A. SHIPILINA,  
aka ANGELINA

Respondent.  
-----

STATE OF NEW YORK  
COUNTY OF NEW YORK ss:

Roy Den Hollander, being duly sworn, deposes and says:

1. I am the petitioner in this action for reformation of the Stipulation of Settlement because of FRAUD, DURESS, COERCION and OBSTRUCTION OF THE CIVIL LITIGATION PROCESS by Respondent and her attorneys. The Stipulation of Settlement, attached as Exhibit A, was entered into in the annulment/divorce proceedings Roy Den Hollander v. Alina A. Shipilina, Index No. 350091/01. Your Honor rendered a Judgment for Divorce along with Findings of Fact and Conclusions of Law, attached as Exhibit B, on November 2, 2001, in which the stipulation was incorporated but not merged into the judgment.

2. This motion requests reformation of the Stipulation of Settlement as concerns Maintenance and Support and Equitable Distribution as referred to in paragraph 5, Maintenance and Support; paragraph 2(a), Equitable Distribution of Property; paragraph 7, Mutual Release of General Claims; and paragraph 10 B, Full Disclosure, see Exhibit A, because Respondent and Respondent's attorneys engaged in a pattern of fraud, duress, coercion and obstruction of the civil litigation process in order to deceive and intimidate

Petitioner into relinquishing his claims for equitable distribution and maintenance and support; illegally obstruct Petitioner from discovering the true nature of Respondent's finances; and otherwise violate Petitioner's rights under New York State law so as to unjustly benefit Respondent. CPLR 5015(a) permits the Court to relieve a party from a judgment on the grounds of fraud, misrepresentation, or other misconduct of an adverse party. The Court of Appeals requires transactions between spouses, including settlement stipulations "to be free from the taint of fraud and duress." Christian v. Christian, 42 N.Y.2d 63, 69, 396 N.Y.S2d 817 (1977).

3. During the annulment/divorce proceedings before Your Honor and continuing to the present, Respondent, with the connivance and assistance of her attorneys, has engaged in a methodical, cold-blooded cabal that has trampled Petitioner's rights as a human being and driven him into a state of deep emotional despair, depression and anxiety which prevents him from finding gainful employment commensurate with his experience and education, see attached Resume as Exhibit D, and necessitates the daily use of prescribed psychotropic medication, Paroxetine HCL at 40 mg a day.

4. The conspirators used attempted coercion and blatant misrepresentation by Respondent's attorney, Nicholas J. Mundy. During discussions last year with one of Petitioner's divorce attorneys, Amy Saltzman, Mr. Mundy stated he possessed an audiotape of Petitioner trying to extort money from Respondent. Mr. Mundy's clear implication was that unless Petitioner agreed to Respondent's demands for settlement, than the tape would be used to accuse Petitioner of a crime, cause criminal charges to be instituted against him, or expose or publicize the tape in order to subject Petitioner to contempt and ridicule. In addition, Mr. Mundy made a boldface misrepresentation to



another of Petitioner's attorney, Judith Bader-York, when he told her that he possessed medical records showing that Petitioner repeatedly beat Respondent. As a result of Mr. Mundy's actions, Petitioner instituted Disciplinary Proceedings against Mr. Mundy in December 2001, see attached Disciplinary Complaint, Answer and Response as Exhibit E.

5. Respondent and her attorneys demonstrated a callous disregard for the orderly pursuit of justice by intentionally obstructing Petitioner's legal efforts to engage in pre-discovery investigations in order to identify financial assets and potential witnesses, New York Practice Guide: Domestic Relations, Matthew Bender, 3.12[12]. Respondent, most likely on advise from her attorneys, directed her mother to obstruct, interfere and otherwise vitiate Petitioner's search for witnesses and relevant evidence in Krasnodar, Russia. Respondent's mother defamed Petitioner as crazy and a criminal to potential witnesses interviewed by Petitioner and others whom Respondent thought Petitioner would interview with the aim of convincing them not to cooperate with Petitioner's investigation. Those whom Respondent's mother couldn't convince with her defamation were threatened. The threats included the use of criminals and disreputable policemen whom Respondent could easily afford to hire in Russia with the over \$12,000 a month in cash she earns as a lap dancer at the topless club on Broadway called "Flash Dancers". The economic buying power of a dollar in Russia equals about ten dollars in America. In addition, Respondent is known to associate with both Russian and Chechen gangsters in Russia.

6. Many of the above acts of obstruction occurred while Respondent was in Krasnodar on vacation. Respondent didn't personally engage in tampering with potential

witnesses but rather directed her mother to illegally interfere with the civil litigation process because her mother was not under the jurisdiction of this Court. A nice legal technicality that Respondent, not a lawyer and not an American, did not know about until her attorney's advised her on how to hamper Petitioner's efforts to uncover the true nature of Respondent's finances.

7. In reaction, Petitioner contacted a Krasnodar attorney who advised that the Russian courts could not prevent Respondent and her mother's interference in Petitioner's investigation, but the Krasnodar Prosecutor could indict Respondent's mother for defamation, which was a crime in Russia. Petitioner's attorney advised that the indictment might deter Respondent's interference.

8. At a conference before this Court on October 4, 2001, concerning the status of the annulment/divorce proceedings, see attached Preliminary Conference Stipulation as Exhibit F, Petitioner, who was already gravely upset by Mr. Mundy's earlier coercion attempt and misrepresentation and by Respondent's successful campaign of intimidating potential witnesses into silence, now realized that without his consent, Petitioner's prior attorney relinquished Petitioner's right to a trial on fault. Petitioner strenuously argued for a chance to prove fraud and adultery by Respondent at a trial. Your Honor stated that Petitioner would need to make a costly motion to set aside the stipulation of no trial on the issue of fault. Petitioner, reeling from the unrelenting onslaught on his rights, clearly understood that the Court had wanted all along for the case to disappear. Without any concern for the egregious nature of the harm Respondent, a woman, caused Petitioner, a man, the Court assumed the shortness of the marriage justified assigning the case to the black hole of expediency.

9. In the days after the conference, Petitioner struggled to decide whether justice could ever be attainable under these conditions, in this country, during this day and age or was Petitioner up against an array of forces, both individual and societal, that for differing reasons wanted him to go quietly into the night.

10. While Petitioner tried to decide whether to take arms against a sea of unjust troubles by filing a motion for a trial on the issue of fault, Respondent wasted little time in launching her next vicious attack on Petitioner's rights as an American citizen and his psychological well-being. Shortly after the conference, Petitioner received a telephone voicemail one evening from a man calling on behalf of Respondent. With malice and threats dripping from the tone of the man's voice, his message, interspersed with caustic denigrations, made it amply clear that if Petitioner went ahead with his motion, this shadowy threat would soon seek vengeance against Petitioner. Petitioner's soul flooded with fear at this Russian tactic for winning a court case. A transcript of the voicemail follows, but it does not convey the intimidation of the man's voice, so attached is a recording as Exhibit G:

"Roy Den Hollander, how are you? This is John Madison calling on behalf of Angelina. Your ex or soon to be ex-wife (inaudible). Now that she is getting new counsel<sup>1</sup>, and mainly we're going to challenge every answer to your filings, every aspect of this marriage, being that it originated in Russia. And basically try to understand that because of the fact that things didn't work out, your malicious actions are basically going to be very carefully reviewed, not only by the proper authorities, but also under every ledger of the lawyer. We will challenge every single aspect of your filings and of this case. And I assure you one thing; we're not going to basically keep our eyes closed to this issue. We are going to basically be looking at this very carefully, and we will challenge you on every aspect. I assure you of one thing on this arbitration hearing, I will be attending.

And as far as everything else goes, I can tell you first hand with all due respect that I'm disgusted by the way you handled it. And quite frankly, I question every single bit of your motions and your filings. And, I assure you one thing, that this issue is definitely

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<sup>1</sup> Respondent never obtained new counsel, and in a later telephone conversation, "John Madison" denied being a lawyer.

going to be an issue that you're going to have to face up to reality on my friend. So as far as it goes, I will leave you with that. And I will try to reach you at home to see if you are there.

But in the meantime, bear in mind that this case is not going to go basically with her lying down and being abused over this whole issue. And you trying to take advantage of the situation and try to claim all these (laughter) basic unfounded claims against her. Which basically have no foundation whatsoever. On the other hand, it really reflects on you on how you've handled this, and that a lot of your issues are very questionable. So, never the less, I will be trying to get in touch with you and have yourself a nice day."

11. Petitioner feared this lurking phantom that probably inhabited the netherworld of crime, sex and sleaze in which Respondent lived and worked. Respondent, a lap dancer for the topless club Flash Dancers, see attached Affidavit of Service Exhibit H, likely recruited with money or comely charms one of the hoodlums who haunts that club, which is well known within law enforcement circles as operated by organized crime.

12. Petitioner, whose legal career included working as an associate at Cravath, Swaine & Moore and managing the Moscow office for the security-investigative firm Kroll Associates, couldn't grasp what was happening. Had civilized laws and values of fair play become as useless and perverted in America as in Russia? Were threats, intimidations and lies acceptable tactics in proceedings before the New York State Courts as they were in the Russian judicial system? Petitioner, scared and dumbfounded, went to the police, but they only laughed at him. Probably because he was a man, and a man in modern day New York has very few rights, just like the average citizen in Russia. The police didn't care that this character from a gangster movie could walk up to Petitioner in the street at any time to carry out Respondent's instructions. If the sexes of the parties had been reversed, the police would have jumped at the chance to help the Petitioner, but unfortunately an accident of nature left Petitioner defenseless thanks to recent politically correct trends in American society. Weary of fighting a legal system that didn't care

what harm came to Petitioner, what rights of his were violated, so long as Respondent, a woman, got what she wanted, Petitioner threw in the towel and gave the Court and his wife what they wanted: a settlement. Petitioner hoped these modern day feminists and the stripper Respondent would finally leave him alone. He should have known better.

13. With the divorce finalized, Petitioner started to recover from the trauma of an adulteress wife who adeptly hid the reality of her ruthless prostitute soul, see attached Exhibit I certified English translation of Respondent's diary in which the word "finish" means "orgasm" and "we" often means "I", pages 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 16, 44-45, and secretly fed him unknown substances, apparently narcotics, with complete disregard as to whether an allergic reaction might harm or kill Petitioner, see Exhibit I, pages 42, 48, all in order to make sure Petitioner married Respondent, so she could travel to America to satiate her greed in the world's number one market for selling sexual favors as a lap dancer, prostitute or the star of porno films such as the masturbation video she made for cash, see Promotional Clips of Ms. Shipilina's Masturbation Video attached as Exhibit V. Even the demeaning experiences of a judicial system seething with hatred for men began to fade including the time when one female judge and her female clerk in the Queens Family Court laughed at Petitioner for requesting a Temporary Order of Protection against Respondent, see attached Petition Exhibit J. In spite of all these assaults, Petitioner started to pick up his life after nearly two years of hell to search for a job. But just when life seemed worth living again, terror struck once more over the telephone.

14. In February 2002, the personified nightmare of barbarity at the direction of his evil queen once again reached out to crush Petitioner on behalf of Respondent by

delivering an even more vitriolic vituperative assault on Petitioner's right to live free of duress in a society supposedly ruled by laws and not women. The clear message with imminent harm stalking the connotations was Petitioner should "cease and desist" cooperating with the prosecutor in Krasnodar, Russia, that indicted Respondent's mother for the Russian crime of defamation, see Indictment attached as Exhibit K, and Petitioner should not appear at any immigration proceedings to claim that Respondent married Petitioner solely to obtain a permanent green card, see attached Exhibit I, pages 41, 46.

This time the procurer of fear said with an even more menacing tone on Petitioner's voicemail:

"Mr. Hollander, this is John Pierre, and I left you a message earlier on. And I did speak with you but apparently for whatever reason, you obviously weren't available to talk. I'm giving you a courtesy phone call.

I'm going to tell you to cease and desist with your actions against Angelina. I will tell you right now that what you're doing, I know everything about you. I know exactly what you have been doing and you're past history and your record. I know everything about you sir.

I liked to explain to you what's going to happen. If you continue harassing and making this girl's life miserable, I will promise you that everything under the law and under my ability to do so under the law, I will pursue you in every way shape and form imaginable under the law, and make sure that justice is done because right now you disgust me. As a human being, I am just so disgusted with everything about you and what you've done to this girl. More than some pathetic form of display of inhuman treatment—you've gone beyond that sir. I'm very much available! And let me tell you something that I am extremely well known in this city, and I know everything about you. You better get your act together, and I am telling you this under fairness and courtesy—cease and desist with what you are doing to this girl and her family and the way you try to (affect) her in her country. Because you, my friend, are right now going to be under investigation if I hear one more word that this is happening. And it's not going to be by me, but the federal government. And you at this point in time have crossed several boundaries that cause for a lot of red flags to (wave) in the air my friend.

So, quite frankly, right now I would be basically on my good behavior. All I'm telling you do the right thing Mr. Hollander, it obviously is the best thing to do. Be human and be courteous and understanding of other people's feelings and their lives. I think you guys are over and done with. That's it—leave her alone! Have a nice day."

Once again, a recording of the message more clearly communicates the evil at work here and is attached as Exhibit L.

15. The Krasnodar Prosecutor indicted the Respondent's mother on January 25, 2002, but there wasn't anything Petitioner could do to prevent that. Once the Russian criminal justice system took up the case, it was out of his hands. The only reason Petitioner went to the Prosecutor in the first place was to keep the Respondent and her mother from obstructing his search for potential witnesses and financial information, which, like a foolish male, Petitioner believed at the time was his right under the law, even in a matrimonial case in New York County.

16. Petitioner sunk back deeper into despair and dread. Back in October 20001, he did what the Respondent, her attorneys, the Court and the messenger of intimidation wanted him to do by not pursuing a trial on fault in the annulment/divorce proceedings, but Petitioner's manifest plead for peace through his obsequiousness fell on callous hearts. The threats were now back, meaner than ever. Every time Petitioner left his apartment, he didn't know which man might be the one moving in to carry out Respondent's threats. Fear stalked Petitioner wherever he went while nightmares haunted his fitful sleep.

17. Petitioner went to the police and filed a complaint, attached as Exhibit M, but New York's guardians of the public safety quickly closed the case telling Petitioner they didn't want to expend the resources trying to find the intimidator. At least they didn't laugh at him this time. Petitioner went to the Federal Bureau of Investigation that tracked down the man who probably made the calls, but the self-proclaimed protectors of freedom decided not to interrogate the caller because it might antagonize this goon into

harming Petitioner. Now Petitioner knew for certain that truth, justice and the American way no longer existed in this country; he might as well be back in Russia where the police protect the criminals rather than the prey.

18. The Respondent's modus operandi of moral turpitude in using gangsters to intimidate witnesses next manifested its foul tactics in Krasnodar, Russia, against witnesses who testified against Respondent's mother during the prosecutor's inquiry into the criminal defamation charge. According to Petitioner's attorney, a number of the witnesses received threats from Chechen criminal thugs to change their testimony, which they did.

19. Respondent and her attorney's premeditated war to intimidate and psychologically destroy Petitioner in order to prevent him from interfering with their questionable efforts to obtain a permanent green card for Respondent, a defrauder of the Immigration and Naturalization Service (INS), next resulted in Respondent, to the best of Petitioner's knowledge, resurrecting a complaint filed in June 2001 alleging the violation of a Temporary Order of Protection against Petitioner that was dismissed in July 2001. Respondent's attorneys apparently advised her to resurrect the complaint made last year, but on which no action was taken, in order to further pressure Petitioner into not cooperating with the INS and backing off of a Disciplinary Complaint for attempted coercion and misrepresentation filed by Petitioner against Respondent's attorney, Nicholas J. Mundy, see attached Disciplinary Complaint, Answer and Reply Exhibit E.

20. At around the same time that Petitioner received notice of the resurrected complaint and likelihood of his arrest based on the outdated complaint, Respondent's purveyor of intimidation called Petitioner once more in an obviously prearranged plan to



eliminate Petitioner from any further interference in Respondent's nefarious plans by delivering a combination blow—hit him low then hit him low again. On this occasion the crier of threats who left the previous two messages, one in October 2001 and one in February 2002 hammered Petitioner with a succinct ultimatum:

Mr. Hollander, this is John Pierre calling on behalf of Angelina. I told you before to cease and desist with your legal actions. I'm warning you do not testify before the INS or we will meet. (In the background, Petitioner heard Respondent say 'About my mother and the prosecutor.') And do not try to get the case in Russia reopened. We're watching you, have a nice day.

21. Panicked and shaken, Petitioner took the only recourse left to him by obtaining a Temporary Order of Protection and Petition against Respondent, attached as Exhibit O, in the hope of convincing Respondent to call off her dog.

22. The brutally soulless manner in which Respondent and her attorneys used coercion, duress and obstruction of the civil litigation process to not only deny Petitioner his rights but to punish him for exercising those rights have driven him into severe emotional and psychological depression and suffering that prevents him from obtaining gainful employment commensurate with his education and experience. In order to provide Petitioner with the means for psychological assistance and material support until Petitioner sufficiently recovers from the trauma intentionally inflicted on him by Respondent, maintenance and equitable distribution should be provided by Respondent who continues to make well over \$12,000, mostly in cash, a month from stripping, modeling and other activities and who amassed over \$50,000 from the time of the marriage to commencement of the annulment/divorce proceeding.

23. Newly discovered evidence also clearly shows that Respondent with the aide of her attorneys by suborning perjury engaged in fraud by filing a Net Worth Statement,

attached as Exhibit P, riddled with misrepresentations and omissions with the intent of deceiving the Court and Petitioner into believing Respondent had no assets, low earnings capacity and only earned a paltry \$18,000 a year when in fact she makes approximately \$130,000 a year, mostly tax free, while Petitioner on the other hand faces economic disaster and poverty as a result of foregoing opportunities in order to assist Respondent in building the legal part of her career in America.

24. Specifically, Respondent intentionally misrepresented or omitted the following items on her Net Worth Statement, attached as Exhibit P, all of which defrauded the Court while many, such as gross income and Flash Dancer expenses, defrauded Petitioner:

### III. GROSS INCOME:

Respondent's tax returns for the year 2000 indicate her gross income at \$18,861, which is the same amount she reported on her Net Worth Statement as her total gross income for the entire year preceding July 26, 2001. This implies she earned nothing in the first half of 2001. Whether the amount reportedly earned was for the year 2000 or the year ending July 26, 2001, it is still perjury intended to defraud the Court from carrying out its duties under the law and trick the Petitioner into relinquishing his rights to maintenance and equitable distribution. Respondent's gross income for 2000 from stripping at Flash Dancers alone was around \$48,000 and for the year prior to July 26, 2001 about \$120,000, as indicated by an Internet site set up by lap dancers that states the average take home pay after club fees for a dancer at Flash Dancers as \$500 a night, see Club Reviews by Dancers, attached as Exhibit Q. The girls at Flash Dancers are required to work five nights a week. Respondent also failed to include income from Judy Vann

Associates, International Performance and Productions and Grace Del Marco modeling agency, see attached Grace Del Marco Photo Card Exhibit R.

B. EXPENSES:

(b) and (o) Telephone and Cell

Respondent falsely stated the amount of her monthly telephone bill as around \$100.

Respondent maintains home telephone service with electronic answering and voicemail and a mobile telephone. Her mobile service for October 2000 alone totaled \$222.33, attached Exhibit S Mobile statement.

(f) Insurance-Medical

Respondent falsely claimed this expense as zero. Respondent and Petitioner jointly held an Oxford HMO plan from August 2000 to March 2001 that cost each of them about \$300 a month, attached Exhibit T Oxford Billings.

(l) Recreational – Vacations

Respondent intentionally understated recreational costs. On September 9, 2000, Respondent flew to Moscow, Russia, then onto Krasnodar, Russia, on Aeroflot. On September 18 or 19, she and her mother, at Respondent's expense, flew to Cyprus where they stayed at a five star hotel in Limassol until September 25<sup>th</sup>. On September 28, 2000, Respondent flew from Krasnodar to Moscow and on September 29 back to New York. Respondent took a second vacation on December 21, 2000, when she flew to Moscow and then to Krasnodar on Aeroflot. She returned to New York City on January 18, 2001. For a third vacation during the last half of April and the beginning of May, Respondent traveled from New York City to Krasnodar via Moscow and, once again at her expense, she traveled with her mother to Limassol, Cyprus. Regardless of any bargains

Respondent may have wheeled, \$4800 on an annualized basis for the above four cited vacations appears a fiction just standing alone and without factoring in other vacations the Respondent may have taken during the one year preceding her swearing to the truthfulness of her Net Worth Statement.

(m) Miscellaneous – Beauty

As a stripper and part time model, Respondent strains credibility with her claim that she spent nothing every month at the beauty parlor. In truth, Respondent weekly obtained a pedicure because when she is on stage at Flash Dancers, where the girls advertise their assets before heading out into the audience to give one-on-one lap dances, Respondent's feet are just below the eye level of the men sitting around the stage who give her money. Whenever Respondent's customers divert their eyes from other anatomical parts, they can't help but see her toes, close up. In addition, whenever she participated in a private event, she normally had her hair done for around \$50.

(m) Miscellaneous - Other

Respondent intentional omitted her nightly expenses for lap dancing and stripping at Flash Dancers. A dancer has to pay management around \$100 a night. On top of that she must tip the disc jockey \$10 to \$15, the house mother who watches over the girls' possessions around \$15 and pay the hair stylist or cosmetician for their assistance. All totaled, Respondent probably paid out around \$140 each night or \$2800 for an average month since management requires all the dancers to work five nights a week. From July 17, 2000 to July 26, 2001, Respondent worked about 38 weeks, so her club expenses amounted to around \$26,600. For the four months she worked in 2000, her Flash Dancers' expenses were about \$11,200. In addition, Respondent intentionally failed to

state the expenses for her photo portfolio used in her attempt to become a model. Her portfolio shoot in August 2000 by Phillip Jarrell, attached Photo Card Exhibit R, cost her around \$400.

Respondent willfully and knowingly understated her expenses by tens of thousands of dollars in order to make the gross misrepresentation of her income appear credible to the Court and Petitioner.

#### IV. ASSETS:

##### A. Security deposits

Respondent failed to state the over \$1200 in security deposited with her landlord.

##### G. Real Estate

Respondent knowingly omitted her 50% ownership of an apartment at 138 Rashpilevskaya Street, Apt. 8, Krasnodar, Russia 350020, see registry deed attached as Exhibit U, whose value increased dramatically during the marriage. Respondent purchased the apartment with money she earned as a stripper, lap dancer and prostitute in Cyprus and Mexico City.

##### K. Jewelry

Respondent failed to include the numerous jewelry items she earned in return for providing sexual favors to her customers as stated throughout her diary, see Exhibit I.

#### A. FAMILY DATA:

##### (m) Occupation

Respondent failed to include her occupation as a stripper and lap dancer. Her tax returns, which are included in her Net Worth Statement, Exhibit P, stated her occupation in 2000 as bartending while her Net Worth Statement listed only modeling for both 2000 and

2001. Neither her Net Worth Statement nor Tax Returns listed her forty-hour a week occupation as a lap dancer and stripper at Flash Dancers. Respondent continues to work mainly as a stripper at Flash Dancers.

25. The blatantly false, misleading and obfuscating information in Respondent's Net Worth Statement was intended by the Respondent to not only fraudulently induced Petitioner into agreeing to relinquishing his rights to maintenance and equitable distribution but to make a mockery of the American judicial system as represented by this Court in an arrogant attempt to prove the superiority of the Russian way of duplicity and dishonesty in dealing with government officials, especially those who believe an innocent looking face with tearful eyes would never lie. As such, paragraph 5, Maintenance and Support; paragraph 2(a), Equitable Distribution of Property; paragraph 7, Mutual Release of General Claims; and paragraph 10 B, Full Disclosure of the Settlement Stipulation should now be reformed to provide Mr. Den Hollander with the maintenance and equitable distribution he justly deserves. At the very least the general right to a plenary hearing on the issues raised in this motion should be respected. See Schnoor v. Schnoor, 189 A.D.2d 809, 592 N.Y.S.2d 461 (A.D. 2 Dept. 1993).

26. Numerous factors justify Petitioner's request for maintenance. Petitioner has been unemployed since his unfortunate marriage to Respondent and currently has next to no income. Petitioner left the work force and forewent economic opportunities in Moscow, Russia, in order to contribute to the couple's economic partnership by assisting Respondent in increasing her earning capacity in the legal area of her work and also for the betterment of the marriage since Respondent desired to work in America. Petitioner provided numerous contributions to Respondent's career including legal and business

advice, introductions, information, household expenses and even home making. Given Petitioner's current psychological problems caused by Respondent, Petitioner is unlikely to gain employment in the near future. Petitioner's age at fifty-four makes it additionally difficult for him to find employment while Respondent at age twenty-six is still in her prime. Petitioner needs to defray psychiatric expenses and maintain his pre-divorce living standard as well as the time to regain the earning capacity he enjoyed before his marriage.

27. Petitioner is also justified in receiving a substantial portion of the marital property as evidenced by the following facts. From the wedding ceremony on March 11, 2000, to the commencement of the annulment/divorce action on February 13, 2001, Respondent grossed over \$50,000 working as a stripper and part time model. Respondent also made an undisclosed amount as a prostitute, but Petitioner wants none of that filthy money. Respondent's apartment in Krasnodar, Russia, which she failed to disclose on her Net Worth Statement, also dramatically increased in value during the same period. In addition, if it were not for the Petitioner's actions and sacrifices during the marriage, Respondent would not now enjoy the reputation, clientele and experience in the legal part of her work that dramatically enhanced her earnings capacity over the course of the marriage and continues to build her earning power, all of which is subject to equitable distribution. Hougie v. Hougie, 261 A.D.2d 161, 689 N.Y.S.2d 491 (A.D. 1 Dept. 1999), Elkus v. Elkus, 169 A.D.2d 134, 572 N.Y.S.2d 901 (A.D. 1 Dept. 1991). For example, Petitioner provided Respondent legal and business advise; introductions to professionals in the modeling, acting and recording industries; research and advise on finding and selecting a modeling agency; explanations and interpretation of conversations with

modeling agency managers; assistance in finding a Topless Club that did not condone prostitution; due diligence on free lance modeling job offers; drafting and reviewing of employment contracts; advice on taxes; assistance in planning her career; a rent free place to live; home making, which included cleaning, laundry, repairs and purchasing most of the food, paying most of the telephone and cable expenses; help in acclimating herself to the peculiarities of life in New York City along with warnings of its dangers; information and a tour of the different shops where she could buy outfits necessary for her work; and the emotional support and security necessary for an alien in a strange land to feel comfortable. During the same time, Petitioner lost around \$140,000 in his net worth. Even though Petitioner is a lawyer with an MBA, "the courts should treat all matrimonial litigants equally and should not prejudice nor penalize a spouse who is married to a non-professional who many nevertheless become an exceptional wage earner." Golub v. Golub, 139 Misc.2d 440, 527 N.Y.S.2d 946, 950 (Sup. N.Y. Co. 1988).

28. The following factors cry out for equitable distribution to the Petitioner:

A. The early part of a marriage often results in the greatest sacrifices and contributions; therefore, as in this case, a "spouse in a relatively short marriage should take a larger share than if the marriage had endured sufficiently long for both spouses to enjoy the later benefits of early efforts." N.Y.P.G.: Domestic Relations, 16.06[2][b] at 16-55.

B. Petitioner at the age of fifty-four is less likely to become self sustaining or gain new assets in the future, his time has past; whereas, Respondent at age twenty-six still has the most productive years ahead of her. In addition, Petitioner's current health problem, along with his age, make it less likely that he will be able to start a new life on an



equal footing with the Respondent, so Petitioner is entitled to a larger percentage of the marital property.

C. Petitioner contributed directly and indirectly to the economic partnership and Respondent's career, as specified in paragraph 26, which resulted in Petitioner sacrificing his own career opportunities as evidenced by Respondent's gross income for the year 2001 in excess of \$120,000 while Petitioner earned only \$2,000. In O'Brien v. O'Brien, 66 N.Y.2d 576, 498 N.Y.S.2d 743 (Ct.App. 1985), a spouse's sacrifice of her own career opportunities along with financial contributions represented an investment in the economic partnership. In Freyer v. Freyer, 138 Misc.2d 158, 524 N.Y.S.2d 147 (Sup. Suf. Co. 1987) the Court was required to consider the husband's homemaking contributions and that the wife's income exceeded the husband's by \$33,000 in determining equitable distribution.

D. Due to age and health, the Petitioner possesses less promising prospects, so a greater portion of the marital property would prove more advantageous to him. Jolis v. Jolis, 98 A.D.2d 692, 470 N.Y.S.2d 584 (A.D. 1 Dept. 1983).

E. During the marriage, Respondent willfully and maliciously deceived Petitioner into bringing her to America and giving up his own career opportunities so that Respondent could pursue the goddess of greed. Respondent not only didn't care about the harm she might cause Petitioner but, in fact, later engaged in a premeditated plan to psychologically destroy Petitioner on the sacrificial alter to womanhood. After the marriage, the Respondent embarked on a course of coercion, intimidation and harassment to punish the Petitioner for not lying to the Immigration and Naturalization Service so that she could easily obtain a permanent green card and later to prevent Petitioner from

providing information to the INS about her marrying him solely to obtain a green card. Of course, it was the Petitioner's duty as an officer of the courts to provide such information to a law enforcement agency charged with protecting the citizens of this country from undesirables such as Respondent whose viciousness is only curtailed by the limit of her finances. As such, justice calls for Petitioner to received a substantial portion of the marital property for which he sacrificed and continues to suffer so much.

29. No prior application has been made for the relief sought herein.

WHEREFORE, it is respectfully requested that Petitioner's motion be granted together with such other and further relief as this Court deems just and proper.

Sworn to before me on the  
7th day of May 2002

/S/

\_\_\_\_\_  
Roy Den Hollander

/S/

\_\_\_\_\_  
Notary Public

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

-----X

ROY DEN HOLLANDER,

Index No. 350091/01

Plaintiff,

-against-

**Affirmation in Opposition**

ALINA A. SHIPILINA a/k/a,  
Angelina Chipilina,

Defendant.

-----X

State of New York     )  
                                  ) ss.:  
County of New York    )

NICHOLAS J. MUNDY, ESQ., an attorney duly admitted to practice law before all of the courts of the State of New York hereby affirms the following to be true under the Penalties of Perjury:

(1) That I am an attorney with Kuba, Mundy & Associates, the attorneys for defendant ALINA A. SHIPILINA a/k/a ANGELINA CHIPILINA (hereinafter "Shipilina" or "Defendant"), and as such I am fully familiar with all of the facts and circumstances to which this affidavit relates. (I base this affirmation on the files maintained by my office and the Court, and on conversations with my client.)

(2) I submit this affirmation in opposition to the instant motion of the plaintiff pursuant to CPLR 5015(a) seeking "reformation of the Stipulation of Settlement" dated November 2, 2001, which Stipulation of Settlement was incorporated, but not merged, into the Judgment of Divorce between the parties dated December 12, 2001.

### Background

(3) The above-captioned action is a settled divorce matter. The parties were married in the City of Krasnodar, Russia on March 11, 2000. A copy of the parties' Marriage Certificate with English translation is attached hereto as Exhibit "A".

(4) On or about February 13, 2001, plaintiff commenced this action by filing of a Summons with Notice seeking a judgment of divorce, *grounds adultery & CoT* or in the alternative, a judgment annulling the marriage between the parties (Exhibit "B"). After service of a Notice of Appearance and Demand for Complaint by defendant's counsel on March 12, 2001, plaintiff served and filed a Verified Complaint dated June 21, 2001 (Exhibits "C" and "D", respectively). Defendant served and filed an Answer with Counterclaim for Divorce based upon cruel and inhuman treatment on July 16, 2001 (Exhibit "E").

(5) A Preliminary Conference was held before the Honorable Joan B. Lobis, J.S.C., on July 26, 2001<sup>1</sup>. Plaintiff was represented by Amy Saltzman, Esq. and Steven Silpe, Esq. of the law firm of Cohen, Goldstein and Silpe, LLP on that date. The parties agreed on that date "fault will not be an issue", and that only matters of maintenance and equitable distribution need be addressed. A copy of the resulting Preliminary Conference Order is attached hereto as Exhibit "F".

(6) On or about September 17, 2001, plaintiff's counsel Amy Saltzman, Esq. telephoned Paulette DeTiberiis, Esq. of this office to advise us that plaintiff was retaining new counsel. Discovery in this matter had been proceeding at a steady pace. ✓

*Incorrect*

*False* <sup>1</sup> The first Preliminary Conference was originally scheduled for June 21, 2001. The conference was adjourned to July 26, 2001 when plaintiff and his counsel failed to appear.

(7) Pursuant to the aforesaid Preliminary Conference Order dated July 26, 2001, a Compliance Conference was held before Judge Lobis on October 4, 2001. Plaintiff was represented by new counsel, Robert Moses, Esq., on that date.

(8) In the following weeks, an open line of communication existed between Mr. Moses and Ms. DeTiberiis concerning case settlement. At the end of October, 2001, a mutually agreeable settlement was reached by the parties. Plaintiff's counsel undertook to draft the final Stipulation of Settlement, Findings of Fact and Conclusions of Law and Judgment of Divorce. A mutually agreeable date, November 2, 2001, was scheduled for Inquest before the Court.

(9) On November 2, 2001, the parties appeared in Court with counsel. The mutually agreeable Stipulation of Settlement was executed and acknowledged by the parties in open Court that day. An Inquest was held before Judge Lobis at this time, and the terms of the Stipulation of Settlement and parties acceptance thereof was read into the record. Copies of the fully executed Stipulation of Settlement, Findings of Fact and Conclusion of Law and Judgment of Divorce are attached hereto as Exhibits "G", "H" and "I", respectively. A transcript of the Stipulation of Settlement allocution and Inquest is attached hereto as Exhibit "J".

### **Argument**

(10) It is well settled, that "Stipulations of Settlement are favored by courts and are not to be lightly set aside, particularly where the terms of the stipulation were read into the record and the party seeking to vacate the stipulation was represented by counsel" (see, Matter of Galasso, 35 N.Y.2d 319, 321, 361 N.Y.S.2d 871, 320 N.E.2d 618; Daniel

v Daniel, 224 A.D.2d 573, 639 N.Y.S.2d 713; Bossom v Bossom, 141 A.D.2d 794, 529 N.Y.S.2d 1022). Relief from a stipulation will be granted only upon a showing of good cause sufficient to invalidate a contract, such as fraud, overreaching, duress, or mistake (see, Hallock v State of New York, 64 N.Y.2d 224, 230, 485 N.Y.S.2d 510, 474 N.E.2d 1178; Zwirn v Zwirn, 153 A.D.2d 854, 545 N.Y.S.2d 683). Courts will not set aside a stipulation simply because, in hindsight, a party decides that the agreement was improvident (see, Kazimierski v Weiss, 252 A.D.2d 481, 675 N.Y.S.2d 124; Warren v Rabinowitz, 228 A.D.2d 492, 644 N.Y.S.2d 315; Javarone v Pallone, 234 AD2d 814, 815, appeal dismissed 89 NY2d 1030, 90 NY2d 884).

(11) Furthermore, a Stipulation of Settlement with respect to property, custody, and support issues in a matrimonial action, which is placed on the record in open court and which is fair on its face, will be enforced according to its terms unless there is proof of fraud, duress, overreaching, or unconscionability (see, Christian v Christian, 42 NY2d 63, 73; Wilson v Neppell, 253 AD2d 493).

(12) "It is firmly established that open-court Stipulations of Settlement made by parties who are represented by counsel will not be cast aside lightly" (Sheridan v Sheridan, 202 AD2d 749, 751; see, Vermilyea v Vermilyea, 224 AD2d 759, 760; Brender v Brender, 199 AD2d 665, 666; Matter of Flournoy v Porter, 188 AD2d 465, 466; Washo v Washo, 170 AD2d 827, 828).

(13) In the case at bar, the plaintiff is requesting "reformation" of a Stipulation of Settlement entered more than seven (7) months ago. Specifically, plaintiff seeks reformation "to provide plaintiff with maintenance, support and equitable distribution" (see plaintiff's Notice of Motion at Page 1).

(14) The Stipulation of Settlement entered between the parties in this action was, and still is, fair, reasonable and equitable. The parties were married on March 11, 2000. The plaintiff filed for divorce on February 13, 2001, less than one (1) year later. The plaintiff was represented by the attorney of his choosing throughout the entire proceeding. Moreover, the plaintiff himself is an "attorney with an MBA" (see affidavit of plaintiff dated May 25, 2002 at Page 18) who had been intimately involved in the litigation from its inception, relieving two prior attorneys from representation before finalizing settlement negotiations represented by Mr. Moses. There can be little doubt that the plaintiff understood the nature and consequences of his actions when he voluntarily negotiated the subject Stipulation of Settlement, signed it before a notary public, and agreed to be bound by its terms in open Court on November 2, 2001.

fact  
issue

fact  
issue

(15) The affidavit submitted by plaintiff in support of his motion is filled with outlandish allegations that are baseless and unfounded. The accusations which plaintiff levels against the defendant, her attorneys, his own attorneys and various Court personnel are unsupported by fact or evidence. In his attempt to disturb the validity of a legal and valid Stipulation of Settlement, the plaintiff has failed to provide a single affidavit from persons with personal knowledge and facts which support his extraordinary claims. His allegations are based on conjecture, supposition and pure fantasy. The majority of his assertions and "evidence" are poorly veiled attempts to further deride and insult the defendant, and all women alike, and to continue embarrassing the defendant in a public forum.

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(16) Plaintiff contempt for his ex-wife, and women in general, is further evidenced by plaintiff's constant verbal assault on women throughout his affidavit.



Referring to Judge Lobis, plaintiff claims that he was sent "reeling from the unrelenting onslaught on his rights ... without any concern for the egregious nature of the harm Respondent, *a woman*, caused Petitioner, *a man* ...". See Plaintiff's Affidavit at Page 4, Paragraph 8. He slanders his prior attorneys, both women, stating that one of them "relinquished his right to a trial on fault ... without his consent". See Plaintiff's Affidavit at Page 4, Paragraph 8. He states that the police laughed at him when he tried to make a criminal complaint against the defendant, "probably because he was a man, and a man in modern day New York has very few rights ... if the sexes of the parties had been reversed, the police would have jumped at the chance to help the petitioner, but unfortunately an accident of nature left the petitioner defenseless". See Plaintiff's Affidavit at Page 6, Paragraph 12. He states that "a judicial system seething with hatred for men began to fade including the time when one female judge and her female clerk ... laughed at petitioner for requesting a T.R.O. against respondent". See Plaintiff's Affidavit at Page 7, Paragraph 13.

(17) Plaintiff's far-fetched accusations can not overcome the simple fact that the Stipulation of Settlement entered between the parties was the result of lengthy, arms length settlement negotiations between the parties' respective counsel. **Moreover, it was the plaintiff's attorney who drafted the Stipulation of Settlement. Likewise, it was the plaintiff's attorney who drafted the Findings of Fact and Conclusions of Law and Judgment of Divorce in this matter.**

(18) As previously stated herein, the Stipulation of Settlement between the parties in this action was drafted by the plaintiff's attorney, it was presented to the parties in writing, it was signed and acknowledged by the plaintiff, and allocution thereof was

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read into the trial record. On November 2, 2001, before Judge Lobis, on the record in open court, the plaintiff stated under oath that he had an adequate opportunity to read the Stipulation and discuss the terms thereof with his attorney, that he was satisfied with the terms of the Stipulation and his attorneys representation, and that he was not coerced or forced in any way. Indeed, it was plaintiff's attorney who pronounced to the Court "We are pleased to report we settled the whole entire case" (see Exhibit "J", Transcript "TR" of November 2, 2001 at Page 2).

(19) The plaintiff's very own words, when questioned by Judge Lobis under oath and in open Court on November 2, 2001 speak volumes:

**Q: Mr. Hollander, you've had an opportunity to read through that document, correct?**

**A: Yes.**

**Q. You have had an opportunity to ask questions of your attorney?**

**A: Yes.**

**Q: Have you been given satisfactory answers to those questions?**

**A. Yes, I have.**

**Q. Do you believe this is a fair resolution of this marriage?**

**A. Yes, I do.**

→ **Q. Do you feel that you were coerced or forced in any way to enter the agreement?**

**A. No.**

**Q. Is the agreement the product of a negotiation that took place over some period of time?**

**A. Yes, it is, Your Honor.**

**Q. Do you understand you have a right to have a trial?**

**A. Yes, I do, Your Honor.**

**Q. If this agreement is accepted today, it will do away with your right to trial and become a part of a judgment of divorce, do you understand that?**

**A. I understand that, Your Honor.**

**Q. That would not be something you can appeal from.**

**A. I understand that.**

**Q. Have you taken any drugs or alcohol today?**

**A. No, I have not.**

**Q. Did you take any drugs or alcohol the day you signed that document?**

**A. I signed the document today, Your Honor.**

**Q. Have you been satisfied with the services of your attorney and his office?**

**A. I'm very satisfied with my current attorney.**

(20) In sum, the plaintiff has failed to put forth a shred of acceptable evidence that would warrant the extraordinary relief which he now requests. The plaintiff is an educated man who was represented to his satisfaction by his attorney finalizing his case. His vague and baseless claims of coercion and duress seven months after case settlement are contradicted by his very own sworn statements in open Court on November 2, 2001. Moreover, the plaintiff admits being of sound mind and free of drug or alcohol influence on November 2, 2001 when he settled this case in open Court, in contrast to his admissions that he is *presently* under the influence of psychotropic medication necessitated by his "deep emotional despair, depression and anxiety" when making this motion. See Plaintiff's Affidavit at Page 2, Paragraph 3.

*presented  
for  
seclusion  
psychiatric  
help*

(21) In sum, well settled case precedent referenced above mandates that plaintiff's instant motion be dismissed in its entirety.

(22) Accordingly, for all of the reasons set forth herein, the plaintiff's motion for reformation of the Stipulation of Settlement entered November 2, 2001 should be denied in its entirety.

Dated: June 17, 2002  
New York, New York

  
\_\_\_\_\_  
Nicholas J. Mundy, Esq.  
Kuba, Mundy & Associates  
321 Broadway  
New York, NY 10007  
(212) 732-5050

To: (See annexed Affidavit of Service)

**SUPREME COURT OF THE STATE OF NEW YORK  
NEW YORK COUNTY: IAS PART 20**

-----X  
ROY DEN HOLLANDER,

Plaintiff,

Index No. 350091/01

**Decision and Order**

-against-

ALINA A. SHIPILINA,

Defendant.

-----X  
JOAN B. LOBIS, J.S.C.:

In this post-judgment matrimonial action, plaintiff, former husband, proceeding pro se, moves to reform the written stipulation of settlement that was entered into between the parties on November 2, 2001 (the "Stipulation") in order to provide him with maintenance, support, and equitable distribution. Plaintiff claims that the Stipulation must be set aside because of fraud, duress, coercion, and obstruction of the civil litigation process.

Plaintiff and defendant were married in Russia on March 11, 2000. There are no children of the marriage. The matrimonial action was commenced on February 13, 2001, less than one year after the marriage began. The Stipulation was incorporated, but not merged, into the judgment of divorce, which was entered on December 18, 2001, granting dual divorces on the grounds of cruel and inhuman treatment.

With respect to equitable distribution, the Stipulation provides that each of the parties shall have legal title to property that he or she at that point had legal title or possession of, and each party acknowledged that he or she has no title or interest in the other party's property, including real estate, degrees, bank accounts, pensions, etc. Each of the parties released and discharged each other

from any and all claims and demands for support, alimony, and maintenance. The parties also waived all claims against the other, including claims or rights to equitable distribution of property, distributive awards, maintenance, counsel fees, and similar claims. Plaintiff further acknowledged that he had an opportunity to obtain financial disclosures from the wife.

Plaintiff alleges that after the Stipulation was entered into, he received multiple phone threats from associates of defendant. Plaintiff ultimately obtained an order of protection in the hope that it would stop these calls from occurring. Plaintiff claims that he contacted the police and the FBI, but both organizations believed he would be safer if no action was taken. Plaintiff alleges that defendant's mother was obstructing his ability to investigate defendant in Krosnodar, Russia. He further alleges that defendant's mother was indicted for defamation with respect to plaintiff, but the charges were later dropped because Chechen gangsters had threatened all the witnesses into changing their stories. These acts committed subsequent to the signing of the Stipulation cannot be properly referred to as having any consequence on plaintiff's actual signing of the Stipulation.

In support of his motion, plaintiff claims that defendant committed fraud, duress, coercion, and obstruction of the civil litigation process during and after the Stipulation in order to keep plaintiff from pursuing his rights. In addition to defendant, plaintiff blames defendant's relatives, friends, the police, and the courts of obstruction and threats.<sup>1</sup> Plaintiff presented no evidence of fraud, duress, coercion, or obstruction of the civil litigation process by the defendant,

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<sup>1</sup>Plaintiff has also filed a complaint against defendant's attorney with the disciplinary department of the Appellate Division, First Department.

which would entitle him to reformation. Alexander v. Alexander, 112 A.D.2d 121 (2d Dep't 1985).

Plaintiff avers that defendant also committed fraud by misrepresenting or omitting aspects of her net worth statement. Plaintiff's claimed discovery subsequent to the signing of the Stipulation, that defendant had more money than he originally thought is not grounds to set aside the Stipulation, particularly when he had the opportunity for discovery. Furthermore, both parties were represented by counsel and entered into the Stipulation knowingly and voluntarily after extensive negotiations. Plaintiff's claim that he was under duress at the time of signing the Stipulation is negated by his actions of initialing every change made throughout the Stipulation. Gaton v. Gaton, 170 A.D.2d 576 (2d Dep't 1991). Additionally, plaintiff was allocuted on the record before this court. During the allocution, plaintiff indicated that he understood his rights under the Stipulation; that he believed the Stipulation to be a fair resolution of the marriage; that he entered into it of his own free will; that he was not threatened or coerced to enter into the Stipulation in any way; that he understood he was relinquishing his right to a trial; that he was not under the influence of any drugs or alcohol; and, that he was satisfied with the representation of his attorney. Indeed, it was plaintiff's attorney who drafted the Stipulation in the first instance. Plaintiff, who is both a licensed attorney and business school graduate,<sup>2</sup> should have been well aware that he was entering into a legally binding settlement of this matrimonial action.

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<sup>2</sup>Plaintiff annexed his resume to the motion papers. According to his resume, he received a J.D. with high honors from George Washington University Law School in 1985 and then worked as an associate at Cravath, Swaine & Moore. He received an MBA from the Columbia University School of Business in 1997.



In addition, the Stipulation contains a number of terms that undermine plaintiff's claims of fraud, duress, and coercion. See Luftig v. Luftig, 239 A.D.2d 225 (1st Dep't 1997).

Article 10 of the Stipulation, titled "Full Disclosure," contains the following language:

B. The Husband hereby agrees to and does accept all of the provisions of this Agreement, and in particular the financial and property arrangements . . . In so accepting all of the provisions of this Agreement, the Husband specifically acknowledges that he has had an opportunity to obtain financial disclosures from the Wife.

C. The parties acknowledge that they have had an ample opportunity to conduct discovery to (i) compel discovery and inspection of the other's books and records, business and personal; (ii) to take examination of the other before trial; and (iii) to have accountants, appraisers or other[s] investigate, appraise or evaluate the other's business and property. Each party waives these rights to the extent that same have not been exercised.

Similarly, Article 12 provides that "[n]o representation, warranty, agreement or undertaking of any kind or nature has been made to either party to induce the making of this Agreement, except as is expressly set forth herein."


Plaintiff's request for maintenance is denied. He claims that he has been unemployed since his marriage and currently has "next to no income." He has not provided a current statement of net worth. There is no evidence that plaintiff is "incapable of self-support and therefore is likely to become a public charge" if the Stipulation is not set aside. See GOL § 5-311; See, Goldring v. Goldring, 290 A.D.2d 365 (1st Dep't 2002); see also Thompson v. Thompson, \_\_\_ A.D.2d \_\_\_, 741 N.Y.S.2d 641, 642 (4th Dep't 2002); Valente v. Valente, 269 A.D.2d 389 (2d Dep't 2000). Because there was no foreseeable risk at the time of execution of the Stipulation that plaintiff would become a public charge, his claim for maintenance is dismissed. See, Lasky v. Lasky, 163 Misc. 2d 859

(Sup. Ct. Westch. Co. 1994), aff'd, 216 A.D.2d 366 (2d Dep't 1995).

Plaintiff's motion to reform the Stipulation is denied. This constitutes the decision and order of the court.

Dated:

*August 1, 2002*

  
\_\_\_\_\_  
JOAN B. LOBIS, J.S.C.

FAMILY COURT OF THE STATE OF NEW YORK

COUNTY OF NEW YORK

-----X

ROY DEN HOLLANDER,                      Petitioner,                      Docket No. O-03570/02

-against-

NOTICE TO ADMIT

ALINA SHIPILINA,                      Respondent,                      JUDGE: JODY ADAMS

-----X

To: Nicholas J. Mundy

Pursuant to CPLR 3123 and within twenty days after service of this notice, the petitioner requests the respondent to admit, for the purpose of this proceeding only and subject to all pertinent objections to admissibility which may be interposed at the hearing, the truth of the following matters of fact:

1. During October 2001, annulment/divorce proceedings between petitioner and respondent were on going in the Supreme Court of the State of New York in the County of New York before Justice Joan Lobis, Index No. 350091/01.
2. On October 4, 2001, respondent and her attorney, Paulette Detiberiis, attended a compliance conference before Justice Joan Lobis in the annulment/divorce proceedings between petitioner and respondent, Index No. 350091/01.
3. At the compliance conference noted in number 2 above, Justice Lobis in the presence of respondent and Ms. Detiberiis granted petitioner the right to file a motion to set aside the Preliminary Conference Stipulation that stated fault would not be an issue in the annulment/divorce proceeding between petitioner and respondent.
4. Following the compliance conference noted in number 2 above, respondent understood that petitioner's filing of a motion to set aside the Preliminary Conference Stipulation that stated fault would not be an issue in the annulment/divorce proceeding between petitioner and respondent might result in a trail on the issue of fault.
4. A criminal decree was filed against respondent's mother, Inessa Shipilina, by a Krasnodar prosecutor on January 25, 2002, that charged Inessa Shipilina with defaming the petitioner.
5. Respondent has worked as a lap dancer at the topless club called Flash Dancers located at 1674 Broadway in Manhattan.



6. Respondent continues to work as a lap dancer at the topless club called Flash Dancers located at 1674 Broadway in Manhattan.

7. Respondent has worked as a lap dancer at the topless club called Flash Dancers located at 1674 Broadway in Manhattan since July 2000.

Dated: New York, New York

May 17, 2002

Roy Den Hollander

Petitioner

545 East 14<sup>th</sup> Street, Apt. 10D

New York, NY 10009

212 995 5201

To: Nicholas J. Mundy

Attorney for Respondent

Kuba, Mundy & Associates

321 Broadway

New York, NY 10007

212 732 5050

FAMILY COURT OF THE STATE OF NEW YORK

COUNTY OF NEW YORK

----- X

ROY DEN HOLLANDER,                      Petitioner,                      Docket No. O-03570/02

-against-

**PETITIONER'S FIRST**

ALINA SHIPILINA,                      Respondent,                      **NOTICE FOR DISCOVERY**

**AND INSPECTION**

JUDGE: JODY ADAMS

-----X

**PLEASE TAKE NOTICE**, that, pursuant to the provisions of Rule 3120 of the Civil Practice Law and Rules, petitioner, Roy Den Hollander, demands that respondent, Alina Shipilina, produce for inspection and copying the documents described below at 4:00 p.m. on Friday, June 21, 2001, at the Village Copier, 20 East 13<sup>th</sup> Street, New York, NY 10003.

**PLEASE TAKE FURTHER NOTICE** that this Notice is continuing and applies as well to any additional responsive documents that come within defendant's possession or control after the date of production.

**INSTRUCTIONS AND DEFINITIONS**

1. Unless otherwise specified, all requests cover the period **JANUARY 1, 1996** to the date of production.
2. Requests for documents "since" a certain date means from that date to the date of production.
3. Use of the word "and" means "and/or" and use of the word "or" means the same thing.
4. References to anything "owned" by respondent or "held" in her "name" or by her includes anything owned in whole or in part by respondent, or jointly by her with any others, or in which she has a beneficial interest, provided that respondent's interest is at least 10% of the total, and also any account on which respondent is a named signatory (without regard to the percentage of her legal or beneficial interest and no matter in what capacity she is a signatory).

5. References in the present tense to respondent's ownership of any assets include both past and present ownership during all or part of the period specified, as the case may be.

6. Use of the words "including" and "any" are not restrictive and mean "including without limitation" and "any/or all", respectively.

### **DOCUMENT DEMANDS**

1. With respect to the income, earnings, salaries, wages, commissions, interest, dividends, bonuses, funds, returns of capital, reimbursed expenses, gifts, legacies, loans, advances and other monies or securities received by defendant from all sources, including prostitution; stripping; lap dancing; and erotic and pornography videos, digital recordings and still photographs: all documents reflecting such payments since January 1998.

2. With respect to all checking accounts held in respondent's name individually or jointly with another or others: the checkbooks, checkbook stubs, monthly statements, computer printouts, computer disks and other documents reflecting the status of and activity in such accounts since September 1, 2001.

3. With respect to all cash accounts, savings accounts, certificates of deposit, money market funds, trusts, custodial accounts and other cash deposits held in respondent's name individually or jointly with another or others: the monthly statements, transaction records, computer printouts and computer disks reflecting the status of and activity in such accounts since September 1, 2001.

4. With respect to all mutual funds and brokerage accounts held in respondent's name for transactions in securities of any kind (including stocks and bonds, issued by any entity, foreign or domestic, private or governmental): monthly statements, transaction records, computer printouts and computer disks reflecting the status of and activity in such accounts since September 1, 2001.

5. All Russian international and national passports and any other passports of defendant's in force at any time since 1996.

6. Originals or copies of any complaints respondent filed with the New York City Police Department since January 1, 2002.

7. Originals or copies of any criminal proceedings brought against respondent's mother, Inessa Shipilina, by prosecutors in Krasnodar, Russia.

8. All model photo cards used by respondent since July 1, 2000.

9. Originals or copies of all respondent's work schedules for Flash Dancers Topless Club located at 1674 Broadway in Manhattan.

10. Originals or copies of telephone billing records for the numbers 718 274 4902 and 917 374 4713 for October 2001, February 2002, and March 2002.

11. With respect to all credit cards in respondent's name or maintained for her benefit since September 1, 2001: the monthly bills, statements, and vouchers.

12. Electronic address book and any other list of defendant's customers or clients for whom she engaged or engages in prostitution as defined by New York State Penal Law Section 230, and for whom she engaged or engages in erotic performances including lap dancing and stripping in return for economic gain.

Dated: New York, New York  
May 17, 2002

Roy Den Hollander  
Petitioner  
545 East 14<sup>th</sup> Street, Apt. 10D  
New York, NY 10009  
212 995 5201

To: Nicholas J. Mundy  
Attorney for Respondent  
Kuba, Mundy & Associates  
321 Broadway  
New York, NY 10007  
212 732 5050

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FAMILY COURT OF THE STATE OF NEW YORK

COUNTY OF NEW YORK

-----X

ROY DEN HOLLANDER,                      Petitioner,                      Docket No. O-03570/02

-against-

INTERROGATORIES

ALINA SHIPILINA,                      Respondent,                      SECOND SET

JUDGE: JODY ADAMS

-----X

To: Nicholas J. Mundy

The petitioner, Roy Den Hollander, requests that the respondent, Alina Shipilina, answer under oath, in accordance with Article 31 of the CPLR, the following interrogatories:

1. State the full name, age, residence and post office addresses, home telephone numbers, business addresses and business telephone numbers and occupation for the man who telephoned Petitioner on behalf of Respondent in October 2001 and left a voicemail at Petitioner's mobile telephone number stating the following:

"Roy Den Hollander, how are you? This is John Madison calling on behalf of Angelina. Your ex or soon to be ex wife (inaudible). Now that she is getting new counsel, and mainly we're going to challenge every answer to your filings, every aspect of this marriage, being that it originated in Russia. And basically try to understand that because of the fact that things didn't work out, your malicious actions are basically going to be very carefully reviewed, not only by the proper authorities, but also under every ledger of the lawyer. We will challenge every single aspect of your filings and of this case. And I assure you one thing; we're not going to basically keep our eyes closed to this issue. We are going to basically be looking at this very carefully, and we will challenge you on every aspect. I assure you of one thing on this arbitration hearing, I will be attending.

And as far as everything else goes, I can tell you first hand with all due respect that I'm disgusted by the way you handled it. And quite frankly, I question every single bit of your motions and your filings. And, I assure you one thing, that this issue is definitely going to be an issue that you're going to have to face up to reality on my friend. So as far as it goes, I will leave you with that. And I will try to reach you at home to see if you are there.

But in the meantime, bear in mind that this case is not going to go basically with her lying down and being abused over this whole issue. And you trying to take advantage of

the situation and try to claim all these (laughter) basic unfounded claims against her. Which basically have no foundation whatsoever. On the other hand, it really reflects on you on how you've handled this, and that a lot of your issues are very questionable. So, never the less, I will be trying to get in touch with you and have yourself a nice day."

2. State the full name, age, residence and post office addresses, home telephone numbers, business addresses and business telephone numbers and occupation for the man who telephoned Petitioner on behalf of Respondent in February 2002 and left a voicemail at Petitioner's mobile telephone number stating the following:

"Mr. Hollander, this is John Pierre, and I left you a message earlier on. And I did speak with you but apparently for whatever reason, you obviously weren't available to talk. I'm giving you a courtesy phone call.

I'm going to tell you to cease and desist with your actions against Angelina. I will tell you right now that what you're doing, I know everything about you. I know exactly what you have been doing and your past history and your record. I know everything about you sir.

I liked to explain to you what's going to happen. If you continue harassing and making this girl's life miserable, I will promise you that everything under the law and under my ability to do so under the law, I will pursue you in every way shape and form imaginable under the law, and make sure that justice is done because right now you disgust me. As a human being, I am just so disgusted with everything about you and what you've done to this girl. More than some pathetic form of display of inhuman treatment—you've gone beyond that sir. I'm very much available! And let me tell you something that I am extremely well known in this city, and I know everything about you. You better get your act together, and I am telling you this under fairness and courtesy—cease and desist with what you are doing to this girl and her family and the way you try to (affect) her in her country. Because you, my friend, are right now going to be under investigation if I hear one more word that this is happening. And it's not going to be by me, but the federal government. And you at this point in time have crossed several boundaries that cause for a lot of red flags to (wave) in the air my friend.

So, quite frankly, right now I would be basically on my good behavior. All I'm telling you do the right thing Mr. Hollander, it obviously is the best thing to do. Be human and be courteous and understanding of other people's feelings and their lives. I think you guys are over and done with. That's it—leave her alone! Have a nice day."

3. State the full name, age, residence and post office addresses, home telephone numbers, business addresses and business telephone numbers and occupation for the man who telephoned Petitioner on behalf of Respondent in March 2002 and stated the following:

Mr. Hollander, this is John Pierre calling on behalf of Angelina. I told you before to cease and desist with your legal actions. I'm warning you do not testify before the INS or we will meet. (In the background, I heard Alina say 'About my mother and the prosecutor.') And do not try to get the case in Russia reopened. We're watching you, have a nice day.

4. State the nature of the relationship between the Respondent and the men whose names were answered in Interrogatories 1, 2 and 3 above.

5. State when, where, how and under what circumstances Respondent met the men whose names were answered in Interrogatories 1,2 and 3 above.

6. State the full name, address and telephone numbers of anyone and everyone Respondent talked with regarding any of the telephone calls cited in Interrogatories 1,2 and 3 above.

7. State all names Respondent has used since 1996, where used and the purpose for using such names.

8. State whether Respondent has ever associated with any criminals in Russia, Cyprus, Italy, Mexico or America and when, where and with whom associated.



9. State reason or reasons Respondent went to the 114<sup>th</sup> Police Precinct in March 2002 as concerns Petitioner.

10. State with whom Respondent talked at the 114<sup>th</sup> Police Precinct in March 2002 and the content of those discussions concerning Petitioner.

11. State what notice Respondent has of any United States Immigration and Naturalization investigations or proceedings concerning Respondent, the nature of the investigations or proceedings and when notified about them.

PLEASE TAKE FURTHER NOTICE that a copy of such answers must be served upon the undersigned within twenty (20) days after the service of these interrogatories.

Dated: May 23, 2002

New York, New York

Roy Den Hollander

545 East 14<sup>th</sup> Street, Apt. 10D

New York, NY 10009

(212) 995 5201

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FAMILY COURT OF THE STATE OF NEW YORK

COUNTY OF NEW YORK

-----X

ROY DEN HOLLANDER,                      Petitioner,                      Docket No. O-03570/02

-against-

INTERROGATORIES

ALINA SHIPILINA,                      Respondent,                      JUDGE: JODY ADAMS

-----X

To: Nicholas J. Mundy

The petitioner, Roy Den Hollander, requests that the respondent, Alina Shipilina, answer under oath, in accordance with Article 31 of the CPLR, the following interrogatories:

1. State your full name, age, residence and post office addresses, home telephone numbers, business addresses and business telephone numbers for the past four (4) years.

2. State the names, telephone numbers and addresses of all employers, agents, clients, customers or any other person or entity that provided you with money and the amount or other economic benefit and the monetary value of such, including but not limited to material goods and travel, in return for your providing services that included but were not limited to prostitution, lap dancing, stripping or any other form of sexual activity as defined by New York State Penal Law Section 130 or sexual conduct as defined by New York State Penal Law Section 230 and displaying any portion or all of your body for video, digital or still pictures or a live audience from July 11, 2000, until the

present. Give the date, place, payment, expenses and nature of services provided for each provision of services and reason for termination.

3. As to your present places of work, state:

a. Name and address of owner and manager;

b. Type of work performed, position held and nature of work or business in which you are engaged;

c. Amount of time you have been working at present jobs;

d. Hours of work at each;

e. Rate of pay or earnings, setting forth specifically your gross and net average weekly income, salary, wages, commissions, overtime pay, bonuses and gratuities and itemized expenses;

Attach copies of all evidence of above payments and expenses, including pay stubs, W2 forms, etc. for the past year.

4. State and itemize all deductions from your gross weekly earnings or other emoluments, including but not limited to taxes, insurance, savings, loans, pensions, profit sharing, dues and stock options.

5. State whether you have filed federal, state, local or other income tax returns during the last four (4) years with the appropriate tax authorities for any of the countries in which you earned income, including but not limited to the United States, Russia, Cyprus, Mexico and Italy. If so, indicate the years during which the same was filed and whether federal, state, local or other. If you have not filed a return or returns, state the reason or reasons why.

Attach copies of all such returns filed during the past four (4) years.

6. Itemize all bank, stock or brokerage accounts, certificates of deposit, treasury bills, stock certificates, notes or mortgages in your name or in which you have an interest presently or have had an interest during the past four (4) years, stating for each:

(a) The name and address of each bank, stock brokerage or other depository;

(b) The balance in those accounts as of the date of the service of the summons in this action;

(c) The present balance;

(d) The source of funds for all deposits and purchases made in said accounts;

(e) The name and address in which each account is registered, the account numbers and whether any individual, whether or not listed on said account, has an interest therein.

(f) If you hold any stock certificates, notes, mortgages or commercial paper not included above, itemize them and state the number of shares, their value, the location of the certificate, note, mortgage or other commercial paper and the source of the funds used to acquire them.

Attach copies of the monthly statements of such accounts for the past four (4) years and copies of savings account books or savings books and check registers.

5. State whether you have a safe deposit box or boxes either in your name individually, or in the name of a partnership, or corporation and to which you have access, stating the following:

(a) The location of each box and box number;

(b) The name in which it is registered and who, in addition to yourself, has access to each box;

(c) List the contents of each box since the boxes were rented by you. If the contents have changed over the time of your access to the boxes, then for each box state the approximate date and nature of what was put in and taken from each box.

7. If you have any cash in your possession or under your control in excess of \$500.00, specify;

(a) The amount of cash;

(b) Where it is located;

(c) The source of said cash.

8. State whether you have made any gift of any money and/or personal property to friends, relatives or anyone else during the past four (4) years of a value in excess of \$500.00. If so, state:

(a) The names and address of said person and the relationship of that person to you;

(b) The nature and value of the gift or the amount of money given;

(c) The date each gift was given;

(d) The reason for such gift;

(e) The source of the funds used to purchase such item.

9. What is respondent's current immigration status in the United States?

10. State the names of the employees of Flash Dancers Topless Club with whom respondent associates and any of their telephone numbers if known.

PLEASE TAKE FURTHER NOTICE that a copy of such answers must be served upon the undersigned within twenty (20) days after the service of these interrogatories.

Dated:

New York, New York

Roy Den Hollander

545 East 14<sup>th</sup> Street, Apt. 10D

New York, NY 10009

(212) 995 5201





FAMILY COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

=====X

ROY DEN HOLLANDER,

Docket No. O-03570/02

Petitioner,

AFFIRMATION IN SUPPORT

-against-

ALINA SHIPILINA,

Respondent.

Assigned to  
Judge Jody Adams

=====X

NICHOLAS J. MUNDY, ESQ., an attorney duly admitted to practice before the Courts of the State of New York, affirms the truth of the following matters:

1. I am associated with the law firm of KUBA, MUNDY & ASSOCIATES, attorneys for the Respondent, and as such am fully familiar with the facts and circumstances herein.

2. I make this affirmation in support of the Respondent's motion for a protective order, pursuant to CPLR § 3103.

3. Pursuant to Uniform Rule § 202.17, I have attempted in good faith to resolve the issues raised in this motion without judicial intervention. However, at this time it has become clear that judicial intervention is required.

4. The Petitioner ROY DEN HOLLANDER commenced this action against the Respondent to obtain a permanent order of protection. Petitioner alleges Respondent engaged in conduct that was intended to threaten and harass the Petitioner, and that he received a harassing telephone call from a male caller in which he heard the Respondent's voice in the background. A copy of the Petition is

annexed as Exhibit A.

5. The Respondent vehemently deny the Petitioner's allegations.

6. The Petitioner has served demands for discovery and inspection, together with a first and second set of interrogatories. He has also served Subpoenas upon the Verizon and the Federal Bureau of Investigation (FBI). Copies of Petitioners various discovery demands and subpoenas are annexed hereto as Exhibit B.

7. From the outset, it has appeared to your affiant's firm that the Petitioner's demands were outrageous in the context of this litigation, and were objectionable in many ways.

8. Nonetheless, the Respondent, uninterested in protracted litigation and continuing legal fees, advised the undersigned that she preferred to resolve the instant proceeding forthwith by consenting to a one year order of protection by stipulation. Thus, Petitioner's outrageous discovery demands became mute.

9. However, on July 2, 2002, before the Honorable Jody Adams, the Petitioner refused to accept a Stipulation granting him the very one year order of protection which he seeks, and demanded a full merits hearing. Thus, the instant motion for a protective order became necessary.

10. It is apparent that this Court should issue an order, pursuant to CPLR § 3103, protecting the Respondents from Petitioner's improper demands.

11. The protective order is the Court's perpetual guard against discovery abuses." D. Siegel, New York Practice § 353 (2nd

Ed., 1991).

12. On its own or on motion of any party or witness, the Court may, at any time, make a protective order denying, limiting, conditioning, or regulating the use of any disclosure device. The order shall be designed to prevent unreasonable annoyance, expense, embarrassment, disadvantage, or other prejudice to any person or the courts. CPLR § 3103(a).

13. The broad terms of CPLR § 3103(a) indicate that the Court has discretion to make whatever protective order is appropriate under the particular circumstances.

14. No time limit is provided for in CPLR § 3103 for making a motion to obtain a protective order. CPLR § 3103 states that the motion may be made "at any time". The exception is that as to certain items demanded (i.e., notices for discovery and inspection and physical exams, etc.) to which the motion should be made within ten days. CPLR § 3122.

15. Nevertheless, the Courts have allowed the motion to be made at any time where the discovery demanded is palpably improper. See: e.g., *Wood v. Sardi's Restaurant*, 47 AD2d 870, 366 NYS2d 150 (1975).

16. On July 2, 2002, Respondent had every reason to believe that the instant proceeding was to be settled in it's entirety. The Petitioner's unreasonable refusal to stipulate to settlement wherein Respondent has agreed to a one year order of protection is additional evidence of the fact that Petitioner seeks only to harass and annoy the Respondent with continued litigation, and is the sole reason that this instant motion became necessary.

17. In light of the foregoing, the motion should be entertained as to all discovery demanded by Petitioner. Furthermore, the mere making of the motion herein by Respondent has served to suspend disclosure of the matters in dispute. CPLR § 3103.

18. The Respondent's position is that ALL of the Petitioner's demands are objectionable. While this may appear at first glance to be an unreasonable position, even a cursory review of the Petitioner's demands make it clear that this is indeed, a fact. His discovery demands are not only unduly burdensome and objectionable, they are offensive to the Respondent, and should be offensive to the Court. There can hardly be a greater example of discovery abuse before this Court.

19. As an example of the blatant impropriety of the Petitioner's discovery demands and interrogatories the court should note that Petitioner has demanded, *inter alia*:

- State what notice Respondent has of any United States Immigration and Naturalization investigations or proceedings concerning the Respondent, the nature of the investigations or proceedings and when notified about them.

- State whether Respondent has ever associated with any criminals in Russia, Cyprus, Italy, Mexico or America and when, where and with whom associated.

20. Clearly, these demands are irrelevant, overbroad and unduly burdensome, and as previously stated herein, offensive. It would be waste of time to reproduce the objectionable demands made by the Petitioner in this motion, because as previously stated,

EVERY REQUEST MADE BY THE PETITIONER IS OUTRAGEOUS AND  
OBJECTIONABLE.

21. The information demanded and the tactics employed by the Petitioner amount to nothing more than harassment, and are thus improper. Indeed, they appear calculated to do nothing more than embarrass, annoy and harass the Respondent. Petitioner's demand for personal information that is irrelevant to these proceedings is actually shocking.

22. The Petitioner has demanded, *inter alia*: copies of passports, police complaint reports filed by the Respondent, "model photo cards", work schedules, credit card statements, "list of customers or clients for whom she engaged or engages in prostitution" .

23. Obviously, the Court can read through the demands, interrogatories and the notices and can see that they are palpably improper. They utilize the use of the words "any and all" and call for extraneous and unnecessary personal information. They are filled with innuendo and insult intended to embarrass and offend the Respondent in a public forum, such as naming her a prostitute.

24. Much of the information demanded is so outrageous and palpably irrelevant as to constitute grounds for sanctions. Nevertheless, Respondents are not requesting sanctions, but rather are seeking to stop the harassment at this time.

25. It is well established that proper procedure requires that a party first ascertain whether the requested materials exist and if so, whether they are arguably pertinent. Thereafter, the party serve a notice for discovery and inspection calling for the

production of specifically identified documents. Only at such time can the right to discover and inspect such documents be intelligently adjudicated. [See: *Ribs v. Donovan*, 21 AD2d 409, 413-414, 250 NYS2d 818, 822-823, (1st Dept., 1984); *Wood v. Sardi's Restaurant*, 47 AD2d 870, 366 NYS2d 150 (1975); *Agricultural v. Chemical*, 462 NYS2d 667, 94 AD2d 671;

26. This Court is vested with the authority to "regulate" the use of disclosure devices pursuant to the explicit wording of CPLR § 3103. See also, *Barouh v. IBM*, 76 AD2d 873, 429 NYS2d 33 (2nd Dept., 1980). The court should do so, particularly where as here, substantial abuse would otherwise take place, and parties will be unduly burdened (in all likelihood for no reason).

27. Simply put, the Petitioner's demands are without sufficient basis and are overbroad and unduly burdensome. They are offensive, and in many instances, shockingly outrageous and abusive.

28. The Court can plainly see how onerous the demands are. They ask for information of such a personal nature, that there can be no doubt that they were simply drafted as a harassment tactic by the Petitioner.

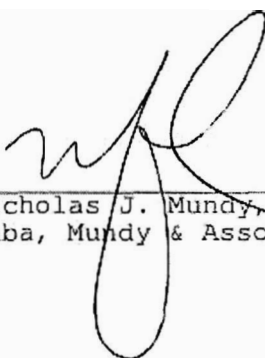
29. Burdensome, oppressive, and in many parts inappropriate interrogatories and requests for documents warrant a vacation of the interrogatories and requests, rather than pruning them. *Aeron v. Chemco Intern.*, 498 NYS2d 49, 117 AD2d 573 (AD, 2nd Dept., 1986); *Spancrete Northeast v. Elite Associates*, 539 NYS2d 441, 148 AD2d 694 (AD, 2nd Dept., 1989); .

30. No previous request for the relief prayed for herein has

been made.

31. Wherefore, for all the foregoing reasons, the Respondent's motion should be granted in its entirety. The Petitioner's discovery demands should be stricken in their entirety as per the CPLR, and the completion of discovery should take place in accordance with the Court's direction in its order.

Dated: July 11, 2002  
New York, New York



Nicholas J. Mundy, Esq.  
Kuba, Mundy & Associates



FAMILY COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

----- -X

ROY DEN HOLLANDER,	Petitioner,	Docket No. O-03570/02
		<b>AFFIRMATION IN</b>
-against-		<b>OPPOSITION</b>
		TO RESPONDENT'S
		MOTION FOR DISCOVERY
		PROTECTIVE ORDER
ALINA SHIPILINA,	Respondent,	AND VACATING DISCOVERY
		REQUESTS
		JUDGE: HELEN C. STRUM

----- -X

STATE OF NEW YORK     )  
  ) ss.:  
COUNTY OF NEW YORK    )

ROY DEN HOLLANDER, ESQ., an attorney duly admitted to practice law before the courts of the state of New York affirms the following to be true:

1. That I am an attorney representing myself, Petitioner, in the above captioned matter and am fully familiar with all the facts and circumstances to which this affirmation pertains.
2. I submit this affirmation in opposition to Respondent's motion for a protective order regarding discovery requests and vacating of discovery requests.

**Argument**

3. Discovery proceedings of the CPLR are applicable to Family Court proceedings.  
Russo v. Hardy, 1972, 68 Misc.2d 1057, 328 N.Y.S.2d 425.
4. "CPLR 3101(a) broadly mandates full pre-trial disclosure by the parties of all matter or data that is material and necessary in the action...." New York Civil Practice, Weinstein Korn and Miller, Section 3101:03, page 31-14.

5. “The broad circumference of pretrial disclosure is enunciated in CPLR 3101 which in essence reflects legislative policy favoring the forthright exchange of information by parties in advance of trial in civil actions. That policy is implemented by the procedures set forth in CPLR 3102 pertaining to the disclosure menu and methodology embodied in CPLR 3102.” Id. at Section 3102.01, page 31-255.
6. “CPLR 3102 does not specifically limit a party seeking disclosure to a choice of any one or more of the methods on its menu. There is no express limit on the number of times a device may be used.” Id., page 256.
7. “The responding party no longer bears the burden of moving to strike interrogatories or demands for documents and things to which that party has an objection. Instead, under [CPLR 3103(a), 3122 and 3133], the responding party **must** within twenty days of service of the demand for production ‘serve a response which shall state with reasonable particularity the reasons for each objection,’ and within twenty days of the service of interrogatories, **must** serve ‘a copy of the answer to each interrogatory except one to which the party objects, in which event the reasons for the objection shall be stated with reasonable particularity.’” Id. Section 3103.07, pages 31-309, 310 (emphasis added).
8. The first set of discovery papers were served by mail on Respondent’s attorney, Nicholas J. Mundy, on May 17, 2002. See attached Exhibit 1, Affidavit of Service. This beginning “flood” of papers, as characterized by Mr. Mundy, weighing significantly less than a pound, consisted of interrogatories, a request for inspection and copying of documents and notice for admissions. Under the CPLR, Mr. Mundy had until June 17, 2002, to provide answers to the interrogatories or merely note his

objections—overly broad, burdensome, intrusive, etc.—next the questions he believed inappropriate under Section 165 of the Family Court Act or CPLR 3101 *et seq.* As to the request for inspection, Mr. Mundy had until June 21, 2002, to produce the documents or, as with the interrogatories, merely note his objections. With the request for admissions, all Mr. Mundy needed to do was note “not admitted.” Mr. Mundy, however, chose to do nothing—not a telephone call, not a letter—nothing. He chose to ignore the rules of civil procedure and not even make an attempt to resolve the discovery issues without involving the Court.

9. The second, even lighter, set of discovery papers was served by mail on May 24 and due June 24, 2002. See attached Exhibit 2, Affidavit of Service. These papers consisted of eleven interrogatories on six sheets of paper. Once again Mr. Mundy did nothing and made no attempt to resolve the issues without motion practice.
10. Petitioner filed three motions to compel Mr. Mundy to play by the rules of discovery. Two other motions to compel discovery from non-parties were directed at the Federal Bureau of Investigation and Verizon in an effort to discover the identity of the man making the threatening telephone calls to Petitioner at the instigation of Respondent.
11. Had Petitioner not filed the motions to compel discovery from Respondent, Mr. Mundy would have most assuredly argued to the court that Petitioner’s silence constituted relinquishment of his right to discovery. As witnessed at the July 2, 2002, proceeding, Mr. Mundy’s arguments appear to carry great weight with the Court when before even providing the Petitioner a meaningful hearing on his motions to compel discovery, the Court decided Petitioner’s discovery requests intrusive and instructed Mr. Mundy to file a motion for a protective order—no doubt the motion

will be granted. As such, the filing of the motion papers for a protective order appears more a matter of form than substance, since the Court in its own words has already made its decision.

12. The court's articulation of its discovery decision came at the beginning of the hearing when the court first addressed Mr. Mundy even though the issue involved the Petitioner's motions to compel discovery, which normally infers the court would have initiated the proceeding by questioning Petitioner. But of course, the court has wide discretion. Still the tenor, flow and length of the court's discussion with Mr. Mundy appeared to Petitioner as a continuation of previous ex parte talks. Before the hearing began, Mr. Mundy had been situated in the courtroom while Petitioner was instructed to wait in the hallway outside. The same situation occurred at the May 6, 2002, preliminary conference where Mr. Mundy also had free ingress and egress to the courtroom while the pro se Petitioner did not.
13. In any event, when a court considers a motion for a protective order, it will normally assume that the allegations of the pleadings are true. Green v. Sleznick, 220 A.D. 12, 221 N.Y.S. 63 (4<sup>th</sup> Dept. 1927); Balducci v. Zenner, 203 Misc. 40, 113 N.Y.S.2d 178 (Sup. Ct. Onondaga Co. 1951).
14. Mr. Mundy makes in his Notice of Motion and Affirmation a number of misrepresentations, dissemblances, half-truths and prevarications in a sophistic effort to obfuscate Petitioner's allegations and the facts in order to mislead the Court.
15. In the third paragraph of Respondent's Notice of Motion, Mr. Mundy says, "A good faith attempt has been made to resolve these issues without motion practices..." and in paragraph 3 of Respondent's Affirmation, Mr. Mundy says, "I have attempted in

good faith to resolve the issues in this motion without judicial intervention.” Mr.

Mundy’s “good faith attempt” consisted of doing nothing in violation of the CPLR 3103(a), 3122 and 3133.

16. Paragraph 4 of Mr. Mundy’s Affirmation dissembles by implying Petitioner received only one threatening and harassing telephone call when the Petition cited by Mr. Mundy clearly states “several”.

17. In paragraph 8 of Mr. Mundy’s Affirmation, he falsely implies that Petitioner made his discovery requests while a settlement offer was pending. Nothing could be further from the truth. On May 6, 2002, the Court made an offer to Mr. Mundy in open court for his client to agree to a one-year protection order against Respondent—Mr. Mundy refused. Petitioner served his discovery requests on May 17 and 24, 2002. It wasn’t until fifteen minutes before the July 2, 2002, hearing that Petitioner learned of the settlement offer when Judge Sturm’s law clerk told Petitioner that Mr. Mundy was offering a one-year order of protection with no admissions by Respondent. Petitioner exercised his constitutional right and did not accept the belated offer.

18. Paragraph 9 of Mr. Mundy’s Affirmation misrepresents and misleads when it states “Petitioner refused to accept a Stipulation granting him the very one year order of protection he seeks....” Here Mr. Mundy failed to state the full details of the settlement offer that included Respondent not admitting to any wrong doing, which would make the order in this situation a meaningless deterrent, since it concerns a respondent steeped in the culture of Chechnya where she grew up and one who will most likely use her many homeland connections to carry out the threats communicated to Petitioner.

19. A one-year order of protection with out admission of wrong doing fails to provide sufficient protection for Petitioner, since it also does not disclose the identity of the man making the telephone calls. The man, as FBI agent Vadim Thomas opined, is probably an organized crime member that works at “Flash Dancer Topless Club”, which is the very same club where Respondent has worked as a stripper for the past two years.
20. Mr. Mundy also failed to note in his deceptive efforts to discredit Petitioner’s refusal of a settlement offer that the Family Court has the power to grant a three-year order of protection when there is exposure of Petitioner to physical injury.
21. If Mr. Mundy would listen to the two audiotapes in his possession of two of the threatening telephone calls made to Petitioner, even he would conclude that they carry the threat of physical injury. Add in the common knowledge among international law enforcement officials and private security and intelligence firms that deal with Chechnya and Russia (Petitioner served as Acting Country Manager of Russia for Kroll Associates) and any reasonable person would conclude that threats originating from a Russian with money, Respondent earns tax free an estimated \$12,000 or more a month, require an effective deterrence.
22. It is difficult to convey to the Court the matter-of-fact brutality and utter disregard for court decisions that constitute business as usual in Russia and Chechnya. Disputes are more likely to be resolved with money and guns than by the courts in these two intertwined cultures. Unfortunately, many immigrants bring with them to America their traditional ways for handling disputes. Respondent has both the means in terms

of money and the connections with Russian and Chechen organized crime to employ traditional Russian and Chechen methods to achieve her ends.

23. A settlement that provides for a two or three year protective order where it is on the record that Respondent admits to her intent, reasons and actions taken in arranging for some man to make the threatening telephone calls will provide sufficient deterrence to protect Petitioner from Respondent hiring some Russian or Chechen hoodlum who charges the going rate of \$5,000, plus airfare and hotel expenses, for disposing of a foreigner because the FBI will have a record sufficient for them to act upon. Such a settlement would also avoid protracted litigation and continuing legal fees.
24. Mr. Mundy's Affirmation arrogantly argues that Petitioner had no right to refuse Mr. Mundy's settlement. Since it is Petitioner and not Mr. Mundy who has been threatened with the clear message of grave bodily harm, Petitioner, and not Mr. Mundy, has at least some right to decide whether a settlement offer is more likely to effectively deter Respondent in the future so that Petitioner may be restored to the peace of mind and freedom from fear he possessed before these threats began in October 2001.
25. Mr. Mundy's Affirmation regularly omits pertinent facts such as in paragraph 16 where it states, "On July 2, 2002, Respondent had every reason to believe that the instant proceeding was to be settled in its entirety." Mr. Mundy, apparently prone to hyperbole, failed to state any of the "every reason" that led Respondent to expect a settlement.
26. Also in paragraph 16, Mr. Mundy refers to "additional evidence" that Petitioner is trying to harass Respondent, but Mr. Mundy fails to provide any. Mr. Mundy has

apparently forgotten the issue in this case is threatening and harassing telephone calls made to Petitioner. Petitioner's exercise of his constitutional right to petition an American court for protection from an alien resident and her associates is not harassment.

27. Mr. Mundy verbalizes his mask of righteous indignation at Petitioner's discovery requests by calling them "outrageous" in paragraph 7 of his affirmation. If they were so outrageous, why didn't he respond as provided for under CPLR 3103 (a), 3122 and 3133 rather than doing nothing that necessitated Petitioner to file motions to compel?
28. Mr. Mundy didn't respond because he wanted to avoid any discovery whatsoever, as he admits in paragraph 18 of his Affirmation—a not very subtle way of violating Petitioner's rights under the CPLR and thwarting legislative policy. Mr. Mundy goes so far in his twisted logic for preventing all discovery that the standard he advocates for the Court to use in determining the appropriateness of a discovery request is to make a "cursory review" of the demands and then throw them all out.
29. Furthermore, Mr. Mundy cites old law in paragraph 25 of his affirmation relying on Rios v. Donovan, 21 AD2d 409, 250 N.Y.S.2d 818 (1st Dept 1964) for the rule that a notice for discovery and inspection must call "for the production of specifically identified documents." (Emphasis by Mr. Mundy) According to New York Civil Practice, Weinstein, Korn and Miller, Section 3120.17, page 31-494, in 1993, CPLR 3120 (a)(1) was amended to eliminate the requirement that the notice to produce documents specifically identify the documents being requested. (Emphasis by Petitioner)



30. Mr. Mundy's objections are clearly overbroad in that he objects to every demand without any specificity and provides only conclusory statements that merely regurgitate a litany of adjectives without providing any argument as to why the adjectives apply.
31. Mr. Mundy only provides a small number of examples of what he considers are improper discovery requests by Petitioner.
32. In paragraph 19 of Mr. Mundy's Affirmation he objects to Petitioner's interrogatory concerning Respondent's notice of United States Immigration and Naturalization Proceedings (INS) concerning her. Petitioner alleges that part of the purpose for at least two of the three threatening telephone calls was to prevent him from providing information to the INS. If Respondent is the subject of an INS investigation or proceeding than that provides one bit of evidence towards showing that Respondent had a motive for instigating the threatening telephone calls.
33. Also in paragraph 19 is Mr. Mundy's objection to whether Respondent associated with any criminals in Russia (which technically includes Chechnya), Cyprus, Italy, Mexico or America. Respondent worked as a prostitute in all of the first four countries and apparently in America. (The truth, sadly, is what it is, and Petitioner is willing to provided proof.) The netherworld of the sex industry commonly includes organized criminals who make threats and break bones as part of their trade. If Respondent regularly associates with such persons, then that provides a piece of evidence towards showing means in that Respondent had access to the type of people who make a living, in part, from threatening others.

34. In paragraphs 21-23 & 28, Mr. Mundy once again throws about conclusory statements in an effort to pander to false gender stereotypes in order to rally the Court with knee jerk emotionalism against Petitioner's requests for information that Mr. Mundy characterizes as "personal" along with other descriptions for which he provides no support.
35. Mr. Mundy only revealed a handful of specific objections concerning requests for what he calls "personal" information, the parameters of which he didn't define, but apparently believes include any information concerning Respondent's means, motives and activities in conspiring to threaten Petitioner with grave bodily harm. Mr. Mundy seeks to set a new standard for discovery whereby the mere invocation of the word "personal" bans all discovery of relevant evidence.
36. Mr. Mundy specifically objects to the following requests as improper because they concern "personal" information:
- a. Copies of passports and model photo cards. In the threatening telephone calls, the man making the threats always starts by saying he is "calling on behalf of Angelina." Respondent's full legal name is Alina Alexandrovna Shipilina, but when she began working as a prostitute and lap dancer she adopted the stage name "Angelina". Logically, Petitioner needs to provide evidence that Respondent uses the name Angelina. Since Respondent has two Russian passports, one for traveling to the United States and another for other travels, this second passport may show her name as "Angelina". In addition, Respondent had model photo cards shot using the name "Angelina".

- b. Work schedules and list of customers. Respondent works five nights a week as a lap dancer at Flash Dancers Topless Club. The club issues a work schedule to each stripper on a weekly basis. The average lap dancer nets \$500 a night at Flash Dancers for \$10,500 a month, Exhibit 3, Club Reviews by Dancers, which infers Respondent has the cash to hire a hoodlum to make and carry out threats. The income from Respondent's prostitution clients also infers means.
- c. List of customers. Logically, there exists a significant likelihood that the man making the threatening telephones is one of Respondents customers.
- d. Credit card statements. May show a series of payments to a "doing business as" that is the man making the threatening telephone calls.

37. Petitioner did not think about requesting sanctions until Mr. Mundy raised the issue in paragraph 24 of his Affirmation. Mr. Mundy's palpably outrageous and improper conduct in stonewalling the discovery process by intentionally doing nothing after he received Petitioner's discovery requests violated CPLR 3103(a), 3122 and 3133 which constitutes grounds for sanctions. Nevertheless, Petitioner is not requesting sanctions, but rather discovery of all data material and necessary for Petitioner to obtain a meaningful order of protection that will dispel the ever-present fear and danger of physical harm from some shadowy figure that telephones "on behalf of Angelina".

38. Wherefore, for all the foregoing reasons, the Court should not deny Petitioner the right to conduct discovery by vacating all of Petitioner's discovery demands.

Dated: July 17, 2002  
New York, New York

Roy Den Hollander  
545 East 14<sup>th</sup> Street, Apt. 10D  
New York, NY 10009  
212 995 5201

At a Term of the Family Court of  
the State of New York, held in  
and for the County of New York,  
60 Lafayette Street, New York, New York,  
on July 29, 2002

P R E S E N T:

HON. HELEN C. STURM  
Judge of the Family Court

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ORDER DIRECTING DISCOVERY

ROY DEN HOLLANDER

Petitioner,

Against-

Docket No.: O-03570/02

ALINA SHIPILINA

Respondent.

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STURM, J:

Based upon the submissions of the parties and the applicable law, it is hereby  
ORDERED that Petitioner's Motion to Compel Discovery is granted with respect to:

Document Requests

- 1) Document request number six seeking complaints Respondent filed with the New York City Police Department since January 1, 2002.
- 2) Document request number 10 seeking originals or copies of telephone billing records for the numbers 718-274-4902 and 917-374-4713 for October 2001, February 2002, and March 2002 if Respondent in fact has these documents.

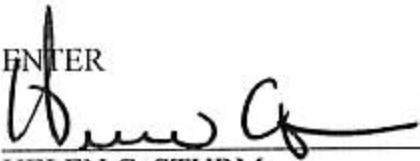
Interrogatories

- 1) Interrogatory item one of Interrogatory Set Two seeking the name and other identifying information about the man who allegedly left Petitioner a message in October 2001.
- 2) Interrogatory item two of Interrogatory Set Two seeking the name and other identifying information about the man who allegedly left Petitioner a message in February 2002.

- 3) Interrogatory item three of Interrogatory Set Two seeking the name and other identifying information about the man who allegedly left Petitioner a message in March 2002.
- 4) Interrogatory item four of Interrogatory Set Two inquiring as to the nature of Respondent's relationship with these individuals.
- 5) Interrogatory item five of Interrogatory Set Two inquiring as to conversations Respondent has had regarding the alleged telephone calls prior to the date of Petitioner's request for an Order of Protection.

Petitioner's Motion to Compel Discovery is denied with respect to all other items not specified above.

ORDERED that Respondent provide Petitioner with the requested information by August 2, 2002.

ENTER  
  
HELEN C. STURM  
Judge of the Family Court

Dated: New York, N.Y.  
July , 2002

FAMILY COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

=====X  
ROY DEN HOLLANDER,

Petitioner,

-against-

ALINA SHIPILINA,

Respondent.

=====X

Docket No.: 0-03570/02

**Respondent's Response  
to Petitioner's Notice for  
Discovery & Inspection  
and Interrogatories**

Pursuant to Article 31 of the CPLR and the Order Directing Discovery by the Honorable Helen C. Sturm, dated July 29, 2002, the Respondent, ALINA SHIPILINA, responds to the Petitioner's Notice for Discovery and Inspection, and Interrogatories, as set forth herein (for purposes of this response the answers contained herein shall correspond to the numbered questions as set forth in the Order dated July 29, 2002):

Document Requests

1. Without waiver of any rights to supplement this response up to and at the time of trial, Respondent states that she is not aware of any complaints Respondent filed with the New York City Police Department since January 1, 2002.

2. At this time, Respondent is not in possession of any originals or copies of telephone billing records for the numbers 718-274-4902 and 917-374-4713 for October 2001, February 2002, and March 2002. However, the

Respondent reserves her right to supplement such response up to and at the time of trial.

Interrogatories

1. Without waiver of any rights to supplement this response up to and at the time of trial, the Respondent denies information and/or knowledge with respect to the full name, age, residence and post office addresses, home telephone numbers, businesses addresses and business telephone numbers and occupation for the man who allegedly telephoned Petitioner on behalf of Respondent in October 2001 and left a voicemail at Petitioner's mobile telephone number.

2. Without waiver of any rights to supplement this response up to and at the time of trial, the Respondent denies information and/or knowledge with respect to the full name, age, residence and post office addresses, home telephone numbers, businesses addresses and business telephone numbers and occupation for the man who allegedly telephoned Petitioner on behalf of Respondent in February 2002 and left a voicemail at Petitioner's mobile telephone number.

3. Without waiver of any rights to supplement this response up to and at the time of trial, the Respondent denies information and/or knowledge with respect to the full name, age, residence and post office addresses, home telephone numbers, businesses addresses and business telephone numbers



and occupation for the man who allegedly telephoned Petitioner on behalf of Respondent in March 2002.

4. Without waiver of any rights to supplement this response up to and at the time of trial, the Respondent denies information and/or knowledge with respect to the relationship between the Respondent and the men who allegedly telephoned the Petitioner as alleged in Interrogatory item one, two and three of Interrogatory Set Two.

5. Without waiver of any rights to supplement this response up to and at the time of trial, the Respondent denies that she has had any conversations regarding the alleged telephone calls prior to the date of Petitioner's request for an Order of Protection.

Dated: July 31, 2002  
New York, New York

  
KUBA, MUNDY & ASSOCIATES  
By: Paulette DeTiberis, Esq.

**AFFIDAVIT IN SUPPORT OF CHALLENGE TO THE VOTER REGISTRATION OF  
THE RUSSIAN ALIEN: ALINA SHIPILINA**

[illegible]

I, Roy Den Hollander, residing at 545 East 14<sup>th</sup> Street, New York, N.Y., a self employed consultant, being duly sworn, deposes and says that based upon personal knowledge:

1. Alina Shipilina, residing at 28-15 34<sup>th</sup> Street, Apartment 4H, Astoria, N.Y., 11103, Board of Elections registration serial number 305023386 is **not** a United States citizen. See attached Exhibit 1, copy of Ms. Shipilina's alien registration card.
2. Alina Shipilina violated New York State Election Law 5-102(1) and 5-210(6) by falsely swearing or affirming that she was a citizen of the United States when she registered to vote on February 22, 2001. See attached Exhibit 2, certified copy of Ms. Shipilina's New York Voter Registration.
3. Affiant married Ms. Shipilina in Krasnodar, Russia, in March 2000, see attached Exhibit 3, Marriage Certificate and translation, and brought her to America on July 10, 2000, when upon entry Ms. Shipilina obtained conditional permanent residency status from the United States Immigration and Naturalization Service. Conditional permanent residency status normally lasts for two years, see attached Exhibit 1 expiration date of July 10, 2002.
4. When Ms. Shipilina registered to vote in February 2001, she was still a conditional permanent resident and **not** a United States citizen.
5. In fact, Ms. Shipilina is still **not** a United States citizen. Affiant and Ms. Shipilina divorced in December 2001, see attached Exhibit 4, Divorce Judgment, which caused her

conditional permanent residency status to terminate under the Aliens and Nationality law

8 U.S.C. 1186a(b)(1)(A)(ii).

/S/

---

Roy Den Hollander

I do solemnly swear or affirm that the foregoing statement made by me on August 7, 2002, is a truthful disclosure of the reasons for my belief that the registered voter therein named is not qualified to continue to be registered in the election district in which she is now registered.”

/S/

---

Roy Den Hollander

---

Witness



111

SHIPILINA, ALINA

11/10/75F

28-15 34TH ST 4H  
ASTORIA . NY 11103

\*\*\*QUEE\*\*\*

MV-44 (8/00)

## NEW YORK STATE VOTER REGISTRATION

(Complete only if you want to register to vote or change your address with the Board of Elections.)

If you register to vote, your completed voter registration application will be sent directly to the Board of Elections. If you decline to register, remain confidential. You will be notified by your County Board of Elections when your voter registration application has been processed.

Are you a U.S. citizen? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If you answered NO, do not complete this form.	Check box(es) that apply: <input checked="" type="checkbox"/> new registration and enrollment <input type="checkbox"/> address change <input type="checkbox"/> party enrollment change <input type="checkbox"/> name change	Home Telephone Number (418) 27
Last year voted	Your address was (give house number, street, and city) 28-15 34TH ST	Under the name (if different from your name now) Queen

## Choose a Party - Check one box only

- ☒ REPUBLICAN PARTY  
☐ DEMOCRATIC PARTY  
☐ INDEPENDENCE PARTY  
☐ CONSERVATIVE PARTY  
☐ LIBERAL PARTY  
☐ RIGHT TO LIFE PARTY  
☐ GREEN PARTY  
☐ WORKING FAMILIES PARTY  
☐ I DO NOT WISH TO ENROLL IN A PARTY

Please note:  
In order to vote  
in a primary  
election, you  
must be enrolled  
in a party.

## AFFIDAVIT: I swear or affirm that

- I am a citizen of the United States.
- I will have lived in the county or in the city of New York for at least 30 days before the election.
- This is my signature or mark on the line below.
- The above information is true. I understand that if it is not true I can be convicted and fined up to \$5,000 and/or jailed for up to four years.

Signature or mark

X

Date

02/22/

MAR-2 PM 1:19

THIS IS A CERTIFIED COMPUTER  
PRINTOUT OF VOTERS RECORD

BOARD OF ELECTIONS  
42-16 WEST STREET  
LONG ISLAND CITY, N.Y. 11101



NO VOTING HISTORY RECORDS FOUND FOR VOTER: 305023386

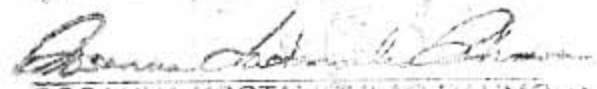
08/02/02 11:15 ELECTION ADMINISTRATION SYSTEM QUEENS EAXPV010  
VOTER REGISTRATION INQUIRY

SERIAL NO: 305023386 STATUS: A AS OF 03/02/2001  
FULL NAME: SHIPILINA, ALINA ED/AD: 039/36 NH:  
STREET: 28-15 34 STREET 4H ENROLLMENT: R REPUBLICAN  
CITY/ZIP: L.I. CITY 11103 REGISTRATION DATE: 03/02/2001  
DOB: 11/10/1975 FUTURE ENROLLMENT:  
SEX: F EYE COLOR: ENROLLMENT ACT DATE: 00/00/0000  
US CITIZEN: Y HEIGHT: . VOTER TYPE: R REGULAR  
C/O NAME: DATE LAST VOTED: 00/00/0000  
VTR POLL SITE: Q0139 EXPECT SIG: N  
MAILING ADDRESS POLL SITE INFORMATION

LINE 1: SITE NUM/NAME: Q0139 PS 17  
LINE 2: NUM/STREET: 28-37 29 STREET 30 AVE ENT  
LINE 3: CITY/ZIP: L.I. CITY 11102  
LINE 4: HANDICAPPED: A STATUS: A ACTIVE SITE  
DISTRICT INFORMATION ABSENTEE INFORMATION: \_ (Y/N) OLD EDAD  
CD: 14 SD: 12 CO: 22 CC: 01 LD: SCH DIST: 30 036/36

PF1 = MENU PF2 = DUP-ID PF3 = PROMPT PF4 = PREV  
PF5 = RESTORE PF9 = HISTORY PF10 = ACTIVITY PF12 = SHOW-SIG

THIS IS A CERTIFIED COMPUTER PRINTOUT  
OF THE VOTERS RECORD



ROSANNA KOSTAMOULLAS  
CHIEF CLERK  
MANHATTAN BOROUGH OFFICE

## BOARD OF ELECTIONS

# 840

MINUTES OF THE MEETING OF THE  
COMMISSIONERS OF ELECTIONS  
HELD ON TUESDAY, MARCH 25, 2003  
AT 1:30 P.M.

42 BROADWAY, 6<sup>TH</sup> FLOOR EVS CONFERENCE ROOM  
NEW YORK, NY 10004

P R E S E N T:            Nancy Mottola-Schacher, President  
                              Mark B. Herman, Secretary

Commissioners    Cilmi, Graham, Kellner, O'Connor, Weiner

John Ravitz, Executive Director  
George Gonzalez, Deputy Executive Director  
Pamela Perkins, Administrative Manager  
Naomi Bernstein, Director of Communications  
John O'Grady, Chief Voting Machine Technician  
Beth Fossella, Coordinator, Voter Registration  
Virginia Busti, Coordinator of Election Day Operations  
Joseph LaRocca, Coordinator, Candidate Records Unit  
Pablo Martinez, Computer Programmer  
Elliott Borack, ACCO  
Steven B. Denkerberg, Counsel to Commissioners  
Charles Webb, III, Counsel to the Commissioners

### Guests

Dave Palmer, NYPIRG  
Marjorie Shea  
Alan Flacks  
Joan McDougal, Women's City Club  
Roy Den Hollander, Esq.

---

President Mottola-Schacher called the meeting to order at 1:35 P.M.

## BOARD OF ELECTIONS

employees and draft appropriate revisions to the Board's policies and procedures manual. President Mottola-Schacher seconded the motion, which was adopted by a vote of 6 in favor and 1 abstention-Commissioner Herman.

The Step III, Grievance for Equal Pay, item was tabled until April 8<sup>th</sup> 2003.

Mr. Richman requested that the Commissioners make a determination regarding Alina Shipilina, who filed a registration form with the Board, and falsely claimed to be a United States citizen. Mr. Hollander stated that Ms. Shipilina a Russian immigrant, filed the false registration in violation of the New York State Election Law and Federal Law, with the intent to obtain a non-driver ID to acquire identification to obtain a United States passport, to prevent INS from deporting her. Mr. Hollander requested that the Commissioners refer Ms. Shipilina to the District Attorney for prosecution. Commissioner Weiner moved to refer the case to the United States District in the Eastern District of New York, and to the Queens County District Attorney for prosecution. Commissioner Graham seconded the motion, which was adopted unanimously.

Regarding the status of the 2003 Community School Board Elections, Mr. Richman reported that as of March 24<sup>th</sup> 2003, the city has not received a



Speed to B&B Meet 3/25 1:30 pm

Would like to add to the IIR in front of you  
although <sup>PT</sup> alien who grew up in Chechnya

(1) Shylna speaks, writes & reads Eng sufficiently & understood the voter reg doct she is claiming US citizenship

(2) I believe she went to motor vehicle to obtain a) MV identity card non driver & b) voter registration that she could use as additional doct to show she is a US <sup>citizen</sup> in order to obtain additional US id I as a passport

(3) ~~When she arrived here her only id was PT passport & Alien registration card~~

(4) I believe she is taking this route of ~~claiming US citizenship~~ <sup>for possibility of</sup> ~~as a contingency~~ <sup>immigration</sup> ~~deciding to~~ <sup>deport her for material misrepresentation her immigrant visa application</sup>

(5) ~~It will be easier to move about & get out of the US w/ fraudulently obtained US identification papers~~

(6) ~~As a further indicator of her claiming US citizen as not an innocent mistake, in her hometown Khachodas she is known to associate w/ PT & Chechen organized crime figures~~

With US identification doct it will be easier for her to continue to live and work in America



NANCY MOTTOLA-  
SCHACHER  
PRESIDENT

MARK B. HERMAN  
SECRETARY

WEYMAN A. CAREY  
MICHAEL J. CILMI  
NERO GRAHAM, JR.  
DOUGLAS A. KELLNER  
TERRENCE C. O'CONNOR  
FREDERIC M. UMANE  
VINCENT J. VELELLA  
STEPHEN H. WEINER  
COMMISSIONERS



## BOARD OF ELECTIONS

IN  
THE CITY OF NEW YORK  
EXECUTIVE OFFICE, 32 BROADWAY  
NEW YORK, NY 10004-1609  
(212) 487-5300  
FAX (212) 487-5349  
[www.vote.nyc.ny.us](http://www.vote.nyc.ny.us)

JOHN RAVITZ  
EXECUTIVE DIRECTOR

GEORGE GONZALEZ  
DEPUTY EXECUTIVE DIRECTOR

PAMELA GREEN PERKINS  
ADMINISTRATIVE MANAGER

STEVEN H. RICHMAN  
GENERAL COUNSEL  
TEL. (212) 487-5338  
FAX: (212) 487-5342  
E-MAIL:  
[srichman@boe.nyc.ny.us](mailto:srichman@boe.nyc.ny.us)

### VIA EXPRESS MAIL

March 27, 2003

Honorable Richard A. Brown  
District Attorney  
County of Queens  
125-01 Queens Blvd.  
Kew Gardens, NY 11415

Dear District Attorney Brown:

I am writing to you pursuant to a resolution duly adopted by the Commissioners of the Board of Elections in the City of New York at their public meeting held on Tuesday, March 25, 2003.

By letter dated March 13, 2003, Roy Den Hollander, an attorney admitted to the practice of law in the State of New York requested that the Commissioners of Elections refer the matter of Alina Shipilina's illegal registration as a voter, since she was not a United States Citizen. Mr. Hollander also appeared at the Commissioners' March 25<sup>th</sup> meeting and requested the Commissioners refer this matter to the appropriate prosecutors.

By way of background, Mr. Hollander, who claims to have been married to Ms. Shipilina and subsequently divorced. Mr. Hollander filed an affidavit with the Board in August of last year, pursuant to the provisions of the New York State Election Law, challenging the voter registration of Ms. Shipilina. Under the Election Law, the Board's Queens office conducted a review of

this matter and in December 2002, cancelled Ms. Shipilina's voter registration, listing as the reason, she is not a United States Citizen.

I am enclosing herewith all the materials submitted by Mr. Hollander that was presented to the Commissioners at the March 25, 2003 meeting.

Following said presentations, the Commissioners directed that this matter be referred to both the District Attorney of Queens County and the United States Attorney for the Eastern District of New York for their appropriate investigation, review and action. That resolution results in this formal letter of referral.

As always, the Board of Elections in the City of New York stands ready to cooperate and assist your office as you conduct your investigation and review. If you have any questions or require any information, please contact me at my office (address and telephone number printed above).

On behalf of the Commissioners of Elections in the City of New York, I want to thank you in advance for your cooperation and assistance in this matter.

Very truly yours,

THE BOARD OF ELECTIONS  
IN THE CITY OF NEW YORK

By: 

Steven H. Richman  
General Counsel

Enclosures

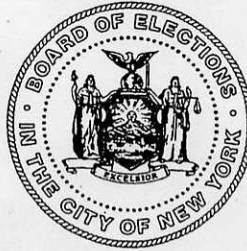
Copies (without enclosures):

The Commissioners of Elections in the City of New York  
John Ravitz, Executive Director  
George Gonzalez, Deputy Executive Director  
Pamela Perkins, Administrative Manager  
Naomi Bernstein, Director of Communications  
Steven Denkberg, Counsel to the Commissioners  
Charles Webb, Counsel to the Commissioners  
Barbara Conacchio, Chief Clerk, Queens Office  
Katherine A. James, Deputy Chief Clerk, Queens Office

NANCY MOTTOLA-  
SCHACHER  
PRESIDENT

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WEYMAN A. CAREY  
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NERO GRAHAM, JR.  
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TERRENCE C. O'CONNOR  
FREDERIC M. UMANE  
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STEVEN H. RICHMAN  
GENERAL COUNSEL  
TEL. (212) 487-5338  
FAX: (212) 487-5342  
E-MAIL:  
[srichman@boe.nyc.ny.us](mailto:srichman@boe.nyc.ny.us)

### VIA EXPRESS MAIL

March 27, 2003

Honorable Roslynn R. Mauskopf  
United States Attorney for the  
Eastern District of New York  
One Pierrepont Plaza  
147 Pierrepont Street  
Brooklyn, NY 11201

Dear United States Attorney Mauskopf:

I am writing to you pursuant to a resolution duly adopted by the Commissioners of the Board of Elections in the City of New York at their public meeting held on Tuesday, March 25, 2003.

By letter dated March 13, 2003, Roy Den Hollander, an attorney admitted to the practice of law in the State of New York requested that the Commissioners of Elections refer the matter of **Alina Shipilina**'s illegal registration as a voter, since she was not a United States Citizen. Mr. Hollander also appeared at the Commissioners' March 25<sup>th</sup> meeting and requested the Commissioners refer this matter to the appropriate prosecutors.

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Very truly yours,

THE BOARD OF ELECTIONS  
IN THE CITY OF NEW YORK

By: 

Steven H. Richman  
General Counsel

Enclosures

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Charles Webb, Counsel to the Commissioners  
Barbara Conacchio, Chief Clerk, Queens Office  
Katherine A. James, Deputy Chief Clerk, Queens Office

## **RICO Case in the U.S. Southern District Court of New York**

[Complaint](#)

[Motion for Default](#)

Defendants' Motions to Dismiss

[Joint Motion](#)

[Flash Dancers Motion](#)

[Detective Henning's Motion](#)

[Paulsen's Plead for Mercy](#)

[Vasilyevas' Letter to the Court](#)

[Cybertech's Motion](#)

[Bank of Cyprus' Motion](#)

Opposition to Dismissal Motions

[Roy's Opposition to Defendants Joint Motion](#)

[Attorney Mundy's Advertisement on Russian Ho Site](#)

[Evidence of Petrovich Working for Mundy](#)

[Roy's Opposition to Cybertech's Motion](#)

[Roy's Opposition to Bank of Cyprus Motion](#)

[FBI Report on the Russian Mafia](#)

[CIA and FBI Directors on the Russian Mafia](#)

Defendants' Replies

[Joint](#)

[Flash Dancers](#)

[Paulsen](#)

[Bank of Cyprus](#)

[The oral argument that never occurred.](#)

Motion to Strike Irrelevant and Prejudicial Matter in the Defendants' Papers

[Roy's Motion to Strike](#)

[Defendants' Joint Opposition](#)

[Roy's Reply](#)

Status Conference before the new Judge: P. Kevin Castel

[Letter to Judge Castel from Angelina's Lawyer](#)

[Roy's Reply to the Letter](#)

[Defendants Proposed Status Report](#)

[Roy's Proposed Status Report](#)

[Angelina's Perjury](#)

Wisconsin Investigation

[Roy's Letter to FBI Special Agent Babler 8.20.03](#)

[Roy's Interview of Zahnow 8.22.03](#)

[Roy's Interview of FBI Special Agent Babler 8.22.03](#)

[Brookfield Police Threaten to Arrest Roy 8.25.03](#)

[Roy Complains to FBI Director Mueller 8.28.03](#)

[FBI General Counsel's Response 1.5.04](#)

[Roy's Letter to FBI General Counsel 1.5.04](#)

[FBI General Counsel's Final Response 1.29.04](#)

## Supplemental Complaint Fight

[Roy's Letter Requesting a Pre-Motion Conference](#)

[Supplemental Complaint](#)

[Mundy's Opposition to Conference and Supplemental Complaint](#)

[Roy's Reply to Mundy's Opposition](#)

[Angelina's Opposition to Conference and Supplemental Complaint](#)

[Roy's Reply to Angelina's Opposition](#)

## [Judge Castel's Decision](#)

## Post Decision Motions

[Roy's Response to Judge Castel's Decision and Request for a Pre-Motion Conference to file Recusal and](#)

## [Reconsideration Motions](#)

[Defendants' Opposition to Pre-Motion Conference](#)

[Roy's Motion for Recusal of Judge Castel](#)

[Roy's Motion for Reconsideration of Judge Castel's Decision](#)

[Defendants' Joint Opposition to Recusal and Reconsideration](#)

[Flash Dancers' Opposition to Recusal and Reconsideration](#)

[Judge Castel's Denials of Motions for Recusal and Reconsideration](#)

## Roy's motion to recover service of process costs.

[Roy's letter to Judge Castel requesting reimbursement costs.](#)

[Flash Dancers Opposition](#)

[Mundy's Opposition](#)

[Roy's Replies](#)

[Judge Castel's Order](#)

## **Appeal to the United States Court of Appeals for the Second Circuit**

### Appeal Briefs

[Roy's Appeal](#)

[Mundy's Opposition](#)

[Flash Dancers Opposition](#)

[Angelina's Opposition](#)

[Detective Henning's Opposition](#)

[Roy's Reply](#)

### Roy's Motion to Strike Sections of Defendants' Briefs for Violating the Federal Rules of Appellate Procedure

[Roy's Letter Notifying the Second Circuit of the Motion to Strike](#)

[Roy's Motion to Strike](#)

[Mundy's Opposition](#)

[Flash Dancers Opposition](#)

[Detective Henning's Opposition](#)

[Roy's Reply to Flash Dancers and Detective Henning](#)

[Roy's Reply to Mundy](#)

[Roy's Letter Objecting to the Second Circuit's Failure to Decide the Motion to Strike](#)

### [Second Circuit's Decision](#)

### [Flash Dancers Motion for Costs](#)

[Roy's Motion for Sanctions Against Flash Dancers and Opposition to Costs](#)

[Flash Dancers Opposition to Sanctions and Reply for Costs](#)

[Roy's Reply to Flash Dancers Opposition to Sanctions](#)

[Second Circuit Grants Flash Dancers Motion for Costs and Denies Sanctions](#)

[Roy's Petition for En Banc Hearing on the Grant of Costs to Flash Dancers](#)

[Roy's Motion to the Second Circuit to Make Case Manager Gibbs Docket the En Banc Petition](#)

[Second Circuit's Decision Directing Gibbs to Docket Roy's En Banc Petition, which she refused.](#)

[Roy's letter to the Chief Judge of the Second Circuit requesting the En Banc Petition be docketed.](#)

[Second Circuit finally forces Case Manager Gibbs to docket the En Banc Petition.](#)

[Second Circuit denies hearing on the En Banc Petition.](#)

**United States Supreme Court**

[Roy's Petition for a Writ of Certiorari](#)

[Flash Dancers Opposition](#)

[Roy's Reply](#)

[U.S. Supreme Court Denial of Certiorari](#)



## **Been-Scammed Web Site Content**

Screen 1:

Scammed by a Russian woman?

Lost money?

Want Justice?

Join the beginning of a class action lawsuit against those involved in tricking American men into costly and harmful relationships with Russian women who are no more than liars, cheats and prostitutes.

Screen 2:

Have you been a victim of a fraudulent Russian dating, introduction or marriage service whether through a web site, magazine, newspaper or Russian model agency?

Have you suffered financial loss, emotional distress or other harm as a result of using one of these services?

Have you been taken advantage of by a Russian female?

If you have, then find out whether you qualify to join a class action lawsuit to recover your losses and any damages caused you. Any recovery might be tripled depending on the legal nature of the claim. Millions of dollars could be at stake.

The law firm of Roy Den Hollander is looking for victims of these Russian organizations, and their American accomplices, that promise honest relationships with beautiful, wholesome Russian women but end up with the American man defrauded of his money and time.

Perhaps one of the following has happened to you:

- Met a Russian girl on the Internet. After weeks of great emails, she said she was poor and asked to borrow money for food using my master card number. At first it was \$50

and \$100 dollars, but as I cared more and more for her, she started taking up to \$1000. I told her I couldn't afford that, but she said "too bad," then "goodbye."

- Shelled out over \$20,000 for what I thought would be a loving Russian wife. Traveled to meet her in Russia, had a great time, everyone was so nice to me, and I fell in love. Brought her back to the US for a visit, and all she wanted to do was lay around watching soap operas, spend my money on jewelry and run up my phone bill talking in Russian to a guy named Vladimir whom she said was just a "good friend." I was crushed. My buddies convinced me to put her on a plane back to Russia, but before I could, she disappeared. Now the US Immigration service is giving me a hard time.
- Traveled to a social gathering in Russia that was advertised in a magazine with pictures of beautiful Russian ladies at a classy hotel nightclub. When I got there, the hotel was a rat hole and the girls hags. I demanded my money back, \$5,000, and these big Russian goons pushed me into a corner for a talk. I was happy to get back to the USA in one piece.
- Found it difficult to meet new people after losing my wife, so I answered a magazine ad to correspond with Russian girls. For \$1000, I got ten letters with pictures of very pretty women, but when I tried to call them, they didn't exist.
- Spent thousands of dollars traveling to Russia to meet a decent girl through an introduction service, but they all turned out to be high-priced hookers.
- Married a Russian girl who turned out to be a prostitute, member of the Russian mafia, a drug addict, adulteress and thief.

- Married a Russian lady whom as soon as she received her green card, divorced me by lying that I beat her up. The American female judge believed the phony tears and gave my Russian wife \$70,000 of the money that I worked hard for.

If you have had a similar experience, then you probably qualify as a member of the proposed class action lawsuit. Your next step is to fill out our short survey. All communications are protected and cannot be disclosed unless you okay it.

You will then be informed as to whether you qualify for the proposed class action lawsuit. If you qualify, your next step will be to decide to join us or not.

Joining will cost you nothing, no matter what the legal outcome. If successful, all attorney fees and costs will come out of any recovery.

Don't be a victim. Join us in our legal action.

Sponsored by: Truth, Justice and the American Ideal

Designated lead counsel: Roy Den Hollander, Esq.

### Screen 3: Survey

Please complete this confidential survey and email to \_\_\_\_\_ by clicking “submit” at the bottom.

1. For now, just your first name
2. Email address
3. How did you first meet the Russian woman or women? (Click on those that apply to you.)
  - a. Internet

- b. Magazine
- c. Advertisement
- d. In person
  - i. Russia
  - ii. America
  - iii. Elsewhere
- e. Other

4. What happened after you first met her? (Click on those that apply to you.)

- a. Traveled to Russia
- b. Brought her to America
- c. Dated
- d. Married
- e. Separated
- f. Divorce or annulled marriage
- g. Invested money
- h. Other

5. Approximately how much money total did you spend on her? (Click on only one.)

- a. 0 to \$1000
- b. \$1001 to 5000
- c. \$5001 to 10,000
- d. \$10,001 to 20,000
- e. \$20,001 to 40,000

- f. \$40,001 to 60,000
- g. \$60,001 to 100,000
- h. More than \$100,000

6. Besides the money spent on her, what other damages did she cause you? (Click on those that apply.)

- a. Business losses
- b. Business interruption
- c. Loss of business opportunities
- d. Damage to property
- e. Loss of wages
- f. Loss of employment
- g. Harm to reputation
- h. Investigation costs
- i. Legal fees and costs
- j. Travel expenses
- k. Physical
- l. Health
- m. Mental/Emotional
- n. Other

7. If there is any other information you would like to provide, please use this box.

Please remember that all the information you provide is confidential and cannot be released without your permission.

Thank you for your time.

**Some Communications with American Agencies**

[U.S. Customs](#)

[Drug Enforcement Agency](#)

[Federal Bureau of Investigation](#)

[Immigration and Naturalization Service](#)

[Internal Revenue Service](#)

[New York State Taxation](#)

[Queens New York District Attorney Freedom of Information Law Results](#)

Semenov A. I.,  
Chief of Police Department of Krasnodar  
Krasnodar

Dear Chief Semenov:

I would like to inform you that I am currently prosecuting a civil lawsuit № CV-03-2417 (MBM) in the United States Federal Southern District Court against an international crime group with defendants in the U.S., Russia, Cyprus and Mexico. Among the defendants that reside in Krasnodar are various Russian criminals.

The events of this case began when I was working in Russia for the American company Kroll Associates during 1999 and 2000. Alina Shipilina, whom I first met at a party in my apartment building in Moscow, duped me into marrying her with the assistance of narcotics secretly put into my meals. Shortly after my bringing her to the United States, she revealed herself to be a drug runner, money launderer, tax evader, prostitute and procurer for an international crime group that includes Russian and Chechen organized crime figures. Part of this gang's activities are to make American men unwittingly marry its members so that the women can obtain legal U.S. residency and/or citizenship to carry out gang activities in the U.S. This is what happened to me. Alina Shipilina and her mother Inessa Shipilina both of whom previously lived in Gorzny, Chechnya and have affiliations with Viktor Vladimirovich Kononenko, Magomet Ali Kurban and the Arbi Baraev clan. In addition, my ex-wife was a mistress to Ruslan Labazanov.

Once I became aware of whom my wife really was, I instituted divorce proceedings in New York in February 2001. I pressed the divorce case by traveling to Krasnodar to obtain information and evidence. Alina Shipilina, her U.S. attorneys and Inessa began a campaign of intimidation that included Russian and Chechen bandits threatening my potential witnesses into silence. My Krasnodar lawyer, Svetlana Povaliy, notified the local prosecutor who eventually brought a criminal defamation case against Inessa Shipilina.

In October 2001, I began receiving threats over the telephone from a thuggish sounding American man. Two of the calls I was able to record. Because of the first threat, I accepted the proposed divorce settlement from Alina's attorney. But the threats continued into 2002, and I reported them to the FBI and to the New York City police—they did nothing. During this period, I also co-operated with investigations by the U.S. Immigration and Naturalization Service, Drug Enforcement Administration and the New York City Board of Elections into my ex-wife's conduct. Also in 2002, the criminal defamation case against Inessa Shipilina was closed after Alina, her U.S. attorneys and Inessa bribed some officials in the Krasnodar department of the Ministry of Interior. I then started a civil defamation case, which is ongoing.

My ex-wife and her gang urgently want her to keep her legal USA status, particularly because she travels frequently to various countries, often Russia for obtaining illegal drugs in

Krasnodar, and Cyprus for laundering currency while plying her trade in both countries. My co-operation with law enforcement agencies undoubtedly caused the gang to fear that my ex-wife, an increasingly valuable member of the gang, might lose her status in the USA.

The threats against me have now escalated as a result of my starting the RICO action on April 18, 2003. Very recently, on June 4, 2003, I received a telephone threat from a thuggish-sounding Russian man. This is a dramatic increase in the level of the threat. The implication is that physical assault could come very soon. I was able to record this call, a tape of which is enclosed. When I received its English translation on June 16th, the threat became clear: If I returned to Krasnodar to continue gathering evidence against the gang to which the defendants belong and to testify in the civil defamation case against Inessa Shipilina, then, in the words of the anonymous caller, "It's going to be bad for me."

Alina and Inessa Shipilina own a luxurious apartment at 138 Rashpilevskaya Street, apartment 8. As for the other Krasnodar defendants, I will be sending you a Russian translation of the U.S. court papers that lists their known addresses that can be used against them. These defendants will eventually be served with the U.S. court papers under a treaty between our two countries

Each telephone threat used my ex-wife's name to make clear it was being made on her behalf. Using the information mentioned above, I am asking you to take legal actions under the legislature of the Russian Federation against my ex-wife Alina Alexandrovna Shipilina, her mother Inessa Alexandrovna Shipilina, and the members of the crime group in Krasnodar.

Very truly yours,

Roy Den Hollander

June 2, 2003

Attorney

545 East 14<sup>th</sup> Street  
New York, NY 10009  
Phone/Fax: (212) 995-5201  
Mobile: (917) 687-0652  
e-mail: [rdhh@erols.com](mailto:rdhh@erols.com)



**Date:** Thu, 19 Jun 2003 07:27:06 -0700 (PDT)

**From:** "roy den" <rdhhh@yahoo.com>  [Add to Address Book](#)

**Subject:** Russian and Chechen RICO

**To:** "Andrew Heyward" <ajh@cbsnews.com>

Andrew,

The suggestion for a story (Russian prostitution) that I sent you two years ago has unfolded into a RICO lawsuit against various Russian, Chechen and American organized crime figures. The story grew out of my unfortunate marriage to a Russian prostitute when I was managing Kroll Associates' office in Moscow.

The RICO defendants engage in white slavery and pornography and the crimes that keep it profitable, such as immigration fraud, bribery, drugs, money laundering, tax evasion, coercion, intimidation and perjury.

I ran into this den of pimps, prostitutes, pornographers and pushers after further investigation revealed that my ex-wife was associated with a gang that duped American men into marrying its members so that the women could obtain legal US residency and citizenship to carry out lucrative gang activities in the US. The duping of me included secretly putting drugs in my meals.

I then filed the RICO suit, Roy Den Hollander v. Flash Dancers, et al., 03 CV 2717 in the Southern District Federal Court.

I've been threatened four times so far by these clowns, and I'm taking it seriously given there is a connection to the Arbi and Movsar Baraev clan in Chechnya. The threats are one reason I'm trying to interest the media, since any story will provide more protection than a federal injunction, which I have requested from the judge.

If you have some interest, I can send along the Federal complaint and, of course, talk to anybody, anytime and tell all that I know so far--it's still unfolding. If you're not interested, maybe you could refer me to someone who might be.

Thanks for your time again. Hope all is well with you.

Roy Hollander

**ROY DEN HOLLANDER**  
**Attorney at Law**

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New York, NY 10009

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Mobile 917 687 0652  
rdhhh@yahoo.com

July 10, 2003

Andrew Heyward  
President CBS News  
524 West 57 St.  
New York, NY 10019

**Roy Den Hollander v. Flash Dancers Topless Club, et al.**  
**Southern District Court of New York, CV-03-2717 (MBM)**

Dear Andrew,

This is a follow up to an email I sent you a few weeks ago concerning a RICO lawsuit I've filed against various Russian, Chechen and American organized crime figures.

Among the defendants are those that my investigators tell me were connected with Arbi and Movsar Baraev.

Arbi, now deceased, was the General of the Chechen Special Islamic Regiment and is believed to have beheaded in 1998 four western telecommunication workers in return for \$20 million from Osama Bin Laden.

Movsar, Arbi's nephew and now also deceased, led the taking of hostages at the Moscow theater complex last year.

I've enclosed a copy of the complaint.

Thank you again for your time.

Best regards,

Roy Hollander

**ROY HOLLANDER**  
**Attorney at Law**

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April 18, 2004

Joe Conason  
National Correspondent  
New York Observer  
54 East 64 Street  
New York, NY 10021

Joe,

I thought you might have some interest in a story concerning the Russian mob. It's more colorful than the Lambert story. I attached a synopsis.

## **Civil RICO lawsuit against Cypriot, Russian and Chechen International Crime Organizations**

- Pimps, prostitutes, pushers, pornographers and assorted criminals from Cyprus and the former Soviet Union have joined with underworld characters in Western markets over the past decade to create a global web of smuggling, protection, extortion, counterfeiting, tampering with witnesses, revenge, evasion of taxes and other illegal activities.
- Russian organized crime groups, working in cooperation with Cypriot and other foreign gangsters, infiltrate lucrative, hard currency markets, such as Cyprus and the U.S., by taking advantage of ineffective and un-enforced immigration laws as well as bribable officials to illegally gain entry for the organization's managers and human assets.
- A former member of the New York City media, Roy Den Hollander, now a lawyer and business consultant, has filed a civil action Racketeer Influenced Corrupt Organization lawsuit in the U.S. Federal Court for the Southern District of N.Y., Index No. 03 CV 2717.
- This case grew out of discoveries by Mr. Den Hollander (who worked in Russia as a consultant for Kroll Associates) that his Russian wife had previously worked in Cypriot brothels, was a money launderer, tax evader, and procurer for a gang of Russian, Cypriot and Chechen organized crime figures. That she had secretly slipped narcotics into Mr. Den Hollander's meals and pretended to be something she wasn't in order to marry him so that she could enter the US in order to expand the gang's criminal activities.
- This gang works, in part, to make American and European men unwittingly marry its prostitutes, so that the women can obtain legal residency and/or citizenship to carry out gang activities in the U.S and Europe.
- The RICO suit focuses on one of the core businesses of the alliances among American, Russian, Cypriot and Chechen criminals—white slavery and pornography and the crimes that keep it profitable, such as immigration fraud, bribery, drugs, money laundering, tax evasion, coercion, intimidation, perjury, official misconduct and more.
- Russians and Cypriots run prostitutes, pornography and in some cases drugs out of Russia to Cyprus and than the U.S., or by way of Mexico and than the U.S.
- The prostitutes and pornography are sold through an international affiliation of brothels and lap-dancing clubs controlled by organized crime and marketed over the Internet.
- The drugs are secretly administered to customers as a way of assuring return business.
- Russian, Cypriot, American and Chechen gangsters, including those connected with Arbi Baraev (who beheaded four British telecommunication workers in 1998 in return for \$20 million from Usama Bin Laden) and Movsar Baraev (who led the taking of 700 hostages

at a Moscow theater in 2002) protect the organization's operations from exposure and legal proceedings through threats, intimidation and coercion. Mr. Den Hollander has received four threats so far.

- The suit is for damages caused to Mr. Den Hollander's business and property in the amount of approximately \$1,000,000 and for a court order to prevent the defendants from causing him harm (whatever good that will do).

If you have any questions, please contact the plaintiff, Roy Den Hollander, Esq., (212) 995 5201, [rdhhh@yahoo.com](mailto:rdhhh@yahoo.com).

**ROY DEN HOLLANDER**  
**Attorney at Law**

545 East 14th Street  
New York, NY 10009

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Mobile 917 687 0652  
rdhhh@yahoo.com

March 10, 2004

Tatianna Leonova  
Chief Editor  
Cyprus Advertiser  
8, Evagora Pallikarides St  
Limassol, Cyprus 3732

Dear M. Leonova:

The story we discussed a few years ago has evolved with new information into one that you may find more interesting. It is now in the United States Federal Court for the Southern District of New York.

I've enclosed a copy of the complaint in Russian and a press release as well. If you prefer Greek or English versions, I can send them along.

Thank you for your time although I don't expect a Russian newspaper to dare to do anything with this story. Consider it a courtesy.

Sincerely,

Roy Den Hollander

**ROY DEN HOLLANDER**  
**Attorney at Law**

545 East 14th Street  
New York, NY 10009

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Mobile 917 687 0652  
rdhhh@yahoo.com

April 9, 2004

Lou Dobbs  
Moneyline  
1 CNN Center  
Atlanta, GA 30303

Dear Mr. Dobbs:

I thought you might be interested in the unfolding immigration story that is summarized on the attached sheet.

Thank you for your time.

Sincerely,

Roy Den Hollander

**ROY DEN HOLLANDER**  
**Attorney at Law**

545 East 14th Street  
New York, NY 10009

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Mobile 917 687 0652  
rdhhh@yahoo.com

January 28 2004

Stephen Handelman  
Associate Fellow  
Harriman Institute  
420 West 118 St., 12<sup>th</sup> Floor  
Columbia University  
New York, NY 10027

Dear Mr. Handelman:

I'm a graduate of Columbia's Business School who also spent a semester at SIPA before going for my MBA at the advanced age of 40 something.

My MBA landed me in Russia for a short consulting stint with Kroll Associates in 1999. Before starting with Kroll, I read your Comrade Criminal but still managed to stumble into a den of hoods, Chechens, pimps, prostitutes, pushers and pornographers that stretches from Southern Russia to NYC.

I thought, as a columnist and commentator, you might be interested in this story, which is now the subject of a civil RICO suit in the US Southern District Court in New York (03 Civ 2717). It's not "politically correct" but definitely evolutionarily correct. I've attached a two-page summary.

Thank you for your time.

Sincerely,

Roy Den Hollander



**ROY DEN HOLLANDER**  
**Attorney at Law**

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New York, NY 10009

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Mobile 917 687 0652  
rdhhh@yahoo.com

March 23, 2004

Mike Myers  
Creators Syndicate  
5777 W. Century Blvd., Suite 700  
Los Angeles, CA 90045

Dear Mr. Myers:

After reading your firm's client Michelle Malkin's Invasion, I thought she might be interested in the unfolding story that is summarized on the attached sheet.

Would you please forward the attachment to her.

Thank you for your time.

Sincerely,

Roy Den Hollander

8/02

Followed up w/ tel  
call

-no response

**ROY DEN HOLLANDER**  
**Attorney at Law**

545 East 14th Street  
New York, NY 10009

Tel. & Fax: (212) 995-5201  
Mobile 917 687 0652  
rdhhh@yahoo.com

Dear John:

Are you interested in a story that reveals some of the inner workings of the Russian international sex industry and a few of its players?

The inside view comes from the on going activities of a Russian girl who grows up in Grozny, Chechnya, moves to Krasnodar, Russia, near the Black Sea, associates with Chechen hoods, and works as a prostitute, procurer and model in the city's top modeling agency. The agency provides willing girls for sexual entertainment to a club of "gangsters and bandits" who run Krasnodar. (One of the owners of the modeling agency recently immigrated to Wisconsin along with its business manager in charge of prostitution.)

While living in Krasnodar, the girl from Grozny, who also dabbles in Black Magic, commutes periodically to Moscow for prostitution and modeling with an agency there, which is protected by Moscow wise guys and currently under investigation by the Russian Central Department for the Struggle Against Organized Criminals. The Moscow agency includes American businessmen among its customers. One American doctor produces porno videos. The Chechen girl makes a masturbation video for the doctor of which I have the promo clips.

She then travels to Cyprus where she sells sex in a brothel/strip club called "Zygos" owned by Russian mobsters from Krasnodar, but managed by two Cypriot brothers who recruit girls in Russia and the Philippines. Customers come from the Middle East, Europe and Asia.

After Cyprus, she uses her Moscow agency to send her to Mexico City to the "Men's Club", another brothel/strip club apparently owned by hoods—I'm not absolutely sure about the ownership, but I can find out. Customers from America, Canada, Europe and South America.

Mexican Immigration arrests and deports her back to Russia where she dates a middle age American lawyer she met earlier. The lawyer manages the Kroll Associates Moscow Office and marries her after she secretly plies him with narcotics.

Husband takes her to NYC where she starts working at Flash Dancers on Broadway making around \$14,000 a month in cash, tax-free. She still strips there. (The combined income for all the girls at Flash Dancers on the night shift—some of whom are illegals—equals around \$7.8 million a year—tax-free.) Husband, suspicious, gets her diary translated, conducts an investigation and asks for a divorce. She finds a law firm that runs a mill for obtaining green cards for Russians. Her lawyer commits "attempted coercion" in trying to get the husband to settle the divorce proceedings without a revealing trial. It doesn't work, so she arranges for some unknown man to threaten the husband—that works. She gets her way.

At the same time, the husband notifies INS—they start proceedings, he notifies IRS about her tax evasion—they do nothing, he notifies US Customs about her periodic smuggling of dollars out of the US—they do nothing, he brings a criminal defamation suit against her mother in Krasnodar—the city prosecutor indicts her mother.

Same man as before threatens the now ex-husband not to testify before the INS and stop the criminal proceedings in Krasnodar. Ex-husband goes to local police—they do nothing, he goes to FBI—they find out who the man is, apparently a wise guy at Flash Dancers, but decide not to talk to him because they fear it will anger the man into violence.

She arranges for her Russian mobster associates in Krasnodar to intimidate witnesses into changing their testimony in the criminal defamation proceedings and bribes, estimated \$10,000, the Department of Internal Affairs into dropping the case. Witnesses change their testimonies and the case is dropped.

That's the story so far, all true and naturally I'm the ex-husband. Interested?

Roy

**Date:** Wed, 7 Aug 2002 10:04:29 -0700 (PDT)

**From:** "roy den" <rdhhh@yahoo.com>  [Add to Address Book](#)

**Subject:** Aliens Voting

**To:** oreilly@foxnews.com

Dear Mr. O'Reilly,

I don't believe the media or politicians have picked up on the story that many illegal and legal aliens register to vote and vote in elections across the America. The law requires a person to be a US citizen, and if they aren't but still register or vote, then in New York they've committed a class E felony (max 4 years or \$5,000, NY Election Law 5-210(6)).

I became aware of this problem while checking the NYC voter registration records in order to confirm petition signatures for a local candidate. On a hunch, I punched in my ex-wife's name--she's an immigrant from Chechnya--and up popped her registration form on which all voters must swear that they are US citizens, which she is not.

I inferred that millions of aliens through out the country are probably voting illegally in our elections. Since most states like NY have their voter registration records computerized, a computer comparison with INS records could easily show which aliens were voting. Naturally the ACLU would object because most aliens vote for political correctionalist candidates.

On a different note, I was surprised last night (Aug 6th) when you referred to something as not "politically correct". How can any political philosophy be "correct"? That's like saying a particular religion is the only "correct" religion.

Thank you for your time.

Roy Den Hollander  
NYC

---

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### **Civil RICO lawsuit against the Russian Mafia and Chechen Islamic Fundamentalists**

- Pimps, prostitutes, pushers, pornographers and assorted criminals from the former Soviet Union have joined with underworld characters in Western markets over the past decade to create a global web of smuggling, protection, extortion, counterfeiting, tampering with witnesses, revenge, evasion of taxes and other illegal activities.
- Russian organized crime groups and Chechen Islamic mafiosi, working in cooperation with each other and foreign gangsters, infiltrate lucrative, hard currency markets, such as the U.S., by taking advantage of ineffective and un-enforced immigration laws as well as bribable officials to illegally gain entry for the organization's managers and human assets.
- A former writer and political producer for Channel 5 and Channel 7 TV News in New York City, Roy Den Hollander, a lawyer and business consultant, has filed a civil Racketeer Influenced Corrupt Organization lawsuit in the U.S. Federal Court for the Southern District of N.Y., Index No. 03 CV 2717.
- This case grew out of discoveries by Mr. Den Hollander that began while working as the acting manager of Kroll Associates in Moscow.
- The RICO suit focuses on two of the core businesses of the alliance among American, Russian and Chechen gangsters—white slavery and pornography. It also addresses the attendant crimes that keep prostitution and pornography profitable, such as immigration fraud, bribery, drugs, money laundering, tax evasion, coercion, intimidation, perjury, official misconduct and more.
- The Russians run prostitutes, pornography and in some cases drugs out of Russia into the U.S., or first to Cyprus and then the U.S., or by a second route through Mexico to the U.S.
- Profit driven immigration lawyers subvert U.S. laws in order to gain entry into America for members of the Russian mafia.
- Russian, American and Chechen gangsters, apparently including those connected with the Arbi and Movsar Baraev Chechen Islamic clan, protect the organization's operations from exposure and legal proceedings through threats, intimidation and coercion. A number of Mr. Den Hollander's witnesses in Krasnodar, Russia have been threatened, and he has received four threats so far. The FBI has identified one of the threatening callers, but is afraid that by interviewing him it would provoke him to harm Mr. Den Hollander. As such, the FBI has told Mr. Den Hollander not to open his door to anyone he does not know and to be careful when out in public.
- Prostitutes and pornography are sold through an affiliation of lap-dancing clubs controlled by organized crime and allegedly marketed over the Internet on the Cybertech Internet Strip Club Network.

- The drugs are secretly administered to some customers as a way of assuring return business.
- Mr. Den Hollander, while in Russia, unwittingly fell victim to one of the Russian mafia's schemes: duping American men into marrying mafia members so that the females can obtain legal U.S. residency and citizenship to carry out and expand the organization's activities in the U.S.
- One of the mafia's members, Alina, a.k.a. Angelina, Shipilina, secretly slipped narcotics into Mr. Den Hollander's meals and exploited the American sense of "idiot compassion" to cozen him into marriage so that she could enter the U.S. to expand the mafia's criminal activities.
- Ms. Shipilina now lives in Astoria, Queens, apparently working as a call girl, laundering money, evading taxes and importing drugs for the Russian mafia. She worked as a stripper at Flash Dancers right after coming to America. While living in Chechnya, she was mistress to Ruslan Labazanov, a former bodyguard to Chechen President Dudaev.
- In addition, Ms. Shipilina's family has close connections with the Chechen Islamic mafia clan previously run by Arbi Baraev, who beheaded four British telecommunication workers in 1998 in return for \$20 million from Usama Bin Laden, and subsequently run by Movsar Baraev, who led the taking of 700 hostages at a Moscow theater in 2002.
- Ms. Shipilina and her family continue to have profitable dealings with Chechen criminals in Krasnodar, Russia.
- The suit is for damages caused to Mr. Den Hollander's business and property in the amount of approximately \$1,000,000 and for a court order to prevent the defendants from causing him harm—whatever good that will do.

If you have any questions, please contact the plaintiff, Roy Den Hollander, Esq., (212) 995 5201, [rdhhh@yahoo.com](mailto:rdhhh@yahoo.com).



## ■ ВИКТОРИЯ АЛЕЙНИКОВА

"Я хочу развестись со своей женой, которая вместо того, чтобы выполнять супружеские обязанности, занимается стриптизом в ночном клубе, а после работы — проституцией. Она также вовлечена в мафиозные структуры. Я привез ее в Америку из Краснодара в надежде создать хорошую семью, но это оказалось иллюзией. За четыре месяца она успела заработать проституцией 60 000 долларов наличными..."

Не подумайте, что эту "исповедь одного американца" мы нашли на интернет-сайте. Хотя там такая информация тоже имеется. Ее принес прямо в редакцию "Улицы Красной" сам автор — гражданин США Майкл Ламер. В толстой папке лежали копии документов, отчеты частного детектива и дневник неверной жены. Мистер Ламер не говорил по-русски, но документы, которые он оставил в редакции, были чисто русскими. И героиня этой полудетективной — полуромантической истории тоже русская. И может быть это все объясняет.

Светлана Бондарчук работала в краснодарском модельном бизнесе. Обладая красивой внешностью и хорошей фигурой, она могла бы стать "лицом" местной рекламы. Но не стала.

Вместе с другими русскими девушками она отправилась на Кипр и устроилась в стриптиз-клуб. В общем-то, работа безобидная: клиент может пожирать глазами танцовщицу сколько угодно, но не имеет права к ней прикасаться, даже если заказывает ривайте — танец исключительно для него в закрытой кабине. Но сложная: изматывает и морально, и физически. Порой приходится танцевать до 20 танцев подряд и при этом оставаться привлекательной и желанной. Видимо, все это у Светланы получалось неплохо — работа спорилась. Но основной доход приносила ей не она, а "шабашки". По ночам и в выходные Света подрабатывала проституцией. С "костюмерами", как называют клиентов стриптиз-клубов, она проводила время уже не на расстоянии...

"Я поехала в отель к нему, сделала массаж (40 фунтов, если секс — 100 фунтов). Я получила 100 фунтов + деньги на такси... Дай бог удачи этому человеку!" Примерно таким стилем описаны тетрадные странички Светиного дневника. Читать чужой дневник — дело, конечно, неблагоприятное, но в ксерокопии с него для полноты картины пришлось заглянуть. И удивиться, и восхититься удивительной наивностью воспитанницы российской средней школы, в головке которой перепутались все понятия о добродетелях и пороках, смешалось грешное с праведным...

...Приехали на прошлой неделе бизнесмены, кажется, из Кувейта. Денег куры не клюют. Мариос продал им меня, Регину, Джулию и Надю (по 40 фунтов). Поехали в дорогой ресторан. Мой харь сказал, что не хочет секса. Я на радостях напилась вина и по глупости отдалась (до этого попросила 100 \$, славаБогу!) ...

"Странные все-таки бывают клиенты. Вчера один весельчак разул мою левую ногу, обрызгал апельсином, поцеловал пальцы. Потом одел мой туфель и повел меня танцевать на сцену. Но за танец не заплатил. На все воля Божья!!!"

Чувствуется, что несмотря на издержки профессии, такая жизнь Свету вполне устраивала. Поклонники дарили подарки — драгоценности, одежду, бытовую технику, кремы от целлюлита, парфюмы. Один богатый араб "закупил" Свету на три дня и свозил в Египет. Через ее кипрскую жизнь прошли, как тени: "замечательный мужчина: 100 фунтов стерлингов за половой акт", Эндрю: 60 фунтов плюс 10 фунтов за две фотографии в обнаженном виде; доктор Браун: духи, 50 фунтов стерлингов, часы, будильник, серьги с цепочкой, 100 фунтов, браслет и золотое кольцо" (Из отчета детектива). Короче, домой она вернулась с деньгами и подарками. Но какая же модель останавливается на достигнутом? И Светлана поехала в Мексику.

Мексиканские расценки оказались выше кипрских: за день работы в мексиканском клубе — \$250, ночь — \$300, table-dance (танец на столе) — \$140. В Мексике Света всего за пару месяцев заработала \$28 000. Правда, пришлось посидеть в тюрьме, куда многих стриптизерш забрала после облавы. Зато безбедная жизнь в Краснодаре была обеспечена.

# СУПРУГА ОБЩЕГО ПОЛЬЗОВАНИЯ

С Майклом Света познакомилась в Москве, когда собралась лететь в Мексику. Все началось очень романтично. Богатый американский юрист, убежденный седины, уставший от прагматичных и эмансипированных американок, сразу же влюбился в русскую красавицу, годившуюся ему в дочери. И для кубанской казачки Майкл явился ступенью. И для возвращенца Светы из Мексики начался "голландский" орхидей, подарки, знакомство с родственниками, отдых в Сочи перед свадьбой... Рука сего ветерана американской юстиции никогда еще не была так шедрой, а сердце так быстро не билось...

Вернувшись с курорта, гражданин США Майкл Ламер и гражданка России Светлана Бондарчук заключили брак в краснодарском ЗАГСе. После чего молодой муж отправился в Москву готовить визу в США, а жена — в Италию, где ее ждал медовый месяц с... мексиканским любовником, не забывавшим ни на минуту о танцовщице из клуба. Дон Педро покалал неверную супругу по Флоренции, Милану и Венеции, подарил бриллиантовое колечко, 1000 баксов и... вернул супругу.

... Нью-Йорк миссис Ламер понравился. Правда, здесь рука мужа стала менее щедрой. Все-таки американцы — народ прагматичный и, пережив бурю романтических эмоций, Майкл стал устраивать женушку на работу. Вместе они побывали в нескольких модельных агентствах, однако единственное, что Света умела отлично делать — танцевать "у столба". Но это была ее девическая тайна. Поэтому пришлось тайком от мужа устраиваться на работу в стриптиз-клуб.

От глаз американца не укрылись странное поведение жены, ее постоянные отлучки. А тут грянул настоящий гром: Майкл обнаружил дневник супруги, в котором тщательнейшим образом описывалась каждая встреча с клиентом и фиксировалась полученная прибыль! Что бы на его месте сделал русский мужик? Ну, вы сами знаете. Но не таков обманутый американский муж! Кого Света объявила, что хочет отдохнуть с мамой на Средиземном море, Майкл не возражал, но нанял частного детектива, а также дословно перевел дневник, хранящий память обо всех ее похождениях. Визит к доктору окончательно отрезвил американца — врач открыл ему тайну недомогания, которое все чаще посещало его после обеда: молодая женушка кормила его каким-то описодеждающим препаратом...

Встретить отдохнувшую супругу Майкл прилетел в Краснодарский аэропорт. Прямо там он потребовал развода, но напрасно. Миссис Ламер совершенно не хотела вновь становиться Бондарчук и возвращалась из respectable Нью-Йорка в провинциальный Маленький Париж. Она последовала за мужем в Нью-Йорк, умоляя дать ей шанс...

Что бы на его месте сделал русский мужик? Отколотил бы изменнику и простил! А обманутый американский муж выставлял Свету из дома. О чем, впрочем, пожалел. Потому что его начали посещать странные люди и угрожать ему расправой. Вот тут то мистер Ламер всерьез испугался, ведь именно в случае его смерти безутешная вдова автоматически получит американское гражданство. А он так наивно планировал развестись с русской и пронаблюдать, как правосудие возмужествует, и неверную депортируют в Россию.

Вот так, в поисках аргументов и фактов против изменницы Майкл оказался в Краснодаре. Чем закончится эта история — одному Богу известно. Может быть когда-нибудь мы вам об этом расскажем. А пока отрывок из письма мистера Ламера в редакцию: "Надеюсь, Вам понравится эта история — о том, как талантливая местная девушка утонула в погоню за американским долларом, и том, как глупый американский мужчина среднего возраста влюбился в нее, как и многие другие, убегающие от американок в поисках женственных русских девушек".

От редакции: все имена в статье изменены.



### **The Spouse for Common Use.**

I would like to divorce my wife, who instead of performing her marital duties, is working at the strip club, and after work is a prostitute. She is also involved in the mafia structures. I took her to the U.S. from Krasnodar in hopes of creating a nice family, but it turned out to be an illusion. For the last four months, she managed to earn \$ 60,000 as a prostitute.

Don't think that this is a confession of one of the Americans online, even though there is plenty of information like that. This information was taken to "Krasnaya Street" by the US citizen Michael Lamer. In the big folder he had copies of documents, detective reports, and his wife's diary. Mr. Lamer did not speak Russian, but the documents were in Russian. The heroine of this half-detective and half-love story is also Russian. And maybe this explains everything.

Svetlana Bondarchuk used to work in a modeling business in Krasnodar. Having good looks and a nice figure she could have become the next "face" of the local advertisements. But she did not.

With the rest of the girls she went to Cyprus to work in a strip club. The work is harmless: the client could look at the dancer all he wants; however, he does not have a right to touch her, even if he orders a private dance- especially for him in a closed room. The work is hard: both physically and morally. Sometimes they had to dance 20 times in a row and still stay attractive and desired. Apparently Svetlana was good at it.

But the main income of Svetlana was from prostitution. She worked as a prostitute at night and on weekends. "I went to his hotel, gave him a massage (40 pounds, if sex- 100 pounds). I got 100 pounds and the money for the taxi... Help G-d this man!"

Approximately that was written all over in Svetlana's diary. Reading someone's diary – that is not a fine-looking thing, but in order to get a full view of the picture, we looked at its copies. Its surprising and amazing how this naïve girl from a Russian high school, in whose head everything is messed up- she is confused with virtues and vices, right and wrong....

".... Last week these businessmen came from Kuwait, filled with money. Marios sold me, Regina, Julia and Nadya (40 pounds each). We went to an expensive restaurant. Mine said that he does not want sex. With the good news, I got drunk from wine and by mistake gave myself to him (before I asked for \$100 thank G-d!)...."

"We have some weird clients. Yesterday one took off shoes from left foot, spilled some orange juice on it and kissed my fingers. Then he put on my shoes and took me to dance on the stage. But he didn't pay for the dance. There is a God's will for everything!!!)

Despite the costs of her profession, Svetlana was satisfied with it. Her clients gave her presents – jewelry, clothes, home equipment, lotion from cellulite, perfumes. One affluent Arab "bought" her for three days and took her to Egypt. Through her life in Cyprus went by "amazing men: 100 pounds sterling for sexual intercourse; Andrew: 60 pounds plus 10 pounds for two nude pictures; Dr. Brown: perfume, 50 pounds sterling, watch, alarm, earrings and a necklace, 100 pounds, bracelet and a gold ring" ( from the detective's report). In short, she came home with a lot of money and presents. But she did not stop on this; she went to Mexico.



Mexican prices turned out to be more- for the day club- \$250, Night-\$300; table-dance-\$140. In Mexico, Sveta earned \$28,000. But she had to go to jail, where a lot of strippers were taken after the round-up. But she didn't have to worry about anything in Krasnodar. She got acquainted with Michael in Moscow, where she wanted to go to Mexico. Everything started out very romantically. An affluent lawyer, tired of pragmatic American women fell in love with a young woman who could have been his daughter. And for Sveta it could have been the next step to success. After her return, the "Hollywood" started: flowers, acquaintances with families, trip to Sochi before the wedding. Michael has never been that generous and his heart has never beaten that fast... After the trip, US citizen Michael Lamer and Russian citizen Svetlana Bondarchuk got married in Krasnodar. After that Michael went to Moscow to prepare a visa for Svetlana. His wife went to Italy, where she had a honeymoon with a Mexican lover, who did not forget about the dancer at the club. Don Pedro took the unfaithful wife to Florence, Milan and Venetia, gave her a diamond ring, \$ 1,000... and returned the wife. Mrs. Lamer liked New York. But her husband was not as generous as before. Americans are very pragmatic, and after the romance, Michael decided to find his wife a job. They went to a couple of model agencies, but Sveta knew how to dance next to a pole really well. But that was her secret. Therefore, she went to find a job at a strip-club surreptitiously. Her husband became very suspicious of her constant absences. And then he found her diary where she listed all her clients and her profit from prostitution. What would a Russian man do in his place? Well, you know yourself. But not the American man! When Sveta told her husband that she wants to go on a cruise with her mother, Michael did not protest, but rather hired a detective and translated the diary that had all of his wife's experiences. A visit to a doctor cleared the head of Michael – the doctor gave him a reason of his malaise after dinner: his young wife added some opium contained substances in his food... Michael went to pick up his wife from the airport in Krasnodar. There he requested a divorce, but that was inefficient. Mrs. Lamer did not want to leave a comfortable life in New York and go to a provincial Paris. She followed her husband to New York, begging him to give her another chance..... What would a Russian husband do? Beat her up and let her in again. But the American man kicked her out of the house. Later on, he regretted it. Later weird people started to threaten him. Then Mr. Lamer seriously got scared, after his death the widow would receive the citizenship in America. And he wanted to see how she would get deported after the divorce. That's how after looking for the arguments against his unfaithful wife he turned out to be in Krasnodar. How this story will end- only God knows. Maybe some day we will tell you about it. But now there is excerpt from Mr. Lamer's letter to us: "I hope you liked the story of how a very talented young woman went after the money, and how a stupid American man fell for a feminine Russian beauty, trying to escape from the American girls."

P.S. All the names were changed in the article.

Ulitsa Krasnaya  
April 30, 2001

## Unfamiliar acquaintances

This is an interview with Tatyana Vasilieva who is a fashion designer and whose works are well known around the world.

- *So, lets start with the childhood and your connection with sports*
- I was born in Ribachiem City in Issi-Cule. I have always liked to dance and later I started taking gymnastics.
- *What grade did you have in school for gym?*
- Since I am a Leo, I don't like to do something that is required. I was very athletic and loved the only two things during the lesson: running and jumping.
- *Maybe we have lost an Olympic champion?*
- Maybe, maybe (very seriously)
- *So what was the later relationship with sports?*
- When I went away to college in Krasnoyarsk, I started skiing. Another sports activity on my record is horse riding.
- *Now a personal question. Can you compare dating regular young men and young men who are into sports?*
- My boyfriends were connected with two types of sports: gymnastics and alpinism. I still think that a bad person cannot be an alpinist.
- *There is a conception that people who are into sports have an intellectually limited horizon and are even simple-minded. Do you agree with that?*
- Absolutely not. My friends have had both athletic and life goals and have accomplished them.
- *What are the common traits pertaining to athletes?*
- Responsibility, inner discipline, inner organization. The athletes who I used to know had all of the aforementioned characteristics.
- *Are you sure that sport has been the cause of the traits?*
- Of course. When you need to come at seven at practice and then work hard for the whole day- these traits are a necessity.
- *How did you occupy your daughter with sport?*
- At first, Nastya was scared of water, so her dad taught her how to swim. And then she started to slouch since she was attending "sit-in" schools: English-specialized and art. Therefore, she started swimming. Later on, when there appeared a dilemma between cutting her long hair and quitting swimming, Nastya did both.
- *With all the hard work, how do you manage to keep such a good figure?*
- I have many sets of exercises. First of all, I run in the mornings. By doing this, I walk the dogs and improve my health. I spend about 40 minutes for all the activities
- *How about your husband- does he follow your work-out or has something else?*
- He watches football, hockey, tennis and etc on television. And that's his sports activities.
- *What are your favorite TV sports?*
- I love watching dancing and aerobics. It reflects the culture of the body, rhythm and dance- all well-organized. I also like watching Afro-Americans run; cannot take my eyes off the TV

- *Many famous athletes today go on the podium as models. Can you imagine athletes among your models?*
- I already have a wonderful young lady like that- Alina Shipilina, who has been working with me for a long time and completely proves my theory regarding the aforementioned traits. She came to me when she was a student at the university and not a bad runner. She was built, all muscles, 185 cm in height and a very cute Russian face. From the first look, I unfortunately had to tell her that she would never become a model. The girl answered very politely but firmly that she would. I have heard such answers many times, so I did not want to argue with her. I have to admit that I was wrong. Alina with her hard work (used to it from sport workouts) became a beauty with a figure of a true model. The girl has had time to finish university, work in the West and now she is working on her degree (this is another proof of intelligence of the athletes).
- *Then, maybe you should take the models from the athletes?*
- I have my own school of preparing models and we base it on my own methods. It is easier to build models from “fresh” girls rather than athletes. But I respect the psychology of these people.
- *What is the sport fashion to you?*
- It is the fashion where the function of the outfit has to coordinate with beauty and aesthetics. Therefore, it has to be out of the natural fabrics. A person in that costume should have a desire to run, jump, and do some physical exercise.
- *Today all the athletes are wearing “Reebok”, “Adidas”, “Nike”. Is there a Russian sport fashion?*
- There is no Russian sport fashion because we do not have a sport costume culture. But we do not have enough equipment to provide the best quality of the product.
- *Did you ever try to become the leader in the sport fashion?*
- I have tried to work with the Krasnodarsk Company “Dynamo”. But it was a misfortune mostly due to unadvanced technology.
- *Is there really no hope in this area?*
- Not really. Oleg Machuga’s company (he is a son of a favorite athlete Vasily Machuga) is doing pretty well on the market. They work with foreign materials and goods. Considering the costs, the output is not that big. This is going to continue until our government realizes that it is profitable to produce sport costumes.
- *How much does the costume influence the outcome in sports?*
- In my opinion, it is 50/50. But it gives confidence to the athlete; this actually applies to everyday life too.
- *Do you have friends who are athletes?*
- Yes. They are Starikov, Mkrtchyan, Lavrov, Machuga, Pachivalov. All these people have the aforementioned traits of the athletes. Also Lilya Lavrova, woman who is beautiful and graceful.
- *Are athletes among your customers?*
- Unfortunately not. They think that their good bodies will look good in anything. It is nice to make clothes for their perfect bodies but I do not mind not perfect either. First of all, the person should listen to my opinion, and second of all, I

- have to like the person. There are plenty of resources to change the looks of the person.
- *What is common between fashion and sport?*
  - First of all, it is something that combines the people. Athletes care about the culture of the body, and fashion representatives try to make people look beautiful using clothes. Both of the lines are positive because they help people to advance.
  - *What is needed for Tatyana Vasilieva to start producing sport clothes?*
  - An investor. Even though I am still convinced that we do not have enough resources in our country to produce the sport clothes, even though we could use it here, in Cubany.
  - *You have traveled all over the world with your collection of clothes. What was the most memorable thing in the theme of "Sport and Fashion".*
  - When I was in London, I used to go to Guide Park. I was impressed that little kids and old people were running together. Also they had the best colorful costumes. And they were all so happy, which is partly based on the beautiful sport clothes.
  - *How will the sport fashion develop in the XXI century?*
  - Many fashion designers think that the traditional style will die out and the sport clothes will become popular. It is explainable by the democracy of the clothes.
  - What are the perspectives of developing of the industry of gym clothes here in Cuban?
  - Cuban is created for the development of this industry. We have a lot of resorts and this kind of clothes is exactly for that. For all sports, fishing, and swimming the gym clothes is essential. This business would profit pretty fast.
  - *What kind of sports would you recommend for women?*
  - I love dancing; aerobics, gymnastics, and horse riding- all this activities could make a woman look graceful and fit. But I really dislike wrestling and box. I think it is against the nature of women.

**ROY DEN HOLLANDER**  
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August 20, 2003

Special Agent Barry P. Babler  
Federal Bureau of Investigation  
330 E. Kilbourn Ave.  
Milwaukee, WI 53202

**Roy Den Hollander v. Flash Dancers Topless Club, et al.**  
**Southern District Court of New York, CV-03-2717 (MBM)**

Dear Special Agent Babler:

On August 18<sup>th</sup> I left a voicemail message for you concerning your interview with Anastasia A. Vasilyeva, Nicolay N. Vasilyev and apparently the father of one of them. I have enclosed a copy of the letter that the Vasilyevs sent to the US district court in the above captioned action. Also attached is a translation.

Once again, I do **not** represent the Vasilyevs who are defendants in this case. I would, however, like to talk to you concerning this letter. I will be in Wisconsin until August 25<sup>th</sup> and can be reached at 917 687 0652.

Thank you very much.

Sincerely,

Roy Den Hollander

**ROY DEN HOLLANDER**  
**Attorney at Law**

545 East 14th Street  
New York, NY 10009

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Mobile 917 687 0652  
rdhhh@yahoo.com

August 28, 2003

Robert S. Mueller, Director  
Federal Bureau of Investigation  
J. Edgar Hoover Building  
935 Pennsylvania Avenue, NW  
Washington, D.C. 20535-0001

Dear Director Mueller:

I want to know why the Milwaukee, Wisconsin office of the FBI is interfering with my investigation of the facts in a civil RICO case presently in the US District Court for the Southern District of New York.

I am the plaintiff in the RICO action, and as a lawyer, I represent myself pro se. The defendants include Russian, Chechen and American organized criminals, an Islamic mafia group once headed by Arbi and Movsar Baraev, and others. The case is titled Roy Den Hollander v. Flash Dancers Topless Club et al., 03 CV 2717 and is before Chief Judge Michael B. Mukasey. Currently, the domestic parties are proceeding through the Fed. R. Civ. P. 12(b) motion stage.

Two of the defendants, Anastasia and Nicolay Vasilyeva, are currently alien residents living in Milwaukee, Wisconsin. As the RICO complaint alleges, they also run a call-girl operation through a model and fashion house in Kransnodar, Russia by providing prostitutes to local officials and criminals and exporting prostitutes to Cypriot brothels/strip-clubs that are run by Russian organized crime and to other countries such as the USA.

In July 2003, the Vasilyevas sent a letter to the New York Southern District Court with a copy to me that responded to the complaint. See attached Exhibit A, copy of the original letter with an English translation. From August 21<sup>st</sup> to the 25<sup>th</sup> I traveled to Milwaukee to determine the accuracy of some of the statements in the letter and continue my investigation into the facts of the case.

On August 22<sup>nd</sup> at around noon, I interviewed Anastasia Vasilyeva's former employer and apparent friend, Cynthia Zahnow, who manages a small tailoring shop that seems to be part of the upscale Valentina fashion house in the Town of Brookfield outside of Milwaukee. Ms. Zahnow answered a number of my questions during the 10 to 15 minute interview that provided me with some useful information. Other people were present during the conversation. I left my business card with her.

On the same day at a little after one o'clock in the afternoon, I interviewed FBI Special Agent Barry P. Babler at the FBI's Milwaukee office. The Vasilyeva's letter to the Court stated that Mr. Babler had "inspected all of us" when Anastasia Vasilyeva's father came to Wisconsin from Russia on December 25, 2002. See Exhibit A, p 3, last paragraph of the English translation.

Mr. Babler talked with me for around 10 minutes in the waiting room of the FBI office and without another agent being present. Mr. Babler said there was no investigation into Anastasia Vasilyeva's father, only a routine inquiry that resulted from a random check of aliens visiting Wisconsin. He stated the inquiry only concerned confirming the father's paper work.

Mr. Babler added that he was familiar with the RICO case, had read the complaint (which is 91 pages long) and had a copy of it in his office. According to Mr. Babler, Anastasia Vasilyeva had contacted him after being served the complaint (June 2003), told him it concerned the Russian mafia and asked him for advice. Mr. Babler recounted that he told her he could not provide any legal advice.

Also during my interview of Mr. Babler, he agreed to give me the first name of Anastasia Vasilyeva's father which is necessary for determining her patronymic and in turn finding any criminal records that may exist in Russia. He told me to call back later that day. When I called back, he refused to provide me the father's first name as promised because, as he said, it would impact one of the FBI's investigations. The routine inquiry was now an investigation and apparently ongoing.

On August 25 at around 8:45 am, I received a call from Police Officer Sean Schmidt of the Town of Brookfield. Officer Schmidt said a complaint had been made against me by Ms. Zahnow and, if I contacted her again, I would be arrested for aggravated harassment.

Officer Schmidt continued that he understood from Ms. Zahnow that an FBI agent had been talking to me concerning my interview with Ms. Zahnow on the same day that the interview took place, August 22<sup>nd</sup>. In addition, Officer Schmidt said Ms. Zahnow told him that the FBI agent had contacted her and told her to call the local police to file a complaint against me.

Ms. Zahnow had no way of knowing that I had a discussion with an FBI agent while in Milwaukee unless it came from the FBI itself. Since the only agent I talked to during my trip was Mr. Babler, the mostly likely chain of events is that after I interviewed Ms. Zahnow, she contacted Anastasia Vasilyeva who then called Mr. Babler. Mr. Babler then either contacted Ms. Zahnow directly or told Anastasia Vasilyeva to tell her to make a complaint with the local police. Either way, it's the FBI interfering with a pending case in a federal court.

On August 25<sup>th</sup> before my plane left for New York, I visited the Milwaukee FBI office again to find out the reason for the FBI's interference. The head agent, David Mitchell, was on vacation, and the acting manager, Jeffrey Troy, was busy in meetings, apparently because of the influx of tens of thousands Harley Davidson enthusiasts. Mr. Troy's secretary said he would call me at my number in New York. He hasn't, and, if he does, I doubt he will provide me with any reasonable answers.

This is the third in a series of what I can only characterize as “bizarre” responses by the FBI concerning the fact pattern of this RICO suit. The other two occurrences concerned the New York City office and a series of threatening telephone calls made to me.

In closing, I want to know why the Milwaukee FBI is protecting two Russian alien defendants who ran and apparently still run an international prostitution ring centered in Krasnodar, Russia. I am taking this route of contacting you before I decide whether it is necessary to take up the District Court’s time with a motion for a preliminary injunction against the FBI.

Thank you very much. If you have any questions, please contact me.

Sincerely,

Roy Den Hollander



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September 22, 2003

Robert S. Mueller, Director  
Federal Bureau of Investigation  
J. Edgar Hoover Building  
935 Pennsylvania Avenue, NW  
Washington, D.C. 20535-0001

Dear Director Mueller:

I have not received any response to a letter I sent you on August 28, 2003, concerning the interference of the Milwaukee, Wisconsin office of the FBI into the investigation of the facts in a civil RICO case presently in the US District Court for the Southern District of New York, 03 CV 2717.

Attached is a copy of the August 28<sup>th</sup> letter

Sincerely,

Roy Den Hollander

CC: Jeffrey N. Drummond  
Attorney at Law  
303 West 21 St.  
New York, NY 10011

**ROY DEN HOLLANDER**  
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September 22, 2003

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J. Edgar Hoover Building  
935 Pennsylvania Avenue, NW  
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Attached is a copy of the August 28<sup>th</sup> letter

Sincerely,

Roy Den Hollander

CC: Jeffrey N. Drummond  
Attorney at Law  
303 West 21 St.  
New York, NY 10011



U.S. Department of Justice

Federal Bureau of Investigation

Office of the General Counsel

Washington, D.C. 20535

December 16, 2003

Mr. Roy Den Hollander  
545 East 14<sup>th</sup> Street  
New York, NY 10009

Dear Mr. Den Hollander:

Your letter, dated August 28, 2003, to the Director of the Federal Bureau of Investigation (FBI) was referred to this office for response.

Your allegation, in summary, is that an FBI agent in the Milwaukee Field Office interfered in your investigation in support of the civil RICO complaint you filed in the Southern District of New York. After reviewing the details set forth in your letter, and inquiring into the matter with cognizant personnel in the FBI Milwaukee Field Office, I am satisfied that the Milwaukee agent acted appropriately in his contacts with the parties in your complaint and did not, in any manner, interfere with your investigation.

Specifically, the agent made it clear to all parties who contacted him that the FBI had no interest in the matters alleged in your civil complaint and that he could not advise them as to how to respond or proceed. The only exception was the agent's advice to one party to contact the police because that person had alleged that you were harassing her.



U.S. Department of Justice

Federal Bureau of Investigation

Office of the General Counsel

Washington, D.C. 20535

January 29, 2004

Mr. Roy Den Hollander  
Attorney at Law  
545 East 14th Street  
New York, New York 10009

RE: ROY DEN HOLLANDER V. FLASH DANCERS TOPLESS CLUB, ET AL.  
CV-03-2717 (MBM)

Dear Mr. Hollander:

I received your letter dated January 5, 2004, requesting additional information with regard to your complaint that a Special Agent (SA) assigned to the FBI's Milwaukee Division interfered with your investigation in the above-captioned matter. As you were advised by my previous letter dated December 16, 2004, the FBI's Office of the General Counsel has determined that there was no impropriety on the part of the Milwaukee SA in your case. Inasmuch as the FBI has no interest in this litigation, any further requests for information regarding the FBI's authority to investigate foreign visitors or any other issues of interest to you may be obtained through the Freedom of Information Privacy Act pursuant to 28 Code of Federal Regulations § 16.1 et seq.

Sincerely,

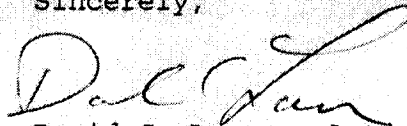
David C. Larson, Acting Chief  
Investigative Law Unit

Mr. Roy Den Hollander

Furthermore, in refusing to provide you the name of your defendant's father or any other FBI record information, the agent was acting in compliance with the Privacy Act, which prohibits release of this information. Finally, I assure you that the FBI is not "protecting" your named defendants or anyone else, for that matter. In closing, let me reiterate that the FBI has no interest in your litigation or its outcome.

I trust that this response addresses your concerns.

Sincerely,

A handwritten signature in cursive script, appearing to read "D. C. Larson".

David C. Larson, Acting Chief  
Investigative Law Unit

**ROY DEN HOLLANDER**  
**Attorney at Law**

545 East 14th Street  
New York, NY 10009

Tel. & Fax: (212) 995-5201  
Mobile 917 687 0652  
rdhhh@yahoo.com

January 5, 2004

David C. Larson, Acting Chief  
Investigative Unit  
U.S. Dept. of Justice  
Federal Bureau of Investigation  
Office of the General Counsel  
Washington, D.C. 20535

**Roy Den Hollander v. Flash Dancers Topless Club, et al.**  
**Southern District Court of New York, CV-03-2717 (MBM)**

Dear Mr. Larson:

Thank you for your letter of December 16, 2003 in response to my complaint that the FBI Milwaukee Field Office interfered with my investigation in the above captioned case.

I am concerned that Special Agent Babler provided legal advice to a particular party complaining about harassment by telling her to contact the police. I understand that the FBI rules and regulations prohibit agents from providing such advice to the public.

In addition, Special Agent Babler's action does not appear accidental or even negligent. He knew I was in Milwaukee conducting the type of research that attorney's do on a case. (Please see the attached August 20, 2003 letter to Babler.) In this instance, I was trying to confirm the representations made to a federal court by two defendants. (Please see the attached letter to S.D.N.Y. court.) Despite this knowledge, Special Agent Babler went ahead and advised a member of the public to use the local police to complain of harassment. Being an experienced law enforcement officer in modern day America, Special Agent Babler had to have known that the police would respond to such a complaint from a woman by threatening me with arrest. As simple logic dictates, such a threat would have some deterrent effect or at least consume valuable time in my investigation of a pending case. Regardless of Special Agent Babler's motives, his action negatively impacted my investigation into a matter before a federal court and he should be reprimanded. It is unacceptable in a republic for one law enforcement agency to use its street smarts to manipulate another agency into interfering with a lawful investigation in a civil case.

Further, your letter did not indicate whether Anastasia Anatolyevna Vasilyeva (father's first name Anatole) or Cynthia D. Zahnnow (the interviewee) was the party that contacted Special Agent Babler.

Lastly, I would like to know whether it is normal procedure for the FBI to investigate visitors to the USA from Russia as in the case of Special Agent's Babler's investigation of Anastasia's father when he visited in December 2002?

Thank you for your time.

Sincerely,

Roy Den Hollander

**Barry P. Babler FBI Special Agent Interview**  
(414 276 4684, direct 414 291 4258)

8/22/3 at around 1:05 to 1:18pm, RDH interviewed Babler at FBI office 330 Kilbourn Ave, Milwaukee, WI 532202.

Babler came out into the waiting room to talk to me alone. (Usually two FBI agents talk to someone.) Babler was very nervous but had a good tan.

I introduce myself and mentioned the RICO case.

Babler apologized for not returning my call of Monday 8/18/3.

Babler said that Anastasia Vasilyeva had come to him concerning the RICO case and asked for advice on what to do. Vasilyeva said the case involved Russian organized crime. Babler told her that he couldn't give her legal advice, and that he did not give her legal advice. Babler had a copy of the complaint, which he said he had read.

Babler said that the FBI only conducted a routine inquiry into Anastasia's father after he had arrived in America. Babler said the inquiry resulted from a random choice of papers that normally flow across his desk. The inquiry entailed confirming the paper work was accurate. Such routine inquiries never take six weeks and are done only after the alien arrives. The inquiry of Anastasia's father did not take 6 weeks; did not take a month. It was done quickly after the father had already arrived. (Contradicts Zahnow.)

Babler does not read Russian.

I asked him whether he knew Anasatasia's middle name. He said it would be the first name of her father. He thought the father's first name was Anatole. I asked if he would check. He said it was in his records in his office and would check later because he had an appointment at that moment. Babler told me to call him in an hour and a half and he would give me the name.

Babler said he heard about similar situations as mine.

After I mentioned to him I had been traveling to Russia since 1991, he said he was surprised that I was not on their list.

At around 3:20pm, RDH telephoned Babler.

Babler was no longer nervous; he was in the typical FBI authoritarian mood. He refused to provide the name of Anastasia's father because it is information that impacts one of our investigations and cannot give it out. (Babler previously indicated it was only a routine inquiry that had been completed. Now it was an investigation, apparently ongoing.)



He said he was involve in another investigation of a gentleman in my situation but nothing could be done because the fraud occurred in Russia. He said it was not at all infrequent for an older American man to marry a younger Russian woman who only wants to get to America. Babler asked me whether I lived in Wisconsin or NY. I told him NY, but it seemed a strange question.

After hanging up with Babler, I called Vasilyevas' home number which was busy for at least 5 minutes later.

8/25/3 from around 12:45 to 1pm, RDH was at the FBI Office on Kilbourn Ave. trying to meet with a supervisor to find out why the FBI was interfering with his investigation into the RICO case. The boss of the office and head for the state, David Mitchell, was out of town for a week. His assistant, Jeffrey Troy, was busy, and the receptionist told me to call back around 2pm. The receptionist made a point that I should call back at 2pm and not stop by. At 2pm I called Troy's office, the secretary said we have a lot of things going one this week, but she would call me back in 15 minutes. At 2:20pm Troy's office called me back to say that Troy was busy in meeting all day and that he would contact me by telephone tomorrow, 8/26/3.

**Brookfield Town Police**  
(262 796 3798)

8/25/3 at 8:15am Officer Sean Schmidt received a telephone complaint from Cindy Zahnow concerning the 8/22/3 interview with her. Case No. 031776.



At around 8:45am Schmidt called RDH on his mobile. Schmidt very nastily said that if I contacted Zahnow again I would be arrested for aggravated harassment and that I had no legitimate reason for contacting her. To add to the intimidating effect, Schmidt said Zahnow told him that an FBI agent had talked to me concerning my interview of Zahnow. Schmidt was clearly implying I was the subject of an FBI inquiry.

I explained to Schmidt about the letter by one of her employees to the court in the Federal case. I said I have a right to confirm the information in the letter. Schmidt went on that I have no legitimate right to contact her again, to visit her shop and if I do I will be arrested for aggravated harassment.

Schmidt added that Zahnow told him that an FBI agent had contacted her and told her to call the local police concerning the interview. Zahnow did not tell Schmidt the name

Around 11:30am, RDH visited the Town of Brookfield police and talked with Acting Chief Chris Perket. Told the Chief I did not appreciate the intimidation implicated in the threat to arrest me. I informed him about the RICO case in federal court, that the defendants in Wisconsin were Russian and Zahnow was the former employer of one defendant. I added I was within my rights to continue my investigation into the case. I requested a copy of the complaint that they later provided.

8/26/3 at around 10:50am, RDH called Sean Schmidt and asked why his report did not included that Zahnow told him an FBI agent told her to call the Brookfield police to file a complaint. Schmidt confirmed that is what she said but did not put it in the report because it was not confirmed. I told Schmidt that I would probably need a statement as to what she said and he agreed. Schmidt said he did not include Zahnow's statement about the FBI because he had no way of confirming whether it was true.

**Date:** Wed, 27 Aug 2003 10:14:58 -0700 (PDT)  
**From:** "roy den" <rdhhh@yahoo.com>  [Add to Address Book](#)  
**Subject:**  Get out of town by sundown  
**To:** "Jeffrey Drummond" <jndrummond@msn.com>

Jeff,

I talked to the Wisconsin local chief of police. Apparently the cops were just tools of the complaintant and FBI's effort to intimidate me. The FBI head could not see me while I was still there. His secretary said he will call me here in NYC. Anyway, I've drafted a letter to the FBI Director Mueller. I'd appreciate you looking at it. There's some more to tell then what's in the letter.

If the case survives the dismissal, I'm thinking of adding the FBI and complaintant into the RICO.

The defendants have requested and I agreed to a two week extension to put in their motions to dismiss.

When's a good time to meet to update things?

Roy

### Zahnow, Cynthia "Cindy" D. Interview

On 8/22/3 RDH visited Custom Tailoring 18900 W. Bluemound Rd., Brookfield, Wisc 53045, tel. 262 796 0434. The shop is small and in the back of the Galleria West Mall. It is next to the Valentina women's clothing store that sells expensive designer clothes and specializes in expensive wedding dresses.

Custom Tailoring and Valentina are geographically arranged and present the same image as Vasilyeva's Fashion House in Krasnodar. Valentina has a storefront with tall model like attendants and manikins draped with fashionable clothes. Off to the side is the apparently captive tailoring shop, Custom Tailoring, that serves Valentina's clients.

Approximately from 11:50am to 12:05 pm, RDH interviewed Cindy Zahnow in the presence of a young (20s) male employee with black hair and a seamstress with burnette hair in her 30s or 40s. Purpose was to confirm information that Vasilyeva provided the court in a letter.

After RDH introduced himself as a NYC lawyer in an ongoing case in the federal court in NY, Zahnow did not recall Anastasia's patronymic but said she would check her records and for RDH to call her Monday at work.

Zahnow said that Anastasia had left to work at the Boston Store in downtown Mil. within the last few weeks. The young said Vasilyeva left work on July 25 or 28.

Zahnow found Vasilyeva the job because it paid benefits.

Zahnow said that one of Vasilyeva's child was born with defects and that Anastasia was probably at that moment in Children's Hospital.

Anastasia's father arranged to come to America to help with the child, but the FBI had delayed his entry for about six weeks while it conducted an investigation into Anastasia's father. The FBI had visited Custom Tailoring as part of its investigation.

Zahnow said she was not Russian.

Zahnow said she knew what was going on in the case concerning the "kook". She asked of RDH are you the "kook"? I asked who mentioned the word "kook". Zahnow said that Anastasia had shown the complaint to "everybody". But Zahnow would not say who used the word kook in describing the plaintiff.

RDH asked again whether Zahnow knew Anastasia's last name and she said no and that she probably didn't have it in her files.

I gave Zahnow my card.

RDH left and returned to ask for Zahnow's card. She did not have one. As RDH left, Zahnow sneaked up behind him and his witness and asked if they were talking about her to which RDH replied that he never defames people as others do.

Zahnow then walked into Valentina.

Cynthia Zahnow was arrested in 12/27/00 for disorderly conduct. Case dismissed on prosecutor's motion.

There are no Corporation records for Custom Tailoring and no telephone listings.

Valentina is owned by Gina Chirchirillo and Anthony "Tony" J Chirchirillo. Gina was arrested 3/14/95 for issuing worthless check, dismissed on prosecutor's motion and 12/18/95 for issuing a worthless check, pleaded guilty. Gina and Tony live at 1725 Old Oak Ct, Brookfield, WI 53005, which is also the Register Agent Office for Valentina, telephone number is unpublished.



# FROM RUSSIA AS 'SLAVES'



Lev Trakhtenberg, under house arrest, denies the women he has brought over from Russia (below) to dance in local clubs are here against their will.

RON ANTONELLI/DAILY NEWS

**T**hey came through Kennedy Airport with visas claiming they had traveled 5,000 miles to work as musicians in internationally renowned Russian show groups.

Instead, the women of Voronezh, an agribusiness city of 1 million people in central Russia, worked as strippers in northern New Jersey clubs like Delilah's Den and Frank's Chicken House.

Natasha, Vanessa, Liza, Lolita and about 30 others danced six days a week, shuffled from Brooklyn apartments by a hulking ex-boxer.

Today, several are government witnesses in a federal case that opens a window on the burgeoning international trade in young, attractive Russian women.

"The fearful plight of these women, who were forced to dance nude and perform other abhorrent acts, cannot be measured in a 12-count indictment," New Jersey Attorney General Peter Harvey said of the case. "Their plight can only be measured in human tragedy."

One expert has testified that as many as 8,000 women are smuggled into the region each year to work in strip clubs, massage parlors or as domestic servants.

The trade generates thousands of dollars a week for dancers who are forced to kick in between \$200 and \$600 a day to the people who brought them here — money that over the years has attracted violence.

In April 2000, Veronica Chaschina, a 28-year-old Russian stripper, was gunned down in her Brighton Beach apartment by an acquaintance who believed she was hiding more than \$100,000.

"These women are not doing this of their own choice," Jersey City Police Lt.

Within a week, he found work outside the Democratic National Convention at Madison Square Garden, hawking flyers for a Manhattan strip club.

Federal prosecutors say that in the late 1990s, Trakhtenberg and his ex-wife, Viktoriya I'lina, hatched the plan to bring women from their native Voronezh to work in strip clubs in New Jersey.

They placed ads in Voronezh newspapers, seeking women who wanted to work "striptease" in America. They hired

I'lina's old flame Sergey Malchikov, a former professional boxer, to drive the women to their jobs from sparsely furnished apartments in Brooklyn, authorities say.

Prosecutors say the couple lied on the women's visas, claiming they

would work in popular Russian show groups or study at the University of Illinois. Further, the prosecutors say, the women were not informed of the "lascivious" nature of the dancing.

The women's passports were confiscated to restrict their movement, and those who tried to leave or refused to pay back their \$5,000 smuggling fee were threatened, prosecutors say.

Trakhtenberg tells a different story. He said he and his family were forced to take part in the smuggling by unnamed criminal elements. He alleged his name was forged on the women's visa documents and that they lied in the hopes of winning residency.

"I never smuggled anybody," Trakhtenberg said as he sipped Russian cognac in

DAILY NEWS

## SPECIAL REPORT

By THOMAS ZAMBITO

DAILY NEWS STAFF WRITER

Lev Trakhtenberg, under house arrest, denies the women he has brought over from Russia (below) to dance in local clubs are here against their will.



**'The fearful plight of these women, who were forced to dance nude and perform other abhorrent acts, cannot be measured in a 12-count indictment.'**

**N.J. Attorney General Peter Harvey**

RON ANTONELLI/DAILY NEWS

massage parlors or as domestic servants.

The trade generates thousands of dollars a week for dancers who are forced to kick in between \$200 and \$600 a day to the people who brought them here — money that over the years has attracted violence.

In April 2000, Veronica Chaschina, a 28-year-old Russian stripper, was gunned down in her Brighton Beach apartment by an acquaintance who believed she was hiding more than \$100,000.

"These women are not doing this of their own choice," Jersey City Police Lt. Walter Zalisko told a group gathered last month at the Ukrainian Institute of America on East 79th St. for the screening of a film that dramatized the problem. "They're slaves."

He said the Russian mob is behind many of the operations.

Zalisko, who is fluent in Russian, has assisted with prosecutions in New York and New Jersey and estimates he has spoken with as many as 800 victims, some as young as 15, working in strip clubs or as prostitutes.

Since 2001, the Justice Department has charged 149 traffickers — three times the number from the previous three years. Over the same period, 287 prosecutions were opened.

"It's like a cancer that has gone undetected and has metastasized," said Rep. Chris Smith (R-N.J.), a sponsor of the Trafficking Victims Protection Act.

Enacted in 2000, the law increased penalties for traffickers and made cooperating victims eligible for visas.

At the center of the case involving the women of Voronezh is Lev Trakhtenberg, a 39-year-old Russian émigré who produces theatrical shows for Brighton Beach's Russian community.

Trakhtenberg arrived in the United States in 1992 with a master's degree in Russian literature and few prospects.

The women's passports were confiscated to restrict their movement, and those who tried to leave or refused to pay back their \$5,000 smuggling fee were threatened, prosecutors say.

Trakhtenberg tells a different story.

He said he and his family were forced to take part in the smuggling by unnamed criminal elements. He alleged his name was forged on the women's visa documents and that they lied in the hopes of winning residency.

"I never smuggled anybody," Trakhtenberg said as he sipped Russian cognac in his Brooklyn apartment, where he is under house arrest awaiting trial in October in Newark Federal Court.

"Everybody who came here came here voluntarily. Can you imagine they're calling this modern-day slavery if many of [the dancers] came here twice and continue to do the 'lascivious' dancing? This is absurd."

But prosecutors said in court papers that I'lina, attorney Larry Bronson and a private investigator tried to intimidate witnesses in the case at Delilah's Den in South Amboy, N.J., last November.

"We're gonna win, and I know they promised you a green card," I'lina told one of the dancers, according to a prosecutor's account. "They're going to use you like condoms and throw you away."

Prosecutor Leslie Faye Schwartz said one of the alleged victims told her that an attorney and another man from the group came close to the stage, waving \$20 bills as she danced.

"Come on and talk to me like a customer," one of the men said. "I'll take a dance."

Bronson questions the credibility of the dancers.

"Anybody who can stand on a stage and take their clothes off and then give some greasy truck driver a lap dance is not someone who is a shrinking violet," Bronson said.



**ROY DEN HOLLANDER**  
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June 18, 2004

Peter Harvey  
N.J. Attorney General.  
Office of the Attorney General  
P.O. Box 080  
Trenton, NJ 08625-0080

**Re: Attached Newspaper Article – “From Russia As Slaves”**

Dear Mr. Harvey:

With all due respect, you don't know a damn about the Russian mafia's underground pipeline for bringing Russian prostitutes and strippers to America. These ladies come of their own free will to make big money. The average monthly salary in Russia is \$150. They can make many times that in one night at a lap-dancing club and even more as prostitutes. Prostitution was always the former Soviet Union's key capitalistic enterprise with the pimps being both men and women. Now it's Russia's key earner of hard currency because the fall of the Iron Curtain unleashed tens of thousands of prostitutes and assorted criminals into the world.

The Russian sex industry works quite simply: model agencies through out Russia, some run by men, some by females, are swamped with pretty young girls wanting to sell their assets in hard currency markets. The agencies, often via bribes, obtain the girls travel visas so they can work overseas in lap-dancing clubs and brothels. Some agencies send the ladies to work at clubs in Mexico City, such as The Men's Club, and then smuggle them into the U.S. The girls know before they leave what they are going to work at, how else could they hope to make so much money. They sell their bodies willingly because that's how they become millionaires by Russian standards.

The standard agency fee is around 20% for making the travel and visa arrangements and paying the airfare. The strip club or brothel takes around another 15%. That leaves the prostitutes and strippers 60 to 65% beside the private prostitution deals they cut with their customers and whatever they can cheat from the money they owe their agencies. It's rather difficult for a model agency in Russia to keep track of how many times a girl gives a lap dance or performs sexual acts. These Russian model agencies also function as matchmakers, suckering American men into bringing these prostitutes to America, and pornography producers for the American market.

I suggest you talk to the Deputy District Attorney for Los Angeles County, Marcia Daniel, who recently prosecuted the largest prostitution ring in Los Angeles' history, run by a 42 year old Ukrainian woman and her 22 year old daughter. Ms. Daniel will tell you how the underground railway funneling Russian prostitutes into America works. But you are probably not interested, since you are obviously pandering to the female vote. Oh, and by the way, when a Russian has her passport stolen or "confiscated," all she needs to do is contact the nearest Russian Consulate to obtain a replacement.

You may feel like a white knight, but the folks in Russia and those here that understand the twisted nature of that country are laughing at your gullibility. You should take a lesson from former President Harry Truman, "Those Russians, they lie." And Russian women are the best at it in large part because they can cry at will.

Thank you for your time.

Sincerely,

Roy Den Hollander

[Russian Articles, Papers and Presentations by Roy](#)

[Interviews of Roy](#)

[Roy's Speech at the Kremlin](#)

[Two Russian TV News Appearances by Roy](#)

# ROY DEN HOLLANDER

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## SUMMARY

**Civil litigator in Federal and New York State courts.  
Proficient in electronic discovery (Relativity, DocuMatrix, Clearwell).**

## EXPERIENCE

### **Contract Attorney Document Review**

2015-2018

KLDISCOVERY for Paul, Weiss, Rifkind, Wharton & Garrison proposed merger D.O.J. second request-relevance, Beacon Hill Staffing for Shook, Hardy & Bacon pharmaceutical product litigation-relevance and privilege; TransPerfect Solutions for Simpson Thacher Bartlett LLP-European Commission's second RFI on a proposed merger; TransPerfect for Reed Smith LLP, Cohen Gresser LLP, and Paul Weiss-relevance and privilege projects; Labaton Sucharow class action securities fraud-relevance; Tapfin for Ernst & Young product liability-relevance and privilege; DTI Global for Prudential Insurance Company emails for regulatory compliance.

### **Contract Attorney**, New York, N.Y.

2011-2014

Quinn Emanuel Urquhart & Sullivan residential and commercial mortgage-backed securities fraud case.

- Team leader for privilege review.
- Drafted exhibits based on prospectuses.
- Conducted electronic document review with Relativity and DocuMatrix.

### **Attorney and Business Consultant**, New York, N.Y.

2000-2011

Litigated civil cases and advised on corporate governance.

- Plaintiffs' attorney in federal class action challenging various provisions of U.S. immigration law as unconstitutional.
- Insurance subrogation litigation for Seneca Insurance Co., Inc.
- Counseled a number of small corporations on security, regulations, tax, and litigation.

### **Kroll Associates Russia**, Moscow, Russia

1999-2000

Improved and managed Kroll's delivery of intelligence and security in the former Soviet Union.

- Reorganized operations that increased service quality and reduced turn around time for conducting investigations, processing information, and preparing intelligence reports.
- Redefined the role of Russian employees in the firm so as to foster decision-making ability, confidence, and pride in their work.
- Developed and executed a marketing strategy that acquired new Western clients.
- Improved financial reporting and cost allocation systems that reduced expenses.
- Collected all receivables that were overdue past 90 days.

### **Attorney**, New York, N.Y., Russia, Ecuador

1990-1999

Counseled companies, individuals, and nonprofit organizations in America, Russia and Ecuador on legal and business issues, including international financing and marketing.

- Provided financial advice to the Russian Ministry of Foreign Economic Affairs on increasing hard currency revenues by trading in Russian's foreign debt.
- Consulted with the Office of the Chairman of the Supreme Soviet, Ruslan Khasbulatov, on privatization and antitrust laws.
- Counseled an Ecuadorian presidential candidate on a comprehensive plan for reducing that country's foreign debt without further impoverishing the nation.
- Advised clients on which Russian companies to invest in through Russia's privatization program.

**Cravath, Swaine & Moore**, New York, N.Y.

1986-1989

As an associate wrote briefs, took and defended depositions, and prepared expert witnesses in a variety of Fortune 500 company cases.

- Played crucial role in successful around-the-clock, high-pressure effort that prevented the hostile takeover of a multi-billion dollar corporation.
- Prepared testimony on the valuation of a major Atlantic City Casino-Hotel in the successful defense of a multi-million dollar fraud suit.
- Managed a team of attorneys and paralegals.

**U.S. Department of the Treasury-Honor Program**,

1985-1986

Attorney in the Office of Chief Counsel of the Internal Revenue Service: Interpretative Division.

- Prevented the improper dissolution of a multi-billion dollar irrevocable trust as result of income tax implications.

**WABC TV News**, New York, N.Y.

1980-1981

Political Producer, Writer and Assignment Editor.

- Managed news coverage of the 1980 Presidential primaries, conventions and election campaigns that contributed to making the evening news show number one in its market.
- Produced award winning half-hour special on the political situation in Israel and Lebanon.

## EDUCATION

**Columbia University Business School**, New York, N.Y.

MBA 1997

Concentration in Finance. Beta Gamma Sigma Honor Society.

**George Washington University Law School**

J.D. 1985

Order of the Coif Honor Society.

## ADMISSIONS

Admitted N.Y. State Supreme Court-First Department, No. 2168805, U.S. District Courts Southern and Eastern Districts of N.Y., U.S. Court of Appeals for the Second and Third Circuits, U.S. Supreme Court.

## **RICO Defendants Websites**

[Cybertech Exotica VIP Escorts](#)

[Strip Club Escorts](#)

[Strip Club Network](#)

(Includes Flash Dancers)

## SAFE DEPOSIT LEASE AGREEMENT — New York

NAME Alinea A Chipilina DATE 08/22/09 SAFE NO. 14699  
 NAME \_\_\_\_\_ SAFE LOCATION 411 5<sup>th</sup> Avenue  
 MAILING ADDRESS 545 East 144<sup>th</sup> St 10D, NY, NY ANNUAL RENTAL FEE 43 DEPOSIT 43  
10009

In this agreement, the words, I, ME, and MY mean all individuals named at the top of this Agreement. The words YOU and YOUR refer to Citibank. Please read this Agreement carefully, and sign it in the space provided. If more than one person signs, each will be liable to fulfill the obligations spelled out in this Agreement.

**RENTAL TERMS**

I agree to lease the safe described above for a period of one year from the date of this Lease. At the end of that time, this Lease will be renewed automatically from year to year, unless I notify you in writing at least 15 days before the Lease is due to expire that I do not want to renew, or unless you decide to cancel it. I agree to pay the first year's annual rental fee, and the fees for each yearly renewal, in advance. You may also, with advance notice to me, impose a charge each time I open my safe.

I authorize you to charge any deposit account maintained with you in my name individually or jointly with another party, for the amount of any rental fee remaining unpaid after 30 days from the due date for such rental payment.

**USING MY SAFE**

I have received two keys for my safe. I agree to protect these keys and return them both to you if my Lease is terminated. If I lose one key, I understand that I will have to pay a fee for a replacement. I also understand that if I lose both keys, I will have to pay a fee to replace the lock on my safe. These fees cover the cost of materials and labor.

I agree to observe the hours and procedures you set if I want to open my safe. For my own protection, each time I want to open my safe, I must present my key and sign a request so you can check my signature.

The only others who will be allowed access to my safe, are my authorized legal representatives and my approved deputy or deputies.

**APPOINTING A DEPUTY**

I may authorize another person as my deputy, in addition to myself, to handle all business concerning my safe. To do so, I must fill out one of your deputy authorization forms. You will continue to honor this authorization until you receive written notice from me that it has been cancelled, or until you have notice my death. If you follow my instructions, I agree that you are not responsible for any actions of my deputy.

**ITEMS PROTECTED**

I understand that my safe is intended to provide protection for securities, jewelry, precious metals and valuable papers only. I agree that your responsibility respecting these valuables is limited to the use of ordinary care.

I further understand that you do not insure the contents of my safe.

I agree not to use my safe for any other purpose. If I do, you will be not be responsible for the loss or destruction of any other property kept in my safe, including money.

**TERMINATING THIS AGREEMENT**

I can terminate this Agreement at any time by notifying you in writing. I must then empty my safe and return both keys to you. You can also terminate this Agreement at any time and require me to remove the contents of my safe and return the keys to you. You agree to give me at least 15 days advance notice in writing sent by ordinary mail to the address you have for me in your records.

**LEGAL NOTICES**

If you receive a legal notice that might affect my safe or its contents, you may deny me access to it until the matter is settled or the notice cancelled or withdrawn.

**REFUNDS**

If you terminate this Lease, I will receive a refund of any prepaid rental for the unexpired time of my Lease.

If I terminate the Lease, you will determine if I am entitled to a refund of any prepaid rental. However, if I terminate the Lease immediately upon notice by you of increased charges for use of the safe, I will receive a refund of any prepaid rental.

If I have given you a deposit, I understand that you will return it upon my third renewal or whenever I return both keys to you. The deposit will not be returned if any renewal payment is not made within 60 days of coming due.

## **Judicial and Attorney Complaints**

[Judge Fran Lubow](#)

[Judge Helen Sturm](#)

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## BIKINI BABES' GIG A SWEET MEAL TICKET

By MARINA VATAJ

October 22, 2006 --  
Meet America's  
hardest-working  
beauty queens -  
Middle American  
pageant veterans  
living in New York  
City rent free in  
exchange for  
hustling cocktails  
in their bikinis at a  
Times Square hot  
spot.

For the young  
beauties, it's a shot  
at becoming a top  
model.

For the customers,  
it's wall-to-wall



**HOT DISHES:** Jennifer Johnson and Angelina Shipilina wait a table at the Hawaiian Tropic Zone...

PREVIOUS

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ALL CLASSIFIEDS

DATING

JOBS

AUTOS

REAL ESTATE

lovelies who can juggle drinks and dinner orders while looking gorgeous.



Owners of the Hawaiian Tropic Zone, an 800-person-capacity restaurant that just opened on 49th Street, recruited ambitious women from pageant competitions across America as its first wave of bikini-clad employees. Those women have since been joined by 82 local waitresses.

The out-of-towners live in a dorm-like apartment on the Upper East Side - it's "The Real World" meets "Gidget."

"It is a great opportunity for me to get closer to my dreams of becoming a model," said Jennifer Johnson, a 26-year-old who left her job teaching fourth grade in Dallas after winning the Miss Texas Hawaiian Tropic contest.

Her roommate and fellow Texan, Sarah Jo Lammers, a 24-year-old from Corpus Christi with a finance degree, bolted the business world to pursue a modeling dream here.

The Texans live with eight other recruits in two three-bedroom pads in an eight-story walkup on the Upper East Side owned by Dennis Riese, who owns the Hawaiian Tropic Zone with PM nightclub honcho Adam Hock.

Under the terms of their Hawaiian Tropic Zone deals, the models live rent free for six months, pay \$200 for the seventh month, \$400 the eighth and \$600 a month until they leave. They also get discounted gym memberships and tanning, because they're required to take part in both.

In return, they weave in and out between crowded tables as waitresses for the restaurant, welcoming guests, serving drinks and taking dinner orders while wearing Nicole Miller bikinis.

Every night is a beauty pageant. The waitresses strut their stuff twice a shift in front of the usual crowd of suit-clad bankers and brokers who quiet down and cast their paper ballots for the hottie they most admire.

The pageant winner gets a \$100 bonus on top of \$100 for each eight-hour shift and tips as high as \$100 per table.

"I went out and bought shoes, which are everywhere in this city," Johnson said, recalling a whopping gratuity from one admirer.

But the guys "are never inappropriate or touchy-feely" Johnson said. "Mostly, they just ask to take pictures with us."

When they aren't working, "we like to stay in a lot," Johnson said. "But when we do go out, we respect each other. That means no boys come back with us."

"No if, ands or buts," Lammers said. "If there's a guy here after midnight, we kindly ask them to leave."

[marina.vataj@nypost.com](mailto:marina.vataj@nypost.com)

## Celebrity Photos: Best of 2006

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## Angelina's Immigration Proceedings

[Deportation hearing 2007-2008](#), Immigration Court decided to deport the Ho for her fraudulent marriage to Roy Den Hollander.

[Board of Immigration Appeals](#) on February 12, 2009, upheld the Immigration Court's decision to deport the Ho.

In the second deportation proceeding of the Ho for her second fraudulent marriage to another American, the [Immigration Court](#) decided to administratively close the proceeding because her immigration file had disappeared, which left the Ho free to live and work in America.

August 19, 2014, [letter to the General Counsel for the Executive Office for Immigration Review](#) volunteering to provide him a key part of the Ho's file--her diary.

[General Counsel's response](#)--get lost.

October 24, 2014, [letter to the Department of Justice Inspector General](#) notifying him about the disappeared file--no response.

February 20, 2015, [letter to the U.S. Senate Judiciary Committee Chairman](#), Charles Grasley, notifying him of the disappeared file--no response.

May 1, 2017, [letter to Attorney General Sessions](#) complaining about Ho's disappeared file.

June 5, 2017, [letter from Christina Baptista](#), Senior Counsel, that complaint over Ho's disappeared file was forwarded to the Chief Immigration Judge, Mary Beth Keller.

July 27, 2017, [unsigned letter from Office of the Chief Immigration Judge](#) that, in effect, disappeared files do not indicate any misconduct.

July 24, 2018, USCIS [reopens investigation into Ho](#) that also involves her [Russian criminal boyfriend](#).

## Further Action Notice

### Social Security Administration Tentative Nonconfirmation (SSA TNC)

*For SSA Field Office Staff: use EV-STAR and see POMS RM 10245.005ff*

Den Hollander	Roy
<b>Employee's Last Name</b>	<b>Employee's First Name</b>
141-40-7359	09/1947
<b>Employee's Social Security Number</b>	<b>Employee's Month/Year of Birth</b>
06/11/2015	2015162094807QD
<b>Date of SSA Tentative Nonconfirmation</b>	<b>Case Verification Number</b>
<b>Reason for this Notice:</b>	SSN did not match: The name and/or date of birth entered for this employee did not match Social Security Administration records

#### EMPLOYER INSTRUCTIONS:

1. Review this Further Action Notice in private with the employee as soon as possible.  
**IMPORTANT:** If the employee does not speak English as his or her primary language or has a limited ability to read or understand the English language, also provide the employee with a translated version of this Further Action Notice. Translated versions are available in the 'View Essential Resources' section of E-Verify. If the employee cannot read this document for some other reason, provide the information in an alternative format.
2. Check that all of the information at the top of this Further Action Notice is correct. If this information is incorrect, close this case in E-Verify and create a new case with the correct information.
3. Ask the employee to indicate whether he or she will contest the SSA Tentative Nonconfirmation (SSA TNC) by signing and dating Page 2 of this Further Action Notice, and then sign and date below as the employer.
4. Give the employee a copy of the signed Further Action Notice in English (and a translated version, if appropriate) and attach the original to the employee's Form I-9.
5. Log in to E-Verify and search for this case using the information above. Follow the instructions in E-Verify to refer the case to SSA if the employee contests the TNC, or close the case if the employee does not contest the SSA TNC. If the employee chooses not to contest the SSA TNC, you may terminate his or her employment and close the case in E-Verify.  
**IMPORTANT:** If the employee contests the SSA TNC, refer the case to SSA, print the Referral Date Confirmation from E-Verify, provide it to the employee, and instruct the employee to visit SSA within 8 Federal Government working days as specified in the Referral Date Confirmation.

#### Employer Signature and Date

I have notified this employee of the SSA Tentative Nonconfirmation and provided the employee with a copy of this Further Action Notice.	
Epiq Systems	Tania Dubljevic
<b>Employer's Name</b>	<b>Employer Representative's Name</b>
<b>Date</b>	<b>Employer Representative's Signature</b>

## EMPLOYEE INSTRUCTIONS:

### Why you received this Further Action Notice

Your employer participates in E-Verify, a program managed by the U.S. Department of Homeland Security (DHS) and the Social Security Administration (SSA). E-Verify compares the information you provided on Form I-9, Employment Eligibility Verification, with records available to DHS to verify that you are authorized to work in the United States.

You received this Further Action Notice from your employer because E-Verify provided a result of SSA Tentative Nonconfirmation (SSA TNC). An SSA TNC means that the information entered into E-Verify by your employer does not match SSA records. An SSA TNC does not necessarily mean that you gave incorrect information to your employer or that you are not authorized to work in the United States. Visit the [For Employees](#) pages at [www.dhs.gov/E-Verify](http://www.dhs.gov/E-Verify) to learn the reasons you may have received an SSA TNC.

### What you should do:

1. Check that the information on Page 1 of this Further Action Notice is correct. If it is not correct, provide the correct information to your employer. Your employer should close this E-Verify case and use the corrected information to create a new case.
2. Decide if you will contest (take action to resolve) the SSA TNC and inform your employer of your decision.  
**IMPORTANT:** If you decide not to contest the SSA TNC, your case will become a Final Nonconfirmation, which means that your employer may terminate your employment.
3. Select your decision to contest or not contest and sign and date this Further Action Notice below. If you decide to take action to contest the SSA TNC, to begin to resolve the SSA TNC, you must visit an SSA field office **within 8 Federal Government working days** from the date your employer refers your case in E-Verify.  
**IMPORTANT:** Review Page 3 of this notice for important information about employer responsibilities and your rights.

### Select box, sign and date below:

I choose to: (check one)	
<input type="checkbox"/>	CONTEST (take action to resolve the SSA TNC)
<input type="checkbox"/>	NOT CONTEST (not take action to resolve the SSA TNC)
Employee's Signature	Date

### What you must do to take action to resolve the SSA TNC:

1. Visit an SSA field office **within 8 Federal Government working days** from the date your employer refers your case to SSA to begin to resolve your case. Your employer must give you a Referral Date Confirmation, which will tell you the date by which you must visit SSA.  
To locate an SSA field office, visit [www.socialsecurity.gov/locator](http://www.socialsecurity.gov/locator) or call SSA at 800-772-1213 (TTY: 800-325-0778). If you live in an area where there is a Social Security Card Center, you are required to visit the Card Center.
2. Bring this Further Action Notice when you visit the SSA field office. Tell SSA that you are there because of an E-Verify issue.
3. Bring the following original documents to the SSA field office, if you have them. SSA may require:
  - Proof of your age; for example, a birth certificate or passport
  - Proof of your identity; for example, a driver's license or passport
  - Proof of a legal name change; for example, a marriage certificate, if your current name is not displayed on your current Social Security number card.
  - Proof of U.S. citizenship or your work-authorized status:
    - If you are a U.S. citizen, for example, a Naturalization Certificate, U.S. public birth certificate, or U.S. passport, or

- If you are not a U.S. citizen, for example, a Permanent Resident Card (Form I-551 or "green card"), Employment Authorization Document (Form I-766), or Arrival-Departure Record (Form I-94) showing work-authorized status.

## KNOW YOUR RIGHTS

---

**This page provides important information about employer responsibilities and your rights.**

- Employers must promptly notify you, in private, of a Tentative Nonconfirmation (TNC).
- Employers must allow you to contest a TNC and may not take adverse action against you because of the TNC while you are contesting the TNC and your E-Verify case is pending.
- You have 8 Federal Government working days to visit an SSA field office or contact DHS to contest the TNC from the date the employer refers the case in E-Verify.
- Employers must not discriminate against you because of your citizenship, immigration status or national origin.
- Employers cannot use E-Verify selectively or to pre-screen job applicants. E-Verify must be used for all new employees regardless of citizenship, immigration status or national origin.
- Employers cannot use E-Verify to verify existing employees, unless the employer is currently a federal contractor with the Federal Acquisition Regulation (FAR) E-Verify Clause in its federal contract.
- Employers are required to clearly display the 'Notice of E-Verify Participation' and the 'Right to Work' posters in all languages supplied by DHS.
- Employers may terminate employees because of a TNC only after receiving a Final Nonconfirmation, or after an employee has decided not to contest a TNC.
- Employers may not use E-Verify to reverify existing employees whose employment authorization has expired. Instead, employers must complete Section 3 of Form I-9, Employment Eligibility Verification, or complete a new Form I-9.

### For More Information

If you have questions about what to do, contact E-Verify at 888-897-7781 (TTY: 877-875-6028) or email [E-Verify@dhs.gov](mailto:E-Verify@dhs.gov). If you need assistance in a language other than English, you may ask the E-Verify customer representative for an interpreter. For more information on E-Verify, including our privacy practices and program rules, visit the E-Verify website at [www.dhs.gov/E-Verify](http://www.dhs.gov/E-Verify).

To contact SSA, call 800-772-1213 (TTY: 800-325-0778) or visit SSA's website at [www.socialsecurity.gov/](http://www.socialsecurity.gov/).

### Report Violations

If you believe your employer has violated E-Verify rules, or treated you in an unfair manner, we encourage you to report it. To report misuse of E-Verify, including privacy violations, and general E-Verify complaints, contact the E-Verify Employee Hotline at 888-897-7781 (TTY: 877-875-6028) or email [E-Verify@dhs.gov](mailto:E-Verify@dhs.gov).

To report employment discrimination based upon your citizenship, immigration status, or national origin, contact the Department of Justice, Civil Rights Division, Office of Special Counsel for Immigration-Related Unfair Employment Practices (OSC) at 800-255-7688 (TTY: 800-237-2515). Language interpretation is available to all callers. For more information, visit OSC's website at [www.justice.gov/crt/about/osc](http://www.justice.gov/crt/about/osc).

### Protect Your Identity

If you want to learn more about identity theft or fraud and the simple steps you can take to protect yourself, visit [ftc.gov/idtheft](http://ftc.gov/idtheft).





## Referral Date Confirmation

### Social Security Administration Tentative Nonconfirmation (SSA TNC)

---

**E-Verify Case Verification Number:** 2015162094807QD

**Employee Name:** Den Hollander, Roy

Your employer referred your E-Verify case to SSA after you decided to contest (take action to resolve) an SSA Tentative Nonconfirmation (SSA TNC). This document confirms that your case was referred to SSA.

#### What you should do

Visit an SSA field office **within 8 Federal Government working days**, by 06/23/2015 (MM/DD/YYYY), to begin to resolve the SSA TNC. If you have not received the SSA TNC Further Action Notice from your employer, contact your employer immediately to obtain this notice.

The SSA TNC Further Action Notice includes information about your E-Verify case and which documents you need when you visit SSA. You must have the SSA TNC Further Action Notice when you visit SSA.

If you do not take action **within 8 Federal Government working days**, by 06/23/2015 (MM/DD/YYYY), a Final Nonconfirmation will be issued and your employer may terminate your employment. Employers must allow you to contest an SSA TNC and may not take adverse action against you because of the SSA TNC while you are contesting the SSA TNC and your E-Verify case is pending.

#### For More Information

If you have questions about what to do, contact E-Verify at 888-897-7781 (TTY: 877-875-6028) or email [E-Verify@dhs.gov](mailto:E-Verify@dhs.gov). If you need assistance in a language other than English, you may ask the E-Verify customer representative for an interpreter. For more information on E-Verify, including our privacy practices and program rules, visit the E-Verify website at [www.dhs.gov/E-Verify](http://www.dhs.gov/E-Verify).



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July 4, 2015

Fred M. Maurin  
Social Security Administration  
New York Regional Commissioner  
26 Federal Plaza, Room 40-120  
New York, NY 10278

Dear Mr. Maurin:

Your agency and the Department of Homeland Security recently rendered an e-Verify “Nonconfirmation” finding that I am not a U.S. citizen. (Ex. A). In effect, both agencies told my temporary employer at the time that I was an “illegal alien”, which resulted in the loss of employment on a project.

If you find the term “illegal” offensive, then substitute “criminal,” since anyone who entered the country in violation of U.S. law is either guilty of a misdemeanor or felony, which are criminal classifications. That is what your agency and Homeland Security effectively called me to my former employer.

All my life, I thought I was a U.S. citizen—as if that means anything anymore. My mother told me I had been born at a hospital in Paterson, New Jersey; the same town that Lou Costello was from, so perhaps this is all a Government joke.

My earliest memories are of a small town in New Jersey—a state which was one of the original colonies. We had no mariachi bands, Taco Bells or “Don’t Drink the Water” signs. However, I did take two years of Spanish in high school, but my Spanish is nowhere good enough to be an illegal.

I thoroughly understand that the Obama Administration could care less about the money, time, and annoyance this lunacy is costing me. After all, I am the Administration’s latest synonymy for demon—a white, heterosexual man who is politically incorrect, or as I like to say, “evolutionarily correct.”

Due to typical Obama Administration ineptitude or malice, I now have to prove to bureaucrats drunk with power, who enforce their sanctimonious lefty ideologies instead of the law, that I am a U.S. citizen. So, just how do I do that, since Homeland and Social Security have already rejected my Social Security card and driver’s license as invalid? Perhaps, I should just change my name to José Jiménez and leave La Raza to deal with it.

My Social Security card was issued in the 1960s. It shows that my last name is “Den Hollander.” (Ex. B). Many people of Dutch heritage have two words for a last name, such as Vincent Van Gogh, although I still have both my ears. Most illegals, however, have so many names, they can easily interchange identities. Russians do the same by using their patronymics as a last name, but that’s okay—they’re commies as are many in the current administration.

Because my last name has two words, which means “the Dutchman,” mostly likely invented by Homeland Security’s predecessors at Ellis Island when my father arrived in the 1920s, some institutions in America have shorten my last name to “Hollander” while others have combined the words into one, sometimes with a lower case “h”—“Denhollander,” sometimes with a capital “H”—“DenHollander.” And, as hard as it is to fathom, some bureaucracies have actually gotten my last name right—“Den Hollander” with a space between the words.

When Social Security switched from paper files to digital, some mentally challenged clerk probably entered something wrong from my paper file. Most likely, they muddled the last name, but it could have been anything—I have no idea. Then again, it might be malicious, since a search of my name “Roy Den Hollander” on the Internet makes clear that I do not subscribe to the prevalent looney tune PC ideology of the day that substitutes for thinking and the rule of law.

So, as the precursor to a lawsuit if necessary, here’s my proof of citizenship, which includes those bureaucracies that got my last name correct and those that did not. Therein lies a defense for Homeland Security and your agency by blaming me for bureaucratic incompetence—I should have corrected the entities that got my name wrong. Not so fast, especially where the entities relied on Homeland Security and your inaccurate computer records. Additionally, I accurately completed the many bureaucratic forms but some fool chose to fit my name into a digital formula. That’s their fault; I’m not paid to waste my time doing their job.

Alleged proof of U.S. citizenship:

Ex. B Social Security Card

Ex. C Birth Certificate

Ex. D New York State driver’s license

Ex. E George Washington University Law School alumni membership card

Ex. F Columbia University alumni reading card

Ex. G U.S. Passport

Ex. H New York State Unified Court System Attorney Secure Pass

Ex. I U.S. District Court Southern District of New York Attorney Service Pass

Ex. J Certificate of Good Standing Appellate Division of the Supreme Court of NY

Ex. K Certificate of Good Standing U.S. District Court Southern District of New York

Ex. L Certificate of Good Standing U.S. District Court Eastern District of New York

Ex. M Certificate of Good Standing U.S. Court of Appeals for the Second Circuit

Ex. N Certificate of Good Standing Supreme Court of the United States of America.

Unfortunately, I do not have a Matrícula Consular de Alta Seguridad, so the preceding exhibits may not be sufficient, and the courts will have to decide whether I originated from south of the border.

Finally, I have not complied with Homeland Security and your agency's dictated deadline to physically visit and wait interminably for a "Club Fed" bureaucrat with the hubris of a prince or princess to condescending rule that I am a citizen. So no surprise, if I continue as an illegal alien in the eyes of this increasingly intrusive, incompetent and ideologically corrupt administration. At least I'll have more rights.

Thank you for your time.

Sincerely,

/S/

Roy Den Hollander

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July 6, 2015

Donald Trump, CEO and Pres.  
The Trump Organization  
725 Fifth Avenue  
New York, NY 10022

Dear Candidate Trump:

I agreed with your position on illegal aliens until the Department of Homeland Security classified me as one, which resulted in my losing a temporary job.

Homeland Security and the Social Security Administration operate a program called "E-Verify." The program allows employers to determine whether a new employee can legally work in the United States.

As an attorney admitted to practice in New York, the U.S. Southern and Eastern District Courts, the U.S. Second Circuit Court of Appeals and the U.S. Supreme Court, I recently was hired for a temporary attorney project. Homeland Security's E-Verify program, however, determined that I was not legally permitted to work, so my employer could not use me on a subsequent project. (Exhibit A, Nonconfirmation Report). Needless to say I was surprised, since my Spanish is not that good.

I could have appealed, but to do so required me to take the time to physically visit and wait interminably for a "Club Fed" bureaucrat with the hubris of a prince or princess to condescending rule that I am a citizen. I chose not to, having once worked for the U.S. Treasury Department with a top secret security clearance. Instead, I sent the Regional Administrator a less than PC-correct letter with copies of numerous identification documents. (Exhibit B, letter only).

Since Homeland has already deemed my social security card and driver's license invalid, why should they do something different with these other documents?

The real issue here is not me; I can take care of myself, perhaps with a lawsuit against these idiots. But what of those other Americans who lose jobs that are vital to their livelihoods and families because these illegal alien sycophants and haters of everything American are too inept or malicious to do their jobs as required by the law.

True, being an illegal alien does have its advantages: I don't have to pay taxes, La Raza will give me free legal advice, and if I'm arrested, Homeland Security will send me back to where I came from—Paterson, New Jersey.

So in your campaigning, if you see a group of illegals waiting to be hired and one is wearing a Joseph Bank's blue pinstripe suit with a Columbia University rugby tie—that's me.

I wish you success in your campaign.

Sincerely

/S/

Roy Den Hollander

**ROY DEN HOLLANDER**  
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August 10, 2015

Ann Coulter  
c/o Crown Publishing  
1745 Broadway  
New York, NY 10019

Dear Ms. Coulter:

This Edward R. Murrow “small picture” or “Adios America” tale maybe of interest to you.

Homeland Security and the Social Security Administration recently declared me ineligible to work in my native country—the U.S.A. In effect, they classified me as an illegal alien even though I was born here and have not, to my knowledge, renounced my citizenship. Their classification resulted in my losing a job.

It’s a mystery to me why these lefty supremacists in Obama’s Administration found me to be “undocumented.” My Spanish isn’t that good, and I have plenty of documents, but they’re all issued by federal, state or private U.S. organizations, for example:

Certificates of Attorney Good Standing from – the Supreme Court of the United States of America, the U.S. Court of Appeals for the Second Circuit, the U.S. District Court for the Southern District of New York, U.S. District Court for the Eastern District of New York, and the Appellate Division of the Supreme Court of N.Y.; Social Security Card; Birth Certificate, New York State driver’s license, George Washington University Law School alumni membership card, Columbia University alumni reading card, U.S. Passport, New York State Unified Court System Attorney Secure Pass.

Homeland Security and the Social Security Administration operate a program called “E-Verify.” The program allows employers to determine whether a new employee can legally work in the United States.

Obama’s E-Verify program determined that I was not legally permitted to work here. (See Attachments). I contested the determination but was then required to visit a Social Security Office within eight working days. The job that I was offered was due to start in a few days, and I had prior commitments during those few days. Besides, why should I, a U.S. citizen whom the federal government tried to send to Vietnam twice, be required to take the time to physically visit and wait interminably for a “Club Fed” bureaucrat with the hubris of a prince or princess to condescending rule that I am a citizen?

I chose not to, having once worked for the U.S. Treasury Department with a top secret security clearance where I became all too familiar with the corruption of the Government. Instead, I sent the N.Y. Regional Administrator of Social Security, Fred M. Maurin, a less than PC-correct letter with copies of the above cited documents. So far no response.

Since Homeland and Social Security initially deemed my social security card and driver's license invalid, they have probably done the same with the other documents.

The real issue here is not me; I can take care of myself, perhaps with a lawsuit against these idiots. But what of those other Americans who lose jobs that are vital to their livelihoods and families because these haters of everything American are too inept or malicious to do their jobs as required by the law.

True, being an illegal alien does have its advantages: I don't have to pay taxes, La Raza will give me free legal advice, and if I'm arrested, Homeland Security will send me back to where I came from—Paterson, New Jersey.

If in your travels you see a group of illegals waiting to be hired and one is wearing a Joseph Bank's blue pinstripe suit with a Columbia University rugby tie—that's me.

Thank you for your time.

Sincerely

Roy Den Hollander

**Citizenship Possible Media Responses**  
(Privileged and Confidential Attorney Work Product)

*So what happened?*

I don't understand—my Spanish isn't that good.

*Did you appeal within 8 days?*

No. As an illegal alien I now have more rights than U.S. citizens: I don't have to pay taxes, I get free legal advice from La Raza, and if I'm arrested, I get sent back to where I'm from—Paterson, New Jersey.

Besides, why should I a US citizen, whom the federal government tried to send to Vietnam twice, jump through the hoops of the illegal alien sycophants in the Obama Administration?

Unlike Obama, I have better things to do than play golf. I'm not dropping everything and schlepping to a government office, to sit for hours waiting for some club fed bureaucrat to do as little work as possible in order for her to qualify for her year end bonus?

Were they going to pay my hourly rate while waiting? Were they going to pay my transportation? Were they going to give me back some of my taxes that pays them for their stupidity and sloth? No.

When Homeland Security's declaration of my illegality kept me from signing up right away for the next project, I scheduled my time for other matters. The bureaucrats whom I stupidly pay to harass me were going to have to wait.

*What matters?*

Can't say or the people paying me might receive a visit from Homeland Security and be charged under the Patriot Act for aiding a U.S. citizen to live in the country in which he was born and raised.

I subsequently spent three hours putting together a less than nice letter to the Regional Administrator of Social Security and mailed it on July 4<sup>th</sup>. Do you think he got the message? I would have sent it out on Cinco de Mayo but that would have meant waiting nearly a year, and I need to support myself and this "hate everything American Administration" with my taxes.

*Aren't you responsible for losing that job by not appealing?*

To an extent, but the real issue here is not me; I can take care of myself, perhaps with a lawsuit against these idiots. But what of those other Americans who lose jobs that are vital to their livelihoods and families because these illegal alien sycophants and haters of everything American are too inept or malicious to do their jobs as required by the law.



*How will you get your citizenship back?*

Easy, under the Violence Against Women's Act all I have to do is date an American girl then accuse her of abuse—does not matter whether it is true or not because Homeland Security will only listen to me the illegal alien. So it will conclude I've been abuse and make me a permanent resident. In three years, I can become a citizen again. Boy, I hope she's hot.

*How do you feel about this?*

I'm getting tired of the illegal alien jokes.

When I go to the law library at the NYC Bar Association, they now ask me for my green card.

A friend remarked that he didn't know I could swim.

A lawyer said he'd represent me in my deportation proceeding.

*Did you get your citizenship back?*

On July 20, 2015, not having heard back from the Regional Administrator, I went down to his office at 26 Federal Plaza to pay a personal visit. A couple of security guards who could barely speak English would not even let me into the building. Just as I thought, under Obama America was now the United States of the Third World. The Caribbean security guards sent me down to Williams Street to wait with all the other illegals trying to con their way into America. Most of the clerks at Williams Street were Obama look a likes—just what a bigot like him and his wife wanted. But I got lucky and the lottery gave me a white middle-aged man who spoke fluent English. "How may I help you?" "I'd like my U.S. citizenship back," and showed him the E-Verify Non-confirmation document. "Damn," he said in surprise and went to work. He was thorough, took his time, and figured out what had happened. According to him, someone in Social Security, perhaps the Regional Administrator's secretary had gone into my file to correct the Administration's error. The white clerk made some additional changes and double checked everything to make sure I would not have any more problems with E-Verify. I thanked him and left. Always a pleasure dealing with a non-millennial American who knows his job.

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## Russian Tales

© Roy Den Hollander (11/17/17)

### Father and Daughter

I'm in Moscow for some reason or the other, and one day my Russian girlfriend calls in tears saying that her father abused her.

"Call the police," I say.

"No, the police are useless, I want you to come over here now and beat him up."

"Me?"

"Yes, if you love me you will protect me."

"Okay," I reluctantly say, and take the metro to the station near her house.

There I am a boy from New Jersey walking down Tverskaya Street, a couple blocks from the Kremlin, the heart of the evil empire, on my way to beat up my girlfriend's father who is not only younger than I but bigger. How did I get into this?

Her father, Vladimir, is in the living room lying on the sofa with a rag over his face and his wife and daughter, my girlfriend, are scolding him in Russian.

My girlfriend says, "Go ahead, beat him up, or I'll know you don't love me."

"Okay," I say, "come on Vladimir, put 'em up." His daughter translates while I'm hoping my offer is declined.

Vladimir says something in Russian, and his daughter says with a smirk, "Father doesn't want to fight."

Whew, I lucked out, I'm thinking.

Vladimir, then props himself up to look at me and the rag falls off his face showing a black and blue eye.

"How'd he get that?" I asked my girlfriend.

She says, "He came home and wanted me to make him some soup, but I didn't want to, so I bounced the can of Campbell's off his head."

Then Vladimir's wife rushes over to the sofa and wham, slaps him right across that eye.

I saying to myself, I'm getting on the next plane out of this nut cake country and I did.

## Volunteer Cops

The son of the family where I rented a room when in Moscow was a volunteer policeman.

Late one night I went out on assignment with him.

His group of volunteer cops were helping the regular police run a check point for drunken drivers on the outer ring road that circled Moscow. Cars would stop and they'd check ids and whether the drivers were drunk.

It was boring when suddenly a black Mercedes Benz zooms through the check point.

The volunteers and I pile into what reminded me of a Tinker Toy car with the regular cops jumping into a Match Box Toy car.

Off we go in pursuit with me wondering how these cars powered with lawnmower engines are going to catch a Benz.

Want to know how? By seriously reckless driving. Our driver turns off his headlights, leaving starlight—no moon, and an occasional working street lamp to navigate by in his effort to sneak up on the Benz.

Through sheer lunatic driving, a dirt road short-cut and luck, we end up right behind the Benz with the regular cops directly in back of us.

Our driver turns on his headlights and the Benz, trying to lose us, makes a sharp turn off the ring road zooming down a half paved road with no street lights.

Then I hear gun shots. Damn, the goons in the black Benz are shooting at us? I'm glad I'm in the back seat. But there were no gun flashes coming from the Benz, so I looked behind us at the regular police. They're the ones shooting at the Benz with us in the middle and me still in the back seat. I'm trying to figure out if I still like the people mentioned in my will.

The Benz finally stops—it's a dead end. The volunteers rush out toward the Benz without a second thought as to whether the occupants of this favorite car of the Russian criminal class are armed.

The regular cops are keeping their distance, standing behind the open doors of their car with their guns ready.

The volunteers yank open the driver's door of the Benz and pull the unarmed driver out. The regular cops see this and that the other passengers are two girls. The regular cops leave the protection of their car, grab the driver and beat the tar out of him. We all go to the stationhouse, where the regular cops beat the driver some more—swift and effective justice.

### Disco Duck

I'm enjoying a Moscow nightclub and decide to go out and catch some air. Smoking was legal everywhere in Russia, but the cancer rate wasn't too bad because they still used the old Commie health statistics.

While outside and standing off to the side of the entrance, up rolls a bus that looks like it escaped from a Donald Duck cartoon—wide and foreshortened and gray. The bus turns and backs up to the club's entrance. It has this oversized door in the back of it. The door flies open and out piles, not cartoon characters, but the military with AK-47s. They rush by me into the nightclub slamming to the side anyone in their way. I follow to check it out. They find the guy they're looking for—maybe an enemy of the state or someone who didn't pay enough in bribes—beat the tar out of him and drag him back to the Donald Duck bus.

Off it chugs down the road to Lubyanka.

### McDonalds

In the early 1990s, McDonalds opened its first restaurant in Moscow. It immediately became the place to go with Russians dressing up the way Americans used to when dining out at a fancy place.

For me, it was one of the few places that served edible food.

The first time I went, the line stretched around the block. The police had set out these metal barricades, like the cops in New York City use for crowd control, to channel the line into the restaurant.

The barricades allowed for three people to stand abreast, but up and down the line only two people were standing abreast, leaving a kind of passing lane on their left. Strange I thought until a couple of Russian hoods, you can tell them by their size and all black clothing, used the passing lane to cut in front of the line.

Screw this, and I stepped into the passing lane, but not to cut in front, rather to block anymore hoods from doing so. Along came another couple of hoods, they clearly recognized me as an American from my suit, and proceeded to push the Russians standing next to me out of the way, so as to cut around me and resume their travels in the passing lane. They didn't touch me—guess my Brooks Brothers' suit intimidated the hoods.

### West Moscow Party

The New Russians—government officials in positions to privatize state assets by pocketing them—build their mansion dachas west of Moscow. Perhaps they are trying to get nearer America's conspicuous consumption culture.

The members of a band with whom I was friendly and often went to watch play were hired for a New Russian event west of Moscow. They invited me and I went.

There was plenty of booze, hot young amateur prostitutes making their way through college and older, rich, corrupt mini-oligarchs. While returning from a trip to the men's room, some mini-oligarch ran into me and started cursing me in Russian for daring to make contact with his augustness. Not about to be intimidated by a commie crook, I responded, "Okay Bolshaya Shyshka (big boss), let's take this outside." The mini-oligarch quickly said, "Oh, I didn't know you were American. My apologies." Which I as quickly accepted.

Good thing I wasn't Russian. I might not have made it home. The New Russians see themselves as the new aristocracy that can get away with anything as long as only Russians are involved. But when it comes to Americans, they fear us more than the Nazis. After all, we won the cold-war.

### Hunger

In 1992, my girlfriend and I brought some food to a Russian family with whom she was a friend. The husband and wife were in their 30s, both had PhDs, and they had a young child.

We sat down at a table, and when I looked up, one of the four horsemen of the apocalypse was staring into my eyes—starvation. These two highly educated parents were starving in order to provide their child with enough food. This was happening in the capital of Russia—Moscow, in the 20<sup>th</sup> not the 13<sup>th</sup> century.

# **Simplified Tonal Music Theory**

[Draft]

## **Introduction**

Music is an audible sound—it cannot be seen. It works through the ears and body on the brain to cause pleasant emotions, sad or angry emotions.

In Western Europe around the ninth century, people began trying to represent the audible sounds visually. Through the rest of the Middle Ages into the Renaissance, they created a system of symbols and rules to depict and understand what composers were doing to elicit emotions. They were not unlike the alchemists of the time trying to understand the physical world.

The problems faced by medieval alchemists and medieval musical theorists were they not only did not understand the science of what they were trying to represent, but failed to pursue the simplest explanation—the simplest hypothesis. The medieval musical theorists kept trying to preserve their original hypotheses by adding new rules that made musical theory overly complex with convoluted and uncertain qualifications.

This paper is a minor effort to simplify tonal music theory by doing away with the 60 different scales, the different clefs and key signatures by focusing on intervals as the reason that music elicits emotions.

## **Physics**

Tonal music consists of more than one sound occurring at the same time; that is, two or more voices. This creates harmony—the sound of two or more notes occurring simultaneously or where consecutively sounded notes sound as though they were played simultaneously. The consecutively sounded notes harmony is a trick of the brain, similar to watching a movie made up of individual still pictures.

The average adult can hear a range of frequencies (pitches, tone, notes) from a low of 20 sound vibrations in one second (lowest pedal on a pipe organ) to a high of 20,000 per second. Frequencies are measured in “Hertz” (Hz).

Humans can most easily distinguish pitches below 5,000 Hz when they are at a relatively low intensity (amplitude, loudness) such as at a symphony. As a result, the instruments in an orchestra that play tonal music span a pitch range from around 20 Hz to around 5,000 Hz. After all, you want the audience to easily hear what you play; otherwise, why bother.

## **12 chromatic notes**

The approximate 20 Hz to 5,000 Hz pitch range consists of about eight octaves as indicated on a piano. The piano has a range of about 7.5 octaves.

The medieval musicologists designated C as the first note in any octave, but that made the first note in the lowest octave a C with a frequency of 16.35 Hz, which next to no one could hear. When the piano was invented, it started with the first note that was easily heard—an A at 27.50 Hz, but that meant the first key of the piano did not start on a C. Logic would have changed the convention for indicating which note began an octave, since any note can be used. But logic was not a strong point of the Middle Ages.

Each successive or higher pitch from A is 1.0594631 (the 12th root of 2) times the previous frequency. For example,  $1.0594631 \times 27.5 = 29.1352$  Hz to get A#; or  $1.0594631 \times 41.2$  (E) = 43.65 Hz to get F. Each octave consists of 12 chromatic pitches, also referred to as notes, tones or keys.

The notes in an octave were originally represented with seven letters, C to B, but that only accounted for seven frequencies. Later medieval musicologists invented flats (b) and sharps (#) in order to represent the other five notes in a chromatic scale while maintaining their seven letter format. Flats and sharps are called “accidentals” because the medievalists had accidentally ignored them by using only seven letters to designate notes.

The introduction of flats and sharps resulted in a notational rule for determining whether a note of a particular frequency be designated a sharp or flat: write sharps when notes are ascending, but flats when notes are descending, or refer to what is written after the traditional cleft, unless a sharp or flat is borrowed from a different scale. It’s a rule divorced from reality, since the sharp of one letter note usually equals the flat of another letter note regardless of the scales from which the notes come. For example, is it A# or Bb?<sup>1</sup> Both have the same pitch or frequency—they sound the same. But which one is used may depend on whether the score is going up or down. That’s similar to having two buttons in an elevator for the same floor—one button for going up and one for going down to the same floor. The use of flats and sharps for identifying pitch is convoluted and just causes confusion. What do you expect from feudal Europe?

Musical alchemy from the Middle Ages created the following nomenclature for notes—some with the same frequency, others not:

A, A# Bb, B Cb, B# C, C# Db, D, D# Eb, E Fb, E# F, F# Gb, G, G# Ab.

Or without the alchemic redundancy of different notations for the same pitch:

A, A#, B, C, C#, D, D#, E, F, F#, G, G#. The interval between each is traditionally called a half-step (“H-step”), which is the 12<sup>th</sup> root of 2 Hz.

A more simple nomenclature would be the following that lists the different frequencies by number. The corresponding medieval notations without multiple names for the same note are also listed below:

1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12  
A, A#, B, C, C#, D, D#, E, F, F#, G, G#.

---

<sup>1</sup> Also adding to the convolution, is it B# or C, Cb or B, E# or F, Fb or E.



Once again, the interval between consecutively numbered notes is still a H-step or the  $12^{\text{th}}$  root of 2 Hz, and each numbered note has a different pitch.

The 8 octaves are ordered from the lowest frequency or fundamental frequency to the highest frequency or highest average frequency in overtones. Traditionally, the notation for octaves has been “0” for notes in the lowest octave set of frequencies to “7” for notes in the highest octave. To avoid confusion with notes being assigned numbers, octaves can be assigned lower case letters a, b, c, d, e, f, g, h, with a as the lowest set of note frequencies and h as the highest.

Each of the 8 octaves would have a set of notes labeled 1 to 12. A note with a number X in one octave sounds similar to a note with the same number X in another octave. That is, note 1 in any octave sounds similar to all the other note-1s in all the other octaves. The same is true for the other notes 2 to 12.

The reason for similar sounding notes over different octaves deals with overtones and the set of neurons that the brain uses to hear. Note X in octave b will have a pitch of 2 times the frequency of X in octave a. So going up one octave will increase the frequency of note X by multiplying it times 2 raised to the power of 1. Going up two octaves will increase the pitch of note X by multiplying it times 2 raised to the power of 2. The formula is X in Hz times 2 raised to the power of n, where n is the number of octaves going up. Going down, divide instead of multiply.

#### Six-staff lines for a graphic representation of sound

The musical alchemists used a staff of 5 lines, but one with 6 lines can be used that would eliminate the need for clefs by always writing the same note on the same line or in the same space no matter the voice. Also, at the beginning of each staff, the voice would be indicated by writing S for soprano, A for alto, T for tenor and B for base. In front of each voice letter, a lower case letter could be place to indicate the octave. Since a staff of 6 lines can carry every note in an octave, it would also eliminate the use of ledger lines.

The unchanging positions of notes would have odd numbers in spaces, even numbers on the lines:

<i>Octave</i>	<i>Voice</i>	<i>Notes</i>
abcdefgh	S, A, T, B	-----12----
		11
		-----10----
		9
		-----8----
		7
		-----6----
		5
		-----4----
		3
		-----2----
		1

The exact pitch of any note depends on its number (1 to 12) and the octave it is in (a to h). Notes of the same number sound similar throughout all 8 octaves. Since notes 1 to 12 on six-staff lines and spaces comprise an octave, the next note up from 12 will be note 1 in the first space of the next octave up, unless a different octave is designated. And the next note down from note 1 will be note 12 on the line of the next octave down.

Since most western tonal music spans four octaves, a composition will have four voices (S, A, T, B) written over four sets of six-staff lines. The staves for the separate octaves can be stack on top of each other with a highlight indicating where one ends and the other begins—no more ledger lines.

### The ancient ghost of scales

The medieval musicologists invented scales to help explain and show what composers were doing.

A scale is a graduated series of seven notes that ascend in pitch from the first. Each octave has a total of 60 scales called major, natural minor, harmonic minor or melodic minor. The total number of scales are 480 (8 octaves times 60 scales), but the seven notes in each and every scale are represented by the notes: A, A# Bb, B Cb, B# C, C# Db, D, D# Eb, E Fb, E# F, F# Gb, G, G# Ab, which are really only 12 different notes when medieval redundancy is eliminated. Since the notes in one octave had a different pitch (frequency) than the notes in another octave, composers were in reality dealing with 96 different notes of which all but 12 sounded similar. These 12 notes, pitches, tones, frequencies were the building blocks of Western music from around 1600 until Stravinsky—leave it to the Russians to upset matters.

Medieval scales are nothing more than an overly complex method of trying to visually explain what composers were doing by ear. The explanations involved whole-steps and half-steps to note the frequency distance, or intervals, between successive notes on a scale in order to determine whether the scale was major, natural minor, harmonic minor, or melodic minor even though composers most likely did not rely on such descriptions.

Major	W	W	H	W	W	W	H
Natural Minor	W	H	W	W	H	W	W
Harmonic Minor	W	H	W	W	H	(W+H)	H
Melodic Minor	W	H	W	W	W	W	H

The major scales create a mood of “brightness” and minor scales one of melancholy. The mood is created by the particular selection and arrangement of notes with the respective intervals between the notes. For example, take the traditional A natural minor scale: A w B h C w D w E h F w G w A. The first four notes give it a melancholy feel. But start at C (C w D w E h F) and that part of the same scale sounds bright. So it is not the scale that determines the mood but which of the 12 basic notes are chosen and by choosing the notes, the composer is also choosing the interval spacing and sequence of intervals. It is the intervals between notes and the sequence of intervals that matter—not the specific scale.

The medieval musical alchemists gave each note in every one of the 60 scales a number (scale degree) and name depending on its position in the scale: 1=tonic, 2=supertonic, 3=mediant,

4=subdominant, 5=dominant, 6=submediant, 7=leading. Each scale degree is ascribed an importance or non-importance. 1 & 7 are most important. 7 moves the melody to 1 which results in “feel good” because tension is resolved, unless like Teddy Roosevelt and Donald Trump you relish a fight. 2 & 4 are passing tones that take your mood elsewhere. 3 establishes quality, which means whether the scale is major (bright) or minor (melancholic). 5 creates tension that for some needs to be resolved by going to 7 and then 1 or straight to 1. 6 is deceptive, like politicians. The problem with this traditional analysis is that the scale degree of the very same note changes in other scales. Further, the mood elicited depends on the intervals between notes, whether horizontal or vertical—not a note’s scale degree in a specific scale because it is always changing. Using a 12-note, 6-line system eliminates this unnecessary complexity involving scale degrees because it eliminates scales. The composer need only concentrate on the moods created by certain intervals.

Scale degrees:

- 1 = most stable
- 2 = passing tone, tendency to move 1 to 3 or 3 to 1
- 3 = somewhat stable that provides a quality of whether Major or minor
- 4 = passing tone, tendency to move 3 to 5 or 5 to 3
- 5 = stable but tension also leads to 1
- 6 = deceptive, listener thinks 5 will go to 1, but goes to 6 instead leaving a feeling of being conned, it is a game changer
- 7 = not stable, moves to 1

Under the medieval musicologists, a natural minor scale is modified with H-steps to make it harmonic by raising the 7<sup>th</sup> note of the natural minor scale. The melodic minor is created by raising the 6<sup>th</sup> and 7<sup>th</sup> notes of the natural minor scale. This is done to create a H-step from the 7<sup>th</sup> note in the scale to the 1<sup>st</sup> note in the same scale but an octave higher. The shortness of the H-step interval provides a consistency and direction to the melody. Of course, this can simply be done by inserting one of the 12 chromatic notes that is consecutive to the next note, since it will be a half step interval because they are all half steps when consecutive—no scales or scale degrees needed.

Medievally, the melodic minor scale exists only when notes are ascending. If they descend, then the scale becomes a reverse natural minor. This is done to create a mood of “resolution”; otherwise, there will exist unresolved tension. Using a 12 note chromatic system to mimic the same intervals will create the same mood without the unnecessary rule of what goes up must come down differently. The focus is on which intervals or series of intervals elicit the desired mood—not terminology.

## Intervals

An interval is the frequency distance between two notes: frequency “v” of the higher frequency note Y minus the v of the lower frequency note X. The difference is made up of a number of H-steps, or one H-step, depending on how far apart in frequency are notes Y and X.

The musical alchemists not only described an interval in H-steps (two H-steps equaling a whole step) but also assigned each interval a “quality”. The quality descriptions are minor, major, perfect, diminished, and augmented. Such resulted in the following types of interval descriptions:

P1 or d2  
m2 or A1  
M2 or d3  
m3 or A2  
M3 or d4  
P4 or A3  
d5  
A4  
P5 or d6  
m6 or A5  
M6 or d7  
m7 or A6  
M7 or d8  
P8 or A7

Determining an interval is complex thanks to the curse of scales. In medieval Europe, first count the number of letter notes starting with the lowest pitch and ending with the highest pitch. Since we’ve already learned our A, B, Cs, counting the number of letters going up is easy—down, not so easy. That gives the “distance” from one note to the other and is represented by a number, which is the number of letter notes that the interval spans.

Next is to determine the quality. Perfect intervals are easy, well maybe. If the number of letters is one, that equals P1 a.k.a. unison; number of letters is four, that equals P4; number of letters is five, that equals P5; and number of letters is eight, equals P8.

Now, the hard part: For determining major or minor, take the low pitch bottom note of the interval, assume it is the first scale degree or tonic of one of the 60 scales. Look up or run through your memory all the scales until you find one or more with that note as a tonic, then check to see if the high end note is also in that scale. If it is, then the interval has a quality the same as that particular scale, which will be either major or minor. But it is not quite that “easy.” You may be able to find that one of the 60 scales has that low end note as a tonic, but it does not have the high end note in the same scale. Do what the alchemist of old always did when their theories couldn’t explain a phenomenon—add a new rule of exception to their convolutions. In this case, look at the closest note in the scale to the high end note and add a sharp or a flat or eliminate a sharp or a flat to make the high end note the same frequency as the one in the scale. Remember, going up gets a sharp, going down gets a flat. When you do this, however, the interval loses any medieval major, minor or perfect quality and takes on the quality of being diminished (decreased) or augment (increased).

There are other ways but still convoluted. To determine minor or major, once again count the number of letter notes. If the number of letter notes is 2 or 3 and the number of H-steps between

the two notes are even, then the interval is major. If the number of H-steps is odd, then the interval is minor. If the number of letter notes is 6 or 7 and the number of H-steps are even, then the interval is minor. If the number of H-steps is odd, then the interval is major.

There is also the inverse method for determining an interval's size and quality. Every octave can be divided into two intervals. If one is a major with size S, then the other will be a minor of size  $|9-S|$ . So, if one is P5 (five letter notes), the inverse will be P4 (four letter notes) and vice versa:

$$\begin{aligned} P4 + P5 &= P8 \\ M2 + m7 &= P8 \\ m2 + M7 &= P8 \\ M3 + m6 &= P8 \\ m3 + M6 &= P8 \end{aligned}$$

So when faced with a large interval, to create the inverse interval, take the higher note and put it below the lower note—the same note an octave down. Figure out what the smaller interval is and then take the inverse of that to determine the larger interval. That is, count the letters in the smaller interval to get the size, then determine whether it is major or minor. The size of the larger interval will be 9 minus the size of the smaller interval, and if the smaller is minor, then the larger is major and vice versa.

Intervals are considered the building blocks of tonal music because depending on the interval different emotions are elicited. But these emotions result from the frequencies of the notes used and the number of H-steps between them—not the musical alchemists convoluted methodology involving scales.

<u>Interval</u>	<u>No. H-Steps</u>	<u>Consonance or dissonance</u>	<u>Frequency ratios Y/X</u>
P1 or d2	0	consonant	1:1
m2 or A1	1	dissonant	16:15
M2 or d3	2	dissonant	9:8
m3 or A2	3	consonant	6:5
M3 or d4	4	consonant	5:4
P4 or A3	5	either	4:3
d5	6	dissonant	45:32
A4	6	dissonant	
P5 or d6	7	consonant	3:2

m6 or A5	8	consonant	8:5
M6 or d7	9	consonant	5:3
m7 or A6	10	dissonant	9:5
M7 or d8	11	dissonant	15:8
P8 or A7	12	consonant	2:1

If the interval goes beyond 12 H-steps, then subtract 12 from the total number of H-steps, which will give a number of H-steps to be matched with one of the above intervals.

What a chore. With a system of 12 numbered notes on six-staff lines, one glance does the work to determine a specific note, and an ability to count to 12 and subtract takes care of the intervals. The interval between note X and note Y =  $|X-Y|$ , which is the number of half steps and that will tell you whether the notes create a consonant or dissonant sound. For example, if you want to know the number of H-steps from note 3 to note 10, then  $|3-10|$  equals 7, which produces a consonant sound when the notes are played simultaneously or consecutively.

With 12 numbered notes on six-staff lines, there's no counting our A, B, Cs and no major, minor, perfect, diminished, or augmented needed. An added benefit is that Russians, Asians and Arabs use the same numbers and mathematics as Europeans, so they don't have to worry about knowing their A, B, Cs.

#### Guesstimating what scale is where in a composition.

Medieval musicologists' reliance on scales to understand what composers were doing created another problem. Composers were not about to limit their compositions to one scale of seven notes, regardless of the number of similar notes that the different octaves provided. Composers used any note or notes from any scale they wanted to create the effect they desired. The alchemists, therefore, needed a way for preserving their analyses based on scales in determining which of the 60 scales a piece was in at a particular point. They called this invented convolution *modulation*.

The problem with *modulation* is that a composer might be throwing in a note or notes not on a predetermined scale just for an effect. There are even difficulties in discovering what exactly is the predetermined scale. Composers don't always write on which scale a composition starts. If you do not know the starting scale, then how can you find out the alleged modulations using the medieval musicologists' system of analyses? If you do know the starting scale, you still may not be able to determine the modulations. So the alchemists came up with guessing games.

To determine the beginning scale of a piece look at the first note of the soprano—skip the note if it is just marking time, and start with the second note. Then look at the last note of a movement. Also check the first note of the base and the last note of the base for a movement. Scan the piece to see whether there are a lot of such notes used. The alchemists do not define “a lot.” If these

notes are all the same or nearly all the same, then the alchemists claim that is the tonic of the scale with which the composer started—maybe. So you have a guesstimate tonic, now you need to compare the other notes in the piece to the major and minor scales that have that alleged tonic to conclude whether the scale is major or minor.

As long as the composer keeps using notes from that alleged scale, there is no modulation. But what if he doesn't? Does that mean he changed scales or just threw in a note from a different scale for impact? According to traditional theory, it depends on whether the following notes belong to a different scale and whether they persist. The alchemists give no definition for "persist," and with only 12 distinct notes spread over 60 scales, the piece might be in a different scale but using the same notes as the previous scale. The alchemists do assert, however, that a change in scales may be; that is, may be, foretold by the appearance of the leading tone (7) from the new scale. But how do you know a note is the leading tone of the new scale, if you don't know the new scale. Perhaps a "philosopher's stone" would help.

Another alleged way is determining where a cadence occurs in the scale that the piece is believed to be in at a particular point. The cadence would be the melody moving from the guesstimate scale note with degree 5 in the base to 1, or 5 to 6 to 1 in the base, and at the same time moving in the soprano from note scale degree 7 to 1. The motion usually crosses into the next measure where the cadence ends on the down beat. A change in scale may also be indicated by the sudden appearance of accidentals not in the previous scale. Additionally, when only one voice is being played, that may indicate a change in scale.

Once again, none of these calculations are necessary using a 12-note, six-staff line system because in it—scales don't exist.

Then there's *transposition*. This means moving every note in a sequence of notes up or down  $n$  intervals to create a subsequent sequence of notes that maintains the ascending or descending motion of the notes being transposed. The medieval method, however, requires knowing which scale the notes come from. Okay, let's assume the philosopher stone worked, and we know the scale of the first set of notes and the scale of the second set that we want. For each note in the first set, write the scale degree, go to the second scale and copy down the note with the same scale degree.

In a 12-note, six-staff line system, take the number of H-steps ( $n$ ) that you want to move a sequence of notes up or down. The notes in the second sequence will be  $X + n$ , and  $n$  will be a plus for up and a minus for down in frequency. For example, to move 3 H-steps down and the second note in the first sequence is 6, then the second note in the transposed sequence will be  $6 + (-3) = 3$ . No scale guessing needed.

### Musical Motion

Up, down, sideways, together and alone

### *Horizontal*

Notes and rests written horizontally across a set of staff lines comprise a melody, regardless of the voice. It is a directional movement of sounds through time.

A melody is distinguished horizontally by notes of various frequencies and duration, the notes' interval relationships, rests of various duration, and the relationship of notes and rests to the beats. The smaller the interval between consecutive notes in a melody, the smoother the melody.

Melody is a voice's motion and stability as determined by the horizontal intervals between consecutive notes and the phrase form.

### *Vertical*

Notes written vertically on the same set of staff lines or on the staff lines of the four different voices (S.A.T.B.) comprise a harmony that moves and usually changes as the melody progresses horizontally through time.

Harmony is a combination of vertical note intervals called chords. Now sometimes the notes in a chord do not occur at precisely the same point in time, but because of the way humans hear, it sounds as though they occurred at the same point in time.

### *Horizontal + Vertical*

Since tonal music generally has four voices each with its own melody moving through time, the pattern of movement for each melody can be vertically compared to that in a different voice:

Similar—both voices move in the same direction over time (ascending, descending, or level) but the intervals between horizontally consecutive notes differ in different voices.

Parallel—both voices move in the same direction over time but the intervals between horizontally consecutive notes in different voices are the same.

Contrary or counterpoint—both voices move in opposite directions. Counterpoint is the comparison of two voices at the same point in time by determining the vertical intervals between the notes in the different voices. There are 5 types and are the major foundations of music since the 1600s.

Helter Skelter—Mozart.

### Chords

A chord is three or more notes played together (vertical) or one after another (horizontal). A horizontal chord can span beats. This occurs when notes in the base voice are the same over a beat span.



The frequencies of the adjacent notes in a chord (vertically or horizontally) are separated by 3 or 4 H-steps.

A chord with three notes of different frequencies is a Triad. The lowest frequency of the three notes in an octave is the root or base, the second is 3 or 4 H-steps higher, and the third is 3 or 4 H-steps higher in frequency than the second note.

Since a triad has three notes, it has two intervals that can be represented by a fraction. The denominator is the number of H-steps from the root note to the second note and the numerator is the number of H-steps from the second note to the third.

Numerator      = 3H/3H or diminished; 4H/3H or minor; 3H/4H or major; 4H/4H or augmented  
Denominator

Under the medievalists' scheme, chords were created from the notes of a particular scale. For triad chords, that meant using three notes from one of the 60 scales in an octave. To determine the chord used by a composer first required determining which scale he was using for a particular phrase. We've seen how uncertain that can be, but assume you intuit the scale. Next, list all the notes in the chord that are from that scale and determine what order of notes yields intervals of only 3 or 4 H-steps, or simply re-arrange the letter notes in positions that are closest to each other. The first note will be the root.

Once the root is discovered, determine the scale degree of that note in the particular scale. That gives the Roman numeral for the chord, but is it an upper case or lower case Roman numeral? That depends on whether the chord is major or augmented, which takes an upper case Roman numeral, or minor or diminished, which takes a lower case Roman numeral. It is major or augmented when the number of H-steps from the root to the second note = 4 H-steps; that is, the denominator = 4 H-steps. It is minor or diminished when the number of H-steps from the root to the second note = 3 H-steps, or the denominator is 3 H-steps. But we're not finished yet. If the denominator is 4 H-steps and numerator is 4 H-steps, the upper case Roman numeral gets a "+" sign. If the denominator is 3 H-steps and numerator 3 H-steps, the lower case Roman numeral gets a "o" sign. So to determine a chord requires not only figuring out the scale; knowing you're A, B, Cs; finding the root scale degree in upper or lower case Roman numeral, assuming you have the right scale and can count H-steps; and ascertaining whether diminished or augmented or nothing, once again assuming you can count H-steps.

In a 12-note, six-staff line system, scale guessing is not required and counting H-steps are easy because moving from a line to a space or space to a line is always one H-step. To determine the root note, list all the notes in the chord and determine what order of notes yields intervals of only 3 or 4 H-steps, or simply re-arrange the number notes in positions that are numerically closest to each other. Use simple subtraction to determine the number of H-steps between the root and second and the second and third notes. For example the chord with notes 2, 6, 9, denominator 4 H-steps and numerator 3 H-steps, so it's a major chord. To label the chords simply write the root note number (1 to 12) with d (diminished) or m (minor) or M (major) or A (augmented). Or replace the traditional D, m, M and A notations with different notations. Whatever, no Roman numerals needed; therefore, no scales or scale degrees required. Further, under this system, since

the notes in a chord are not limited to the notes in the particular scale of that part of a composition, knowing the scale in order to write chords is irrelevant.

### Composition techniques

#### *Species*

Counterpoint, which is contrary motion, is allegedly pleasing to the ear.

The traditional and different species of counterpoint often switch from one to the other in a composition regardless of beat or voice. Which makes one wonder, why even bother with five different species? Anyway, here they are:

#### *First Species Counterpoint:*

In First Species, there is only one note above the other; therefore, both voices move at the same rate, or number of notes per unit of time. Any new section or new theme starts with a P5 or P8 vertical interval and ends with a P5 or P8 vertical interval. There are no consecutive P5 vertical intervals and no consecutive P8 vertical intervals. All the vertical intervals must be consonant—no dissonant vertical intervals between the notes in the two voices; that is, no intervals of P1, 2, P4, 7.

Horizontal or melody motion should have a H-step or whole step interval between consecutive notes. Consecutive notes have to be of different frequencies. There cannot be a repetition of consecutive notes horizontally. This is most pleasing to the ears of overly sensitive people—a majority of millennials in this day and age. The last note must be horizontally moved into by a half or whole step.

In 12-note, six-staff lines, the rules are the same only it is easier to determine the intervals. The intervals are described by the number of H-steps between numbered notes on the six-lined staves, |X-Y|. Stepwise is an interval of one H-step or two H-steps.

To write first species:

1. Start with the melody of the lowest frequency voice.
2. Write in arrows among horizontal notes indicating ascending or descending on lowest frequency voice.
3. In higher frequency voice, move horizontally trying to write successive notes with stepwise intervals moving in opposite direction of the notes in lower voice.
4. Three notes before end, write in possible endings with a vertical interval of 7 or 12 H-steps.
5. Use higher voice notes so that the last note creating the 7 or 12 H-step vertical interval is reached by an H-step or whole step horizontal interval.

### *Second Species Counterpoint:*

One note in one voice corresponds to two notes in another voice—can be any two voices.

The vertical intervals can be dissonant but only on the second of the two notes; the second note must be on a weak beat depicting motion in the same direction as its neighboring notes; that is, for the first set of two notes, the second note and the next first note of the second set of two notes taken together indicate ascending or descending; and the note on the dissonant interval is between two notes with consonant vertical intervals.

A vertical interval of 7 or 12 H-steps can only be approached by contrary motion unless it arises on a weak beat.

Most horizontal moves should be stepwise but a small number of leaps are okay providing each leap is surrounded by stepwise motion.

### *Third Species Counterpoint:*

One note in one voice corresponds to four notes in another voice. The second note of the four may have a dissonant vertical interval or the second and fourth notes may have dissonant vertical intervals. Dissonant vertical intervals are approached and left by stepwise motion, but a leap from a dissonant to a consonant vertical interval is allowed. Consonant intervals may leap between each other.

### *Fourth Species Counterpoint:*

Fourth species like second species has two notes for every given note in the cantus firmus—base line. In fourth species there are suspensions. A consonant vertical interval in measure  $n$  with its note X is tied to the same note X in measure  $n + 1$ . X in  $n + 1$  is on the downbeat and its vertical interval can be consonant or dissonant. Note X in  $n + 1$  is followed by note Y, which is on a weak beat. If Y is a vertical dissonant interval, then it must be one horizontal stepwise interval descending from note X. If Y is on a consonant vertical interval, then can be stepwise down or up from X in  $n + 1$ .

### *Fifth Species Counterpoint:*

Combination of one, two, three or four species.

### *Ritonello form*

Consists of three parts:

1. Vordorstz is the opening segment usually three measures but can be longer.
2. Fortspinning follows with the prior sequence of notes transposed up or down  $n$  H-steps.
3. Epilogue ends with a new melody that ends with a soprano 7-1 cadence accompanied by a base 5-1 cadence. Regardless of the scale, the distance from 7-1 is one H-step and the

distance from 5-1 is five H-steps. In a 12-note, six-lined staff system, the soprano cadence is two notes separated by one H-step, and the base cadence has two notes separated by 5 H-steps.

Composers can start with any of the three parts and throw in a scale degree 6 after the 7 or 5 as a deception. The deception, however, is still created by the intervals involved, not the scale degrees.

### *Phrase form*

A musical phrase is the smallest unit of music with a defined beginning and ending.

1. “Parallel Period” is a musical phrase that lasts for 8 bars and starts with the “Antecedent” for 4 bars and ends with the “Consequent” for 4 bars. Antecedent and Consequent have the same set of notes for the beginning  $n$  bars, or transposed notes for the beginning  $n$  bars in the Consequent. After bar  $n$ , the Consequent notes differ from the Antecedent. The Consequent traditionally ends with a scale degree cadence of 5-1 (five H-steps between the last two notes) or 7-1 (one H-step between the last two notes in a 12-note, six-lined staff system).

Parallel Period develops the melody or is a melody that sticks in your head.

2. “Sentence” also lasts for 8 bars. Starts with a basic idea for 2 bars, then repeats the basic idea for 2 bars, but the notes may be transposed or changed. Next is the Continuation for 4 bars with familiar, contrasted, new material or a combination of these that traditionally end in a scale degree cadence of 5-1 or 7-1; that is, five H-steps or one H-step between the last two notes in a 12-note, six-lined staff system.

Sentence is not a melody but can be used as a transition among melodies.

To determine whether a Parallel Period or Sentence phrase is used, listen for when the music changes. Then re-listen and count the seconds between the changes by counting one-one thousand, two-one thousand, etc.—just like boys playing football without enough players. Each count is about a second long. The timing for Parallel Period before and after a change will be equal. If not, then it is probably a Sentence structure.

To analyze from a written score in the medieval scale system:

1. Guesstimate the scale.
2. Write scale-degree numbers over each note—look for 5-1 or 7-1 cadences.
3. Count the number of measures and write the measure number for each.
4. Mark the sections where the notes are repeated, whether exactly or transposed.
5. Determine which of the two phrase forms most closely approximates the unit of music.

To analyze from a written score in a 12-note, six-staff line system:

1. Look for five H-steps or one H-step between notes.
2. Count the number of measures and write the measure number for each.
3. Mark the sections where the notes are repeated, whether exactly or transposed.
4. Determine which of the two Phrase forms most closely approximates the unit of music.

#### *Four part or four voice composing*

Given a base line or *cantus firmus*, the objective is to create a sequence of triad chords according to certain rules:

1. Each of four voices has a note, so the root note is repeated. Traditionally, soprano and alto were spread over the top two octaves and tenor and base over the lower two octaves without the voices crossing. The same applies in a 12-note, six-staff line system.
2. The musical alchemists required determining the scale of the first created vertical chord before following a list of rules for creating successive chords. In a 12-note, six-staff system the scale determination is not necessary, so just pick up following the rest of the rules.
3. The next vertical chord is dependent on the next *cantus firmus* note. If any of the possible triad combinations would repeat a note in the n-1 chord or prior chord, then repeat that identical note in the nth chord. Maximum number of common notes is two.
4. If a note in the n-1 chord is H-step below a possible note in the nth chord, then put that note in the nth chord.
6. Try to have every note in nth chord reached by stepwise motion from a prior note in the n-1 chord.
7. Avoid consecutive chords where both have a vertical interval of P5 (7 H-steps between notes) or both have an interval of P8 (12 H-steps between notes).

#### Rhythm

The horizontal progression of notes gives music a time aspect ( $t$ ). The sound represented by a note lasts for a period of time and the silence or rest lasts for a period of time. Notes are played right after each other unless a rest is indicated.

The time ( $t$ ) for a note or rest is determined by the total amount of time  $T$  for a composition.  $T$  is usually divided into equal parts of time called measures. Measures are in turn usually divided into equal time sections called “beats.” Each beat consists of one or more notes or rests. So what is  $t$  for each note and rest—it depends.

The musical alchemists were smart enough to use proportions rather than absolutes because some compositions were fast, some slow and most had parts that seemed fast and slow. The beginning of each composition has a fraction:  $X/Y$ .  $X$  = the number of beats in a measure: 2, 3,

4, 6, 9, 12.  $Y$  = the type of note or rest used to measure one beat duration and can equal whole, half, quarter, eighth, sixteenth, 32nd, or 64th. So if  $Y = 4$ , that means one quarter note or rest lasts one beat, or  $B$  = the time for one beat as determined from the metronome markings on the score. Where  $Y = 4$  and there are two eighth notes that means each eighth note spans  $\frac{1}{2} B$ . When playing a quarter note as compared to two eighth notes, the eighth notes make the piece sound faster even though the total time  $B$  to play them is the same.

With the duration of a composition as  $T$ , and the total number of measures as  $M$ , the duration of each measure is  $m = T/M$  assuming equal time for all measures. Each measure, unless indicated otherwise, contains  $X$  beats, each beat therefore lasts  $B = m/X$ . The amount of time that anyone note or rest lasts is dependent on  $Y$  and the proportional relationship of notes and rests to  $Y$ . For example, a measure that lasts 4 seconds with four beats per measure, each beat lasts one second. If  $Y$  = a quarter note, then any quarter note will last one second, any eighth note will last 0.5 seconds and a half note will last two seconds.

A beat can be characterized as strong, semi-strong or weak and the order may vary from measure to measure.

Rhythm does not involve scales or clefs or key signatures, so it is the same in a 12-note, six-lined staff system.

### Reading

Using 12 numerically numbered notes on six-staff lines for every voice will simplify reading a score for a player. Since the note on a particular line or in a particular space has the same number no matter what the octave, it is unnecessary to engage in Georges Dandelot's recommendations.

According to Dandelot, to read with ease and speed requires knowing the place of each note on a staff. This requires "fixing in the soul of the reader some points of repose/reference situated at different places on the staff." Reliance on the "soul," assuming it exists, is the usual medieval convention of giving credit to that which cannot be proved.

Also according to Dandelot, once a reference point is fixed in the "spirit," the reader then must learn the neighboring notes and the succession of notes up or down. Take the spirit of C, depending on the cleft, it is in a different staff location and its neighbors may be natural, sharps or flats depending on the scale and whether C is natural, sharp or flat. None of that is needed in a 12-note, six-staff lined system.

### Conclusion

The medieval musical alchemists used clefs to tell the pitch of a note on a staff. The note was given a letter plus nothing for natural or a sharp to indicate one H-step higher or flat to indicate one H-step lower. They used the key signature after the cleft to tell which of two scales the composer started with but gave no explicit note of the actual scales used later on or at the end of the piece. To determine which of the two beginning scales were used required an examination of

the intervals because major and minor scales have a different series of intervals between consecutive notes.

Using a chromatic arrangement of the basic 12 notes and a register of six lines where the same note is on the same line or in the same space all of the time eliminates the need for scales, accidentals, clefts and the arrangement of sharps or flats following a cleft; that is, key signatures. It also eliminates figuring when a composer switched to a different scale in the composition because there are no longer scales.

**SSS Hearing Dec. 4, 2018, 1pm, Court 5A**

(Italics are DOJ lawyer quotes)

**Introduction**

Good afternoon Your Honor.

I'm Roy Den Hollander, one of the attorneys for the Plaintiff, Elizabeth Kyle-Labelle. I was admitted for this case *pro hac vice*.

As Your Honor may know, our client is now a 21-year-old woman. Yet the DOJ lawyer who wrote this Reply [hold up and shake it] contemptuously denigrated her rights because she is a woman. He wrote:

“In *Rostker*, the plaintiffs were men who faced civil and criminal penalties if they did not register for the Selective Service. In contrast here, Plaintiff is a female who is not required to register for the draft, nor is she prevented from pursuing military service (including in a combat role) or penalized for not registering.” (DOJ. Reply at 7, Ripeness Hardship, D.E. No. 82).

That is nothing but an archaic-stereotypical effort by a supercilious lawyer to cheapen my clients' rights just because she is a woman. Insinuating that because she is a woman, the injury to her rights—that Your Honor found existed (Opinion at 5 n.5, 9, 13, D.E. No. 72)—is not as important as that faced by the male plaintiffs in *Rostker* or the two male plaintiffs in the *Nat'l Coal. for Men v. Selective Serv. Sys.*, 4:16-cv-03362 (S.D. Tex. 2016). This haughty lawyer cannot even refer to my client as a woman. His Reply only refers to her as “female.”

The author of this Reply obviously doesn't understand that “a victim of discrimination [even a woman] suffers a dehumanizing injury as real as, and often of far more severe and lasting harm than, a blow to the jaw.” *Hassan v. City of New York*, 804 F.3d 277, 290 (3<sup>rd</sup> Cir. 2015) (quoting *Mardell v. Harleysville Life Ins. Co.*, 65 F.3d 1072, 1074 (3<sup>rd</sup> Cir.1995)).

How more obvious can it be that the Federal Government—especially these days—is still infested with primitive notions about the value of women in this society. That alone is enough to throw this motion into the gutter where comments like that belong.

**Request conversion to Summary Judgment**

If not the gutter, then we request that Your Honor convert the Rule 12(b)(6) part of DOJ's motion to one for Summary Judgement.

In *Ford Motor Co. v. Summit Motor Prods., Inc.*, 930 F.2d 277, 284 (3<sup>rd</sup> Cir. 1991), *certiorari denied* 502 U.S. 939, the Third Cir held that either the pleader or the moving party or both may cause the conversion provision of Rule 12(d) to operate by submitting matter that is outside the



challenged pleading. (Automobile manufacturer brought action alleging copyright and trademark infringement against distributor.)

DOJ introduced in its Exhibit 3 (D.E. No. 80-4) on this motion 130 pages of outside evidence consisting of Government recommendations to the Commission. That evidence comprises additional factual allegations that the SAC does not make but on which the DOJ relies for support to establish its defense of deference.

Furthermore, just 5 days before this hearing, DOJ submitted another exhibit of outside evidence in an effort to bolster its defense. The document was not referenced in the SAC and includes statements by the Commission's chairman—a lobbyist. (D.E. No. 87) (Final Rprt not Interim Rprt will address draft registration at 4 and Interim Rprt will not “indicate Commission's leanings” at 5).

Both exhibits are more appropriate for a summary judgment motion. (DOJ Br. at 8 & 14 (D.E. No. 80-1).

The materials submitted do not have to be affidavits, they can be any written or oral evidence introduced in support of or in opposition to the motion challenging the pleading that provides some substantiation for and does not merely reiterate what is said in the pleadings. *Fed. Prac. & Proc. Civ.* § 1366 (3d ed.).

[Those 130 pages of additional factual allegations also were not part of our Motion to Continue (D.E. No. 58 & 65); Opposition to DOJ motion on standing (D.E. No. 70) or our Opposition to this DOJ motion on ripeness and 12(b)(6) (D.E. No. 81).]

Further, Plaintiff has introduced an affidavit in opposition to the Rule 12(b)(6) motion that is not part of the SAC. (Ex. E, 6/4/2018, D.E. No. 81-6).

In *Hanna v. U. S. Veterans' Admin. Hosp.*, 514 F.2d 1092, 1094 (3d Cir. 1975), Plaintiff's attorney filed a memorandum of law in opposition to defendant's 12(b)(6) motion to which was attached excerpts of testimony pertinent to the case's issues. The Third Cir held this required conversion to a summary judgment motion. (Plaintiff sued the veterans' administration hospital for alleged medical malpractice).

[This Court has complete discretion to determine whether or not to accept any material beyond the pleadings that is offered in conjunction with a Rule 12(b)(6) motion. *Fed. Prac. & Proc. Civ.* § 1366 (3d ed.).

[The district court considered material outside the pleadings; therefore, summary judgment was appropriate. *Messer v. Virgin Islands Urban Renewal Bd.*, 623 F.2d 303, 307 (3d Cir. 1980) (plaintiff not entitled to relocation assistance because move prior to government acquiring title).]

### **The issue in this case**

*The specific circumstances presented in this case* (DOJ Reply at 4, D.E. No. 82) are not whether the Commission can formulate suggestions for the Congress and the Executive branches of government, but whether the MSSA statute as it exists now and the SSS's enforcement of it violate our client's Equal Protection and Substantive Due Process rights.

As Your Honor previously summarized the issue:

“Plaintiff Elizabeth Kyle-LaBell wants to register for the military draft. She believes it is her right and duty as a United States citizen to do so. But because she is a woman, she is prohibited from registering. She brings this putative class action to challenge the constitutionality of the draft's male-only requirement.” (Opinion at 1, Standing, D.E. No. 72).

The Federal agency of the SSS over the passed 3.5 years has enforced the gender-discrimination of the MSSA against the Plaintiff five times by barring her from registering. The most recent was October 2, 2018. [Copy to Court and DOJ] (Opp Mtn Dsmss 4, Kyle-LaBell Aff., D.E. No. 81-6). The SSS is the defendant—NOT the Commission or Congress or President Trump.

This case, here and now, allows this Court to determine whether registration with the SSS will comport “with our Nation's touchstone values of fair and equitable treatment, and equality of opportunity,” (DOJ Ex. 2, Pentagon Report at 19, D.E. No. 80-3); whether after nearly 250 years, the Federal Government will finally be required to place women and men on an equal footing.

Without some definitive, action one way or another, by this Court or the court in the Southern District of Texas, the fortune teller arguments by the DOJ concerning the Commission allow Congress and the President to continue their policy that women do not “count as citizens in our American democracy equal in stature to men.” *U.S. v. Virginia*, 518 U.S. 515, 545 (1996).

[Powerful Republicans oppose allowing women into combat and the logical result that women would also have to register for the draft. If they continue to have their way, the last vestige of federal *de jure* discrimination against millions of young women will live for who knows how long.]

### **Can this Court decided the merits.**

Justiciability means an Art III court can decide the merits of a case.

Non-justiciability means an Art III court cannot decide the merits of a case.

The Third Circuit in *Dillard v. Brown*, 652 F.2d 316, 323-24 (3d Cir. 1981), held that “[i]f the military justification outweighs the infringement of the plaintiff’s individual freedom, we may hold for the military on the merits, but we will NOT find the claim to be non-justiciable and therefore not cognizable by a court.”

The Supreme Court in *Nixon v. U.S.*, 506 U.S. 224, 226 (1993), stated “[B]efore we reach the merits . . . we must decide whether it is ‘justiciable,’ that is, whether it is a claim that may be resolved by the courts.”

So before deciding Defendants’ Fed. R. Civ. P. 12(b)(6) failure to state a claim, which “is a disposition on the merits,” *Johnsrud v. Carter*, 620 F.2d 29, 33 (3d Cir. 1980), the issue of justiciability needs to be resolved—can this action be decided by the Court.

DOJ lied when the author of its Reply wrote, *at no point in this litigation have Defendants ever asserted that Plaintiff’s claims are non-justiciable.* (DOJ Reply at 1, D.E. No. 82). *Defendants do not contend that this case is not “justiciable.”* (DOJ Reply at 4).

Right from DOJ’s first motion on 10/2/2015 (D.E. No. 19, Ripeness, Standing), they’ve been challenging justiciability by arguing either the case is not ripe or Plaintiff does not have standing.

The 3d Circuit has held that:

The case-or-controversy limitation is enforced “through the several justiciability doctrines that cluster about Article III,” including “standing, and ripeness, mootness, the political-question doctrine, and the prohibition on advisory opinions.” *Plains All Am. Pipeline L.P. v. Cook*, 866 F.3d 534, 539 (3d Cir. 2017); *Toll Bros., Inc. v. Twp. of Readington*, 555 F.3d 131, 137 (3d Cir. 2009) (internal quotation marks omitted).

The Supreme Court has held that:

“Ripeness is a justiciability doctrine designed to prevent the courts, through avoidance of premature adjudication, from entangling themselves in abstract disagreements over administrative policies, and also to protect the agencies from judicial interference until an administrative decision has been formalized and its effects felt in a concrete way by the challenging parties.” *Nat’l Park Hospitality Ass’n v. U.S. Dep’t of Interior*, 538 U.S. 803, 807–08 (2003).

The author of the DOJ Reply knew his ripeness argument was an argument for non-justiciability because he quotes the very last part of that sentence from *Nat'l Park Hospitality Ass'n* in the DOJ Reply at 2: “*effects felt in a concrete way by the challenging parties.*” So the author of the Reply made an intentional falsehood—that’s a lie, an intentional deception.

How can he be allowed to get away with that?

Further, throughout its Ripeness argument, DOJ relies on deference to the military, Congress and the President to assert this case is not ripe. (DOJ Reply at 2-8, D.E. No. 82). DOJ therefore admits that Deference is a justiciable issue.

The DOJ has opposed this action four (4) times on the ground of ripeness (DOJ Brief at 17, D.E. 19-1; DOJ Brief at 18, D.E. 33-1; DOJ Opp Mtn Continue at 8, D.E. 61; DOJ Brief at 12, D.E. 80-1).

So what is this DOJ lawyer saying now—Never Mind!

If the Reply author’s statement of not challenging on non-justiciable grounds is to be believed, the DOJ wasted this Court’s time by challenging Plaintiff’s standing and is again wasting everyone’s time by challenging whether this case is ripe. Or, their statement can be construed as an admission that the case is ripe.

If this Court decides it is powerless to prevent the military from engaging in invidious discrimination on the basis of gender, then such a ruling would end up applying to all protected characteristics, such as race and transgenderism.

### **The future is uncertain.**

The crux of DOJ’s argument is that there are a series of preliminary steps that the Commission, Congress and the President have to go through before any law is enacted—if one is enacted. During that time, on which there is no deadline, this Court must sit idly by even though none of those steps carry any legal impact except for possibly an unknown law enacted at some unknown time in the future.

There are many twists and turns in the proceedings of a commission, Congress and the Presidency and even the fortune teller that the Rolling Stones sang about in 1966 cannot foresee.

Here’s a sampling of the unforeseeable:

(1) Originally the Commission was required to make its suggestions by November 5, 2019—now the date is March 19, 2020. *See* Pub. L. No. 114-328 § 555(e)(1); Joint Status Report 8/15/17, D.E. No. 68 (Conf Comm had Pentagon to provide by 7/1/2017).

Will the Commission’s suggestions be put off longer?

(2) What will Congress do with the Commission's suggestions, and how long will that take?

Let's not forget that the recommendations from Government commissions have an uncanny ability of landing on the trash heap of history.

The Kerner Commission investigated the 1967 race riots and provided recommendations to avoid such in the future. So what did President Lyndon Johnson do—he ignored its report and rejected its recommendations.

In 2002 the 9/11 Commission was set up to provide recommendations designed to guard against future attacks. What did President Bush "43" do—he ignored many of the recommendations to the point that the commissioners actually toured the country to draw attention to their recommendations. The co-chairs even published a book in which they said that the commission had been "set up to fail."

Now that is not to say such will happen with the Commission here—but we don't know and neither does the DOJ.

[DOJ takes issue that the Commission here, as with the Kerner and 9/11 Commissions, may simply be a public relations gimmick to quell public concern and give Congressional politicians a place to hide.

[DOJ argues that such "runs counter to the well-established precedent that government officials are assumed to execute their duties in good faith. *Marcavage v. Nat'l Park Serv.*, 666 F.3d 856, 861 (3d Cir. 2012)." (DOJ Reply at 6, D.E. No. 82).

[Tell that to Chief Judge Merrick Garland of the U.S. Court of Appeals for the District of Columbia or to Justice Bret Kavanaugh.]

(3) What will President Trump, assuming by then he is still President, do with any legislation from Congress?

Will he sign it or veto it?

(4) If Pres. Trump vetoes Congressional legislation, will Congress override it and how long will that take?

(5) Before the Commission presents its unknown suggestions or before Congress passes any legislation, will President Trump with the stroke of the pen undo President Obama's policy of opening all combat positions to women?

No one knows the answer to these questions—not even the fortune teller the Rolling Stones sang about in 1966.

Yet the DOJ relies on the vagaries of political fortune to erase Plaintiff’s civil rights if the DOJ can just delay a decision by this Court long enough—when Plaintiff turns 26, this case is moot.

[Let’s not forget that Pres. Trump in a tweet banned transgender persons from the military, and his administration is currently trying to “roll back recognition and protections of transgender people under federal civil rights law.” Erica L. Green, Katie Benner and Robert Pear, *Transgender’ Could Be Defined Out of Existence Under Trump Administration*, NYTs, October 21, 2018.

[Current military policy “specifically bans transgender individuals from serving in the military in a manner consistent with their gender identity. (Mattis Memorandum). It excludes anyone who requires or has undergone gender transition, and requires proof that a person has been stable in their birth sex for the last thirty-six months. In sum, it disadvantages transgender service members “in the same fundamental way [as Trump’s initial ban].” *Stockman v. Trump*, 2018 WL 4474768 \* 6 (Sept. 18, 2018)]

[DOJ asserts that a revoking of Obama’s allowing women in combat is absurd.

*[Plaintiff’s claim that the government’s strategy is to delay litigation in the hopes that the current administration will reverse its position on the integration of females into combat units, see Pl.’s Opp. at 2, is entirely meritless and is contradicted by declarations filed by the Department of Defense in SWAN, which make clear that the combat integration process is proceeding. See No. 12-cv-6005 EMC (N.D. Cal.), ECF No. 99-1, Declaration of Anthony M. Kurta ¶ 5; ECF No. 113 at 11-16. (Reply 7 n.3).]*

~~[But not so absurd as to be raised in another case involving the same DOJ attorneys as here and the military but on a different issue of gender discrimination—SWAN v. Secretary of Defense, 3:12-cv-06005, N.D. Cal.]~~

~~In successfully opposing DOJ’s motion for dismissal on standing and failure to state a claim, SWAN 12-cv-06005, 09/27/18, D.E. No. 133 & 140, Order at D.E. No. 140, SWAN argued intentional discrimination by the military in integrating women into combat positions. SWAN relied, in part, on a recent action by Sec. Defense Mattis and statements by President Trump, Mattis and Chief of Staff Kelly opposing women in combat. Ct did not consider because submitted too late.~~

[Sept. 2018, Mattis “instituted a review by ‘the Chief of Staff of the Army [and] Commandant of the Marine Corps’ that will determine whether allowing women into combat positions ‘make[s] sense.’” (SWAN L.R. 7-3(d) Ex. B at 21, VMI Mattis Q & A, 3:12-cv-06005, 09/26/18, D.E. No. 132).

[9/26/17, “Secretary Mattis’s statement that the ‘jury is out’ on whether it is ‘a strength or a weakness to have women’ in combat positions, in part because only a ‘few stalwart young ladies’ have so far entered combat positions. See Ex. A (9/25/17 CNN article entitled *Mattis: ‘The Jury Is Out’ on Whether Women Will Be Successful in Combat Roles*).” (SWAN L.R. 7-3(d) filing at 1, 3:12-cv-06005, 09/26/18, D.E. No. 132).

[Secretary Mattis also stated that opening up combat positions to women was a policy that he had ‘inherited’ and that had resulted from ‘some people’s perspective of what kind of society we want.’ Secretary Mattis also explained that infantry soldiers are ‘necessarily macho,’ while signaling that women are the weaker and more vulnerable sex:

[‘In the event of trouble, you’re sleeping at night in your family home and you’re the dad, mom, whatever. And you hear glass break downstairs, who grabs a baseball bat and gets between the kids’ door and whoever broke in and who reaches for the phone to call 9-1-1? In other words, it goes to the almost primitive needs of a society to look out for its most vulnerable.’”

(SWAN L.R. 7-3(d) filing at 1, 2, 3:12-cv-06005, 09/26/18, D.E. No. 132).]

The author of the DOJ Reply makes a false statement in arguing for more delay by way of a stay prior to judgment:

*Indeed, the SWAN litigation to which Plaintiff refers is instructive because the district court there stayed a challenge to the military’s exclusion of women from certain combat positions for more than three years pending the political branches’ review of the issue and implementation of the integration of women into combat roles. See No. 12-cv-6005 EMC (N.D. Cal.), ECF No. 37. (Reply 8, D.E. No. 82)*

The stay was for discovery—not for deference to the political branches.

“On January 21, 2014, Defendant filed a motion for protective order seeking a stay of all discovery pending a decision on Defendant’s motion to dismiss. . . . The Court’s May 5, 2014 Order staying the litigation suspended the parties’ discovery obligations (other than obligations to preserve relevant information, including information responsive to pending discovery requests) . . . . Defendant’s Motion to Dismiss the Third Amended Complaint is fully briefed and pending before the Court. Defendant believes its motion will resolve the present litigation in its entirety and thus the case should remain stayed until the Court resolves that motion. (SWAN Jt Case Mngmnt Statmt at 4-6, 3:12-cv-06005, 09/20/18, D.E. No. 130).]

The issue of deference or justiciability comes down to what is more constitutionally important: the rights of young women here and now or crystal ball predictions as to what self-interested politicians may or may not do?

As the Supreme Court reasoned in *Orr v. Orr*, justiciability still exists even though “we have no way of knowing how the [legislature] will in fact respond,” but such is no reason “to hold that underinclusive statutes can never be challenged because *any* plaintiff’s success can theoretically be thwarted” by a legislature’s subsequent action or inaction. *Orr v. Orr*, 440 U.S. 268, 272 (1979) (emphasis in original); *Arkansas Writers’ Project, Inc. v. Ragland*, 481 U.S. 221, 227 (1987) (to “effectively insulate underinclusive statutes from constitutional challenge [is] a proposition we [have] soundly rejected . . .”).

The DOJ focuses on a future that is impossible to predict while Plaintiff is focused on what is happening now to her rights by a statute that is still on the book and is still being enforced against her.

The DOJ’s argument of “wait and maybe we will see someday” would require every Article III court in the country to put on hold any case that involves the military or national security issues because the Executive or Congress are conducting studies while people’s rights are being violated?

Now, we’re not arguing that this Court does not owe deference to Congress and the President, we’re arguing it does not owe deference to unknown possibilities of what bureaucrats may or may not decide at some indefinite time in the future.

As the *Rostker* Court stated, “Announced degrees of ‘deference’ to legislative judgments . . . may all too readily become facile [superficial] abstractions used to justify a result.” *Rostker*, 57 U.S. at 69-70.

That’s exactly what the DOJ lawyers are trying to do here.

For this Court not to act—one way or the other—on the equal protection and substantive due process issues would admit that civil rights can be violated as long as the Government might stop violating those rights at some unknown time in the future.

Perhaps the Board of Education of the City of Topeka, Kansas should have used that argument in 1954.

The problem of course is what’s to stop the Government from continuing its violations while asking for more and more time, which is what the DOJ has been doing here and in *Nat’l Coal. for Men v. Selective Serv. Sys.* case (13-2391, C.D. Cal; 16-cv-03362, S.D. Tex.)

It would also recognize the legitimacy of the remnants of hostility that existed in 1875 when women could only serve as nurses and cooks in the military while the Supreme



Court unanimously denied women the right to vote. *See Minor v. Happersett*, 88 U.S. 162, 178 (1874).

***Rostker* was decided on the merits.**

According to Rotunda and Nowak, *Treatise on Const. L.* § 18.23(i) (5th ed. 2013):

“The [*Rostker*] majority opinion, by Justice Rehnquist, stated that the Court should accord Congress great deference when reviewing laws having to do with the establishment or regulation of the military, but went on to find that the gender-based classification would survive scrutiny under the substantial relationship-important interest test.”

*Rostker*, 453 U.S. at 67, stated “We of course do not abdicate our ultimate responsibility to decide the constitutional question, but simply recognize that the Constitution itself requires such deference to congressional choice.” Here, Congress has not made a choice other than to have a commission conduct a study.

So rather than doing nothing, the *Rostker* Court went on to decide the merits. It found that women and men were not similarly situated—the first element in deciding an Equal Protection violation.

“The existence of the combat restrictions clearly indicates the basis for Congress’ decision to exempt women from registration. The purpose of registration was to prepare for a draft of combat troops. Since women are excluded from combat, Congress concluded that they would not be needed in the event of a draft, and therefore decided not to register them. . . . Men and women, because of the combat restrictions on women, are simply not similarly situated for purposes of a draft or registration for a draft.” *Rostker*, 453 U.S. at 77-78.

Today, the definition of “combat troops” means men and women. So for this Court to give deference to *Rostker* means requiring young women to register because they are now potential “combat troops.”

[DOJ admits that “Historically, Selective Service registration has been relied upon to replace those falling in combat.” (Defendant Selective Service System’s Objections and Responses to Plaintiffs’ First Set of Interrogatories at No. 10 p. 6 Response, filed in *Nat’l Coal. for Men v. Selective Serv. Sys.*, No. H-16-3362 (S.D. Tex., August 30, 2018, Dkt. 76).]

*Rostker* does not demand deference for a facial challenge to MSSA.

DOJ asserts that *in reviewing a facial challenge to the constitutionality of the MSSA, this Court must give deference to the political branches. See Rostker, 453 U.S. at 70* (DOJ Reply at 4)

What *Rostker* actually stated at 70 was

“deference does not mean abdication” When a statute “is challenged on equal protection grounds, the question a court must decide is not which alternative it would have chosen, had it been the primary decisionmaker, but whether that chosen by Congress denies equal protection of the laws.”

*Rostker*, no deference when there are merely ongoing discussions in Government.

*The Legislative and Executive Branches are currently engaged in their own review of the MSSA* (DOJ Reply at 3, D.E. No. 82)

It is really the Commission that is doing the review and that review has no present impact on the current violation of Plaintiff’s rights. If it did, the Commission would be a defendant.

*Such deference extends not only to the merits of the question at hand, but also to the process chosen by the political branches for addressing the policy at issue. Rostker, 453 U.S. at 65* (DOJ Reply at 4, D.E. No. 82)

*Rostker* does not say that nor hold that as the DOJ Reply author states with a cite that lacks a qualification signal.

The only deference that the U.S. Supreme Court in *Rostker* showed Congress was in accepting its decision that “[t]he purpose of registration . . . was to prepare for a draft of *combat troops*.” 453 U.S. at 76-77 (emphasis in the original).

The only decision Congress has made here is that a commission will do a study.

### **Separation of Powers, Courts v. Congress and the President**

“The irreplaceable value of the power articulated by Mr. Chief Justice Marshall [*Marbury v. Madison*, 5 U.S. 137 (1803)] lies in the protection it has afforded the constitutional rights and liberties of individual citizens and minority groups against oppressive or discriminatory government action.” *U.S. v. Richardson*, 418 U.S. 166, 192 (Powell, J., concurring) (1974).

Plaintiff is asking Your Honor for that protection and asking for it NOW.

DOJ argues that the power of Art III courts is limited to statutes after Congress (1) amends a statute that is already on the books, or (2) refuses to amend that statute, or (3) until Congress finally makes up its mind on what to do with that statute already on the books even though the harm caused by that statute is present and continuing.

Your Honor has already found that Plaintiff is being injured—here and now by the Government preventing her from registering. (Opinion at 5 n.5, 9, 13, D.E. No. 72). If she is currently being injured, how can this Court be prevented from doing anything about it, or be required to wait for who knows how long before doing anything about it.

In 1875, Congress granted federal question jurisdiction to Article III courts primarily to provide “a forum designed to minimize the danger of hostility toward . . . federally created rights.” 15 *Moore’s Fed. Prac.*, § 103.03 (Matthew Bender 3d ed.).

As a result, it is “the courts [that] are called upon to decide whether Congress, acting under an explicit constitutional grant of authority, has by that action transgressed an explicit guarantee of individual rights which limits the authority so conferred.” *Rostker v. Goldberg*, 453 U.S. 57, 70 (1981). Here, it is the MSSA.

For this Court to wait for the President and Congress’s decision on the Commission’s suggestions and then base its decision on that Congressional determination would raise separation of powers issues. Congress would then, in effect, be deciding an existing case, which is an improper interference with the independence of the judiciary. *Cf. U.S. v. Klein*, 80 U.S. 128, 145-147 (1871) (separation of powers problem because Congress attempted to decide a case pending in the Supreme Court in which the U.S. Government was a party).

Plaintiff’s Fifth Amendment rights would be violated during the wait because Plaintiff would be denied the opportunity to raise the constitutional issues of Equal Protection and Substantive Due Process in a competent forum. *See Oestereich v. Selective Serv. Sys. Local Bd. No. 11, Cheyenne, Wyo.*, 393 U.S. 233, 243 (1968) (Harlan, J, concurring) (“To withhold pre-induction review . . . would thus deprive petitioner of his liberty without the prior opportunity to present to any competent forum . . . his substantial claim that he was ordered inducted pursuant to an unlawful procedure.”).

### **Due Process Rights v. Military, National Security**

The Supreme has held that “the phrase ‘war power’ cannot be invoked as a talismanic incantation to support any exercise of congressional power which can be brought within its ambit. ‘Even the war power does not remove constitutional limitations safeguarding essential liberties’. . . . Implicit in the term national defense is the notion of defending those values and ideals which set this Nation apart.” *U.S. v. Robel*, 389 U.S. 258, 263-264 (1967) (internal quotation *Home Bldg. & Loan Assn. v. Blaisdell*, 290 U.S. 398, 426 (1934)).

Even if the civilian Plaintiff here would be considered a member of the armed services by registering, the protections of the Due Process Clause would still apply. *U.S. ex rel. Innes v. Hiatt*, 141 F.2d 664, 666 (3d Cir. 1944) (“[a]n individual does not cease to be a person within the protection of the fifth amendment of the Constitution because [s]he had joined the nation’s armed forces . . . .”)

“When the national government explicitly and deliberately discriminates against historically subordinated groups, the suggestion that judges are incompetent to understand that discrimination betrays a fundamental conception of judicial review that has prevailed for [seventy-five years].” Kenneth L. Karst, *The Pursuit of Manhood and the Desegregation of the Armed Forces*, 38 UCLA L. Rev. 499, 580 (1991).

Numerous cases have confirmed that the Federal Courts will not refrain from a decision on the merits based on notions of non-reviewability because the military or national security is involved:

“The war power of the United States, like its other powers and like the police power of the states, is subject to applicable constitutional limitations.” *Hamilton v. Kentucky Distilleries & Warehouse Company*, 251 U.S. 146, 156 (1919) (Brandeis, J.) (citing *Ex parte Milligan*, 4 Wall. 2, 121-127 (1866) (presidential declaration of martial law found unconstitutional)); accord *Duncan v. Kahanamoku*, 327 U.S. 304, 323-324 (1946) (declaration of martial law in Hawaii following the attack on Pearl Harbor held unconstitutional); *Monongahela Navigation Co. v. United States*, 148 U.S. 312, 336 (1893) (power granted by Congress to Secretary of War to take for public use certain property at a predetermined compensation violated the Fifth Amendment).

*Holder v. Humanitarian Law Project*, 561 U.S. 1, 34 (2010) (“Our precedents, old and new, make clear that concerns of national security . . . do not warrant abdication of the judicial role.”);

*Weiss v. United States*, 510 U.S. 163, 176 (1994) (“Congress . . . is subject to the requirements of the Due Process Clause when legislating in the area of military affairs”);

*Dow v. Johnson*, 100 U.S. 158, 169 (1879) (“[T]he military should always be kept in subjection to the laws of the country to which it belongs, and that he is no friend to the Republic who advocates the contrary. The established principle of every free people is, that the law shall alone govern; and to it the military must always yield.”);

*Marbury*, 5 U.S. at 177 (“the [C]onstitution controls any legislative act repugnant to it”).

*U.S. v. Virginia*, 518 U.S. 515 (1996) (not discussing justiciability but instead focusing on the merits of whether Virginia’s policy of excluding women from enrolling in its historically single-sex military college violated the Equal Protection Clause);

*Rostker v. Goldberg*, 453 U.S. 57, 78-79 (1981) (The Court stated that it was “called upon to decide whether Congress, acting under an explicit constitutional grant of authority, has by that action transgressed an explicit guarantee of individual rights which limits the authority so conferred.” *Rostker*, 57 U.S. at 69-70.

*Brown v. Glines*, 444 U.S. 348, 361 (1980) (First Amendment challenge to regulation limiting circulation of petitions at Air Force base was reviewed on the merits);

*Schlesinger v. Ballard*, 419 U.S. 498, 506-510 (1975) (challenge to Navy promotion time-limits based on sex decided on Equal Protection grounds under the Due Process clause in which the Court found that men and women service members were not similarly situated);

*Parker v. Levy*, 417 U.S. 733, 757 (1974) (Court-martialed army captain sought discharge from confinement in federal penitentiary. The captain's conduct in publicly urging enlisted personnel to refuse to obey orders which might send them into combat was unprotected under the most expansive notions of the First Amendment);

*Frontiero v. Richardson*, 411 U.S. 677, 690–691 (1973) (statutes discriminating against women in granting military benefits was found to violate Equal Protection under the Due Process Clause because they were based on archaic and overbroad generalizations).

*Gilligan v. Morgan*, 413 U.S. 1, 11-12 (1973) (rejecting claims based on the allegedly improper training methods of the Ohio National Guard, but stating that “it should be clear that we neither hold nor imply that . . . there may not be accountability in a judicial forum for violations of law or for specific unlawful conduct by military personnel, whether by way of damages or injunctive relief. We hold only that no such questions are presented in this case”).

*Jorden v. Nat’l Guard Bureau*, 799 F.2d 99, 109 (3d Cir. 1986) (“The Supreme Court has heard many cases involving claims for injunctive relief against the military without even suggesting that the claims were not reviewable in a civilian court.”)

*Jaffee v. United States*, 663 F.2d 1226, 1237 (3rd Cir. 1981) (“[T]he Rostker opinion certainly does not suggest the courts should abdicate their responsibility to assure military authorities comply with constitutional mandates . . .”).

*Dillard v. Brown*, 652 F.2d 316, 320-321 (3d Cir. 1981) (The Third Circuit held that it is precisely the role of the courts, not the military, to define the constitutional rights of individuals).

“Neither [Article I, Section 8 (Congressional power over military) and Article II, Section 2 (Presidential power over military) of the Constitution] expressly or by implication, prevents a federal court from entertaining an appropriate constitutional claim brought against the military. The military has not been exempted from constitutional provisions that protect the rights of individuals, even though the rights of those in the armed forces may differ from those of civilians. *Parker v. Levy*, 417 U.S. 733 (1974); *Raderman v. Kaine*, 411 F.2d 1102 (2d Cir. 1969).”

In *Dillard* a National Guard regulation forbid single parents with minor children from enlisting. A woman service member challenged the regulation as sex discrimination. The Third Circuit found the claim was justiciable.

“Her challenge, unlike that of the plaintiffs in *Gilligan v. Morgan*, 413 U.S. 1 (1973), does not require a court to engage in an ongoing supervision of the National Guard. A court by considering Dillard’s claims is not usurping the responsibility constitutionally committed to a coordinate branch. Nor is the court here asked to engage in a task for which it has no competence. Dillard merely

seeks constitutional review of a regulation by a federal court, a task which traditionally and constitutionally has been committed to such a forum. The claims ‘presented and the relief sought are of the type which admit of judicial resolution.’ *Powell v. McCormack*, supra, 395 U.S. 486, 516-17 (1969). Consequently in Dillard’s case there is present neither the level of intrusion into the responsibilities of the coordinate political branches nor the lack of competence of the judicial branch that was found in *Gilligan*.”

This case is similar to *Dillard*, only here, Plaintiff is not in the military.

[“In *Dillard* we explicitly rejected the test set forth by the Fifth Circuit in *Mindes v. Seaman*, 453 F.2d 197 (5th Cir.1971), for determining whether a court should hear a particular claim involving the military. *Jorden v. Nat’l Guard Bureau*, 799 F.2d 99, 111 n.16 (3d Cir. 1986).”]

[It is clear that *Dillard* was not overruled by either *Chappell v. Wallace*, 462 U.S. 296 (1983) or *Jaffe II*, 663 F.2d at 1240. *Jorden*, 799 F.2d at 111 n.16 ]

*SWAN v. Mattis*, Order at 16, 3:12-cv-06005, 05/01/18, N.D. Cal., D.E. No. 118) in finding justiciability, the Court relied, in part, on the Third Circuit case *Dillard v. Brown*, 652 F.2d 316 (3d Cir. 1981), cert. denied sub. nom., *Sajer v. Jorden*, 484 U.S. 815 (1987), to distinguish *Gilligan*.

The SWAN Court quoted the following from *Dillard*:

“*Gilligan* [*v. Morgan*, 413 U.S. 1 (1973)] does not stand for the proposition that issues concerning the operation of the National Guard are necessarily committed to the coordinate political branches. The Supreme Court held only that a federal court could not exercise continuing regulatory jurisdiction over the National Guard. The plaintiffs in *Gilligan* were not merely seeking to have the Court hold that certain practices or regulations were unconstitutional. Rather they sought to vest virtual control of the Ohio National Guard in a federal court.” *Dillard* at 321.

*Emory v. Sec’y of Navy*, 819 F.2d 291, 294 (D.C. Cir. 1987) (“The military has not been exempted from constitutional provisions that protect the rights of individuals. *Parker v. Levy*, 417 U.S. 733 (1974). It is precisely the role of the courts to determine whether those rights have been violated. *Dillard v. Brown*, 652 F.2d 316, 320 (3d Cir.1981).”)

*Doe 1 v. Trump*, 275 F. Supp. 3d 167, 210 (D.D.C. 2017) (addressing merits of claims brought by transgender service members and aspiring service members that directives issued by President violated their constitutional rights. “Where it is alleged, as it is here, that the armed forces have trenched upon constitutionally guaranteed rights through the promotion and selection process, the courts are not powerless to act. The military has not been exempted from constitutional provisions that protect the rights of individuals [and, indeed] [i]t is precisely the role of the courts to determine whether those rights have been violated.” Quoting *Emory v. Sec’y of Navy*, 819 F.2d 291, 294 (D.C. Cir. 1987).

If courts can stop the banning of transgender soldiers, the courts can stop the banning of women from registration. [Four lower-court judges have ruled the White House’s transgender ban unconstitutional.]

[*Stockman v. Trump*, 331 F.Supp.3d 990 (C.D. Cal. Sept. 18, 2018) (not entitled to rational-basis review pursuant to the doctrine of military deference); *Karnoski v. Trump*, 2018 WL 1784464 (W.D. Wash. Apr. 13, 2018) (preliminary injunction upheld pending appeal by 9<sup>th</sup> Cir No. 18-35347, Dkt. No. 90.); *Stone v. Trump*, 280 F. Supp. 3d 747, 768 (D. Md. 2017), appeal dismissed, No. 17-2398, 2018 WL 2717050 (4th Cir. Feb. 2, 2018) (preliminary injunction issued, DOJ dismissed its appeal).]

*Owens v. Brown*, 455 F. Supp. 291, 299, 301 (D.D.C. 1978) (plaintiffs were woman Navy personnel who filed a class action, seeking to remove a statutory bar that prevented them from being assigned to duties aboard Navy vessels. The district court held that the case was justiciable. Defendants read Article I, Section 8 and Article II, Section 2 as signifying an intent to commit decisions regarding the military to the discretion of the legislative and executive branches of government and to leave no room for the third branch to exercise independent review. This argument proves too much. Numerous court decisions have shown “not the slightest hesitancy about reaching the merits even though military affairs were involved.” “[A] succession of cases in this circuit and elsewhere has reiterated the proposition that the military is subject to the Bill of Rights and its constitutional implications”).

This action, as in *Dillard* and *SWAN*, is NOT “a call on judicial power to assume continuing regulatory jurisdiction over the activities” of the military’s draft registration. *See Gilligan* at 5 (quotation). Rather, this case is a challenge to a facial barrier— “the type of military decision that courts have exercised jurisdiction over,” according to the DOJ in *SWAN* (DOJ Mem. at 2, 3:12-cv-06005, 02/16/18, D.E. No. 110).

### **DOJ admits justiciability—that courts can decide the merits.**

DOJ lawyers have already admitted that this Court has justiciability to review the MSSA: *Rostker* itself noted that even in a case involving critical issues of military policy, courts “do not abdicate [their] ultimate responsibility to decide the constitutional question.” *Rostker v. Goldberg*, 453 U.S. 57, 67 (1981). (Reply at 4, D.E. No. 82)

In *SWAN*, 3:12-cv-06005 (N.D. Cal. 2012) (DOJ Dismissal Mtn Hearing Transcript, April 19, 2018, D.E. No. 115), the DOJ replied to the U.S. district court judge’s question on whether a general military exclusion based on gender is justiciable.

*Court:* Does it make a difference whether the policy being challenged is a facial challenge to an explicit group-based policy? In this case, it’s gender based. . . . [I]t is gender based on its face. Does that make it—tend to make it more justiciable than one that is kind of an effects case, where you’re challenging the impact of something? (Tr. 5-25 to 6-6).

*DOJ*: It does. I think that's why we never raised it earlier, because a general exclusion based off of also gender, as the first -- as the Direct Combat Rule was, is -- that's typically something that you would -- you would think is justiciable. (Tr. 6-7 to 6-11).

The DOJ's argument in *SWAN* emphasized that its process for integrating women into combat positions does not create a barrier based on gender. If it did, the Government admitted that such a barrier would be justiciable: "[T]his case has transformed from a challenge to a facial barrier on service, the type of military decision that courts have exercised jurisdiction over . . . ." *SWAN* (Gov't Mem. at 2, filed Feb. 16, 2018, D.E. No. 110). "In its prior iterations, this lawsuit did indeed challenge a categorical military policy against females serving in direct combat positions." (*Id.* at 13).

Plaintiff agrees with the DOJ's argument in *SWAN* that the general exclusion of women because of their gender is justiciable when the military is involved. Since registration is part of the military, *Rostker*, 453 U.S. at 68, the exclusion of women there is also justiciable.

The case here challenges just such a "facial barrier," but here, the DOJ takes the opposite of its position in *SWAN*.

The *SWAN* Court still found justiciability of the challenge to the Pentagon's detailed process for integrating women into combat positions, but dismissed w/o prejudice on standing:

"[t]he military does not have any special expertise on gender integration. . . . Courts regularly assess claims of disparate treatment under the Equal Protection Clause, and scrutiny of discrimination by the military is not uncommon. Justification for class-based exclusions from the military or portions thereof, despite justification based on, *e.g.*, morale or combat readiness, are not beyond the ability of the courts to adjudicate. *See, e.g., Rostker*, 453 U.S. at 57 [citations omitted]. . . . Carried to its logical extent, under the government's position herein, even race-based exclusions from the military or racial segregation within would be immune from judicial review. . . . It is too late in the day for any such argument." *SWAN* Order at 17-18, 3:12-cv-06005, N.D. Cal., 05/01/18, D.E. No. 118)

The Third Circuit in *Yusupov v. Attorney Gen. of U.S.*, 650 F.3d 968, 981 (3d Cir. 2011), quoted the Supreme Court as stating that "concerns of national security and foreign relations do not warrant abdication of the judicial role. *Holder v. Humanitarian Law Project*, 130 S.Ct. 2705, 2727 (2010)."



## **DOJ's abstract and disingenuous deference arguments for this Court to do nothing.**

### 1. Abstraction

DOJ lawyers continue to do what the *Rostker* Court warned against concerning deference:

“Announced degrees of ‘deference’ to legislative judgments . . . may all too readily become facile [superficial] abstractions used to justify a result.” *Rostker*, 57 U.S. at 69-70.

DOJ claims that *This lawsuit seeks to draw the Court into this ongoing policymaking process and predetermine its outcome.* (DOJ Reply at 1, D.E. No. 82). *[W]rest from the political branches an issue of military policy that is committed to those branches by the text of the Constitution.* (DOJ Reply at 3, D.E. No. 82). *The entry of judicial relief for Plaintiff at this stage would interfere with, if not negate, the Government’s ability to address a fundamental revamping of the Selective Service System to better account for changes in society and warfare as mandated by Congress.* (DOJ Reply at 7, D.E. No. 82).

The DOJ claims the sky will fall if this Court defends Plaintiff’s rights, but doesn’t give any specifics—perhaps they exaggerate.

### 2. Pending legislation

DOJ argues for deference because *Congress is in the midst of a policymaking process . . . .* (DOJ Br. at 1, D.E. No. 80-1). All that Congress is in the “midst of” is waiting—who knows for how long—for the Commission to formulate suggestions.

DOJ cites for support to *Schlesinger v. Ballard*, 419 U.S. at 510 n.13, falsely asserting that case held “deference to Congress is even more appropriate when pending legislation may remedy a challenged classification.” (DOJ Br. at 17, D.E. No. 80-1).

At the time of *Schlesinger v. Ballard*, Congress—not a commission—was considering making the promotion requirements equal for both sexes, but that did not impact the Supreme Court’s decision. The Supreme Court reached the merits by holding that the statutes did not violate the male officer’s due process rights because men and women service members were not similarly situated.

Here, they are similarly situated, and there is no pending legislation from the Commission before Congress.

The Commission is not a coordinate branch of the Government—it does not make law, it does not execute the law. This Court’s authority is not dependent on the existence or activities of a commission that will do who knows what?

### 3. Political branch decisions

DOJ lawyers advocate *deference to the military decisions of the political branches* (DOJ Reply at 1, D.E. No. 82)

So what is the Congressional decision? That a commission will do a study—that's it!

Doing a study is not law, it is not an Executive Order and it is not even policy.

Congress and the President may adopt or reject the Commission's suggestions but there has been no decision one way or the other on that.

### 4. Interference with future Government decisions

DOJ asserts that because Plaintiff is fighting for her rights, she will interfere with future decisions by the most powerful Government in history: *In addition, any relief that could potentially require the Government to spend millions of dollars changing the Selective Service System in response to a court order would impose a considerable hardship at this time, particularly because Congress may wish to change the system in a different manner following the Commission's review* (DOJ Reply at 7, D.E. No. 82)).

So what is the causal chain to future effects from a decision here? DOJ does not say.

Plaintiff is 21 years-old studying to be a veterinarian. She is simply asking this Court to tell the Government to stop violating her rights—to tell the Government, as Your Honor has so far found to stop injuring her, and to stop doing it now. (Opinion at 5 n.5, 9, 13, D.E. No. 72).

Besides, if this Court decides for Plaintiff, the DOJ will move to stay enforcement pending appeal under Fed. R. Civ. P. 62(c) and, if necessary, under Fed. R. App. P. 8(a)(1)(A). We will not oppose a stay pending appeal.

And no, we are not agreeing to a stay prior to judgment.

If this Court issues a stay now—thereby imprisoning this case in this Court, assuming an appeal of that stay is unsuccessful, those who believe the current trend in equal rights only apply to benefits and well-paying influential jobs but not responsibilities will be shown correct. Such enforcement of political beliefs regardless of the law will not last long. For the S.D. Tex. case is going to end up in the Supreme Court.

Also, if the Third Circuit or the Supreme Court does not like a decision for Plaintiff, they'll overrule it. If not, Congress can always pass a law to overrule a decision for Plaintiff. Congress has done that before.

## 5. Deference for the composition of the military

DOJ lawyers even go so far as to demand *deference due to those [Govt] branches on questions of the composition of the fighting force* (DOJ Reply at 1, D.E. No. 82)

Plaintiff is not challenging the composition of the armed forces. Registration and conscription are fundamentally different military processes.

This Court stated that “Plaintiff’s injury stems from her exclusion from draft registration, not conscription.” (Opinion at 5 n.5, D.E. No. 72).

Defendants even admit that “When SSS registers a person, it does not determine the role that person will serve once inducted. This determination is made by [the Department of Defense] after induction.” And that’s “composition.” *Defendant Selective Service System’s Objections and Responses to Plaintiffs’ First Set of Interrogatories* at No. 9 p. 6 Response, filed in *Nat’l Coal. for Men v. Selective Serv. Sys.*, Civil Action 16-3362, S.D. Tex., August 30, 2018, D.E. No. 76.

Besides, “composition” of the military is NOT immune from court review. The Third Circuit and other courts have held that Article I, Section 8 and Article II, Section 2 of the Constitution

“do not provide or intimate that, when statutes or regulations regarding the composition of the military trench upon other constitutional guarantees, the courts are powerless to act. Neither section, expressly or by implication, prevents a federal court from entertaining an appropriate constitutional claim brought against the military. The military has not been exempted from constitutional provisions that protect the rights of individuals, even though the rights of those in the armed forces may differ from those of civilians. *Parker v. Levy*, 417 U.S. 733 (1974). It is the role of the courts, not the military, to define these rights.” *Dillard*, 652 F.2d 316, 320 (3d Cir. 1981).

In *United States ex rel. Innes v. Hiatt*, 141 F.2d 664, 666 (3d Cir. 1944), the Third Circuit held that “An individual does not cease to be a person within the protection of the Fifth Amendment of the Constitution because he had joined the nation’s armed forces . . . .”

“[C]onstitutional questions that arise out of military decisions regarding the composition of the armed forces are not committed to the other coordinate branches of government.” *Doe I v. Trump*, 275 F. Supp. 3d 167 (no pagination) (D.D.C. 2017) (quoting *Emory v. Sec’y of Navy*, 819 F.2d 291, 294 (D.C. Cir. 1987) (The *Doe I* court issued a preliminary injunction preventing the enforcement of President Trump’s transgender ban on “accession and retention” in the military.)).

**DOJ's cited cases do not prohibit this Court from deciding the merits.**

“To be sure, there are extreme circumstances when courts have declined to address the merits of a case, citing non-justiciability.” (SWAN Court Order Granting DOJ's Motion to Dismiss on Standing at 18, 12-CV-6005, 5/1/2018, D.E. No. 118).

But none of the cases relied on by the DOJ to keep this Court from deciding the merits apply.

*Gilligan v. Morgan*, 413 U.S. 1 (1973) (DOJ Br. at 16, 22, D.E. No. 80-1; Reply at 13), and *Orloff v. Willoughby*, 345 U.S. 83 (1953):

“Neither of these cases holds that constitutional questions affecting military decisions or the composition of the armed forces are necessarily and exclusively committed to the other coordinate branches of the government.” *Dillard*, 652 F.2d at 320.

*Gilligan* was “a broad call on judicial power to assume continuing regulatory control over the activities of the Ohio National Guard.” *Gilligan* at 5. The Third Circuit in *Dillard*, 652 F.2d at 321, found that in *Gilligan*

“[t]he Supreme Court held only that a federal court could not exercise continuing regulatory jurisdiction over the National Guard. The plaintiffs in *Gilligan* were not merely seeking to have the Court hold that certain practices or regulations were unconstitutional. Rather they sought to vest virtual control of the Ohio National Guard in a federal court. This transfer of control, *Gilligan* held, could not be done.”

The SWAN Court stated that

“The result in *Gilligan* was hardly surprising because the breadth of plaintiffs' request for relief would require a court to interfere with the basic, day-to-day functioning of the Ohio National Guard and on a continuing basis.” (SWAN SWAN Court Order Granting DOJ's Motion to Dismiss at 10, D.E. No. 118). However, where “[t]he relief sought . . . would not require the Court to exercise continuing comprehensive regulatory supervision over a wide range of military decisions,” reviewability exists. *Id.* at 15.

*Orloff v. Willoughby*, 345 U.S. 83 (1953). (DOJ. Br. at 16, D.E. No. 80-1):

The Third Circuit *Dillard* court held that “*Orloff* stands for the proposition that a constitutional challenge brought against the military, which does not require a court to run the military, is justiciable.” *Dillard* at 322.

“*Orloff* teaches no more than that the exercise of military discretion involving duty assignments will not be reviewed by a court if there has been no statutory or constitutional violation.” *Id.*

*Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 26 (2008) (DOJ. Br. at 16, D.E. No. 80-1; Reply at 5, 10, D.E. No. 82):

A preliminary injunction case where the Supreme Court did not find non-reviewability but decided the merits that possible harm to marine mammals from sonar was outweighed by the Navy being able to detect enemy submarines.

The *Winter* Court noted that “[o]f course, military interests do not always trump other considerations, and we have not held that they do.”

*Goldman v. Weinberger*, 475 U.S. 503, 507 (1986) (DOJ. Br. at 16, D.E. No. 80-1; Reply at 10):

Where the Supreme Court did decide the merits but found a military regulation preventing the wearing of the headgear required by a soldier’s religious beliefs did not violate the First Amendment.

### **Deference Conclusion**

Plaintiff is not asking this Court to exercise continuing comprehensive regulatory supervision over a wide range of military decisions concerning draft registration, such as, classification status, enforcement. Plaintiff’s request is very simple—treat young women and young men equally when it comes to draft registration.

It is up to this Court or the S.D. Tex. Court to allow or not allow, as Army Ranger Lisa A. Jaster wrote, that her kids have “the same opportunities to shape the world they live in, regardless of gender, which includes registering for the draft and serving their country.” *Women Deserve The Same Opportunities As Men, Including Registering For The Draft*, Task & Purpose, December 9, 2016.

## **Ripeness**

The ripeness doctrine “determines when a proper party may bring an action.” *Presbytery of New Jersey of Orthodox Presbyterian Church v. Florio*, 40 F.3d 1454, 1462 (1994) (citing *see Armstrong World Indus., Inc. v. Adams*, 961 F.2d 405, 411 & nn. 12-13 (3d Cir.1992)).

It is “peculiarly a question of timing.” *Thomas v. Union Carbide Agr. Prod. Co.*, 473 U.S. 568, 580 (1985) (quoting *Blanchette v. Connecticut Gen. Ins. Corps.*, 419 U.S. 102, 140 (1974)).

Timing that “centers on whether [an] injury has occurred yet.” *Presbytery of New Jersey of Orthodox Presbyterian Church* at 1462 (quoting Erwin Chemerinsky, *Federal Jurisdiction* 99 (1989)).

Since “ripeness centers on whether [the] injury has occurred yet,” and Plaintiff’s injury has occurred as this Court found in its Opinion at 5 n.5, 9, 13 (03/29/2018, D.E. No. 72) this case is clearly ripe. (Kyle-Labelle Aff. D.E. No. 81-6; Fifth Reg. Attempt 10/2/2018).

Ripeness decisions generally may be found more readily when a court believes that it faces a pure question of law that can be decided without further fact development. Wright & Miller, *Fed. Prac. & Proc. Juris.* § 3531.12.

There are no further facts to develop. SSS barred Plaintiff from registering for the draft.

That there are no further facts to develop is enforced by DOJ making a facial rather than factual opposition to Plaintiff’s standing as this Court concluded. (Opinion at 3-4, 15-cv-05193, 03/29/18, D.E. No. 72).

The only questions here are legal ones: Did the SSS’s barring Plaintiff from registering violate her Due Process rights.

## **Ripeness when Standing**

Ripeness focuses more on the question of whether the injury has yet become mature. Ripeness can be seen as providing a time requirement to the standing injury. Wright & Miller, *Fed. Prac. & Proc. Juris.* § 3531.1.

“In most cases, that a plaintiff has Article III standing is enough to render [her] claim constitutionally ripe.” *In re Methyl Tertiary Butyl Ether Prods. Liab. Litig.*, 725 F.3d 65, 110 (2d Cir. 2013) (the 2d Cir determination that plaintiff had standing was enough to find constitutional ripeness).

Ripeness overlaps with standing in the “shared requirement that [plaintiff’s] injury be [actual] or imminent.” *Ross v. Bank of America, N.A.*, 524 F.3d 217, 226 (2d Cir. 2008) (quoted citations omitted).

In *Ross* the 2d Cir had already found that there existed an “actual and imminent” injury to constitute Article III standing injury in fact. *Ross* at 226. The Court held that “For the same reasons, we find that these alleged injuries are not merely speculative or hypothetical, and that judicial review of the [plaintiff’s] claims at this time is appropriate.” That is, they are ripe.

DOJ agrees with this concept of ripeness by asserting that governmental “effects [be] felt in a concrete way by the challenging parties.” (DOJ Br. at 12, D.E. No. 80-1, quoting *Nat’l Park Hosp. Ass’n v. Dep’t of Interior*, 538 U.S. 803, 807-808 (2003)).

This Court has already found that barring Plaintiff from registering resulted in a concrete and particularized injury. (Opinion at at 5 n.5, 9, 13, D.E. No. 72).

In its Reply, the DOJ wrongly relies on *Taylor v. Resolution Tr. Corp.*, 56 F.3d 1497, 1508 (D.C. Cir.), *opinion amended on reh’g*, 66 F.3d 1226 (D.C. Cir. 1995), for its argument that ripeness and standing do not overlap. (DOJ Reply at 6, D.E. No. 82).

The D.C. Cir did not deal with ripeness but rather a preliminary injunction. In fact, the Court opinion never even mentioned ripeness.

The Court held that plaintiff “has adequately pled facts supporting its standing to bring suit on First Amendment grounds.” Then in the next paragraph states, “But to establish the grounds for a preliminary injunction [plaintiff] must show more: it must demonstrate a substantial probability of success on the merits and an irreparable injury that the proposed injunction would avert.” 56 F.3d at 1508. Ripeness was not an issue.

DOJ also relies on *Caribbean Marine Servs. Co. v. Baldrige*, 844 F.2d 668, 675 (9th Cir. 1988) (DOJ Reply at 6, D.E. No. 82). *Caribbean* also dealt with a preliminary injunction and held that “Because the threat of civil liability is too attenuated and conjectural to constitute a basis for [plaintiffs’] standing . . . it follows that this injury is too speculative to constitute an irreparable harm justifying injunctive relief.”

DOJ is clearly trying to obfuscate by mixing preliminary injunction with ripeness.

## **Pre-enforcement v. Post-enforcement ripeness for administrative agency decisions**

### Pre-enforcement test

DOJ relies on the test for ripeness set out in *Abbott Labs. v. Gardner*, 387 U.S. 136, 148–49 (1967), *overruled on other grounds*, *Califano v. Sanders*, 430 U.S. 99 (1977), and *Nat’l Park Hospitality. Ass’n v. Dep’t of Interior*, 538 U.S. 803, 807–08 (2003). (DOJ Br. at 22, D.E. No. 80-1; DOJ Reply at 2, D.E. No. 82).

That test does NOT apply to this case because it is the test for administrative agency pre-enforcement actions.

Pre-enforcement actions are where the harm asserted by the plaintiff has not yet occurred.

The Supreme Court in *Nat'l Park Hosp. Ass'n v. Dep't of Interior*, 538 U.S. 803, 807-08 (2003), held that

“Ripeness is a justiciability doctrine designed . . . to protect the [administrative] agencies from judicial interference until an administrative decision has been formalized and its effects felt in a concrete way by the challenging parties.” (citing *Abbott Labs. v. Gardner*, 387 U.S. 136, 148 (1967)).

The pre-enforcement test “is best seen in a twofold aspect, requiring us to evaluate both the [1] fitness of the issues for judicial decision and [2] the hardship to the parties of withholding court consideration.” *Abbott*, 387 U.S. at 149.

In *Abbott*, pharmacies brought a pre-enforcement action challenging Food & Drug Administration regulations concerning advertisements and labels. Before the regulations were enforced, thirty-seven drug manufacturers and their trade association sought review. *Fed. Prac. & Proc. Juris.* § 3532.6 (3d ed.). The Supreme Court in this pre-enforcement action found that the two-part test rendered the case ripe.

The Supreme Court stated, “The first question we consider is whether Congress by the Federal Food, Drug, and Cosmetic Act intended to forbid pre-enforcement review of this sort of regulation promulgated by the Commissioner.” *Abbott*, 387 U.S. at 139-40. The Supreme Court concluded pre-enforcement review was allowed, *Abbott*, 387 U.S. at 148, and then cited the reason for the two-part test for determining whether a regulation opposed before enforcement was ripe.

“The injunctive and declaratory judgment remedies are discretionary, and courts traditionally have been reluctant to apply them to administrative determinations unless these arise in the context of a controversy ‘ripe’ for judicial resolution. . . . [I]t is fair to say that [ripeness] basic rationale is to prevent the courts, through avoidance of premature adjudication, from entangling themselves in abstract disagreements over administrative policies, and also to protect the agencies from judicial interference until an administrative decision has been formalized and its effects felt in a concrete way by the challenging parties.” *Abbott*, 387 U.S. at 148 (emphasis added).

In *Nat'l Park Hosp. Ass'n v. Dep't of Interior*, 538 U.S. 803, 807-08 (2003), the plaintiff brought a pre-enforcement challenge to a National Park Service regulation concerning concession contracts and was “not litigating any concrete dispute.” 538 U.S. at 807. The Court applied the two-part test, 538 U.S. at 808, and found the case NOT ripe.

There the Supreme Court again held that “Ripeness is a justiciability doctrine designed . . . to protect the agencies from judicial interference until an administrative decision has been formalized and its effects felt in a concrete way by the challenging parties.” (Emphasis added). 538 U.S. at 807-08



### Post-enforcement test

The counterpart of pre-enforcement is post-enforcement—when an agency has made a final decision and executed on it causing an actual injury. That is, when “an administrative decision has been formalized and its effects felt in a concrete way by the challenging parties.” *Nat’l Park Hosp. Ass’n v. Dep’t of Interior*, 538 U.S. at 807-08; *Abbott*, 387 U.S. at 148.

The Third Circuit has held in

*Lauderbaugh v. Hopewell Twp.*, 319 F.3d 568, 575 (3d Cir. 2003), that “the ripeness doctrine prevents judicial interference ‘until an administrative decision has been formalized and its effects felt in a concrete way by the challenging parties.’” (citing *Abbott Labs., Inc. v. Gardner*, 387 U.S. 136, 149 (1967)).

And that Ripeness exists when a “decision maker has arrived at a definitive position on the issue that inflicts an actual, concrete injury.” *Lauderbaugh v. Hopewell Twp.*, 319 F.3d 568, 575 (3d Cir. 2003)(quoting *Williamson Planning Comm’n v. Hamilton Bank*, 473 U.S. 172, 192 (1985)).

The concrete injury to Plaintiff is (1) the denial of equal treatment—she cannot register for the draft because of her sex, and (2) violation of her substantive due process rights—she is treated as a second class citizen.

The SSS has decided five times so far to bar her from registering. It has, therefore, injured her five times.

In pre-enforcement actions, “courts are left to hypothesize about how the law might be applied.” Here, “Plaintiff[’s] claims arise from an enforcement action[s] that ha[ve] already occurred.” *Oklevueha Native Am. Church of Hawaii, Inc. v. Holder*, 676 F.3d 829, 838 (9th Cir. 2012).

Therefore, the *Abbott* and *Nat’l Park Hosp. Ass’n* pre-enforcement test of fitness and hardship are NOT applicable here because the SSS “has arrived at a definitive position on the issue that inflicts an actual, concrete injury.” *Lauderbaugh v. Hopewell Twp.*, 319 F.3d at 575; *see Nat’l Park Hosp. Ass’n v. Dep’t of Interior*, 538 U.S. at 807-08; *Abbott*, 387 U.S. at 148.

The Third Circuit’s modification of the Supreme Court’s two-part pre-enforcement test also concerns “circumstances where enforcement actions are ongoing, but where administrative finality is not yet achieved . . . .” *Peachlum v. City of York, Pennsylvania*, 333 F.3d 429, 436 (3d Cir. 2003). Therefore that modification also does not apply here.

This Court has already found that Plaintiff was injured and that injury was concrete. (Opinion at 5 n.5, 9, 13, D.E. No. 72).

“[D]iscrimination itself is the legally cognizable injury.” *Hassan*, 804 F.3d at 293 (citing *see, e.g., Curtis v. Loether*, 415 U.S. 189, 195 n.10 (1974)).

[This finality rule, it is not designed to enforce the exhaustion of administrative remedies. *See Williamson Planning Comm’n v. Hamilton Bank*, 473 U.S. 172, 192 (1985) (“the question whether administrative remedies must be exhausted is conceptually distinct ... from the question whether an administrative action must be final before it is judicially reviewable.”)].

The Third Circuit has stated, “Ripeness . . . prevents the courts from ‘entangling themselves in abstract disagreements.’ *Thomas v. Union Carbide Agric. Prods Co.*, 473 U.S. 568, 580 (1985) (citations omitted).” *Binker v. Com. of Pa.*, 977 F.2d 738, 753 (3d Cir. 1992).

Whatever the Commission might suggest and Congress and Pres. Trump might do is clearly theoretical—another word for abstract.

But Plaintiff is *not* alleging facts that she will be injured at some time in the future *if* the multiple reports by multiple Government agencies advise to change the MSSA, or they do not; *if* the Commission agrees with those reports, or it does not; *if* Congress accepts the Commission’s suggestions, or it does not, and *if* President Trump agrees with Congress, or he does not. Plaintiff alleges a present—not a future injury by the SSS.

Now the MSSA and the SSS’s role may change so as to no longer discriminate against Plaintiff and all those other young women before they turn 26—but then again, it may not. “Prediction is very difficult, especially if it is about the future.”—Niels Bohr.

So unlike in the pre-enforcement actions on which DOJ relies, the SSS has already injured Plaintiff in a concrete way because of a discriminatory statute.

### **Under Third Circuit’s declaratory judgment or pre-enforcement test**

In the declaratory judgment or pre-enforcement ripeness review, the Third Cir. refined the *Abbott* fitness and hardship “test because of the difficulty in defining ripeness in actions initiated before an ‘accomplished’ injury is established.” *Armstrong World Indus., Inc. by Wolfson v. Adams*, 961 F.2d 405, 411 (3d Cir. 1992) (citing *Step-Saver Data Sys., Inc. v. Wyse Technology*, 912 F.2d 643, 647 (3d Cir.1990)).

“[T]he *Step-Saver* analysis is tailored to address *pre-enforcement* actions.” *Peachlum v. City of York, Pennsylvania*, 333 F.3d 429, 435 (3d Cir. 2003) (emphasis original) (cites *Presbytery*, 40 F.3d 1454, 1463).

The Third Cir focuses on (1) the adversity of the interests of the parties or conflict between the parties, (2) the conclusiveness of a judicial judgment or a court’s ability to resolve the conflict, and (3) the practical utility of a decision or a useful purpose will be served to clarify legal relationships so that Plaintiffs “can turn on the light and take a step” forward. *Step-Saver Data Systems, Inc. v. Wyse Technology*, 912 F.2d 643, 647-50 (3d Cir. 1990).

(1) Adversity or conflict

Adversity requires opposing legal interests. *Lewis v. Alexander*, 685 F.3d 325, 341 (3d Cir. 2012). Here, the interests of the parties are in opposition because the SSS refuses to allow Plaintiff to register for the draft because of her sex.

Although “a Plaintiff need not suffer a completed harm to establish adversity of interest between the parties,” but “to protect against a feared future event, the Plaintiff must demonstrate that the probability of that future event occurring is real and substantial, of sufficient immediacy and reality to warrant the issuance of a declaratory judgment.” *Pittsburgh Mack Sales & Serv., Inc. v. Int’l Union of Operating Engineers, Local Union No. 66*, 580 F.3d 185, 190 (3d Cir. 2009) (quoting *Armstrong World Indus.*, 961 F.2d at 412)).

Here, Plaintiff actually incurred a completed harm; therefore, adversity of interests exist.

Plaintiff tried to register but was barred by being treated differently from males.

Discrimination itself, by perpetuating ‘archaic and stereotypic notions’ or by stigmatizing members of the disfavored group as ‘innately inferior’ and therefore as less worthy participants in the political community . . . can cause serious noneconomic injuries to those persons who are personally denied equal treatment. . . . *Heckler v. Mathews*, 465 U.S. 728, 739-740 (1984)(citations omitted) (Brennan, J.).

(2) Conclusivity or the Court’s ability to resolve the conflict.

Conclusivity depends on the ability of a court decision to “define and clarify the legal rights or relations of the parties.” *Lewis*, 685 F.3d at 341 (quoting *Step-Saver Data Systems, Inc.*, 912 F.2d at 648).

A decision here would determine whether Plaintiff’s Equal Protection and Substantive Due Process rights are violated by Defendants refusing to register her.

(3) Practical utility or a decision will serve a useful purpose.

Practical utility means “whether the parties’ plans of actions are likely to be affected by a judgment.” *NE Hub Partners, L.P. v. CNG Transmission Corp.*, 239 F.3d 333, 344 (3d Cir. 2001)(quoting *Step-Saver Data Systems, Inc.*, 912 F.2d at 649 n.9).

Clearly a decision for Plaintiff will allow her to register and require the SSS to accept her registration, or eliminate registration along with its discrimination based on sex, or make it voluntary—also allowing her to register.

A decision for the SSS will convince her and millions of other young women that they are still second-class citizens and should act accordingly.

Utility also considers the hardship to the parties of withholding a decision. *See Freehold Cogeneration Associates, L.P. v. Board of Regulatory Commissioners*, 44 F.3d 1178, 1189 (3d Cir.1995).

The hardship visited on Plaintiff of no decision is that a federal court once again maintains the discrimination and second-class status of her and other young women solely because of their sex. That despite all the high-sounding talk of equality when the courts really mean that women are inferior.

The Supreme Court in *Roberts v. U.S. Jaycees*, 468 U.S. 609, 625 (1984), observed that it

“has frequently noted that discrimination based on archaic and overbroad assumptions about the relative needs and capacities of the sexes forces individuals to labor under stereotypical notions that often bear no relationship to their actual abilities.”

### **Under the Supreme Court *Nat’l Park Hospitality* pre-enforcement test**

The *Nat’l Park Hosp.* test incorporates consideration of two elements, “(1) the fitness of the issues for judicial decision and (2) the hardship to the parties of withholding court consideration.” *Nat’l Park Hospitality Ass’n*, 538 U.S. at 808.

#### **(1) Fitness of issue for a court decision**

This Court already held that standing exists, and in doing so concluded that DOJ was not making a factual challenge to standing. (Opinion at 3-4, 2:15-cv-05193, 03/29/18, D.E. No. 72). Such indicates that there are no facts to challenge. Plaintiff tried to register for the draft but was prevented by Defendants—that’s it, there’s no argument there.

DOJ relies on *Doe v. Bush*, 323 F.3d 133, 139 (1st Cir. 2003), to assert that fitness “*involves an assessment of whether it is appropriate for the court to undertake the task.*” (DOJ Reply 4, D.E. No. 82)

*Doe* was an action for a preliminary injunction to prevent the President of the United States and the Secretary of Defense from initiating a war against Iraq in 2003.

The 1<sup>st</sup> Cir stated that “[t]he baseline question [for fitness] is whether allowing more time for development of events would ‘significantly advance our ability to deal with the legal issues presented [or] aid us in their resolution.’ *Duke Power Co. v. Carolina Env’tl. Study Group*, 438 U.S. 59, 82 (1978).” *Doe v. Bush*, 323 F.3d 133, 138–39 (1st Cir. 2003).

In that case the Court found the issue of a preliminary injunction not fit for decision because “[m]any important questions remain unanswered about whether there will be a war, and, if so, under what conditions.” *Doe v. Bush*, 323 F.3d at 139.

Here, Plaintiff is not, as the DOJ disingenuously asserts, challenging the existence of the Commission and what it may or may not do; nor is she challenging what Congress and President Trump may or may not do with the Commission's suggestions. (DOJ Br. at 1, D.E. No. 80-1; DOJ Reply at 2-3, D.E. No. 82).

If she were, this Court could not make a decision unless it had a reliable crystal ball.

She is challenging the present MSSA discrimination against her. The Supreme Court in *Baker v. Carr*, 369 U.S. 186, 226 (1962), stated that "An equal protection challenge is the type of legal issue traditionally resolved by the courts in accordance with judicial standards that "are well developed and familiar."

## (2) Hardship to the parties of withholding court consideration

Once again the author of the DOJ Reply engages in deception. He asserts that the "Hardship" requirement is satisfied in the SSS's favor because Supreme Court Justice Brennan, when temporarily sitting as a Third Circuit Judge

*concluded that the balance of equities tipped heavily in favor of the Government and stayed the injunction put in place by the lower court. Rostker v. Goldberg, 448 U.S. 1306, 1309-10. (DOJ Reply 6, D.E. No. 82)*

The DOJ lawyer's deception is that Justice Brennan was not making a decision on ripeness. He was applying, as he wrote, "The principles that control a Circuit Justice's consideration of in-chambers stay applications . . . ." *Rostker v. Goldberg*, 448 U.S. at 1308. Brennan was deciding whether a decision already made by a court should be stayed pending appeal—not whether the decision was ripe or not.

## No hardship to the SSS.

No decision means the status quo, which is no hardship for the SSS, but Plaintiff is still treated differently as though she is a second class citizen.

If the Court denies DOJ's fourth motion to dismiss, we are willing to go along with a stay of enforcement pending appeal. So there's no hardship to Defendants there. At least not until the Supreme Court makes a decision—maybe.

If DOJ's motion to dismiss is granted, there still is no hardship to Defendants, since they would have won—for now, anyway. But Plaintiff and millions of other young women will still be discriminated against and seen as second class citizens who's rights can be violated by the SSS—at least until the Supreme Court makes a decision.

Even after the Supreme Court decides in these young women's favor—and everybody here knows it will. The impact of passed discrimination on them will still be felt.

“[A] victim of discrimination suffers a dehumanizing injury as real as, and often of far more severe and lasting harm than, a blow to the jaw.” *Hassan v. City of New York*, 804 F.3d 277, 290 (3d Cir. 2015) (quoting *Mardell v. Harleysville Life Ins. Co.*, 65 F.3d 1072, 1074 (3d Cir.1995) (*per curiam*)).

I will bet that at some point or points in time Your Honor felt the dehumanizing blow of discrimination.

I’ve been discriminated against a few times and have not forgotten. (Ch 5 News reporter story). I’ve also been slugged on the jaw numerous times—but that’s all water under the bridge.

DOJ’s alleged hardships are purely speculative and futuristic.

*any relief that could potentially require the Government to spend millions of dollars changing the Selective Service System in response to a court order would impose a considerable hardship at this time,* (DOJ Reply at 7, D.E. No. 82).

A stay pending appeal will avoid the DOJ’s concerns that the three-trillion dollar Government will be put out by spending \$37 million to accommodate the registration of women.

Let’s not forget that Plaintiff, in the alternative, also requests elimination of draft registration. Such would actually save the Government money.

Also, Congress can simply pass a law overruling a decision for Plaintiff. Of course, it will have to be constitutional.

*Congress may wish to change the system in a different manner following the Commission’s review* (DOJ Reply at 7, D.E. No. 82).

DOJ does not say how this Court’s ruling that Plaintiff’s Equal Protection and Substantive Due Process rights are being violated will cause—future tense—the Commission to change its suggestions or Congress to change its prospective law—if any.

Neither the Commission nor Congress nor Pres. Trump are parties to this suit.

Any decision for Plaintiff will most likely be stayed pending appeal.

Of course, a decision for Plaintiff that is upheld by the Third Circuit and the U.S. Supreme Court as constitutional will make it difficult for certain archaic members of Congress to continue discriminating against women. But that is the price of bigotry.

Hardship to Plaintiff—Commission will NOT resolve “ultimate” issue.

The author of the DOJ Reply asserts that Plaintiff will not suffer any hardship from the Court withholding a decision because the Commission’s *review encompasses . . . the principle (sic) matter at issue in this lawsuit*. (DOJ Reply at 3, D.E. 82)

That is another of his patented deceptions. According to the Magistrate’s Order at 4, 07/28/17, D.E. 67, and I quote:

**WHEREAS**, although the review of the Commission may ultimately impact, or even moot this matter, the current legislative scheme and status provides no certainty as to the resolution of the ultimate issue in this case.

That ultimate issue is whether the MSSA and SSS are presently discriminating against Plaintiff.

Young women’s’ rights NOT of less value than young men’s.

The DOJ Reply author also brushes aside any hardship to Plaintiff and millions of young women if this Court finds the case not ripe because they are women and not men.

*In Rostker, the plaintiffs were men who faced civil and criminal penalties if they did not register for the Selective Service. Rostker v. Goldberg, 448 U.S. 1306 (1980). In contrast here, Plaintiff is a woman who is not required to register for the draft, nor is she prevented from pursuing military service (including in a combat role) or penalized for not registering.* (DOJ Reply 6, D.E. No. 82).

This DOJ lawyer clearly sees women as having less value than men.

Pursuing a military career is NOT an issue.

DOJ states that *Thus, for purposes of balancing the equities, while Plaintiff desires that the constitutional question be resolved quickly, any delay in its resolution in deference to the political process does not impose any restriction on Plaintiff, including from pursuing a military career.* (DOJ Reply 6, D.E. No. 82).

Your Honor already rejected that argument in the Standing Motion Opinion:

“Plaintiff explains, her injury “is not that she is kept out of combat positions, not that she may be harmed by future inductions, not that she is prevented from enlisting, and not that possible career opportunities in the military will be hindered *but rather* that she is prevented—solely because of her sex—from *registering for the draft*. (Pl. Opp. Br. at 21) (emphasis in original).” (Opinion at 8, D.E. No. 72).

### Bill of Attainder against Plaintiff.

The DOJ Reply author writes that the *balance of equities favors allowing the political branches to complete their review prior to a judicial ruling on the merits of Plaintiff's claims. See Defs.' Mot. 12–18.* (DOJ Reply at 3, D.E. No. 82).

This is nothing more than a request for the imposition of a Bill of Attainder (specifically Bill of Pains and Penalties) in the form of a statute of limitations that stops Plaintiff's action when she reaches the age of 26.

The Second Circuit in *In re Methyl Tertiary Butyl Ether Prods. Liab. Litig.*, 725 F.3d at 111, warned that a statute of limitations dismissal “would effectively foreclose the possibility of relief—a hardship and inequity of the highest order.”

### **Prudential Ripeness**

The test for prudential ripeness in this case is the same as the test for ripeness in a pre-enforcement administrative agency situation.

DOJ even admits such in its Reply at 2 (D.E. No. 82) where it cites *Nat'l Park Hosp. Ass'n v. Dep't of Interior*, 538 U.S. 803, 808 (2003), for “prudential reasons for refusing to exercise jurisdiction.”

This case, however, is NOT a pre-enforcement action—it is a post-enforcement action because Plaintiff has been injured by an agency decision that was enforced.

Even so, assuming we get to the Supreme Court, our position is that prudential ripeness has been called into question and that Court should eliminate it.

The Supreme Court has twice questioned the very existence of prudential limits on justiciability.

In *Lexmark Int'l v. Static Control Components*, 572 U.S. 118, 125-126 (2014), the plaintiff argued that the Supreme Court should decline to adjudicate defendant's claim on grounds that were prudential rather than constitutional. The Court declined stating “That request is in some tension with our recent reaffirmation of the principle that ‘a federal court's ‘obligation’ to hear and decide’ cases within its jurisdiction ‘is ‘virtually unflagging.’” *Sprint Communications, Inc. v. Jacobs*, 134 S.Ct. 584, 591 (2013) (quoting *Colorado River Water Conservation Dist. v. United States*, 424 U.S. 800, 817 (1976)).

Moore's *Fed. Prac.* at 101.70(3), p. 101-305, states “reliance on the existence of a prudential ripeness element is risky.”

In *Susan Anthony List v. Driehaus*, 189 L.Ed.2d 246, 261 (2014), defendants asserted, as DOJ does here, that the “prudential ripeness” factors of fitness and hardship made the case nonjusticiable.



But the Supreme Court concluded that plaintiffs had alleged a sufficient Article III standing injury—just as Your Honor has done here. The Supreme Court found ripeness because it had found a standing injury in what was a pre-enforcement action against a state statute.

Of course, this case is NOT a pre-enforcement action so prudential concerns of fitness and hardship do not apply. If it is one, then *Susan Anthony* applies.

#### DOJ's wrong prudential ripeness arguments

DOJ argues *it is just as possible that the process will address the issues fully and provide the basis for a new policy that then would be available for any further judicial review.* (DOJ Reply at 5, D.E. No. 82)

So according to the DOJ lawyers, if a law is on the books that violates a person's rights, her case is not prudentially ripe because there exists the possibility that a new policy—not even a law—but a new policy will result such that she can then sue under the new policy.

Basically, a young women's rights are being violated now by a law. There are bureaucratic proceedings going on that may change policy and that change of policy may allow for suit.

Sounds overly speculative to me. I wonder if the DOJ lawyers would like their rights to depend on such futuristic mumbo-jumbo.

*Defendants contend that Plaintiff's claims are not prudentially ripe because proceeding with the litigation at this time would deprive the political branches of the opportunity to apply their judgment and expertise to a matter that is committed to their authority by the text of the Constitution itself. See Defs.' Mot. 12–18. p.5*

This case does not challenge what the Commission, Congress or some President might do. It challenges the violation of Plaintiff's constitutional rights.

The courts cannot share their Article III power with the other branches of government. *U.S. v. Nixon*, 418 U.S. 683, 704 (1974). “To prevent the legislature from using the federal courts to accomplish unconstitutional ends, Congress's Article III power must be subject to the due process guarantees of the Fifth Amendment.”

#### DOJ's cases after *Lexmark* confirm the questionable nature of prudential ripeness.

*Fourth Corner Credit Union v. Fed. Reserve Bank of Kansas City*, 861 F.3d 1052, 1059 n.1 (10th Cir. 2017) (DOJ Reply at 5 n.2, D.E. No. 82).

DOJ includes a quote from *Fourth Corner*, a pre-enforcement action, but intentionally

fails to state or even indicate that *Fourth Corner* relied on another 10<sup>th</sup> Cir case for the quote “continued to apply.” DOJ did not even include a “citation omitted.”

DOJ used the quote in its statement that “the Tenth Circuit has ‘continued to apply’ the prudential ripeness doctrine.” (DOJ Reply at 5 n.2).

Here’s the reason DOJ failed to cite to the original case:

The deleted 10<sup>th</sup> Cir case is *United States v. Supreme Court of New Mexico*, 839 F.3d 888, 903-04 (10th Cir. 2016), *cert. denied*, 138 S. Ct. 130 (2017), which was also a pre-enforcement action in which the 10<sup>th</sup> Cir found that New Mexico’s “Rule 16–308(E) is preempted with respect to federal prosecutors practicing before grand juries, but is not preempted outside of the grand-jury context.”

The full sentence from *New Mexico* is

Notwithstanding the Court's sensitivity and criticism to the [federal preemption doctrine] doctrine, see also *Sprietsma v. Mercury Marine*, 537 U. S. Reports 51 (2002), the Court has continued to apply it to invalidate state laws that stand as obstacles to the purpose of a particular federal statutory scheme, see Richard H. Fallon, Jr. et al., *Hart and Wechsler's The Federal Courts and The Federal System* 648 (6th ed. 2009) (citing Daniel J. Meltzer, *The Supreme Court's Judicial Passivity*, 2002 Sup. Ct. Rev. 343 (2002)).

Apparently the *Fourth Corner* confused “prudential ripeness” with the federal preemption doctrine.” A confusion the DOJ intentionally tried to exploit via its deception of not citing *New Mexico*. Is that allowed?

Further that Court found that “The requirements of standing and constitutional ripeness overlap; if an injury ‘is sufficiently ‘imminent’ to establish standing, the constitutional requirements of the ripeness doctrine will necessarily be satisfied.’ (quoting *ACLU v. Johnson*, 194 F.3d 1149 , 1155 (10th Cir. 1999) ); *see also Susan B. Anthony List v. Driehaus* , 134 S.Ct. 2334 , 2341 n.5 (2014).” *New Mexico*, 839 F.3d at 903-904.

More deception from DOJ on *Fourth Corner*:

The three judges on the panel all wrote different decisions based on different arguments. The common denominator for two of the judges was remand for dismissal without prejudice. There was no majority decision on ripeness.

DOJ makes no mention of that—I wonder why.

DOJ relies on *dicta* from one of the judges.

Judge Matheson found lack of ripeness because the action had changed into a pre-enforcement one. “[T]his case has become divorced from the factual backdrop that gave rise to the original dispute. As the Reserve Bank points out, the new Credit Union is a “fundamentally different[ ] entity” than the one the Reserve Bank turned down.” Matheson, Circuit Judge at 1058.

“The Credit Union’s amended complaint reveals this case is no longer based on sufficiently developed facts. In particular, the amended complaint does not and cannot tell us whether the Reserve Bank would grant a master account on the condition that the Credit Union will not serve marijuana businesses unless doing so is legal. It cannot do so because, as the Credit Union explained to the district court, it has never approached the Reserve Bank about obtaining a master account on the terms now alleged.” Matheson, Circuit Judge at 1059.

Judge Bacharach, however, found this pre-enforcement case ripe but in doing so raised the question of the continuing validity of prudential ripeness under *Lexmark* and also cited to *Reddy v. Foster*, 845 F.3d 493, 501 n.6 (1st Cir. 2017), that stated in *Susan B. Anthony* the Supreme Court “cast a measure of doubt upon ripeness’s prudential dimensions”.

*Inst. of Cetacean Research v. Sea Shepherd Conservation Soc’y*, 2014 WL 3579639, at \*10 (W.D. Wash. July 21, 2014) (DOJ Reply at 5 n.2, D.E. No. 82).

In this pre-enforcement action, the DOJ Reply author quotes the court “absent more definitive guidance from the Supreme Court,” the district court would apply prudential ripeness. (DOJ Reply at 5 n.2, D.E. No. 82).

(1) This quote from the W.D. Wash decision is out of context.

“The Supreme Court recently called into question the continued viability of the prudential ripeness doctrine. See *Susan B. Anthony List v. Driehaus*, 134 S.Ct. 2334 (U.S.2014). . . . Nonetheless, absent more definitive guidance from the Supreme Court, and out of an abundance of caution, the court addresses prudential ripeness here.” *Inst. of Cetacean Research v. Sea Shepherd Conservation Soc’y*, 2014 WL 3579639, at \*10 (W.D. Wash. July 21, 2014).

(2) The W.D. Wash found ripeness even though there was a future contingency necessary to occur because the Court concluded the contingency would most likely happen, so it was imminent. “The only contingency to plaintiff’s continued injury by defendants’ interference is reception of a research permit for lethal whaling.” 2014 WL 3579639, at \*9.

This Court is not bound by the DOJ deceptions or decisions that involve pre-enforcement actions.

[DOJ's Ninth Cir. prudential ripeness argument failed.]

Defendants made similar prudential ripeness arguments before the Ninth Circuit in *Nat'l Coal. for Men v. Selective Serv. Sys.* (9<sup>th</sup> Cir. 13-56690, Br. at 8, 08/27/2014, D.E. 22-1) (about the number of positions opened to women).

[DOJ argued that “Judicial intervention at this stage would be premature and inconsistent with the long tradition of deference to the bodies entrusted with crafting the military and security policy of the United States on issues within their sphere of expertise.”]

[But the Circuit Court ruled against the DOJ in an unpublished opinion. 640 F. App'x 664 (9th Cir. 2016). The Court held that

“Even if some uncertainty remains . . . that does not render the . . . claims unripe. The ripeness inquiry asks whether there is a legitimate controversy that is ‘fit for adjudication.’ *Texas v. United States*, 523 U.S. 296, 300 (1998)). [Plaintiffs point] to numerous specific changes in statutes, policies, and practices that have happened since the Supreme Court’s decision in *Rostker v. Goldberg*, 453 U.S. 57 (1981). The Selective Service argues that women’s roles have not changed sufficiently to revisit *Rostker*. But whether there has been sufficient change to revisit *Rostker* is a question about the merits of the . . . claims, not about ripeness.”]

### **Level of Review for Ripeness on Constitutional Question**

DOJ manipulates to its advantage a quote from *Artway v. Att’y Gen. of State of N.J.*, 81 F.3d 1235, 1249 (3d Cir. 1996), that “[c]ourts are particularly vigilant to ensure that cases are ripe when constitutional questions are at issue.” *Artway v. Att’y Gen. of State of N.J.*, 81 F.3d 1235, 1249 (3d Cir. 1996). (DOJ Reply at 2, D.E. No. 82).

This is an intentionally dissembling quote because the DOJ author left out the cases that *Artway* at 1249 relied on for that quote, and that the “particularly vigilant” quote means sufficient factual information.

*Artway* cited *see Communist Party of the United States v. Subversive Activities Control Bd.*, 367 U.S. 1, 80-81 (1961):

“The record here does not show that any present members, affiliates, or contributors of the Party have withdrawn because of the threatened consequences to them of its registration under the Subversive Activities Control Act, or that any prospective members, affiliates, or contributors have been deterred from joining the Party or giving it their support. We cannot know how many, if any, members or prospective members of the Party are also employees or prospective employees of the Government or of defense facilities or labor unions, or how many, if any, contributors to the Party hold government or defense-facility employment. It is thus impossible to say now what effect the provisions of the Act affecting members of a registered organization will have on the Party. *Cf. State of New*

*Jersey v. Sargent*, 269 U.S. 328 (1926). To pass upon the validity of those provisions would be to make abstract assertions of possible future injury, indefinite in nature and degree, the occasion for constitutional decision. If we did so, we would be straying beyond our judicial bounds.”

*Artway* in the next paragraph stated:

“Two Supreme Court cases illustrate the need for factual information particularly well.”

“In *Socialist Labor Party v. Gilligan*, 406 U. S. 583 (1972) , the Court dismissed as unripe a challenge on First Amendment grounds to a state law that required candidates to swear not to attempt to overthrow the government by violence or force. The Court concluded that "the record ... is extraordinarily skimpy in the sort of proved or admitted facts that would enable us to adjudicate this claim." *Id.* at 587.”

“In *California Bankers Association v. Shultz*, 416 U. S. (1974), the Court similarly declared unripe a First Amendment challenge to bank record-keeping and reporting requirements because of an insufficient factual record. *Id.* at 56. "This Court, in the absence of a concrete fact situation in which competing associational and governmental interests can be weighed, is simply not in a position to determine whether an effort to compel disclosure of such records would or would not be barred ...." *Id.*”

Also the DOJ author intentionally left out the *Artway* holding on ripeness, 81 F.3d at 1251:

“Whether *Artway* will ever be subject to Megan's Law notification requirements remains a matter of speculation, and the record lacks the factual information necessary for this Court to decide *Artway*'s notification claims consistent with its Article III obligations”

There is no factual speculation here. Plaintiff tried to register and SSS barred her.

### **Claims on which relief can be granted, Rule 12(b)(6)**

The Third Cir “obliges district courts considering a motion to dismiss under Fed. R. Civ. P. 12(b)(6) to engage in a two-part analysis.” *Fowler v. UPMC Shadyside*, 578 F.3d 203, 210–11 (3d Cir.2009) (quoting *Ashcroft v. Iqbal*, 556 U.S. 662, 679 (2009)).

The analysis begins with “taking note of the elements a plaintiff must plead to state a claim . . . ,” *Ashcroft v. Iqbal*, 129 S.Ct. 1937, 1947 (2009), then proceeds in two steps:

1. Identifying the specific allegations in a complaint that are not entitled to the presumption of truth. *Iqbal*, 129 S.Ct. at 1951. Those are statements that cut and copy the elements of a cause of action; that is, they are conclusory. *Twombly*, 550 U.S. at 555. The allegations should be more than an unadorned: the-defendant-unlawfully-harmed-me accusations. *Iqbal*, 129 S.Ct. at 1949. Some legal conclusions, however, are permissible when the defendants are given notice of the date, time and place of the alleged illegal conduct.
2. Next, the analysis considers the remaining factual allegations in a complaint as true and determines if they plausibly—not probably but more than possibly—infer that the defendant is liable for the misconduct alleged. *Twombly*, 550 U.S. at 556. In doing so, the courts “draw[] all inferences in favor of the plaintiff,” see *McTernan v. City of York, PA.*, 577 F.3d 521, 526 (3d Cir.2009), and a complaint cannot be dismissed based on a judge’s disbelief of the factual allegations even if it strikes a judge that actual proof is improbable, *Victaulic Co. v. Tieman*, 499 F.3d 227, 234 (3d Cir. 2007) (quoting *Twombly*, 550 U.S. at 555).

DOJ has failed in satisfying this two-step process for each of the causes of actions.

### **Plausibility**

“A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). Evaluating a motion to dismiss is a “context-specific task that requires the reviewing court to draw on its judicial experience and common sense.” *Id.* at 679.

DOJ does not deny that Plaintiff tried to register for the draft and was barred from registering by Defendants because the MSSA forbids women from registering.

Defendants’ alleged misconduct is (1) discriminating against young women in favor of young men when both groups are similarly situated, and (2) failing to treat young women as first-class, full-fledge citizens.

Equal Protection and the Substantive Due Process Irrebuttable Presumption doctrines are cognizable legal theories. See, e.g., *Brower v. County of Inyo*, 489 U.S. 593, 594-595, (1989).

### DOJ confuses justiciability and the merits.

“[T]he question whether a plaintiff states a claim for relief ‘goes to the merits’ . . . not the justiciability of a dispute . . . and conflation of the two concepts can cause confusion.” *Bond v. U.S.*, 564 U.S. 211, 219 (2011) (quoting *Steel Co. v. Citizens for Better Environment*, 523 U.S. 83, 92 (1998)).

The DOJ tries to do just that by including its deference or justiciability arguments in its Rule 12(b)(6) sections of its Brief—just check the DOJ Br. table of contents. (DOJ Br. at 21, 05/18/18, D.E. No. 80-1).

Also in its Reply, DOJ continues trying to conflate “claim for relief” with its justiciability argument of deference.

*Plaintiff cites no authority for the proposition that the Court may disregard the significant deference due to the political branches’ choice to further a particular interest in this area, including to weigh the costs and burdens of military policies.* (DOJ Reply at 9, D.E. No. 82).

*Future policy concerning draft registration [needs to be resolved first].* (DOJ Reply at 10, D.E. No. 82).

### DOJ’s burden

The Third Circuit in *Dillard v. Brown*, 652 F.2d 316, 323-24 (3d Cir. 1981), held that “[i]f the military justification outweighs the infringement of the plaintiff’s individual freedom, we may hold for the military on the merits, but we will not find the claim to be non-justiciable and therefore not cognizable by a court.”

“The defendant bears the burden of showing that no claim has been presented.” *Hedges v. U.S.*, 404 F.3d 744, 750 (3d Cir.2005).

The DOJ by mixing justiciability with the merits and providing a justification that depends on fortune telling failed to carry its burden on its Rule 12(b)(6) motion.

The uncertainty of what will happen with the Commission and its suggestions does not outweigh what is happening now to the Plaintiff’s constitutional rights.

[Further, any justification for a continuing ban on women registering for the draft must be “genuine, not hypothesized or invented *post hoc* in response to litigation.” *See United States v. Virginia*, 518 U.S. 515, 533 (1996). Both the case in this Court and the S.D. Texas Court started before Congress, well aware of these cases, created the Commission. Such indicates the Commission was invented in response to litigation.]

## **Equal Protection Claim**

“Plaintiff alleges that the MSSA creates an unlawful sex-based difference that violates her and the putative class’s equal-protection and substantive-due-process rights under the Fifth Amendment because the MSSA (i) requires males and not females to register, and (ii) forbids females from registering. (See [SAC, D.E. No. 54] ¶¶ 2, 59, 67).” (Opinion at 2, D.E. No. 72).

Any statutory classifications that distinguish between men and women are “subject to scrutiny under the Equal Protection Clause,” *Craig v. Boren*, 429 U.S. 190, 197 (1976) (quoting *Reed v. Reed*, 404 U.S. 71, 75 (1971)).

Few cases have upheld the dismissal of a purposeful discrimination claim for failure to state a claim for relief. *Pryor v. NCAA*, 288 F.3d 548, 565 (3rd Cir. 2002), *ques. on other grounds*, *S.H. ex rel. Durrell v. Lower Merion Sch. Dist.*, 729 F.3d 248, 264 (3d Cir. 2013).

## **Elements of Equal Protection**

According to the Third Circuit, a woman’s right to equal protection is violated when

(1) she is treated “differently from others with whom,” (2) “she is similarly situated,” (3) that “unequal treatment is the result of intentional discrimination,” and (4) “the adequacy of the reasons for that discrimination” are determined under the intermediate standard of review. *Hassan v. City of New York*, 804 F.3d 277, 298 (3d Cir. 2015), *as amended* (Feb. 2, 2016) (internal quote *SECSYS, LLC v. Vigil*, 666 F.3d 678, 689 (10th Cir.2012)).

(1) The MSSA requires only males to register; therefore, Plaintiff, a woman, is treated differently because of her gender.

(2) The issue of “similarity”

*Rostker* held that “[T]he purpose of registration is to develop a pool of potential combat troops,” *Rostker*, 453 U.S. at 79.

Both men and women are now serving in combat positions. Therefore, some women who are of age to register are potential combat soldiers while some men of age to register are potential combat soldiers. Since it is impossible to identify solely by their sex which persons are potential combat soldiers, the two sexes are similarly situated with respect to draft registration—but treated differently.

*See, e.g., Craig v. Boren*, 429 U.S. 190, 204 (1976) (sex not an “accurate proxy”); *Frontiero v. Richardson*, 411 U.S. 677, 686 (1973) (“[T]he sex characteristic frequently bears no relation to ability to perform or contribute to society.”).

Plaintiff is requesting this Court adhere to the reasoning in *Rostker*—to follow the reasoning in *Rostker* on the Equal Protection issue of similarity. Today “combat troops”



means both women and men; therefore, both sexes belong in the “pool of potential combat troops.”

“[T]he constitutionality of a statute predicated upon the existence of a particular state of facts may be challenged by showing to the court that those facts have ceased to exist,” *U.S. v. Carolene Products Co.*, 304 U.S. 144, 153 (1938).

Even DOJ admits the facts on women in combat have changed:  
Department of Defense Opens All Combat Billets to Women, DOJ Br. at 6, D.E. No. 80-1.

Similarity determined by combat positions opened to women not how many are in such positions.

The *Rostker* Court, 57 U.S. at 68, quoted from S. Rep. No. 96-826, pp. 157 (1980) that “the starting point for any discussion of the appropriateness of registering women for the draft is the question of the proper role of women in combat.”

The door to combat is now open and women are walking through it.

The issue for similarity is one of equal opportunity.

As former Defense Sec. Carter said, “equal opportunity may not always equate to equal participation.”

Former Sec. Defense Panetta said, “In life, as we all know, there are no guarantees of success. Not everyone is going to be able to be a combat soldier. But everyone is entitled to a chance.” Jan. 24, 2013, Press Conf.

DOJ admits that the issue of similarity is equal opportunity— not a quota that requires specific numbers from each group to be actually serving in a position.

In *SWAN v. Sectary of Defense*, 3:12-cv-06005, N.D. Cal., DOJ asserted that equal opportunities for women in combat does not depend on the actual number of women in combat roles. *Case Management Statement* at 17, ln 19-25, January 5, 2017, D.E. No. 89.

DOJ stated that such a quota argument “is premised on the fallacious assumption that for female Service members to have equal opportunities vis-à-vis combat positions there must be large numbers of female leaders in those positions so that there are a variety of positions from which junior enlisted females may choose.” *Id.*

Also, if quotas were required for similarity to exist, then women would not be police officers, fire officers or occupy other positions.

Since all combat roles in the military are now open to women who meet the gender-neutral standards for those positions, young men and women are now similarly situated with respect to draft registration.

(3) “To state an equal-protection claim,” Plaintiff must allege “‘intentional discrimination.’” *Hassan*, 804 F.3d at 294 (citing *Washington v. Davis*, 426 U.S. 229, 241 (1976)).

A claim of intentional discrimination does not require a motive of ill will to violate the Equal Protection Clause because intent and motive are not the same. *Hassan* at 297-298.

All that is needed is that the government “*meant* [intended] to single out a plaintiff because of the protected characteristic itself.” *Id.* (emphasis in the original) (citing *see e.g., Snyder v. Louisiana*, 552 U.S. 472, 485 (2008)).

Just because Defendants “might be able to conjure up some non-discriminatory motive to explain” their actions, such “is not a valid basis for dismissal.” *Hassan*, 804 F.3d at 297.

The only explanation Defendants have is that the MSSA requires discrimination.

According to the Supreme Court in *Edwards v. Aguillard*, 482 U.S. 578, 594-595 (1987), a statute’s intent is determined by (A) the plain meaning of the statute’s words, (B) its legislative history, and (C) historical context.

(A) Here the MSSA language explicitly classifies persons on the basis of sex. Such is direct evidence of intent, regardless of Congress’s 1948 or 1980 motives.

(B) As for legislative history, “Congress did not change the MSSA in 1980, but it did thoroughly reconsider the question of exempting women from its provisions, and its basis for doing so.

*Rostker*, 453 U.S. at 75 found that “[t]he 1980 legislative history is, . . . highly relevant in assessing the constitutional validity of the exemption.” Relying on the 1980 legislative history, the *Rostker* Court Found that “[t]he issue was considered at great length, and Congress clearly expressed its purpose and intent.” *Rostker*, 453 U.S. at 74.

The *Rostker* Court cites to that legislative history at 75 to 77, where the Senate Report found that

“The principle that women should not intentionally and routinely engage in combat is fundamental, and enjoys wide support among our people. It is universally supported by military leaders who have testified before the Committee. . . . Current law and policy exclude women from being assigned to combat in our military

forces, and the Committee reaffirms this policy.” S. Rep. No. 96–826, p. 157, U.S. Code Cong. & Admin. News 1980, 2647.

The legislative history is clear—Congress intended to treat young women and men differently with regard to combat and therefore draft registration.

(C) As for American culture in 1980, “[t]he question of registering women for the draft received considerable national attention and was the subject of wide-ranging public debate . . . .” *Rostker*, 453 U.S. at 72 (1981). Equality lost that debate just as the Equal Rights Amendment was sliding into oblivion.

#### (4) Intermediate standard of review.

In *Sessions v. Morales-Santana*, 137 S.Ct. 1678, 1690 (2017), the Supreme Court laid out the standard of review:

The defender of legislation that differentiates on the basis of gender must show “at least that the [challenged] classification serves important governmental objectives and that the discriminatory means employed are substantially related to the achievement of those objectives.” *Virginia*, 518 U.S. at 533 (quoting *Mississippi Univ. for Women v. Hogan*, 458 U.S. 718, 724 (1982); alteration in original); see *Tuan Anh Nguyen v. INS*, 533 U.S. 53, 60 (2001). Moreover, the classification must substantially serve an important governmental interest today, for “in interpreting the [e]qual [p]rotection [guarantee], [we have] recognized that new insights and societal understandings can reveal unjustified inequality . . . that once passed unnoticed and unchallenged.” *Obergefell v. Hodges*, 135 S.Ct. 2584, 2603 (2015).

The MSSA registration provision is clearly an important governmental objective. “The registration database itself mitigates risk to the Nation; its very existence would reduce the time required for full defense mobilization. . . . [in] a conflict of global proportions or mammoth national emergency.” (*Report on the Purpose and Utility of a Registration System for Military Selective Service* at 10, DOJ Br. Ex. 2, D.E. No. 80-3).

As for substantially serving, the Pentagon has stated that “It would appear imprudent to exclude approximately 50 percent of the population—the woman half—from availability for the draft in the case of a national emergency.” (*Report on the Purpose and Utility of a Registration System for Military Selective Service* at 17, DOJ Br. Ex. 2, D.E. No. 80-3).

So by the Government’s own admission, barring young women from registering does not substantially serve the important purpose of registration.

*Rostker*, 453 U.S. at 79, held that the purpose of draft registration is to create a pool of potential combat soldiers. Women are now combat soldiers, so barring all women from the registration pool of potential combat soldiers would not only not serve registration’s objective, but jeopardize its very purpose.

## DOJ's mistaken arguments on Equal Protection

1. DOJ asserts that *Rostker* demands this Court actually write in its opinion that because the definition of “combat troops” today includes women that means men and women are still not similarly situated for draft registration.

According to the DOJ, when application of the law on Equal Protection as to the element of similarity reaches one conclusion under one fact situation—it must reach the same conclusion under all other fact situations no matter how different.

That is false according to the Supreme Court, “[T]he constitutionality of a statute predicated upon the existence of a particular state of facts may be challenged by showing to the court that those facts have ceased to exist,” *U.S. v. Carolene Products Co.*, 304 U.S. 144, 153 (1938).

If *Rostker* is analyzed under IRAC: issue, rule, application, and conclusion, then its conclusion is the result of applying its rule on similarity to the fact situation that then existed. Applying that same rule to today’s fact situation when all the combat restrictions on women have been removed results in a different conclusion—the MSSA violates Plaintiffs’ equal protection rights because the absence of combat restrictions mean men and women are now similarly situated. *Cf. Rostker* at 78.

2. DOJ relies on *Rostker* to argue that Plaintiff fails to state an equal protection claim. (Def. Mov. Br. at 19-20, D.E. No. 80-1).

The Supreme Court did not dismiss *Rostker* for failure to state a claim, but decided the merits on Equal Protection similarity.

3. DOJ uses a quote from Judge Stahl’s concurring opinion in *Elgin v. U.S. Dep’t of Treasury*, 641 F.3d 6 (1st Cir. 2011), that this Court cannot decide the merits: “[I]t would not be for this court to determine what, if any, impact these developments had on the continued vitality of *Rostker*, a task left solely to the Supreme Court.” (DOJ Reply at 9, D.E. No. 82).

DOJ’s use of that quote infers a justiciability issue but Stahl’s decision was based on the issue of similarity.

Judge Stahl found men and women were not similarly situated because “women are still precluded from ground combat positions.” *Id.* at 23. In 2011, the DGCDAR was still in effect and excluded women from units below the brigade level with a primary mission to engage in direct combat on the ground—today, it is history.

[If this Court believes that Judge Stahl’s concurring opinion means only the U.S. Supreme Court can make a decision on the issues here, then grant DOJ’s motions, so Plaintiff can start working her way up the ladder to the Supreme Court for a decision.]

4. *The Court's decision in Rostker involved the same law and the same constitutional provision as Plaintiff's current challenge, and this Court should not depart from Rostker's binding precedent.* (DOJ Reply at 1, D.E. No. 82).

DOJ is right Plaintiff here challenges the same law under the same constitutional provision as challenged in *Rostker* and in the S.D. Texas, *Nat'l Coal. for Men v. Selective Serv. Sys.* 4:16-cv-03362 (S.D. Tex. 2016). But the facts differ, and Plaintiff is asking this Court to apply the rule in *Rostker* on similarity to the new facts—the new definition for combat troops.

5. *the Rostker Court's holding that the MSSA does not violate the Fifth Amendment remains binding on this Court and controls the outcome of this case. To decide Plaintiff's claim would thus require the Court to confront overruling Rostker, an action inconsistent with the well-established principle that lower courts must follow Supreme Court precedent, even when the underpinnings of a decision have been called into question. See Rodriguez de Quijas v. Shearson/Am. Express Inc., 490 U.S. 477, 484 (1989); Agostini v. Felton, 521 U.S. 203, 237 (1997).* (DOJ Reply at 8, 9, D.E. No. 82).

The DOJ is arguing that when application of the law on Equal Protection reaches one conclusion under one fact situation—it must reach the same conclusion under all other fact situations no matter how different. Today “combat troops” mean men and women.

6. *Plaintiff's argument is premised on her expectation that the Supreme Court today would reason differently than it did in 1981—that it would conclude that because women may now serve in all combat roles, the MSSA cannot be justified on that basis. Plaintiff thus asks this Court to speculate that the Supreme Court would find cause to depart from its reasoning in Rostker.* (DOJ Reply at 9, D.E. No. 82).

False, Plaintiff relies on the *Rostker* Court reasoning that “the purpose of registration is to develop a pool of potential combat troops,” *Rostker*, 453 U.S. at 79. Potential “combat troops” means women and men today; therefore, they a similarly situated.

7. *Rostker cannot be set aside as binding precedent by this Court based on Plaintiff's prediction as to how the Supreme Court would view other policy changes since that decision.* (DOJ Reply at 10, D.E. No. 82).

Plaintiff is not predicting what the Commission may or may not do. It can do whatever it wants. She is simply stating that her rights have been violated by the SSS and MSSA over the last three years.

8. *this Court should not depart from Rostker's binding precedent. . . given the present circumstances, where Congress has put in place a process for considering the impact of changed factual conditions regarding the ability of women to serve in combat roles on the Selective Service System.* (DOJ Reply at 1, D.E. No. 82).

DOJ does not specify how the mechanics of women entering into combat roles will be impacted by a decision for the Plaintiff in this case.

Plaintiff is not asking this Court to supervise Congress or the military—she just wants her rights respected and enforced.

Congress and the military will remain able to make whatever decisions they chose—providing they are constitutional.

[However, if Your Honor agrees with the DOJ that *Rostker* demands the equal protection claim be dismissed, then grant DOJ's motion so that when we make it to the Supreme Court, which is where we always intended on going, we'll ask the Court to overrule *Rostker*—assuming, of course, the DOJ is right.]

### ***Rostker* NOT based on administrative convenience**

DOJ wrongly asserts *that the holding in Rostker was justified . . . by the significant administrative burdens that would likely stem from registering and drafting women.* (DOJ Reply at 9, D.E. No. 82).

(1) *Rostker* never decided whether “administrative convenience” was a sufficiently important issue for justifying discrimination based on sex. To do so would have required overruling prior Supreme Court decisions. Among them, *Frontiero v. Richardson*, 411 U.S. 677, 690-91 (1973) and *Reed v. Reed*, 404 U.S. 71, 76 (1971).

“In both *Frontiero* and *Reed* the reason asserted to justify the challenged gender-based classifications was administrative convenience and that alone,” which failed. *Schlesinger v. Ballard*, 419 U.S. 498, 510 (1975).

“Decisions following *Reed* . . . have rejected administrative ease and convenience as sufficiently important objectives to justify gender-based classifications.” *Craig v. Boren*, 429 U.S. 190, 198 (1976).

As the dissenters Justice Marshall and Justice Brennan in *Rostker* accurately said, “This Court has repeatedly stated that the administrative convenience of employing a gender classification is not an adequate constitutional justification under the *Craig v. Boren* test.” *Rostker*, 453 U.S. at 95.

(2) Before determining whether a justification for discrimination exists, a court determines if the two groups are similarly situated. *See Rostker*, 453 U.S. at 78. *Rostker* concluded young men and women for the purpose of draft registration were not similarly situated. *Id.* At 78. Therefore, the Court never reached the issue of an important purpose substantially served—assuming administrative convenience is an important purpose, which it is not.

(3) Defendants in *Nat'l Coal. for Men*, 4:16-cv-03362 (S.D. Tex. 2016), the very same defendants as here, submitted an exhibit that contradicts that the *Rostker* decision was also based on administrative convenience. (Def. Mov. Ex. 1, *Detailed Legal Analysis* at 1, 2, 8/5/2016, D.E. No. 34-2).

Under 10 U.S.C. § 652(a)(3)(B), the Pentagon submitted the Detailed Legal Analysis to Congress on December 3, 2015. [The last 10 U.S.C. § 652(a)(3)(B) was filed December 3, 2015. According to DOJ in SWAN, the Congressional notification period expired January 2, 2016.]

On page one, the Pentagon noted that the *Rostker* decision was based on men and women not being similarly situated—not because of administrative burdens in registering women for the draft. On page two, the Analysis stated that “The Court in *Rostker* did not explicitly consider whether other rationales underlying the statute would be sufficient to limit the application of the MSSA to men.”

[The DOJ Reply says “*the Supreme Court did not consider whether other rationales were “sufficient” to sustain the MSSA.*” (Reply at 10-11). Yet at page 12, the DOJ Reply states “*As Rostker recognized, the MSSA is justified, at a minimum, based on the administrative burdens of registering and drafting women. See 453 U.S. at 81.*” So which is it? It’s neither.]

(4) Defendant SSS states on its website, “The Selective Service System, if given the mission and modest additional resources, is capable of registering and drafting women with its existing infrastructure.” (*Kyle-LaBell*, Pl. Opp. June 4, 2018, Ex. D, D.E. No. 81-5, bottom of page). The SSS’s plan for women registration estimates that it would need “\$37 million over the first five years of execution.” (*DOJ Report on the Purpose and Utility of a Registration System for Military Selective Service*, Ex. 2 at 20, D.E. No. 80-3).

Neither is an administrative burden for the Government as Defendants have admitted: “SSS is presently unaware of any specific logistical problems that would arise if women were required to register for the Selective Service.” (*Defendant Selective Service System’s Objections and Responses to Plaintiffs’ First Set of Interrogatories* at No. 11 p. 7 Response, filed in *Nat’l Coal. for Men*, 4:16-cv-03362, S.D. Tex. 2016, D.E. No. 76).

DOJ also argues out of the other side of its mouth that *The Supreme Court did not address whether, for example, the administrative burdens of registering and drafting women would alone be a sufficient basis on which to uphold the MSSA. The district court in Nat’l Coal. for Men also did not consider whether the MSSA could be upheld on the basis of the administrative burdens posed by registering and drafting women.* (DOJ Reply at 11, D.E. No. 82).

That is correct; therefore, the DOJ attorneys must be arguing that administrative burdens alone are sufficient to defeat an equal protection challenge to a statute. Not according to the Supreme Court.

“Decisions following *Reed* . . . have rejected administrative ease and convenience as sufficiently important objectives to justify gender-based classifications.” *Craig v. Boren*, 429 U.S. at 198.

DOJ argues that *the administrative concerns described in Rostker encompassed more than pure financial costs, including “[o]ther administrative problems such as housing and different treatment with regard to dependency, hardship and physical standards.”* 453 U.S. at 81 (quoting *S. Rep. No. 96-826, 159, U.S. Code Cong. & Admin. News 1980, 2649*)). (DOJ Reply at 10, D.E. No. 82).

These administrative concerns only involve induction not draft registration where there are no administrative problems such as housing and different treatment with regard to dependency, hardship and physical standards.

Those who register with the SSS are a different group than those inducted into the military. (DOJ Standing Motion Br. at 4-6, D.E. No. 69-1). “Defendants appear to acknowledge that those who register with the SSS compose a different group than those already in the military. (*See* Def. Mov. Br. at 4-6)” (Opinion at 8, D.E. No. 72).

#### **S.D. Texas found an Equal Protection Claim for Relief**

For what it is worth, the S.D. Texas court found an Equal Protection claim was stated against the very same defendants as here on the exact same issue as here—sex-discrimination by the registration requirement of the MSSA. *Nat’l Coal. for Men v. Selective Serv. Sys.*, 2018 WL 1694906 (S.D. Tex., April 6, 2018).

This Court is obviously not bound by a decision in the S.D. of Texas, but a sister’s district decision on the Equal Protection issue allows this Court to refer to the decision and consider principles applied in that decision. *Alperin v. Vatican Bank*, 410 F.3d 532, 546 n.8 (9th Cir. 2005).

It is clearly more valuable than the assertions of the DOJ lawyers.

In the Texas case, the DOJ argued that the male plaintiffs failed to state a claim because: (1) entry of the relief sought would impermissibly intrude on Congress’s authority over military affairs; and (2) the *Rostker* result requires the same result that the case be dismissed.

The Texas Court ruled against both arguments.

(1) On deference, the Texas Court stated

“*Rostker* thoroughly explained the reason to provide deference to Congress when dealing with military affairs. *See* 453 U.S. at 64–67. But “[n]one of this is to say that Congress is free to disregard the Constitution when it acts in the area of military affairs. In that area, as any other, Congress remains subject to the limitations of the Due Process Clause.” *Id.*



at 67. Because *Rostker* explicitly requires Congress to comply with the Constitution in the area of military affairs, and because Plaintiffs allege Defendants did not, Plaintiffs state a claim upon which relief can be granted. *See Rostker*, 453 U.S. at 67.” *Nat’l Coal. for Men v. Selective Serv. Sys.*, 2018 WL 1694906 \*4 (S.D. Tex., April 6, 2018).

(2) On reaching the same result as in *Rostker*

“[T]he factual circumstances of this case are different [from *Rostker*]. . . . Now, women can serve in combat roles. Because the alleged factual circumstances of this case differ from the dispositive facts in *Rostker*, the court cannot conclude, at this stage,” that the same outcome is required. *Nat’l Coal. for Men v. Selective Serv. Sys.*, 2018 WL 1694906 \*4(S.D. Tex., April 6, 2018).

The S.D. Texas court is now considering dueling motions for Summary Judgment and a SSS motion for a stay. Whatever the results in the S.D. Texas court, that case will be appealed to the Fifth Circuit where the Dist Ct reasoning will be accepted, modified or rejected, and then on to the U.S. Supreme Court if it permits.

## **Substantive Due Process Claim**

This case deals with a legislative—not an *ultra vires* executive act.

To state a substantive due process claim in a case challenging a legislative act, the “complaint would have to allege facts that would support a finding of arbitrary or irrational legislative action . . .,” *Pace Res. v. Shrewsbury*, 808 F.2d 1023, 1035 (3rd Cir. 1987), unless a fundamental right is burdened, then strict scrutiny is applied, *Alexander v. Whitman*, 114 F.3d 1392, 1403 (3rd Cir.1997).

The Third Circuit has warned, “It is crucial to keep in mind the distinction between legislative acts and non-legislative or executive acts. As we have previously explained, ‘executive acts . . . typically apply to one person or to a limited number of persons, while legislative acts, generally laws and broad executive regulations, apply to large segments of society.’” *Nicholas v. Pa. State*, 227 F.3d 133, 139 n.1 (3rd Cir. 2000), *cert. den.*, 449 U.S. 955 (internal quote citation omitted).

DOJ mistakenly relies on a definition of “arbitrary” to mean “only the most egregious official conduct” that “shocks the conscience.” (DOJ Br. at 19, 27, D.E. 80-1). Such is the standard of culpability when executive government officials abuse their power, *United Artists Theatre Circuit, Inc. v. Township of Warrington, PA*, 316 F.3d 392, 399 (3rd Cir. 2003); that is, they act *ultra vires*. Here the SSS is not acting *ultra vires*—it is doing what the MSSA requires.

The SSS even admits that it is acting in accordance with a legislative act—the MSSA. (DOJ Reply at 4, 12, D.E. No. 82). Therefore, the applicable standard is for legislative acts, which requires determining whether a legitimate governmental interest is rationally served or whether a compelling governmental interest is strictly served because a fundamental right is infringed. *Nicholas v. Pa. State*, 227 F.3d at 139; *Malmed v. Thornburgh*, 621 F.2d 565, 575 (3rd Cir. 1980), *cert. den.*, 449 U.S. 955.

The MSSA fails the Irrebuttable Presumption test for Substantive Due Process under both rational and strict scrutiny; therefore, the SAC states a substantive due process claim on which relief can be granted.

## **Irrebuttable Presumption Doctrine**

For the Irrebuttable Presumption Doctrine to apply, the first thing needed is a constitutional right that a government is alleged to be infringing under the Due Process Clause of the Fifth Amendment or the 14<sup>th</sup> Amendment.

The alleged infringement is that a statute denies a benefit or places a burden on persons because they possess a particular characteristic. The denial of the benefit or assignment of the burden must then necessarily follow from that characteristic; otherwise, substantive due process is violated. *Malmed v. Thornburgh*, 621 F.2d 565, 573-574 (3<sup>rd</sup> Cir. 1980), *cert. denied*, 449 U.S. 955.

The doctrine comes from a series of Supreme Court decisions. *Bell v. Burson*, 402 U.S. 535 (1971); *Stanley v. Illinois*, 405 U.S. 645 (1972); *Vlandis v. Kline*, 412 U.S. 441 (1973); *U.S. Department of Agriculture v. Murry*, 413 U.S. 508 (1973); *Cleveland Board of Education v. LaFleur*, 414 U.S. 632 (1974); and *Turner v. Dept. of Employment Security*, 423 U.S. 44 (1975).

Each of these cases involved a statute containing rules that denied a benefit or placed a burden on all individuals possessing a certain characteristic. The characteristic is the basic fact from which a presumed fact is inferred, such as women are not capable of combat.

These decisions held that if it “is not necessarily or universally true” that the basic fact infers the presumed fact, then the statute’s irrebuttable presumption infringes substantive due process. *Vlandis v. Kline*, 412 U.S. at 452

The doctrine is but another way of stating that a presumed fact must be based on reason. *Malmed v. Thornburgh*, 621 F.2d 565, 574 (3rd Cir. 1980), *cert. den.*, 449 U.S. 955.

If a plaintiff demonstrates that the presumed fact is not “rationally related” to a particular characteristic; that is, the basic fact, the inference will not pass constitutional muster. The decisions also show that in cases involving fundamental rights, strict scrutiny is the standard of review. The basic fact must strictly serve the presumed fact, which is a compelling state interest as in *Stanley* and *LaFleur*—marriage and family rights.

#### Applying Irrebuttable doctrine from Third Circuit cases to the MSSA.

In *Gurmankin v. Constanzo*, 556 F.2d 184 (3d Cir. 1977), the policy of the Philadelphia public school system excluded blind teachers from registering for an examination of their ability to teach sighted students. The Third Circuit held:

“The refusals by the [School] District to permit [Ms. Gurmankin] to take the examination violated due process by subjecting [her] to an irrebuttable presumption that her blindness made her incompetent to teach sighted students. . . . She was, by virtue of the irrebuttable presumption of incompetency, deprived of the opportunity” to register for the examination.” *Id.* 556 F.2d at 187-188.

The court used rational analysis to determine that barring her because of her blindness was arbitrary and thereby violated substantive due process. *Id.* 556 F.2d at 188.

The MSSA’s male-only registration likewise creates an irrebuttable presumption that because a person is a woman, she cannot register for the draft (as Gurmankin could not register for the teaching test), and, in the case of a national emergency, a woman will not be tested physically and psychologically for whether she is a potential combat soldier (as Gurmankin was barred from being tested as to whether she could teach sighted students).

The characteristic of being a woman is the basic fact (just as blindness was in *Gurmankin*) from which the presumed fact of being unable to function as a combat

soldier (just as unable to teach sighted students in *Gurmankin*) is inferred; therefore, there is no need to test whether a woman is potentially capable of combat (just as there was no need to test blind teachers for their ability to teach sighted students in *Gurmankin*). The MSSA presumption is not necessarily nor universally true as required by the Supreme Court cases and this Circuit's *Malmed*, 621 F.2d 565, 573.

In *Malmed v. Thornburgh*, 621 F.2d 565 (3rd Cir. 1980), *cert. den.*, 449 U.S. 955, five judges of the Court of Common Pleas of First Judicial District of Pennsylvania brought an action challenging Pennsylvania Constitution section requiring retirement of state judges at age 70. The Third Circuit Court of Appeals held that section did not violate equal protection or the due process clause of the Fourteenth Amendment.

*Malmed* stated that "As with any aspect of substantive due process, a court using the irrebuttable presumption doctrine must apply the rational basis test, or in appropriate cases, strict scrutiny." *Malmed v. Thornburgh*, 621 F.2d 565, 575 (3rd Cir. 1980).

Under the Irrebuttable Presumption Doctrine, since both men and women are currently in combat, there is no rational basis and clearly no compelling reason for preventing them from registering on the grounds that they cannot engage in combat due to their sex.

### **Continuing validity of Irrebuttable Presumption Doctrine**

The irrebuttable presumption "doctrine has not been disavowed by a majority" of the Supreme Court." Rich, *Modern Constitutional Law*, § 22:14, p. 45.

According to *Toll v. Moreno*, 458 U.S. 1, 6 n.7 (1982), *Weinberger v. Salfi*, 422 U.S. 749 (1975), did not overrule the Irrebuttable Presumption Doctrine because *Toll* at 6 relied on *Vlandis*.

In *Salfi*, Justice Rehnquist distinguished *LaFleur* and other Irrebuttable Presumption cases on the basis of the interests that were being protected in those cases. [Rights to conceive and to raise children enjoy constitutionally protected status under Due Process, in sharp contrast to a non-contractual claim to receive funds from the public treasury, as asserted in *Salfi*.] Unlike the claims involved in *Stanley* and *LaFleur*, a non-contractual claim to receive funds from the public treasury enjoys no constitutionally protected status. [Where the interest asserted is only claims for disability payments, Congress could rationally conclude that the expense and difficulty of individual determinations justified a broad preventive rule.] Rehnquist did not overrule or reject the Irrebuttable Presumption Doctrine. The Doctrine simply did not apply because there was no constitutionally protected interest at stake.

The Third Cir in *Malmed v. Thornburgh*, 621 F.2d 565, 573 (3rd Cir. 1980), stated about the Irrebuttable Presumption Doctrine that

(1) "This conceptual framework requires careful analysis for proper application," and

(2) “we do not read the [Supreme Court] irrebuttable presumption decisions as deviating substantially from the traditional tests for violations of the due process clause.” *Id.* at 576.

The Court would not have stated such had the doctrine been overruled.

E.D. Pa. Judge John Ditter concluded:

“It is inconceivable to me that such a doctrine could be somehow negated or overruled by default simply because the Supreme Court has not availed itself of several alleged opportunities to discuss it. From the language and analysis used in the majority opinions, it is clear to me that *Massachusetts Board of Retirement v. Murgia*, 427 U.S. 307 (1976), and *Vance v. Bradley*, 440 U.S. 93 (1979) were decided strictly in an equal protection context. They should not, therefore, be read as impliedly overruling a doctrine developed within the scope of due process.” *Malmed v. Thornburgh*, 478 F.Supp. 998, 1012 (E.D. Pa. 1979), *rev’d on other grounds*, 621 F.2d 565 (1980) (Third Circuit applied the Irrebuttable Presumption Doctrine as did the district court but reached the opposite result due to defendants incompetence at defending).

The Supreme Court has applied the Irrebuttable Presumption Doctrine in cases subsequent to *Turner v. Dept. of Employment Security*, 423 U.S. 44 (1975), but found it was not satisfied—the Court did not overrule the doctrine’s validity. *See, e.g., Michael H. v. Gerald D.*, 491 U.S. 110, 127 (1989) (natural father had no constitutional right to a parental-child relationship with the illegitimate child he fathered); *U.S. v. Locke*, 471 U.S. 84, 107 (1985) (no violation of constitutional right because not a taking); *Usery v. Turner Elkhorn Mining Co.*, 428 U.S. 1, 22-23 (1976) (found *Stanley* and *Vlandis* inapplicable to that fact situation); *Weinberger v. Salfi*, 422 U.S. 749, 771-772 (1975) (“Unlike the claims involved in *Stanley* and *LaFleur*, a non-contractual claim to receive funds from the public treasury enjoys no constitutionally protected status . . .”).

In 2011, the Third Circuit in *B & G Const. Co., Inc. v. Dir., Off. Workers’ Comp. Prog.*, 662 F.3d 233, 254 (3<sup>rd</sup> Cir. 2011) considered the Irrebuttable Presumption Doctrine but found it inapplicable because that case concerned procedural due process not substantive due process.

The DOJ lawyers continue playing their sleigh-of-hand game this time by deleting from their quote the sentence to which their quote refers.

DOJ quotes from B & G,

“A plurality of the Supreme Court has rejected the theory that a legislature’s use of an irrebuttable presumption automatically violates the Due Process Clause.” (Citing *B & G Const. Co., Inc. v. Dir., Office of Workers’ Comp. Prog.*, 662 F.3d 233, 254 (3d Cir. 2011), DOJ Reply at 12, D.E. No. 82).

The sentence they intentionally left out that precedes their quote makes clear the quote refers to “procedural due process”—not “substantive due process”

“Even assuming we agreed, which, as we explain below we do not do, with B & G’s characterization of section 1556 as creating an irrebuttable presumption, we would disagree with the argument that such a presumption would violate B & G’s procedural due process rights.”

*B & G* also cites to *Michael H. v. Gerald D.*, 491 U.S. 110, 127 (1989), as a procedural due process case. *B & G Const. Co. v. Dir., Office of Workers' Comp. Programs*, 662 F.3d at 254.

No court in the Third Circuit has overturned the Irrebuttable Presumption Doctrine because as DOJ asserts, *It is well established that the lower courts are bound to follow Supreme Court precedent, even when the underpinnings of a decision have been called into question.* See *Rodriguez de Quijas v. Shearson*, 490 U.S. 477, 484 (1989). (DOJ Reply at 8-9, D.E. No. 82).

#### Cases in other Circuits cite Supreme Court Irrebuttable Presumption Cases.

The following cases have cited for authority to the core Supreme Court irrebuttable presumption cases without noting they were no longer viable:

*Franceschi v. Yee*, 887 F.3d 927, 935 (9th Cir. 2018), cites *see Bell v. Burson*, 402 U.S. 535, 539 (1971) for the Due Process Clause applies to the deprivation of a driver’s license by the State. (Taxpayer challenged suspension of driver’s license for failure to pay state taxes, suspension constitutional).

*Smith v. City of Wyoming*, 821 F.3d 697, 707 (6th Cir. 2016), as amended (May 18, 2016), states “the police conduct in this case did not interfere with Smith's family relationships in violation of the Constitution. The officers' actions were a far cry from those found to have violated” substantive due process in *Stanley v. Illinois*, 405 U.S. 645 (1972). (Mother brought § 1983 action and state-law claims against city and police officers, relating to officers' responses to reports of possible abuse or neglect of mother's minor children in her home, including four warrantless entries to mother's home.)

*Dragovich v. U.S. Dep’t of the Treasury*, 848 F. Supp. 2d 1091, 1104–05 (N.D. Cal. 2012), considered *Cleveland Board of Education v. La Fleur*, 414 U.S. 632, 639 (1974), but ultimately relied on other cases because the law challenged in *La Fleur* was a more significant intrusion, in that the pregnant teachers there could not work during the mandatory leave period. It did not mention that the Irrebuttable Presumption Doctrine had been rejected. (Challenge to Cal insurance plan barring same-sex couples. Plaintiffs alleged equal protection and substantive due process claims)

**Fundamental right to be treated as a first-class, full-fledge citizen, strict scrutiny.**

Where the constitutional right in issue is a fundamental one, such as personal choice in matters of marriage and family life as in *Stanley*, 405 U.S. 645, and *LaFleur*, 414 U.S. 632, then the analysis for determining whether the statute violates substantive due process is strict scrutiny. *Malmed*, 621 F.2d at 575.

Plaintiff asserts that her right to be treated as “first-class, full-fledged citizen” is a fundamental right, and requests this Court use strict scrutiny in deciding whether the MSSA violates Substantive Due Process under the Irrebuttable Presumption Doctrine.

The Supreme Court in *U.S. v. Virginia*, 518 U.S. 515, 532 (1996) ruled that federal or state government acts cannot deny “to women, simply because they are women, full citizenship stature” to aspire, achieve, participate in and contribute to society based on their individual talents and capacities.

“[F]ull citizenship stature” or as we denote it in our papers as “first-class, full-fledge citizenship” clearly includes registering with the SSS.

Bella Abzug once said, “Until women [have] equal rights and responsibilities with respect to military service, they [will] be ‘denied the status of full citizenship, and the respect that goes with that status.’” Jill Elaine Hasday, *Fighting Women: The Military, Sex, and Extrajudicial Constitutional*, 93 Minn. L.Rev. 96, 111 (2008) (internal quote from Bella Abzug).

Blythe Leszkay, First Lt., U.S. Army Reserves, in *Feminism on the Front Lines*, 27 Hastings Women’s L. J. 259, 297 (2016), wrote “Only when we are allowed to fulfill our equal obligations will we have the chance to claim our equal rights.”

[Other quotes only if needed:

Air Force Maj. Mary Jennings Hegar said, “The question isn’t whether we want our daughters to be drafted, but what kind of world we want them to inhabit: one where they’re infantilized as passive objects of chivalry or one where they’re empowered to achieve their potential as genuinely equal citizens?” Rachel Natelson, *Selective Service Is an Obligation of Citizenship, Including Women*, U.S. News & World Report, February 12, 2013.

Congresswoman Jackie Speier, in her unsuccessful effort to have the Republican controlled House of Representatives Armed Services Committee include women in SSS registration, said, “We’re trying to establish greater equality in every respect in this country and with that equality comes rights and responsibilities.” Anshu Siripurapu, *Will your daughters have to register for the draft? No, Republicans say*, July 7, 2017, Miami Herald.

Judy Goldsmith, Congressional testimony of National Organization for Women (1980): “[O]mission from the registration and draft ultimately robs women of the right to first-class citizenship and paves the way to underpaying women all the days of their lives. Moreover, because men exclude women here, they justify excluding women from the decision-making of our nation.”

The ACLU has stated that “Until both the responsibilities and the rights of citizenship are shared on a gender-neutral basis, women will continue to be considered less than first class, full-fledged citizens.” [www.aclu.org/feature/ combat-exclusion-policy-women](http://www.aclu.org/feature/ combat-exclusion-policy-women).

President Theodore Roosevelt once said, “The first requisite of a good citizen in this Republic of ours is that [s]he shall be able and willing to pull [her] weight that [s]he shall not be a mere passenger.” Speech before New York State Chamber of Commerce, November 11, 1902.

Registration “remind[s] our youth that public service is a valuable part of American citizenship.” Former Defense Secretary Chuck Hagel, May 2013, *Report on the Purpose and Utility of a Registration System for Military Selective Service* at 12.

Bella Abzug once observed that “[i]n the Congress of the United States and in the political life of this Nation, political choices and debate often reflect a belief that men who have fought for their country have a special right to wield political power and make political decisions.” Jill Elaine Hasday, *Fighting Women: The Military, Sex, and Extrajudicial Constitutional*, 93 Minn. L.Rev. 96, 111 (2008).

The right to be treated as “first-class, full-fledged citizens” is like the fundamental right of voting—a privilege of national citizenship that owes its existence to the Federal Government.

Women can vote and one of the policies behind allowing persons to vote in a democracy is that it gives them a stake in the government they may have to defend with their lives. Both are conditions of first-class, full-fledged citizenship and respect.

### Determining a fundamental right

The Supreme Court has stated that “Although the Court has not assumed to define ‘liberty’ with any great precision, that term is not confined to mere freedom from bodily restraint. Liberty under law extends to the full range of conduct which the individual is free to pursue, and it cannot be restricted except for a proper governmental objective.” *Bolling v. Sharpe*, 347 U.S. 497, 499–500 (1954), *supplemented sub nom. Brown v. Bd. of Educ. of Topeka, Kan.*, 349 U.S. 294 (1955)

“[H]istory and tradition are the starting point, but not in all cases the ending point of the substantive due process inquiry.” *County of Sacramento v. Lewis*, 523 U.S. 833, 857 (1998) (Kennedy, J. and O’Connor, J., concurring).



The Privilege and Immunities Clause of Art. IV, § 2 of the U.S. Constitution “protects those fundamental rights which ‘belong to the citizens of all free governments.’” William J. Rich, *Modern Constitutional Law* § 19.1 at 713-714 (citing *Corfield v. Coryell*, 6 F. Cas. 546, 551-552 (1823)); see also *Baldwin v. Fish & Game Comm’n of Montana*, 436 U.S. 371, 377 (1978) (fundamental rights are “protected as a privilege and an immunity under the Constitution’s Art. IV, § 2.”).

[*Corfield* “delineated the scope of rights under the Privileges and Immunities Clause . . . not the equal protection component of the Due Process Clause.” *Apache Bend Apartments, Ltd. v. U.S. Through I.R.S.*, 964 F.2d 1556, 1563 n.9 (5th Cir. 1992), on reh’g, 987 F.2d 1174 (5th Cir. 1993).]

The protection provided by Article IV, § 2 is “[o]nly with respect to those ‘privileges’ and ‘immunities’ bearing on the vitality of the Nation as a single entity . . . .” *Supreme Court of New Hampshire v. Piper*, 470 U.S. 274, 279 (1985) (quoting *Baldwin*, 436 U.S. at 383).

The Supreme Court in the *Slaughter-House Cases*, 83 U.S. 36, 79-80 (1872), *superseded on other grounds*, *U.S. v. Ruiz*, 961 F. Supp. 1524, 1530 (C.D. Utah 1997), held that privileges and immunities “are dependent upon citizenship of the United States,” and include the rights “to engage in administering [the Federal government’s] functions . . . for all the great purposes for which the Federal government was established . . . .”

One such function of the Federal Government bearing on the nation’s “vitality” is military defense by raising and supporting Armies, see *Nat’l Fed’n of Indep. Bus. v. Sebelius*, 567 U.S. 519, 534 (2012), which includes the citizenship privilege of registering for the national defense to stand ready and willing to fight in case of a national emergency.

Registration is the first step ‘in a united and continuous process designed to raise an army speedily and efficiently . . . .’” *Rostker*, 453 U.S. at 75 (quoting *Falbo v. U.S.*, 320 U.S. 549, 553 (1944)). The MSSA prevents women from registering for the national defense; therefore, it denies them a privilege of citizenship by not treating them as first-class, full-fledged citizens.

Plaintiff requests that this Court *not* follow the reasoning in *Minor v. Happersett*, 88 U.S. 162 (1874), which held that women did not have the right to vote as a privilege and immunity of citizenship. *Id.* at 178. According to the *Minor* Court, women had always been citizens, but citizenship for them meant being denied the vote. The Court, therefore, excluded women from first-class, full-fledged citizenship because they had always been excluded with respect to the vote.

Today, the right to vote is a fundamental right of full-fledge citizenship. *Modern Constitutional Law*, § 14.2, p. 548 (3d ed. 2011). So the determination of “fundamental liberty interests should not be confined by rules that existed at a time when women were treated as chattel.” *Id.* 2:11, p. 63.

But when it comes to draft-registration, the MSSA harkens back to the 1800s. Under all the legalese, the DOJ lawyers are really arguing that women have always been excluded from draft registration; therefore, they should still be excluded because their citizenship is something less than men, and that this Court cannot change that.

Not unlike the 1857 *Dred Scot v. Sanford*, 60 U.S. 1857, decision where blacks were ruled as something less than full-fledge citizens. I believe it was four-fifths a citizen.

#### DOJ's misplaced arguments about the Privileges and Immunities Clause.

DOJ Reply at 13 (D.E. No. 82) claims the Privileges and Immunities Clause only applies to states dealing with citizens of other states but that is wrong.

The Privileges and Immunities Clause purpose was “to help fuse into one Nation a collection of independent, sovereign States,” *Toomer v. Witsell*, 334 U.S. 385, 395 (1948),— “to constitute the citizens of the United States as one people,” *Paul v. Virginia*, 8 Wall. 168, 180 (1868), *overruled on other grounds*, *U.S. v. South-Eastern Underwriters Ass’n*, 64 S. Ct. 1162 (1944).

DOJ wrongly states that *Hicklin v. Orbeck*, 437 U.S. 518, 526 (1978), held that the Privilege & Immunities Clause was only *designed to prevent a state from discriminating against citizens from other states*. (DOJ Reply at 13, D.E. No. 82).

The *Hicklin* Court applied the Privilege & Immunities Clause to a dispute over an Alaskan statute favoring residents over non-residents for employment and found that statute did not substantially serve its purported end. *Hicklin*, 437 U.S. 518, 527-528.

The *Hicklin* Court cited to the “mutually reinforcing relationship between the Privilege & Immunities Clause and the Commerce Clause . . . that stems from their . . . shared vision of federalism . . .” as support for its decision. *Hicklin*, 437 U.S. at 532.

The Commerce Clause gives Congress the power to regulate the nation’s foreign trade and trade among the states. It does not address trade solely within a state.

Federalism means power shared by the national and state governments—it is not limited to state power.

Alexander Hamilton wrote in Federalist No. 80 that the Privilege & Immunities Clause of the proposed Constitution was “the basis of the union.”

Additionally, section one of the 14<sup>th</sup> Amendment, which applies only to the states includes the phrase “No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the U.S.”

If the Privilege & Immunities Clause only applied to the states as DOJ asserts, then there would have been no need for this phrase in § 1 of the 14<sup>th</sup> Amendment.

DOJ also relies on a footnote taken out of context in *Chase Manhattan Bank v. South Acres Development Co.*, 434 U.S. 236 (1978). (DOJ Reply at 13, D.E. No. 82) (“we have never held that the Privileges and Immunities Clauses of Art. IV, § 2, cl. 1, and the Fourteenth Amendment restrict congressional – as opposed to state – action.”).

The issue in Chase was the interpretation of 48 U.S.C. § 1421b(u) over whether Congress had granted Guam’s district court diversity jurisdiction. The Supreme held that the statute did not grant such jurisdiction.

The Court’s remarks about the Privileges and Immunities Clause was to note that the Clause did not limit Congressional power to withhold diversity jurisdiction.

The case did not concern the fundamental rights of citizens.

### **Strict Scrutiny Test**

Since a fundamental right is infringed, the strict scrutiny test requires determining whether a compelling governmental interest is strictly served by requiring only males to register because they are the only ones who are potential combat troops. *See Nicholas v. Pa. State*, 227 F.3d at 139; *Malmed*, 621 F.2d 565, 575 (3rd Cir. 1980), *cert. den.*, 449 U.S. 955.

There are women in combat today and those women were previously potential combat troops but were kept out of the pool of potential combat troops by prohibiting them from registering. They were barred not because they did not qualify for combat, but solely because they were women.

Additionally, not all women who would qualify for combat positions ended up joining the military; yet they were potential combat troops but also barred from the registration pool because of their sex.

Clearly a more effective method of creating a registration pool of potential combat troops would be to allow young women to register for the draft—including Plaintiff.

By failing to treat women as first-class, full-fledged citizens when it comes to registration, it does not serve the Government’s interest in draft registration.

Unable to stick to the SAC allegation, the DOJ lawyers attempt to re-write it to their own advantage by wrongly saying, “*the relevant question, properly posed, is whether Plaintiff*

*possesses a fundamental right for her name to be listed on the Selective Service registry.”* (DOJ Reply at 12, D.E. No. 82).

Our papers repeatedly state that the Strict Scrutiny question is whether the right to be treated as a “first-class, full-fledged citizen” is a fundamental right. (*See* SAC at 3, D.E. 54-1; Opposition to Standing Motion at 34, D.E. 70; Opposition Current Motion Dismiss at 34, D.E. 81).

Can’t these guys read?

### **Rational relationship test**

Even if this Court decides that the test for the inference from the characteristic of woman to the presumed fact of incapable of being a potential combat soldier is one of a rational relationship, the inference that women are not potential combat soldiers fails because they are serving as combat soldiers today and all combat positions are now open to them.

So the claim that their gender alone prevents them from becoming potential combat troops is arbitrary and irrational for a legislative act and violates the substantive due process rights of the putative class of young women.

### **Equal Protection and Substantive Due Process permitted in the same case.**

DOJ clearly wants this Court to ignore the substantive due process cause of action as analyzed under the Irrebuttable Presumption Doctrine because it would hand DOJ a clear defeat.

Such, however, is contrary to modern-day pleading—“If a party makes alternative statements, the pleading is sufficient if any one of them is sufficient.” Fed. R. Civ. P. 8(d)(2).

The Supreme Court has held that “the concepts of equal protection and due process, both stemming from our American ideal of fairness, are not mutually exclusive. The ‘equal protection of the laws’ is a more explicit safeguard of prohibited unfairness than ‘due process of law,’ and, therefore, we do not imply that the two are always interchangeable phrases. But, as this Court has recognized, discrimination may be so unjustifiable as to be violative of due process.” *Bolling v. Sharpe*, 347 U.S. 497, 499 (1954), *supplemented sub nom. Brown v. Bd. of Educ. of Topeka, Kan.*, 349 U.S. 294 (1955).

There is no bar for considering equal protection and substantive due process causes of action in the same case.

The Supreme Court in *Lawrence v. Texas*, 539 U.S. 558 (2003), used substantive due process to invalidate a sodomy statute challenged under equal protection for discriminating against gays. *Id.* at 563. The Court explained that when a law infringing liberty “remains unexamined for its substantive validity, its stigma might remain even if it were not enforceable as drawn for equal protection reasons.” *Id.* at 575. Justice O’Connor, who concurred in the result, used an equal protection analysis rather than substantive due process, thereby showing that the use of one analysis does not prevent the use of the other. *Id.* at 579.

*Malmed v. Thornburgh*, 621 F.2d 565, 575 (3rd Cir. 1980), *cert. den.*, 449 U.S. 955, made its decision on both equal protection and due process clauses of the Fourteenth Amendment.

The Third Circuit district court case, *Kelly v. Ford Motor Co.*, 1996 WL 639832 \*3-7 (E.D. Pa. Oct. 29, 1996), actually considered both equal protection and substantive due process but found neither applied.

### **DOJ’s wrong arguments that an Equal Protection claim prevents Substantive Due Process claim.**

While there is a bar to a Due Process Clause action when the government uses excessive physical force and its use violates the Fourth Amendment—such is not the case here.

Still DOJ deceptively tries to bootstrap this rule into one that states: Whenever one Constitutional amendment provides explicit protection another amendment providing protection cannot be pleaded. (DOJ Br. at 24, D.E. No 80-1; DOJ Reply at 12 n.4, D.E. No. 82).

DOJ relies on *Graham v. Connor*, 490 U.S. 386 (1989), but it only held “all claims that law enforcement officers have used excessive force—deadly or not—in the course of an arrest, investigatory stop, or other ‘seizure’ of a free citizen should be analyzed under the Fourth Amendment and its ‘reasonableness’ standard, rather than under a ‘substantive due process’ approach.” *Graham*, 490 U.S. at 395 (emphasis in original).”

The D.N.J. has agreed that such was the only holding in *Graham*. See *Fagan v. City of Vineland*, 804 F.Supp. 591, 597 (1992), *rev'd in part*, 22 F.3d 1283 (3d Cir. 1994), and *aff'd in part*, 22 F.3d 1296 (3d Cir. 1994).

The DOJ lawyer’s most artful deception comes with their gerrymandering quotes from *Graham v. Connor*, 490 U.S. 386, 395 (1989).

In the DOJ Brief at 24 (D.E. No. 80-1), they mis-quote *Graham*. The DOJ lawyer’s mis-quote is

“[W]hen a particular Amendment “provides an explicit textual source of constitutional protection against” a particular sort of governmental behavior, “that Amendment, not the more generalized notion of substantive due process must be the guide for analyzing these claims.”) (Internal citations omitted).”

What the *Graham* Court actually stated, 490 U.S. at 395, was

“Because the Fourth Amendment provides an explicit textual source of constitutional protection against this sort of physically intrusive governmental conduct, that Amendment, not the more generalized notion of ‘substantive due process,’ must be the guide for analyzing these claims. N.10”

The DOJ author of the Brief deceptively left out “Because the Fourth Amendment” and “this sort of physically intrusive governmental conduct,” and the footnote 10. Isn’t that perjury?

N. 10 A “seizure” triggering the Fourth Amendment’s protections occurs only when government actors have, “by means of physical force or show of authority, . . . in some way restrained the liberty of a citizen,” *Terry v. Ohio*, 392 U.S. 1, 19, n. 16 (1968); see *Brower v. County of Inyo*, 489 U.S. 593, 596 (1989).

[Our cases have not resolved the question whether the Fourth Amendment continues to provide individuals with protection against the deliberate use of excessive physical force beyond the point at which arrest ends and pretrial detention begins, and we do not attempt to answer that question today. It is clear, however, that the Due Process Clause protects a pretrial detainee from the use of excessive force that amounts to punishment. See *Bell v. Wolfish*, 441 U.S. 520, 535 -539 (1979).]

[*Graham* at 395 n.10 even gave an example of where two amendments apply—the Due Process Clause and the Eighth Amendment:

[After conviction, the Eighth Amendment “serves as the primary source of substantive protection . . . in cases . . . where the deliberate use of force is challenged as excessive and unjustified.” *Whitley v. Albers*, 475 U.S., at 327. Any protection that “substantive due process” affords convicted prisoners against excessive force is, we have held, at best redundant of that provided by the Eighth Amendment. *Ibid.*

[The Supreme Court in *Whitley v. Albers*, 475 U.S. 312, 327 (1986) stated:

“It would indeed be surprising if, in the context of forceful prison security measures, “conduct that shocks the conscience” or “afford[s] brutality the cloak of law,” and so violates the Fourteenth Amendment, *Rochin v. California*, 342 U.S. 165, 172, 173, 72 S.Ct. 205, 210, 96 L.Ed. 183 (1952), were not also punishment “inconsistent with contemporary standards of decency” and “repugnant to the conscience of mankind,” in violation of the Eighth.”]

Likely, emboldened by the deception in his Brief, the author of the DOJ Reply at 12 n.4, falsely attributes the following quote to *Collins v. Harker Heights*, 503 U.S. 115, 125 (1992):

“[w]here a particular Amendment provides an explicit textual source of constitutional protection against a particular sort of government behavior, that Amendment, not the more generalized notion of substantive due process, must be the guide for analyzing these claims.” *Cty. of Sacramento v. Lewis*, 523 U.S. 833, 842 (1998) (*quoting Collins v. Harker Heights*, 503 U.S. 115, 125 (1992) and *Albright v. Oliver*, 510 U.S. 266, 273 (1994) and citing *Graham*, 490 at 395).

That quote actually is an amalgam of quotes from *Albright v. Oliver*, 510 U.S. 266, 273 (1994), which in turn cited for such from—guess what case—*Graham*, 490 U.S. at 395.

*Collins v. Harper Heights*, 503 U.S. 115 (1992), dealt with 42 U.S.C. 1983 liability of a municipality.

The Fourth Amendment was not involved, *Graham* was not cited, there was no physically intrusive city conduct (503 U.S. at 125), and the Court held that the Due Process Clause of the Fourteenth Amendment does not impose on municipalities certain minimum levels of safety and security for its employees.

Plaintiff here does not alleged “physically intrusive conduct” nor is she an employee of a city alleged to have injured her.

Other courts also disagree with DOJ's interpretation of *Graham* by making clear the limited nature of *Graham*'s application to only excessive governmental force used in making seizures.

In *Cty. of Los Angeles, Calif. v. Mendez*, 137 S. Ct. 1539, 1546 (2017), the Supreme Court held that *Graham* "sets forth a settled and exclusive framework for analyzing whether the force used in making a seizure complies with the Fourth Amendment."

"If there is no excessive force claim under *Graham*, there is no excessive force claim at all." *Cty. of Los Angeles*, at 1547.

In *Carroll v. Borough of State Coll.*, 854 F. Supp. 1184, 1192 (M.D. Pa. 1994), *aff'd*, 47 F.3d 1160 (3d Cir. 1995):

n.8 "Because we have found that there was no "seizure" and, hence, no claim under the Fourth Amendment, the Supreme Court's requirement, stated in *Graham v. Connor*, 490 U.S. 386, 388 (1989), that all claims invoking the Fourth Amendment be analyzed under that amendment only and not under a general substantive due process approach does not apply. Since we found that plaintiff has no claim under the Fourth Amendment, we are not precluded by *Graham*, from considering whether he has a due process claim under the Fourteenth Amendment. *See: Fagan*, *supra*, 804 F.Supp. at 597."

DOJ's cases do NOT support barring the Substantive Due Process claim.

DOJ cites to cases in its Br. at 25 (D.E. No. 80-1) and referenced by the DOJ Reply at 12 n.4 (D.E. No. 82)). Those cases do not support DOJ's position that a Substantive Due Process analysis is barred here.

In *Eby-Brown Co. v. Wis. Dep't of Agric.*, 295 F.3d 749, 755-756 (7th Cir. 2002), both Substantive Due Process and Equal Protection analyses were used to find the Wisconsin's Unfair Sales Act did not violate the Constitution.

In *Tenenbaum v. Williams*, 193 F.3d 581, 600 (2d Cir. 1999), the court held that plaintiff was subject to a seizure and search so her claims were analyzed under the Fourth Amendment.

*Yassini v. City of Sunnyvale*, 103 F.3d 143 (9th Cir. 1996), is an unpublished opinion. Regardless, the Court found that requiring Yassini's restaurant to close at midnight under a noise ordinance did not "trammel fundamental personal rights" and was "rationally related to the legitimate state interest of preventing excessive noise." Such is a Substantive Due Process analysis. Memorandum at 2, N.D. Cal. 94-20576, 2/11/1997, D.E. No. 113.

Your Honor, I would like to know why the DOJ author failed to indicate this case was unpublished and failed to give its docket number. Was this another trick?



In *Gehl Grp. v. Koby*, 63 F.3d 1528, 1539 (10th Cir. 1995), *overruled on other grounds by Currier v. Doran*, 242 F.3d 905, 916 (10th Cir.2001), the Court found that the actions of executive officials of the government did not shock the conscience as is required under Substantive Due Process when executive official's acts are questioned. It also found no protected liberty interest was violated without procedural due process.

In *Hogan v. State of Conn. Judicial Branch*, 220 F. Supp.2d 111 (D. Conn. 2002), the Court considered both Equal Protection and Substantive Due Process claims.

It found there was no Equal Protection violation because there was no disparate treatment. 220 F. Supp.2d at 122.

The Court also found no Substantive Due Process violation because plaintiff's termination by an executive official did not shock the conscience or violate civilized conduct. 220 F. Supp.2d at 123

Since the case before this Court does not involve governmental use of force, nor the Fourth Amendment, analysis under the Substantive Due Process Clause is appropriate.

## **Constitutional Claims in General**

DOJ argues that for the Court to make a decision *would violate precepts of constitutional avoidance by “ruling on [a] federal constitutional matter[] in advance of the necessity of deciding [it].”* *Armstrong*, 961 F.2d at 413; *see Valley Forge Christian Coll. v. Ams. United for Separation of Church and State*, 454 U.S. 464, 474 (1982) (a court’s power to declare a statute unconstitutional should be “a tool of last resort”). (DOJ Reply at 3, D.E. No. 82).

DOJ fails to state what the *Valley Forge* case actually held, which was the requirement of a particularized injury for standing purposes.

The Supreme Court found no constitutional violation of the Establishment Clause because the plaintiffs had no connection to the conveyance of real property to a religiously affiliated nonprofit college.

“Respondents complain of a transfer of property located in Chester County, Pa. The named plaintiffs reside in Maryland and Virginia; their organizational headquarters are located in Washington, D.C. They learned of the transfer through a news release. Their claim that the Government has violated the Establishment Clause does not provide a special license to roam the country in search of governmental wrongdoing and to reveal their discoveries in federal court. The federal courts were simply not constituted as ombudsmen of the general welfare.” 454 U.S. 464, 486-87 (1982).

Here this Court has already found a particularized injury. (Opinion at 10-11, D.E. No. 72).

And *Armstrong* is a pre-enforcement action whereas this case involves post-enforcement action by an administrative agency.

Additionally, as the Third Circuit held in *Robinson v. New Jersey*, 806 F.2d 442, 446 (3rd. Cir. 1986) *cert. denied* 481 U.S. 1070 (1987), courts will not invalidate a statute on its face simply because it may be applied unconstitutionally, but only if it cannot be applied consistently with the Constitution. Here the MSSA cannot be applied consistent with the Constitution.

In *Pub. Citizen v. U.S. Dep’t of Justice*, 491 U.S. 440, 467 (1989), the Supreme Court stated:

To be sure, “[w]e cannot press statutory construction ‘to the point of disingenuous evasion’ even to avoid a constitutional question.” *United States v. Locke*, 471 U.S. 84, 96 (1985) (quoting *Moore Ice Cream Co. v. Rose*, 289 U.S. 373, 379 (1933)).

Such is what the DOJ asks for here.

## **Relief Sought**

“Plaintiff seeks a declaratory judgment that the MSSA’s draft registration is unconstitutional. (SAC ¶ 13). Plaintiff also seeks (i) to enjoin Defendants from registering only males; or (ii) to require that females register with the SSS; or (iii) to require that registration be voluntary for both sexes. (See SAC ¶ 14).” (Opinion at 2, D.E. No. 72).

DOJ complains that *Plaintiff’s proposed remedies present further potential hardships to the Government, as well as likely hardships to non-parties require the involuntary registration of millions of other females not before this Court who may disagree with Plaintiff’s views on the issue. Pl.’s Sec. Am. Compl. ¶ 70, ECF No. 54. Were the Court to require women to register, that remedy in itself would impose a significant burden on a major portion of the country’s population.* (DOJ Reply at 7-8, D.E. No. 82).

The Ku Klux Klan should have thought of that argument when it opposed the integration of schools based on *Brown v. Board of Education*. Students would have to be bused here and there, buses would have to be rented and drivers hired at the expense to local governments. All imposing “a significant burden on a major portion of the country’s population” that was not before the courts. Yet the courts required it.

Why? Because in situations, “when the ‘right invoked is that to equal treatment,’ the appropriate remedy is a mandate of *equal* treatment, a result that can be accomplished by” extending a statute to the excluded class, or a court can withdraw the statute’s operation from the favored class. *Heckler v. Mathews*, 465 U.S. 728, 740 (1984) (emphasis in original) (internal quote *Iowa-Des Moines National Bank v. Bennett*, 284 U.S. 239, 247 (1931) (Brandeis, J.)).

If found unconstitutional, then all those men who turn 18 will not have to bother registering.

*the relief [Plaintiff] requests would intrude on the political branches’ constitutional powers to shape military policy. . . . would have profound implications on the military,* (Reply at 13, D.E. No. 82).

DOJ does not spell out those alleged “profound implications.”

The Third Circuit in *Jorden v. Nat’l Guard Bureau*, 799 F.2d 99, 108 (3d Cir. 1986), *cert. denied*, 484 U.S. 815 (1987), stated that “The Supreme Court has heard many cases involving claims for injunctive relief against the military without even suggesting that the claims were not reviewable in a civilian court.”

The Third Circuit Court of Appeals has held that federal courts have jurisdiction to consider “suits for injunctive relief against the military.” *Jorden v. National Guard Bureau*, 799 F.2d 99, 109 (3d Cir.1986), *cert. denied*, 484 U.S. 815 (1987).

“[T]he law in this circuit, established in *Dillard v. Brown*, 652 F.2d 316, 321 (3d Cir.1981), heavily disfavors finding injunctive claims against the military non-reviewable.” *Jorden v. Nat’l Guard Bureau*, 799 F.2d at 110.

The Supreme Court has cited injunctive actions as indicative of the type of relief service members may seek in the civilian courts. *See, e.g., Chappell v. Wallace*, 462 U.S. 296, 304-305 (1983); *Brown v. Glines*, 444 U.S. 348 (1980); *Parker v. Levy*, 417 U.S. 733 (1974); *Frontiero v. Richardson*, 411 U.S. 677 (1973).

DOJ indicates that if this Court does issue an injunction, it will request a stay pending appeal, so the Court should not issue an injunction. (*See* DOJ Br. at 23, D.E. No. 80-1). This is the same as arguing that if they lose, they will make a motion, so the Court should rule in their favor to avoid the motion. Just because judicial procedure allows Defendants to do something, does not mean this Court cannot issue the relief requested.

Besides, if they do request a stay of enforcement after a decision for Plaintiff, we will not oppose it—pending appeal all the way to the U.S. Supreme Court.

Such will protect the fearful Federal Government from a college co-ed and minimize the chance that the courts of these United States will abdicate their role in protecting the rights of citizens.

DOJ can move this Court under Fed. R. Civ. P. 62(c) (application to stay injunction must first be brought in district court).

In a case involving a judgment or injunction the district court is in the best position to balance the equities and determine whether to stay or suspend the judgment because of its familiarity with the case. *Cumberland Telephone & Telegraph Co. v. Louisiana Public Service Commission*, 260 U.S. 212, 219 (1922).

If denied, the DOJ can use Fed. R. App. P. 8(a)(1)(A) to request a stay from the Court of Appeals.

Providing the relief sought would further the Executive and Congress's objectives of gender-neutrally for the military as a whole.

Although the SSS is an independent civilian agency within the Executive Branch of the U.S. Government and not part of the Department of Defense, *Rostker* held and DOJ agrees that “[r]egistration is not an end in itself in the civilian world but rather the first step in the induction process into the military one . . . .” *Rostker*, at 68; (SSS Br. at 23 n.7, D.E. No. 33-1).

Since registration is an integral part of the military and national defense, it would be strange indeed that every branch of the military must integrate women except for the SSS's registration pool of potential combat troops. To permit the SSS to continue discriminating against women because it is a civilian agency is a paradox that should not be permitted to exist.

## **Lies, Prevarications and Dissemblances by DOJ lawyers**

The DOJ Reply provides multiple false, prevaricating or dissembling statements that given whoever wrote it, must have made such statements intentionally to mislead this Court. Apparently the author believes that by falsifying the facts, claims and law, he can win the day in court. For example:

1. DOJ states [The Commission's] *review encompasses* [includes] . . . *the principle matter at issue in this lawsuit*. That implies that the Commission will resolve the ultimate issue here. (DOJ Reply 3, D.E. No. 82).

That is a dissemblance. According to the Magistrate's Order of 07/28/17 (D.E. 67):

**WHEREAS**, although the review of the Commission may ultimately impact, or even moot this matter, the current legislative scheme and status provides no certainty as to the resolution of the ultimate issue in this case.

The issue here is whether the MSSA and SSS is has discriminated against Plaintiff—not what a commission may do in the future. There are no allegations against the Commission and it has not been joined as a party.

2. The DOJ falsely states *Plaintiff argues that the MSSA is ripe for review because the Commission may not accomplish anything*. See *Pl.'s Opp.* at 26. (DOJ Reply at 5-6, D.E.No. 82).

The DOJ Reply author cites our Opposition Brief at 26, which to any fifth grader states that what the Commission “may or may not do is unknown.”

But that is not the Ripeness issue. The Ripeness issue is that the SSS acting under the MSSA mandate has five times made “an administrative decision [that] has been formalized and its effects felt in a concrete way by the challenging parties.” *Nat'l Park Hospitality Ass'n v. U.S. Dep't of Interior*, 538 U.S. 803, 807–08 (2003) (quoting *Abbott Laboratories v. Gardner*, 387 U.S. 136, 148–149 (1967)).

Plaintiff's most recent affidavit documents the SSS decisions on four occasions, D.E. No. 81-6, and since then she tried to register for a fifth time with the same result on 10/2/18.

3. The DOJ falsely states *Plaintiff . . . asks this Court to speculate that the Supreme Court would find cause to depart from its reasoning in Rostker*. (DOJ Reply at 9, D.E. No. 82).

How many times do we have to say that we are not asking this Court to depart from the reasoning in *Rostker*, but to apply it on the Equal Protection issue of similarity to the fact that “combat troops” now include women.

*Rostker* ruled that “Men and women, because of the combat restrictions on women, are simply not similarly situated for purposes of a draft or registration for a draft.” *Rostker*, 453 U.S. at 78.

Plaintiff is not asking this Court to overrule *Rostker* but to apply its holding on similarity to the facts of this case.” (Opposition at 8, 29 (D.E. 81).

Plaintiff has repeatedly—repeatedly emphasized that she is not asking this Court to overrule or disregard *Rostker v. Goldberg*, 453 U.S. 57, but rather to apply it to modern times. (Motion to Continue Br. at 18, D.E. 58; Opposition to Standing Motion at 6, D.E. 70).

The DOJ lawyers keep repeating the same falsehood but with different words that communicate the same falsity. How many more times are they going to be allowed to waste this Court’s time with the same *ad nauseam* argument?

In effect, the DOJ Reply author ludicrously argues that when the application of the law on Equal Protection similarity reaches one conclusion under one fact situation—it must reach the same conclusion under all other fact situations no matter how different.

4. DOJ states that *Rostker cannot be set aside as binding precedent by this Court based on Plaintiff’s prediction as to how the Supreme Court would view other policy changes since that decision.* (Reply at 10, D.E. No. 82)

Basically the same blatant falsehood using different verbiage that once decision X is made on fact situation Y, then in any other fact situation, the same decision X must be reached. The Reply author repeats over and over the same arguments in order to fill space and waste everyone’s time.

Plaintiff is not predicting what the Supreme Court’s holding will be on this case. She is simply trying to get to the Supreme Court for a decision despite the DOJ lawyers seemingly eternal delays.

## **DOJ Strategy of Delay**

The DOJ Reply doesn't raise anything new, it just wastes our time with arguments already made in the Brief. The Reply actually cites to the Brief in this motion eight (8) times.

The DOJ is focused on a future that is impossible to predict while Plaintiff is focused on what is happening now. Naturally, the DOJ continues to delay these proceedings in the hope that the future they want actually occurs while this case is still in the District Court. So far, the DOJ has been successful.

Over the past three years, it has been Wait, and Wait, and Wait some more.

Plaintiff is simply asking this Court to decide whether she has been discriminated against by the Defendants in violation of her equal protection and substantive due process rights under the Fifth Amendment to the U.S. Constitution.

Let's face it Your Honor, if you were her age and tried to register—the most powerful government in the history of the world would discriminate against you, and the DOJ would be arguing that's okay.

Plato once said:

“There is therefore no pursuit connected with [government] which belongs to woman because she is a woman, or to a man because he is a man, but various natures are scattered in the same way among both kinds of persons . . . . Shall we then assign them all to men, and none to a woman? How can we? . . . . One may be athletic or warlike, while another is not warlike and has no love of athletics . . . . So one woman may have a guardian nature, the other not. Was it not a nature with these qualities which we selected among men for our male guardians too? . . . Such women must then be chosen along with such men to live with them and share their guardianship, since they are qualified and akin to them by nature.”

That was 2,000 years ago. Plato, *The Republic* 117-18 (360 B.C.E.)(G.M.A. Grube trans. Hackett Publishing 1974).

DOJ is simply arguing that if women have waited this long—let them wait some more, or in Orwellian fashion—NOW really means later.

This is the fourth time the DOJ has argued before this Court a lack of Ripeness. (DOJ Brief at 17, D.E. 19-1; DOJ Brief at 18, D.E. 33-1; DOJ Opp Mtn Continue at 8, D.E. 61; DOJ Brief at 12, D.E. 80-1).

DOJ lawyers have opposed this case four (4) times on Standing grounds (DOJ Brief at 12, D.E. 19-1; DOJ Brief at 11, D.E. 33-1; DOJ Opp Mtn Continue at 10, D.E. 61; DOJ Brief Standing Mtn at 11, D.E. 69).

This is the third time the DOJ has argued before this Court a Failure to State a Claim. (DOJ Brief at 23, D.E. 19-1; DOJ Brief at 24, D.E. 33-1; DOJ Brief at 18, D.E. 80-1)).

How many do-overs does DOJ get?

Plaintiff had just graduated from high school when she brought this case. Now she is half-way through her senior year in college.

Over the past three years, DOJ has repeatedly argued that this Court must stand idly by and wait

*First*, for when Sec. Defense Carter made his decision on whether to open the remaining combat positions to women, which he made on Dec. 3, 2015;

*Second*, for Congress not to object within 30 days under 10 U.S.C. § 652, it did not;

*Third*, for when Carter approved the final plans from the military service branches and the U.S. Special Operations Command to begin integrating woman combat soldiers, which he did on 3/10/16.

*Fourth*, for a dysfunctional Congress to decide in 2016 whether to continue the last vestige of *de jure* discrimination against women in the Federal Government—which it never did decide. Congress simply engaged in a passive-aggressive denial of women’s rights, then punted to a commission for more delay.

Had the House Republicans ignored the issue by not even calling for the time-delaying commission study, they believed they would have been preempted by the judicial branch—a fact that a House Armed Services aide acknowledged. “The courts could act at any moment and send this in a direction that Congress doesn’t like.” (Austin Wright, *Women’s draft bid gains in Senate, stalls in House*, Politico, May 17, 2016);

*Fifth*, for possible Commission suggestions to be made by November 5, 2019, but then surprise, the date was pushed back to March 2020;

*Sixth*, for Congress to pass a bill correcting the unconstitutionality of the MSSA by including the term “women.” Of course, Congress may do nothing and just let the Commission’s suggestions die the way it did the Kerner and 9/11 Commission recommendations.

Since 2003, at least eight bills have been introduced in Congress to amend the MSSA’s male-only registration requirement. (SSS Br. at 27 n.9, Dkt. No. 33-1). Congress chose not to act. Therefore, a strong inference exists that Congress is now just continuing its prior procrastination or even obstruction of deciding that with regards to the military—women are equal to men.

*Seventh*, for Trump, or whoever is President, to sign or veto a bill; and



*Eighth*, if vetoed, wait for Congress to override the veto, assuming that is even possible considering the split between Democrats and Republicans.

[DOJ's first motion, 10/2/2015, to dismiss argued that under 10 U.S.C. § 652(a)(3)(B), the Secretary of Defense provides Congress "with a detailed analysis of the effect of the change on the constitutionality of the MSSA's male-only registration requirement." (SSS Br. at 1, 9, 20, D.E. No. 19). Therefore, "the political branches are engaging in [an] ongoing dialogue by evaluating the impact on the draft [registration] of the changes being made with respect to combat positions" and the Court should not "short-circuit" this "process" by deciding this case. (SSS Br. at 18, 22, D.E. No. 19).]

[There the DOJ was arguing that this Court must wait—not only until all or mostly all combat positions are open to women but also until Congress actually gets around to amending the MSSA to include the word "women." Defendants were really asserting, as they do now, that the judicial review established by *Marbury v. Madison*, 5 U.S. 137 (1803), is limited to acts after Congress amends an act or refuses to amend an act, regardless of the harm the act is presently causing.]

[DOJ's second motion, 11/23/2015, to dismiss tried for more delay by falsely asserting that in 2013 Secretary Panetta gave the military until January 1, 2016, "to develop implementation plans for the integration of women." (SSS Br. at 3, D.E. No. 33-1). Panetta actually gave the military until May 15, 2013, to develop its implementation plans (which it did with Congress's approval) and directed that the "[i]ntegration of women into newly opened positions and units will occur as expeditiously as possible . . . but must be completed no later than January 1, 2016." (SSS Br. Ex. A at 1, Panetta's 1/24/2013 Memo, D.E. No. 33-2, emphasis added).

[DOJ's second motion also argued that Congress cannot make a decision on women's registration until America's plethora of wars reach a point where the draft, which means conscription into the military, is reinstated. (SSS Br. at 20-23, D.E. No. 33-1). Congress eliminated the draft over 40 years ago. Since then, America has been involved in 17 armed conflicts, including its longest, and Congress did not reinstate the draft. So by this argument, it is impossible to say when Congress will bring back the draft—if ever, which means the constitutional rights of young women depend on a government activity occurring or not occurring at some indefinite time in the future—not very reassuring for members of a democracy. This is just another argument for delay.]

[DOJ's Opposition to Plaintiff's motion to continue specifically requested a stay. (SSS Resp. at 13-15, D.E. No. 61). It was not granted. (*See Opinion* at 5, D.E. No. 67).]

[DOJ's third motion to dismiss (restricted to standing) again argued that because a commission was in the process of formulating suggestions for the SSS that Plaintiff was interfering with the political branches. (SSS Br. at 20, D.E. No. 69-1).]

[DOJ's fourth motion to dismiss again requests a stay—now called “abeyance.” (SSS Br. at 2, 3, 12, 18, 27, D.E. No. 80-1).]

DOJ argues that *any delay . . . does not impose any restriction on Plaintiff, including from pursuing a military career.* (DOJ Reply 6, D.E. No. 82)

False. The MSSA prevents her from registering for the draft and functioning as a first-class, full-fledged citizen. More importantly, “equal treatment under law is a judicially cognizable interest . . . even if it brings no tangible benefit to the party asserting it.” *Davis v. Guam*, 785 F.3d 1311, 1315 (9th Cir. 2015).

Also as this Court already found, “Plaintiff explains, her injury

is *not* that she is kept out of combat positions, *not* that she may be harmed by future inductions, *not* that she is prevented from enlisting, and *not* that possible career opportunities in the military will be hindered *but rather* that she is prevented—solely because of her sex—from *registering for the draft*.

(Pl. Opp. Br. at 21) (emphasis in original).” (Opinion at 8. D.E. 72).

This case only deals with registering with the SSS or “draft registration,”—not pursuing a military career. Why is it that the DOJ lawyers cannot seem to comprehend that?

**Two district courts and one Court of Appeals refused to put up with the DOJ delaying tactics or issue a stay on a challenge to the MSSA’s discrimination.**

*Nat’l Coal. for Men v. Selective Serv. Sys.* case (13-2391, C.D. Cal; 16-cv-03362, S.D. Tex.)

U.S. Dist. Courts in Cal and Texas and the 9<sup>th</sup> Cir Ct of Appeals did not delay rendering justice even though the same defendants there as here argued for such. That case also challenges the male-only registration provision of the MSSA on equal protection grounds for discrimination based on sex.

Before the Texas Court, DOJ moved to dismiss for failure to state a claim for relief under 12(b)(6). DOJ made the same argument it does here that the court is bound by deference to the political branches because the “MSSA in light of present military conditions has been and continues to be the subject of explicit consideration by the political branches. Most notably . . . Congress has established a commission to review, within a specific time period and with statutorily mandated input from the Executive branches, the needs of and for the SSS—including expanding registration to women.” (SSS Br. at 18, 4:16-cv-03362, S.D. Tex. 10/06/17, D.E. No. 63).

The Texas Court denied DOJ’s motion. It did not stay or delay the case because of the ongoing work of the Commission. The Court held, “Because Rostker explicitly requires Congress to comply with the Constitution in the area of military affairs, and because Plaintiffs allege Defendants did not, Plaintiffs state a claim upon which relief can be

granted. *See Rostker*, 453 U.S. at 67.” (Opinion at 7, 4:16-cv-03362, S.D. Tex. 04/06/18, D.E. No. 66).

From C.D. Cal. to the 9<sup>th</sup> Cir Court of Appeals back to the C.D. Cal. then on to the S.D. Texas, the DOJ has argued without success first for delay because all combat position were not open to women, then for delay because Congress was engaged in a charade of granting equal rights to young women, then for delay because a Commission was researching suggestions for the SSS. Each and every court rejected those delaying arguments.

Now the NCFM case is in the summary judgment stage after the Court set a tight schedule for submission of those papers, refusing to put up with anymore of the DOJ’s delaying tactics.

DOJ had tried to push back the final summary paper filing two months to Dec. 14, 2018 but the Court refused. (SSS Mtn Extension Time, 4:16-cv-03362, S.D. Tex. 08/28/18, D.E. No. 74).

Those facts make a joke of the DOJ’s position that it is not angling for delay.

#### Possibility of closing combat positions to women.

Another reason for the DOJ dragging its heels in this case is that the Trump Administration may simply reverse the Obama Administration’s policy that opened all combat positions to women.

#### **Stay**

If DOJ isn’t trying to delay this case, why does it keep requesting a stay prior to judgment—now calling it an “abeyance.” (DOJ Br. at 2, 3, 12, 18, 27, D.E. No. 80-1; Reply at 2, 8, 14, No. 82).

This Court has already denied a stay requested by the DOJ. (*See* Magistrate Order at 5, D.E. No. 67, 7/28/17).

One reason why DOJ lawyers want a stay prior to judgment is they hope Plaintiff will turn 26 before this case reaches the U.S. Supreme Court. At which time it becomes moot.

When this case started, Plaintiff was just out of high school, now she is 21 and we are still in the first inning in this District Court. So considering what has yet to be done, there’s a decent chance she will turn 26 before we reach the Supreme Court.

Plaintiff would rather have this Court dismiss her complaint so that she can get on with her appeal before this case, as the DOJ hopes, becomes moot when she turns 26, or some other unforeseen circumstance arises to derail the justice she seeks.

DOJ also ridiculously argues for a stay prior to judgment because any decision by this Court for Plaintiff would wreak havoc on the most affluent and powerful government in the history of the world.

*The Government on the other hand faces immediate and potentially significant hardships. The entry of judicial relief for Plaintiff at this stage would interfere with, if not negate, the Government's ability to address a fundamental revamping of the Selective Service System to better account for changes in society and warfare as mandated by Congress. See Pub. L. No. 114-328 § 551(b). In addition, any relief that could potentially require the Government to spend millions of dollars changing the Selective Service System in response to a court order would impose a considerable hardship at this time, particularly because Congress may wish to change the system in a different manner following the Commission's review. (DOJ Reply at 7, D.E. No. 82).*

Plaintiff is a college senior studying to be a veterinarian. She does not want to destroy the U.S. Government. So if this Court rules in her favor, she is willing to agree to a stay pending appeal all the way to the U.S. Supreme Court under Fed. R. Civ. P. 62(c) or Fed. R. App. P. 8(a)(1)(A).

#### **Chronology of case pertinent events**

07/03/2015	1	Compl. filed
10/02/2015	19	Govt first motion to dismiss filed
10/22/2015	26	Plaintiff's first amended compl. filed, added Pinto
11/23/2015	33	Govt second motion to dismiss filed
12/21/2015	41	Plaintiff's opposition filed.
01/07/2016	43	Govt reply filed.
6/21/2016	47	Telephone conference
6/29/2016	48	Order requiring submissions regarding recent activity in Congress
9/29/2016	54	SAC, no change from First Amended Compl other than using Elizabeth's real name.
12/21/2016	57	Joint status report on Congress and Commission
1/10/2017	58	Plaintiff motion to continue
2/7/2017	61	DOJ opposition to continue
2/20/2017	65	Plaintiff's reply to continue
7/28/2017	67	Magistrates Order to continue and allowing motion on standing

8/15/2017	68	Joint status report on the Commission
8/25/2017	69	Motion dismiss SAC on standing
9/5/2017	70	Pl. opposition
9/11/2017	71	DOJ reply
3/29/2018	72	Opinion, Pl. has standing
5/2/2018	79	Order DOJ can move on ripeness and failure to state a claim
5/18/2018	80	DOJ motion dismiss on ripe and state a claim
6/4/2018	81	Pl. Opposition
6/11/2018	82	DOJ reply

**Joint Status Report December 21, 2016 (D.E. No. 57):**

April 27, 2016, the House Armed Services Committee approved the 2017 National Defense Authorization Act (“NDAA”) which included a provision to require woman citizens of the United States and woman persons residing in the United States who attain the age of 18 years on or after January 1, 2018, to register with the Selective Service System (“SSS”).

May 16, 2016, the House Rules Committee deleted from the House Armed Services Committee’s 2017 NDAA the provision requiring females to register with the SSS.

May 18, 2016, the House passed its version of the NDAA (H.R. 4909) which included a provision for the Secretary of Defense to study the efficacy of the SSS. (Exhibit A).

May 18, 2016, the Senate Armed Services Committee sent to the full Senate its 2017 NDAA (S. 2943) which included a provision to require females to register with the SSS.

June 14, 2016, the Senate passed the 2017 NDAA with a provision requiring females to register. (Exhibit B). The Senate and House bills were then sent to a Senate-House Conference Committee.

November 29, 2016, the Senate and House Conference agreed on a 2017 NDAA, S. 2943, that eliminated the Senate’s provision for females to register with the SSS and, instead, adopted the House’s provision requiring a study of the efficacy of the SSS and the Senate’s provisions creating a Commission to review the military selective service process (§§ 551-557 (Exhibit C)).

The Commission is to be established under the Executive Branch and shall be considered an independent establishment of the Federal Government as defined by 5 U.S.C. §104 and a

temporary organization under 5 U.S.C. § 3161. S. 2943 § 553. Members of the Commission will be appointed by the President and leaders of Congress. S. 2943 § 553(b).

The 2017 NDAA requires the Secretary of Defense to submit to the Committees on Armed Services of the Senate and the House of Representatives and to the Commission, a report “on the current and future need for a centralized registration system under the Military Selective Service Act (50 U.S.C. 3801 et seq.) . . . [and on] expanding registration to include women” by not later than July 1, 2017. S. 2943 § 552(a)(1) & (b)(1)(C). The 2017 NDAA requires that not later than three months after the Commission establishment date, the President shall establish and transmit to the Commission and Congress, principles for the reform of the military selective service process. S. 2943 § 555(c)(1).

Among those principles is a requirement for the Commission to address: Whether, in light of the current and predicted global security environment and the changing nature of warfare, there continues to be a continuous or potential need for a military selective service process designed to produce large numbers of combat members of the Armed Forces, and if so, whether such a system should include mandatory registration by all citizens and residents, regardless of sex. S. 2943 § 555(c)(2)(A).

The 2017 NDAA requires that not later than seven months after the Commission establishment date, the Secretary of Defense, Attorney General, the Secretary of Homeland Security, the Secretary of Labor, and such other Government officials, and such experts, as the President shall designate, shall jointly transmit to the Commission and Congress recommendations for the reform of the military selective service process and military, national, and public service in connection with that process. S. 2943 § 555(d).

The Commission has 30 months from its establishment date to conduct a review of the SSS and report its recommendations to Congress and the President. S. 2943 § 555(e)(1). On December 1, 2016, USA Today reported that a spokesman for the White House National Security Council stated that the Obama administration supported females registering for the draft. See <http://www.usatoday.com/story/news/politics/2016/12/01/obama-supportsregistering-women-military-draft/90449708/> last checked on December 21, 2016.

December 2, 2016, the House adopted the Conference Report.

December 8, 2016, the Senate adopted the Conference Report.

December 14, 2016, the 2017 NDAA was presented to President Obama.

### **Joint Status Report Aug. 15, 2017, (D.E. No. 68):**

On December 23, 2016, the 2017 National Defense Authorization Act (“2017 NDAA”), Pub. L. No. 114-328 was signed into law. Sections 551-557 of the 2017 NDAA established the National Commission on Military, National, and Public Service (“Commission”) to review the military selective service process, including the current and future need for a centralized registration system and expanding registration to include women. The law required certain actions be taken by the President, various departments of the Executive Branch, and certain members of Congress.

The President, leaders of Congress and the Chairmen and ranking minority members of the Senate and House of Representatives Armed Services Committees have appointed the required 11 members of the Commission.

On April 3, 2017, the President established and transmitted to the Commission and Congress, principles for the reform of the military selective service process, as required by Pub. L. No. 114-328 § 555(c)(1).

On July 13, 2017, the Secretary of Defense submitted to the Committees on Armed Services of the Senate and the House of Representatives and to the Commission, a report “on the current and future need for a centralized registration system under the Military Selective Service Act . . . [and on] expanding registration to include women,” as required by Pub. L. No. 114-328 § 552(a)(1) & (b)(1)(C).

Pub. L. No. 114-328 § 552(c) requires that not later than December 1, 2017, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives and to the Commission a review of the procedures used by the Department of Defense in evaluating selective service requirements.

Pub. L. No. 114-328 § 555(d) requires that by December 5, 2017, the Secretary of Defense, Attorney General, the Secretary of Homeland Security, the Secretary of Labor, and such other Government officials, and such experts, as the President shall designate, shall jointly transmit to the Commission and Congress recommendations for the reform of the military selective service process and military, national, and public service in connection with that process.

The Commission has 30 months from its establishment date of May 5, 2017, or until November 5, 2019, to conduct a review of the Selective Service System and report its recommendations to Congress and the President. Pub. L. No. 114-328 § 555(e)(1).

### **[Multi-District Litigation]**

28 USC 1407(a) requires (1) common facts and (2) convenience of the parties.

### **[Consolidation]**

The NCFM case was raised by the DOJ in its first motion to dismiss (D.E. 19) at 29 and its second motion to dismiss (D.E. 33) at 31, 10/2/2015.

### **Cases should [not] be consolidated**

To transfer actions to a different district court under 28 USC 1404(a) requires that

*Venue* must be proper based on an examination of facts and circumstances existing at the time of the lawsuit—not at the time of the transfer. *Moore’s Federal Practice* § 42.11(b).

Under 28 USC 1391(e)(1), residency for SSS was Arlington, Va.; the events giving rise to the Cal case took place in Cal via NCFM members and Texas for the individual males; the events in this case took place in NJ; plaintiffs in the Cal case reside in Cal and Tx; Ms. Kyle-LaBell resides in NJ. So venue for both cases was not proper in either district court when the cases were commenced.

Also, when the Cal case was brought, Ms. Kyle-LaBell was 15 years old, which may have caused some problems for the Cal CD.

Additionally, consolidation requires the party requesting such show *common questions of fact or law*.

The factual questions in the two cases are different.

The question in the Texas case is whether the equal protection rights of young men are violated by requiring them to register for the draft. Here the issue is whether by barring the class of young women from registering for the draft, their equal protection rights are violated.

Further, I do not believe that Ms. Kyle-LaBell, the putative class representative, will consent to the inconvenience of personal jurisdiction of the Tex SD and dealing with the attorney for that case who

- (1) in his complaint against the SSS actually brought a 14<sup>th</sup> Amendment cause of action. We all learned in our first year in law school that the 14<sup>th</sup> Amendment applies only to state and municipal governments—not federal agencies. This brings into question the attorney’s legal ability by committing such an obvious Constitutional error;
- (2) sends a letter to a federal judge based on a “ cursory reading” (p. 1 ¶ 2) of the papers in this case that resulted in the false assumption that the Cal case had not been brought to Your Honor’s attention; and



(3) is a member of an apparently misogynist organization.]

### **Events on women in combat**

The combat restrictions on women in 1981 included:

1. 10 U.S.C. § 8549 prevented women from being assigned to duty in aircraft engaged in combat (repealed 1991);
2. 10 U.S.C. § 6015 prevented women in the Navy from being assigned to duty on vessels engaged in combat missions (repealed 1993);
3. The Army kept women out of combat and away from the theater of fighting as a matter of established policy, *Goldberg v. Rostker*, 509 F. Supp. 586, 598 (E.D. Pa. 1980)(citing *Requiring Reinstitution of Registration for Certain Persons Under the Military Selective Service Act, and for Other Purposes*, Report No. 96-226 to accompany S.109 at 8-9 (9th Cong. 1st Sess.));
4. Congress recognized and endorsed the exclusion of women in combat and combat support roles, *id.*;
5. 42 percent of all positions filled by enlisted personnel in the Army were in specialties, skills or units not available to women, *id.*;
6. The military had administrative problems concerning housing for women, *id.*;
7. The performance of sexually mixed units was still in the experimental stage, *id.*;
8. The societal belief was that the assignment of women to combat would weaken the national resolve once images of the atrocities of war visited on women became public, *id.*;
9. Mobilizing women through the draft would cause strains on training facilities and administrative services, *id.*; and
10. The nature of the battlefield was more limited, more confined and relatively well defined, *Report to Congress on the Review of Laws, Policies and Regulations Restricting the Service of Woman Members in the U.S. Armed Forces* at 3, February 2012.

1993, Sec. Defense Aspin imposed a new rule (1994 Direct Ground Combat Definition and Assignment Rule) where all service members were eligible to be assigned to all positions for which they were qualified, except that women would be excluded from assignment to units below the brigade level whose primary mission was to engage in direct combat on the ground.

May 1994, President Clinton asked the Secretary of Defense for a report on women and draft registration. The Secretary's report recognized the vastly increased role being played by women in each of the Armed Services, and concluded that "[b]ecause of this change in the makeup of the Armed Forces, much of the congressional debate which, in the [Supreme] court's [1981] opinion, provided adequate congressional scrutiny of the issue . . . would be inappropriate today."  
*Backgrounder: Women and the Draft in America*, [www.sss.gov](http://www.sss.gov).

February 2012, the Department of Defense "announced a series of modifications to [the 1994 Direct Ground Combat Definition and Assignment Rule] which opened up more than 14,000 new positions to women, including positions that were collocated with ground combat units and certain positions in ground combat units below the brigade level whose primary missions were to

engage in direct combat on the ground,” former Secretary of Defense Panetta Press Conference, January 24, 2013.

1/24/2013, Pentagon’s announcement officially rescinded the remainder of the 1994 Direct Ground Combat Definition and Assignment Rule.

Sec. Defense Panetta directed that the “[i]ntegration of women into newly opened positions and units will occur as expeditiously as possible . . . but must be completed no later than January 1, 2016.” (SSS Br. Ex. A at 1, Panetta Memo, D.E. No. 33-2, emphasis added). Sec. Defense Carter fulfilled that order on December 3, 2015.

2/2/2016, *U.S. military generals want women to register for draft*, Jennifer Rizzo, CNN.

Marine Corps Commandant Gen. Robert Neller and Army Chief of Staff Gen. Mark Milley agreed that the current policy, which requires only males register for the Selective Service System, should be changed after restrictions that barred women from trying out for combat jobs were lifted last year. [In 1980, military generals wanted the same but Congress did not go along.]

2/4/2016, *It’s Time To Register For The Military Draft, Ladies*, Amber Smith—combat veteran Iraq, Afghanistan, The Federalist.

You don’t get to pick and chose when equality applies to you. Not quotas, not double standards, not separate physical standards or lowered selection criteria. The responsibility of the military draft lies equally with both men and women. Equal opportunities mean equal responsibilities, and when it comes to defending this nation, no one is exempt merely based on his or her sex.

2/5/2016, *There’s a rift opening on how the U.S. should handle women and military drafts*, Dan Lamothe.

One proposal to alter the law has been proposed this week. Rep. Duncan D. Hunter (R.-Calif.), a Marine Corps veteran, and Rep. Ryan Zinke (R.-Mont.), a former Navy SEAL, introduced the Draft America’s Daughters Act of 2016. They signaled that they were likely to vote against their own bill. Hunter’s chief of staff, Joe Kasper made clear the political purpose: “Every member of Congress should have to go on the record on whether or not he or she supports sending America’s ‘daughters and sisters’ into harm’s way.”

2/16/2016, *Women in combat and the draft: answers to your biggest questions*  
By Lolita C. Baldor, Associated Press.

Four U.S. House members introduced legislation to abolish the Selective Service, saying that the all-volunteer force is working—it went nowhere.

Two members of Congress introduced legislation requiring women to register but said they actually opposed their own bill—deep sixth in House Rules Comm.

The Pentagon had made no recommendation on women registering with the SSS, but the department said it will consult with the Justice Department when needed.

3/3/2016, Lolita C. Baldor, Associated Press

The military services are already beginning to recruit women for combat jobs, including as Navy SEALs, and could see them serving in previously male-only Army and Marine Corps infantry units by this fall.

All of the services say they have made required changes to base bathrooms and other facilities to accommodate women.

The top Army and Marine Corps generals told senators last month that it will take up to three years to fully integrate women into all combat jobs.

The military services have put together plans outlining exactly how they will incorporate women into the male-only units.

The first Army officers will start training in June, and could graduate in October. The first woman enlisted soldiers will begin moving into ground combat units in May 2017.

The bulk of the male-only units are in the Army and Marine Corps. Only a few of the Navy and Air Force units excluded women.

03/11/2016, *Defense Secretary Ashton Carter OKs final strategy for women in combat*, Kellan Howell, The Washington Times, 3/11/2016

Defense Secretary Ashton Carter approved Thursday final plans from military service branches and the U.S. Special Operations Command to begin integrating woman combat soldiers “right away.” All of the services submitted their plan to integrate women into combat roles by Jan. 1.

03/11/2016, *Sec. Carter’s Statement*.

“Sec. Carter approved all the services and special operation forces plans on integrating women into all military positions.

Integration does not guarantee women will be promoted at any specific number or at any set rate, as adherence to a merit-based system must continue to be paramount.

We have to remember that it takes decades to grow a general or flag officer, so it will take time to see these results. It won’t all happen overnight.”

3/18/2016, *U.S. general Lori Robinson to become first woman to lead combatant command*, Reuters (Senate approved 4/26/2016)

The first woman to head a U.S. combatant command named. The Northern Command is responsible for preventing attacks against the United States.

4/7/2016, *44 Women Have Volunteered to Become Army Infantry Officers*, Matthew Cox, Military.com

April 2017 will see woman infantry and armor officers, non-commissioned officers and junior soldiers in those Army combat units.

4/15/2016, *Army Approves 22 Women to Become Infantry and Armor Officers*, Matthew Cox, Military.com

4/30/2016, *House defense policy bill would require women to register for draft*, Wall Street Journal

The House Armed Services Committee approved an annual defense policy bill that includes a provision that would require women to register with the Selective Service System.

5/13/2016, *Coming soon: A military draft for women?* Richard Lardner, AP.

The Senate Armed Services Comm. stated that any justification for barring women from draft registration was erased last year, when the Pentagon announced that all military jobs would be open to women. It's annual defense policy bill includes a provision to require women to register for the draft.

The White House has declined to say whether President Barack Obama would sign into law legislation that expands the draft to include women.

5/17/2016, *Women's draft bid gains in Senate, stalls in House*, Austin Wright

Senate Majority Leader Mitch McConnell supports requiring women to register for the military draft — a surprise announcement that breaks with House GOP leaders who've made clear they want to avoid an election-year vote on the politically sensitive issue.

House leaders blocked Hunter's draft registration amendment to a defense spending provision, which they called a "reckless policy."

This means the ultimate decision could come in House-Senate conference negotiations later this year to craft a final version of the National Defense Authorization Act, an annual measure that sets defense policy.

If lawmakers delay action on the issue, they could end up being preempted by the judicial branch — a fact that a House Armed Services aide acknowledged. "The courts could act at any moment and send this in a direction that Congress doesn't like."

The Selective Service's annual budget of \$23 million would have to be increased by \$8.6 million in the first year, but those costs would drop as the number of women registering each year leveled off. An additional 39 employees would be needed to process the increase in draft registrations, he added.

5/20/2016, *The Unseemly Death of an Amendment to Draft Women*, Nicholas Clairmont, The Atlantic.

Hunter, a vocal opponent of women serving in combat, offered the amendment as a dare, confident that progressives on gender equality in the service were all talk. That, in theory, should have sent it and the larger bill on for a vote on the House floor. Meanwhile the same measure made it through the committee's counterpart in the Senate, chaired by John McCain, where it found surprisingly strong support, including from Majority Leader Mitch McConnell.

Hunter and Thornberry had agreed that Hunter would propose the amendment to make a point and then offer to withdraw it before a vote—a sort of parliamentary ritual designed to let him register his opinion. But Hunter didn't withdraw, and it sent Thornberry scrambling for legislatively murkier options for killing the measure before it could hit House floor, where it was predicted to pass.

The Rules Comm. chairman, wanting to protect “young women from being mandated to submit their personal information to the federal government to sign up for the selective service,” used the authority of his office to exploit a quirk of parliamentary procedure. So even though Thornberry's amendment to delete Hunter's draft provision was voted down by the Rules Committee, Sessions wrote its language into the original language of the bill, which makes it “considered as adopted” by the Committee.

The Senate's version of the defense-funding bill still contains the draft expansion. Somehow, both houses of Congress have to agree on an identical bill. And once they do, then there's a good chance President Obama will veto it over a separate funding fight anyway: The House bill appropriates the funds marked for foreign wars to keep bases that the Pentagon wants to shutter open, and the White House has already threatened to send it back unsigned.

6/11/2016, *Women and the draft: Sign of equality, or potential consequence of it?* By Katie Leslie, Dallas Morning News

Congress has been at odds over the issue for months after Sen. John McCain, the Arizona Republican and chairman of the Senate Armed Services committee, added language to the annual defense spending bill that would require women ages 18 to 26 to register for the Selective Service.

The new requirement would affect as many as 11 to 15 million women, according to a nonpartisan Congressional Research Service report in April. Women who turn 18 on or after Jan. 1, 2018, would be required to sign up.

Cruz backed an unsuccessful move by fellow conservative Sen. Mike Lee, R-Utah, to strip the requirement from the National Defense Authorization Act while it was still in committee.

House Rules Chrmn Sessions said in May, “We don’t need every little girl giving their information to the federal government at a time when the federal government does not actively use the information ... because we don’t have a draft.”

If it is approved with the Selective Service measure intact, Senate and House leaders will convene to reach a compromise.

6/14/2016, *U.S. Senate passes \$602 billion defense authorization bill*, Reuters.

The U.S. Senate voted overwhelmingly on Tuesday to pass a \$602 billion defense authorization bill [National Defense Authorization Act 85-13], despite President Barack Obama’s threat to veto the annual policy measure over issues including a ban on closing the Guantanamo military prison.

The bill included the Armed Services Comm. provision to draft women and now must be reconciled with one the House of Representatives passed last month before it can be sent to Obama.

The House bill also faces a veto threat.

6/14/2016, *Senate Votes to Require Women to Register for the Draft*, Jennifer Steinhauer, NYTs.

The Senate approved an expansive military policy bill that would for the first time require young women to register for the draft.

Under the Senate bill passed on Tuesday, women turning 18 on or after Jan. 1, 2018, would be forced to register for Selective Service, as men must do now.

The debate will now pit the Senate against the House, where the policy change has support but was not included in that chamber’s version of the bill. The two bills will now be reconciled in a conference committee between the House and the Senate, where a contentious debate is expected.

6/14/2016, *Senate Approves Defense Policy Bill, Baiting Veto*, Joe Gould, Defense News

President Obama has threatened to veto the House and Senate versions of the bills — the House bill over its unorthodox treatment of overseas contingency operations (OCO) funds, and the Senate bill over its acquisition reform provisions and limits it would place on the closure of the Guantanamo military detainment facility in Cuba.

The House and Senate bills face significant differences for lawmakers to debate in conference, chiefly their approaches to defense acquisitions reform, where the Senate takes a more aggressive tack, and defense funding.

With few days on Congress' election-year calendar, lawmakers will have to act quickly to send the final version of the bill to Obama's desk before the end of the fiscal year on Sept. 30.

Obama has threatened to veto seven annual authorization bills, and did so last year.

06/14/16, *Senate passes defense bill including women in draft*, Jeremy Herb, Connor O'Brien, Politico

Tuesday's final vote on the Senate bill was enough to override a veto threat from the White House, which has blasted the measure for attempting to "micromanage" the administration's conduct of national security policy through reductions in the White House National Security Council staff, organizational changes to the Pentagon and limits on the closure of the U.S. military prison at Guantanamo Bay, Cuba.

06/14/2016, *Senate Passes Defense Bill, Defying White House Veto Threat*, WSJ

There is agreement in both chambers on key policy provisions—such as keeping Guantanamo open—that puts Congress on a collision course with President Barack Obama. The House and Senate also have agreed not to allow military bases to be closed.

July 7, 2016, the House amended a different spending bill to prevent the SSS from using any money to open registration to women.

November 29, 2016, the Senate and House Conference agreed on a 2017 NDAA that eliminated the Senate's provision for young women to register with the SSS and adopted the House's provision to require the Secretary of Defense to submit a study by July 1, 2017, on whether the SSS was still realistic and cost-effective.

December 1, 2016, President Obama announced his support for women registering for the draft.

December 2, 2016, the House agreed to the Conference Report.

December 8, 2016, Senate agreed to the Conference Report and the 2017 NDAA went to President Obama to sign or veto.

1/8/2017, *Three woman Marines just became the first women in a ground combat unit*, Sarah Lee, The Blaze

[T]hree women stationed at Camp Lejeune in Jacksonville, N.C., are set to make history serving as the first woman Marines in a combat unit. One of the woman infantry will serve as a riflewoman, one as a machine gunner and one as a mortar Marine. All three women graduated from the School of Infantry and were part of the Marines' gender integration research:

Secretary of Defense, Retired Marine Gen. James Mattis, told Military Times in September that "shortsighted social programs" could make the U.S. military less effective.

1/18/2017, *This woman will be the first to join the Army's elite 75th Ranger Regiment*, Meghann Myers

A woman officer has completed the Army's rigorous selection process for its storied 75th Ranger Regiment and is on her way to joining a unit in the next few months, according to a spokesman for Army Special Operations Command.

The first woman Ranger passed the three-week long selection course designed for staff sergeants and above, as well as officers. She will wear the legendary Ranger scroll and the distinctive tan beret and when she reports to the regiment.

1/19/2017, *NO LOWERED STANDARDS FOR WOMEN IN COMBAT*, Association of the U.S. Army

5/19/2017, 18 women graduate from the Army's first gender-integrated infantry basic training, Meghann Myers,

Eighteen of the 32 women who reported to infantry one station unit training in February have earned their blue cords and will soon be joining the rest of the force as the Army's first junior enlisted woman infantrymen.

5/26/2017, *For Army Infantry, Fist Women*, David Philipps, NYTs

**The first group of women graduated from United States Army infantry training last week**

8/9/2017, *Almost 300 Woman Marines in Previously Closed Combat Jobs*, Hope Hodge Seck, Military.com

There are 278 woman Marines now filling jobs formerly reserved for men, with 40 woman recruits additionally under contract for these jobs, the assistant commandant of the Marine Corps told reporters at the Pentagon on Tuesday.

A year and a half after all previously closed ground combat and special operations jobs across the Defense Department opened to women in keeping with a Pentagon mandate

These include two woman lieutenants who graduated with honors from Army Field Artillery School at Fort Sill, Oklahoma, in May 2016, and the Marines' first woman tank officer, 2nd Lt. Lillian Polatchek, who graduated at the top of the Army's Armor Basic Officer Leaders Course at Fort Benning, Georgia, in April.

There are at least three women currently serving in actual enlisted infantry jobs. The Marine Corps revealed in January that a woman rifleman, mortarman, and machine gunner were being assigned to 1st Battalion, 8th Marines, out of Camp Lejeune, North Carolina.

8/25/2017, *Woman Soldiers making more strides in combat career fields*, Joe Lacdan, Army News Service



This summer, women made history at Fort Benning, Georgia, graduating as the first woman cavalry scouts and M1 tank crew members.

The integration of women into armor and infantry began last year with officers leading the way so that woman leaders would be in place at units when the first woman enlisted arrived.

The Armor Basic Officer Leader Course at Fort Benning, Georgia, has graduated 32 woman Soldiers and one woman Marine from its three-phase program. Also at Fort Benning, 21 woman infantry officers graduated this year.

Eight enlisted women have graduated so far as 19D cavalry scouts at Fort Benning while 10 women completed M1 armor crewman training.

At the Army's prestigious Ranger School, seven woman graduates made the cut since April 2016.

In all, the Army opened 138,000 combat positions to women in 2016.

To date, 567 woman Soldiers have graduated from Fort Sill in artillery occupational specialties since the field was opened to women. A total of 601 women have become combat engineers after graduating from training at Fort Leonard Wood, Missouri since 2015.

9/26/2017, *US Marines get first woman infantry officer*,

A woman US Marine has made history by becoming the first woman to complete the Corps' famously gruelling infantry officer training.

10/15/2017, *Commission for modern military to consider skills-based draft, women's roles, millennial recruitment*, Rowan Scarborough - The Washington Times

A survey finds that 40 percent of American women approve of the idea of being included in the U.S. military draft.

Commission has an initial \$15 million budget

10/24/2017, *Pentagon advocates requiring women to sign up for military draft*, Rowan Scarborough - The Washington Times

The Pentagon says the country should stick with mandatory registration for a military draft, and it advocates a requirement for women to sign up for the first time in the nation's history. "It appears that, for the most part, expanding registration for the draft to include women would enhance further the benefits presently associated with the Selective Service System," the Pentagon report states.

The report says registration should stay because of a number of benefits.

For one, it sends a strong message to world adversaries that, if necessary, the U.S. can conduct a mass mobilization.

“Eliminating military selective service could be interpreted by adversaries of the United States as a potential weakness, thus emboldening existing or potential enemies,” the Pentagon says.

The report quotes Ronald Reagan, who referred to registration as an “insurance policy.”

## **Jihada Genesis**

Friday, February 2, 2001, Candlemas Eve, I was having dinner with my stockbroker, who was also a friend. At present, I no longer have a stockbroker because I have no stock thanks to my crooked stockbroker who, of course, is now an enemy.

But back then, I valued her advice and was trying to decide whether to try to get the Ho, my alien criminal wife, deported or just forget about her—chalk it all up to another revolting experience involving a girl.

Previously, a friend of mine and graduate of Harvard Law School, had convinced me not to perjure myself on an affidavit to the Immigration and Naturalization Service that the Ho and I were still happily married. That would have resulted in Immigration granting her a green card and she could then become a citizen in three years. As my friend said, “If you do, she and her immigration lawyer will always have something over you.”

So at dinner, I was trying to decide whether to push Immigration to deport her—which I thought at the time was likely, but now know was stupidity thanks to the Feminazis perversion of the law—or just forget it. At the time I was auditing math and physics courses at Columbia University in an effort to work my way to a PhD. I decided to forget it and concentrate on my studies.

After going home that night, there came a loud tapping, a rapping at my apartment door. It was two overly stuffed female cops who served me with a Temporary Order of Protection. The Order, issued by the Queens Family Court without my being present or even notified of the proceeding, said that if I contacted the Ho or came within a certain distance of her, intentionally or accidentally, I would go to jail—no ifs, ands, or buts.

The Ho's immigration lawyer had told her to obtain the Order so as to pressure me into signing the false affidavit for Immigration. The Ho told the Feminazi sycophant judge that I had threatened her with a gun and a knife—both false, and that I had bruised her arm—true. The bruise resulted in my using a martial arts move to disarm her when she came at me with a steak knife. Temporary orders of protection based on female lies—are females capable of anything but—are a favorite Feminazi tactic to invoke state violence against an innocent male. Being locked up without due process is clearly violent to one's liberty and may possibly result in worse.

During the remainder of the evening while I pondered dark and weary, I resolved to have my vengeance. Not just against the Ho and her immigration lawyer but more importantly the Feminazis who made such an abuse of government power possible. I would fight them until my last dollar, my last breath, and if there is anything after death, for eternity.



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Docket No. 03 CV 2717

-----X  
Roy Den Hollander

Plaintiff,

-against-

**COMPLAINT AND  
DEMAND FOR JURY TRIAL**

*Domestic*

Flash Dancers Topless Club  
Jay-Jay Cabaret, Inc.  
Cybertech Internet Strip Club Network  
Lynn Lepofsky-CEO Jay-Jay Cabaret, Inc.  
Barry-Night Manager Flash Dancers  
Kuba, Mundy & Associates  
Nicholas J. Mundy  
Peter Petrovich  
Alina A. Shipilina a.k.a. Chipilina a.k.a Angelina  
Doctor Marc L. Paulsen  
Anastasia Vasilyeva  
Dima-Husband Anastasia Vasilyeva  
John Madison or John Pierre  
Bob Henning-New York City Police Detective  
American Organized Crime Gang 1  
Flash Dancers Managers 1 to 5  
Flash Dancers Gangster 1  
California Pimp  
Other American Lap-Dancing Clubs

*Russia*

Khachatryan Araratovich Asypyan-Russian Organized Crime Boss  
Asypyan Criminal Association  
Volchok a.k.a. Woolfy-Russian Organized Crime Member  
Raketa a.k.a. Rocket-Russian Organized Crime Member  
The Albatross Club-Russian Organized Crime Social Club  
Alexey Smolin-Russian Organized Crime Member  
Baraev Islamic Terror and Crime Clan  
P. I. Ostapenko-Chief of the Investigation Office in the Department of Internal Affairs for  
Krasnodar, Russia  
Anna Pavlovna Kurilko-Chief of the Inquest Office in the Department of Internal Affairs  
for Krasnodar, Russia  
Olga Viktorovna Borisova-Investigator in the Inquest Office in the Department of  
Internal Affairs for Krasnodar, Russia  
Tatyanna Vasilyeva Fashion House  
Tatyanna Vasilyeva

Dmitri Morosov  
Rey-Krasnodar, Russia, Pimp  
Inessa A. Shipilina  
Vladimir Gavrilovich Minchenko-Vice Rector Krasnodar State Academy  
Phodes Studio Co.  
Leonid Perlin, President Phodes Studio Co.  
Tanya, Phodes Studio Prostitute  
Vladimir of St. Petersburg  
Albatross Club Gangster 1  
Krasnodar Briber 1  
Krasnodar Prostitutes 1 to 3  
Krasnodar State Academy Thugs 1 and 2  
Russian Criminal Gangs 1 to 5  
Chechen Criminal Gangs 1 to 2

*Cyprus*

Bank of Cyprus  
Stephanos-Bank Employee  
Melios Athanasiou Agencies  
IRINIS 182C Entertainment Company  
Melios Athanasiou-Owner and CEO Melios Athanasiou Agencies and IRINIS 182C  
Irina Athanasiou-Owner and Executive of Melios Athanasiou Agencies and IRINIS 182C  
Marios Athanasiou-Manager Zygots and Tramps Cabarets  
A. Charalambous-Cyprus Immigration Chief

*Mexico*

Julia Heart Agency  
Maria-Prostitute Recruiter for Julia Heart Agency  
The Men's Club, Mexico City  
Roberto & Rosa Elina Quilan-Managers Men's Club  
Max Gracia Appedole  
Juginta Raszyukevichina a.k.a. Azul  
Salvador-Partner Phodes Studio  
Alfredo Ibarra Sotelo  
Mexican Organized Criminal Gang 1

Defendants.

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## **I. Introduction and Summary**

1. The Russian International Crime Organization (the “**Enterprise**”) generates profits worldwide from numerous criminal activities that include without limitation drug trafficking, money laundering, tax evasion, immigration fraud, prostitution, pornography, white slavery, bribery, mail and wire fraud, murder, extortion, coercion and terror.

2. The current focus of the Enterprise (the “**Scheme**”) is to infiltrate and expand its illegal and ancillary legal activities into hard currency markets, especially the United States (“U.S.”), for the personal enrichment of the members of the Enterprise (the “**Members**”).
3. The Enterprise has damaged the plaintiff’s law and consulting business as well as drugged, defrauded, coerced and threatened the plaintiff with severe bodily harm.
4. The plaintiff’s business activities, physical well-being and life are currently at risk.
5. The plaintiff asks this court for immediate injunctive relief to protect him from physical harm and protect his efforts to reestablish his business free of interference from the Enterprise.

## **II. Subject Matter Jurisdiction**

6. This Honorable Court has subject matter jurisdiction because this action centers on a federal question under the civil enforcement provisions of the Racketeer Influenced and Corrupt Organizations Act (“RICO”), 18 U.S.C. 1961-68.
7. With respect to the foreign defendants, this Honorable Court has subject matter jurisdiction because their conduct abroad caused foreseeable and substantial effects within the U.S.

## **III. Personal Jurisdiction**

8. This Honorable Court has personal jurisdiction over each defendant as a result of a defendant having minimum contacts with New York, a defendant operating through an agent or a defendant’s conspiratorial contacts with other defendants in New York.

## **IV. Venue**

9. Venue is proper in this Honorable Court for each defendant because of a defendant operating through an agent in this forum, a defendant’s conspiratorial contacts with other defendants, a substantial part of the events that give rise to the claims against a defendant occurred and are occurring in this forum or in order to serve the ends of justice.

## **V. The Enterprise**

10. The Enterprise rose out of the ashes of the Soviet Union when the collapse of communism unleashed that empire’s restraints on organized crime, corrupt government officials, travel, trade, communication and emigration.



11. The Enterprise consists of domestic and foreign corporations, partnerships, individuals, government officials, law firms, organized crime gangs (including American, Russian and Chechen) and an Islamic terrorist and crime clan.
12. The Enterprise is an on going operation in which its members associate together for the purpose of engaging in illegal and legal activities in order to earn substantial profits.
13. A key aim of the Enterprise is to infiltrate and expand its activities in hard currency markets where profits are not threatened by inconvertibility of the local currency or drastic depreciations.
14. The relationships among the Enterprise's members are both formal, including agreements and chain of command authority, and informal in which the common objectives of the Enterprise, to infiltrate and grow in hard currency markets, controls decision-making.
15. This complaint concerns a portion of the Enterprise's activities in America, Russia, Cyprus and Mexico and some of its Members, the defendants, who are alleged to engage in money laundering, prostitution, pornography, white slavery, drug trafficking, bribery, tampering with witnesses and informants, obstructing justice, tax evasion, failure to report the transfer of funds overseas, mail and wire fraud, immigration violations, conspiracy to commit murder for hire and the use of the international facilities to assist in carrying out Enterprise activities.

## **VI. Members of the Enterprise**

### **A. Domestic Members**

16. Flash Dancers Topless Club is a lap-dancing nightclub located on Broadway in Manhattan.
17. Jay-Jay Cabaret owns Flash Dancers and at least two other topless lap-dancing clubs in Manhattan: Private Eyes and NY Dolls.
18. Jay-Jay Cabaret is a front for American Organized Crime Gang 1, the real owner and operator of the three topless clubs.
19. American Organized Crime Gang 1 operates a criminal conglomerate of prostitution, pornography, intimidation, immigration fraud, drug trafficking and money laundering through its topless clubs and the Internet site [www.flashdancersnyc.com](http://www.flashdancersnyc.com).
20. Lynn Lepofsky is the chairman or chief executive officer for Jay-Jay Cabaret.
21. Lepofsky carries out the orders of American Organized Crime Gang 1 and acts as its front in order to obtain liquor licenses from the New York State Liquor Authority.

22. Flash Dancers is used by American Organized Crime Gang 1 for funding its criminal operations, laundering money, recruiting prostitutes, promoting prostitution, recruiting pornography starlets, dispensing narcotics and immigration fraud.
23. Barry is the night manager of Flash Dancers from Monday to Friday and hires illegal aliens, promotes prostitution, arranges the use of physical force for intimidation, recruits lap-dancers for pornography distributed on [www.flashdancersnyc.com](http://www.flashdancersnyc.com) and oversees money laundering, immigration fraud and the distribution and surreptitious administering of narcotics to customers.
24. Cybertech Internet Strip Club Network (“Cybertech”) operates a call girl and pornographic web sight that can be accessed through various addresses, including [www.flashdancersnyc.com](http://www.flashdancersnyc.com).
25. Cybertech is the Internet outlet used to sell sexual services for a number of topless lap-dancing clubs in New York.
26. Cybertech is a front for American Organized Crime Gang 1.
27. Kuba, Mundy & Associates acts as consiliari and manager of U.S. immigration issues in New York for the Enterprise.
28. The law firm of Kuba, Mundy & Associates operates a green card and visa mill that fraudulently obtains U.S. visas, residency status and naturalization for, among other aliens, Russians.
29. Kuba, Mundy & Associates advises its clients to commit perjury before the U.S. Immigration and Naturalization Service, Internal Revenue Service, Customs Service and the New York State courts.
30. Kuba, Mundy & Associates uses coercion and intimidation against parties, witnesses and informants in judicial and administrative proceedings.
31. Kuba, Mundy & Associates participates in money laundering and the use of international facilities to aid a racketeering enterprise.
32. Nicholas J. Mundy is a partner in Kuba, Mundy & Associates who masterminds and directs that law firm’s illegal activities in order to acquire for the members, potential members and the human assets of the Enterprise U.S. visas, residency status and naturalization.
33. Peter Petrovich assists Mundy in executing the illegal activities necessary to import and keep in America Enterprise members, potential members and human assets.

34. Petrovich was born in Russia and admitted to practice law there but not in America although he acts as an attorney here anyway under the supervision of Mundy.
35. Alina A. Shipilina (which is her given name and the one used hereafter), also known as Alina Chipilina and also known as Angelina (stage name) was born in Russia, grew up in Chechnya and entered the profession of prostitution and stripping when a teenager.
36. Over the past decade, Alina Shipilina has become a lucrative member of the Enterprise by running prostitution, aiding pornography rings, laundering money, smuggling drugs and building relationships among Russian, Chechen and American organized crime groups.
37. Doctor Marc L. Paulsen, a licensed physician in California, produces pornography in Russia and imports it to southern California for distribution and sale.
38. Paulsen also imports Russian prostitutes to work in southern California lap-dancing clubs, brothels and the pornography film industry.
39. Paulsen operates under the pseudonym Wayne Williams.
40. Anastasia Vasilyeva co-manages a model agency in Krasnodar, Russia, that was founded and is co-managed by her mother, Tatyanna Vasilyeva, a famous personage in Southern Russia.
41. The model agency provides call girls to powerful Russian politicians and gangsters and sends prostitutes to brothels and lap-dancing clubs in Cyprus and other overseas locations, including America and Europe.
42. Anastasia's husband Dima, assists Anastasia in operating the agency's prostitution business that the two have recently expanded to Wisconsin as part of the Enterprise's continuing strategy to infiltrate western markets.
43. Dima is a Krasnodar organized crime figure.
44. The names John Madison and John Pierre are fictitious but used by the same currently unknown individual.
45. John Madison, or John Pierre, is a member of American Organized Crime Gang 1.
46. Madison or Pierre engages in intimidation, tampering with witnesses and government informants and the use of physical force.
47. Detective Bob Henning of the 114<sup>th</sup> Precinct in Queens, New York uses his police powers, in return for bribes or rewards, to assist other members of the Enterprise by tampering with government informants.

48. Flash Dancers Managers 1 and 2 organize and assist in secretly slipping narcotics to unsuspecting customers at that club.
49. Flash Dancers Managers 3 to 5 supervise John Madison or Pierre's intimidation, tampering with government informants and use of physical force.
50. Flash Dancers Gangster 1 restrained the plaintiff's process server under risk of physical injury.
51. California Pimp operated a lap-dancing club in southern California for which he imported Russian prostitutes from the Russian modeling agency Phodes Studio.
52. "Other American Lap-Dancing Clubs" conduct illegal and legal Enterprise activities in the U.S.

## **B. Russian Members**

53. Khachaturyan Araratovich Aspyan is a Krasnodar, Russia, crime boss with close connections to Ded Khasan, who is one of the king pins of organized crime in Russia.
54. Aspyan controls and manages one of the most powerful crime organizations headquartered in Southern Russia, herein referred to as the "Aspyan Criminal Association".
55. The Aspyan Criminal Association's operations in Russia and overseas earn profits from, among other activities and government and military corruption and theft, illicit arms dealing, narcotics trafficking, prostitution, white slavery, pornography, extortion, bribery, immigration and investment fraud, counterfeiting, money laundering, tax evasion, protection services and contract killings.
56. Volchok a.k.a. Woolfy is a Krasnodar crime leader who, among other activities and deals in protection, coercion, white slavery, pornography, immigration fraud, counterfeiting and the use of physical force.
57. Raketa a.k.a. Rocket is a Krasnodar crime leader who, among other activities and deals in protection, coercion, white slavery, pornography, immigration fraud, counterfeiting and the use of physical force.
58. The Albatross Club is an exclusive, secretive organization of powerful government officials and wealthy criminals that includes members of the Enterprise in Krasnodar.
59. The members of the Albatross Club control Krasnodar in a manner similar with the way Al Capone's gang once controlled Chicago.

60. The Albatross Club provides a mechanism for cooperation among organized criminals, division of the criminal markets, strategic planning and resolving inter-gang disputes in the Krasnodar region.
61. Alexey Smolin belongs to the Albatross Club, laundered money for members of the Enterprise through the Trioka Restaurant in Krasnodar and recruits and manages Russian females for prostitution in Russia, Europe and America.
62. Baraev Islamic Terror and Crime Clan was previously headed by the General of Chechnya's Special Islamic Regiment Arbi Baraev who specialized in kidnapping, extortion, narcotics and slavery and reportedly, in return for \$20 million from Osama Bin Laden, beheaded four Western telecommunication workers in 1998.
63. After Russian forces killed Arbi Baraev in the summer of 2001, his nephew Movsar Baraev took over as the Chechen fundamentalist mafia don.
64. Movsar Baraev led the taking of 700 hostages at a Moscow theater in October 2002 in which he and over a hundred Muscovites died.
65. P. I. Ostapenko is head of the Investigation Office in the Department of Internal Affairs for the Central District of Krasnodar who assisted in closing a criminal case against defendant Inessa Shipilina in return for money and regularly closes criminal cases against other members of the Enterprise in return for substantial bribes.
66. Anna Pavlovna Kurilko is chief of the Inquest Office in the Department of Internal Affairs for the Central District of Krasnodar who assisted in closing a criminal case against defendant Inessa Shipilina in return for money and regularly closes criminal cases against other members of the Enterprise in return for substantial bribes.
67. Olga Viktorovna Borisova is an investigator for the Inquest Office in the Department of Internal Affairs for the Central District of Krasnodar who assisted in closing a criminal case against defendant Inessa Shipilina in return for money and regularly closes criminal cases against other members of the Enterprise in return for substantial bribes.
68. Tatyanna Vasilyeva Fashion House (hereafter "the Vasilyeva Fashion House") is one of Krasnodar's premier model agencies that also provides call girl services to members of the Albatross Club.
69. The Vasilyeva Fashion House exports prostitutes to brothel and lap-dancing clubs in Cyprus and Europe and America.
70. Tatyanna Vasilyeva is a famous Krasnodar model that founded the Vasilyeva Fashion House.

71. Tatyanna Vasilyeva established the Vasilyeva Fashion House's call girl and prostitution exporting operations that are presently managed by her daughter Anastasia and Anastasia's husband Dima.
72. Dmitri Morosov is Krasnodar's most famous photographer of models for both legitimate and pornographic purposes.
73. Morosov produces pornographic photographs and videos that are exported to America and other overseas markets.
74. Rey is an agent that arranges for the selling of sexual services by many Krasnodar models to the city's gangsters and influential government officials.
75. Inessa Shipilina is the mother of Alina Shipilina and works as an instructor at the Krasnodar State Academy of Physical Culture where she recruits coeds for prostitution and male athletes for enforcers with the Enterprise.
76. Inessa Shipilina is affiliated with the Baraev Islamic Terror and Crime Clan.
77. Inessa Shipilina arranges for the use of physical force and coercion against persons in Krasnodar who interfere with Alina Shipilina's Enterprise activities.
78. Vladimir Gavrilovich Minchenko is Vice Rector of the Krasnodar State Academy of Physical Culture where he uses his position at the Academy and influence with government officials to assist Inessa Shipilina's recruitment of prostitutes and enforcers.
79. Phodes Studio Company is a Moscow model agency.
80. Phodes Studio sends prostitutes, hands-on lap-dancers and pornography starlets to Venezuela, Greece, Mexico and the United States; produces pornography for the Russian and overseas markets; runs a call girl operation in Moscow; occasionally shoots legitimate modeling gigs; operates an introduction agency to defraud Western men into relations and marriage with Russian prostitutes; and advertises some of its services and products on the Internet at [www.phodes.net](http://www.phodes.net).
81. Phodes Studio is protected by one of Moscow's powerful crime organizations, Russian Criminal Gang 1.
82. Leonid Perlin is the chief executive officer of Phodes Studio and manages its illegal and legal operations.
83. Tanya is a Phodes Studio prostitute who helped expand the Enterprise's operations in Mexico in 1999.
84. Vladimir of St. Petersburg provides physical protection for some members of the Enterprise in Russia and bribes Russian government officials to facilitate the transporting

of hard currency into Russia and narcotics out of the country to such places as New York City.

85. Vladimir of St. Petersburg travels extensively throughout Russia to recruit females for prostitution and provide assistance in transporting them to America.
86. Albatross Club Gangster 1 conducts some of the Enterprise's criminal activities in Krasnodar.
87. Albatross Club Gangster 1 counterfeits U.S. visas and alien registration cards, fraudulently obtains U.S. visas, exports Russian prostitutes and pornography to America.
88. Krasnodar Briber 1 delivers money to Krasnodar public officials so that the officials will violate their duties by providing government benefits to members of the Enterprise.
89. Krasnodar Prostitutes 1 to 3 formerly worked as prostitutes for the Vasilyeva Fashion House and now recruit Russian women for prostitution in America.
90. Krasnodar State Academy Thugs 1 and 2 (hereafter "Krasnodar Thugs 1 and 2") are employed by Member Vladimir Gavrilovich Minchencko.
91. Krasnodar Thugs 1 and 2 use physical force and coercion to carry out Member Minchenko's directives.
92. Russian Criminal Gang 1 protects Phodes Studio from other organized crime gangs and legal problems with government officials, including the police, by the use physical force, coercion and bribes.
93. Russian Criminal Gang 1 also provides Phodes Studio call girls with protection when working.
94. Russian Criminal Gangs 2 and 3 control the Zygos and Tramps brothel/lap-dancing clubs in Limassol, Cyprus.
95. Russian Criminal Gangs 2 and 3 obtain U.S. visas through fraud and bribery and counterfeit U.S. visas and alien registration cards in order to export prostitutes to America.
96. Russian Criminal Gangs 2 and 3 use prostitutes from their Zygos and Tramps brothels to produce pornography that is transported to America.
97. Russian Criminal Gang 4 sells narcotics in Krasnodar to Member Alina Shipilina who then arranges for its importation into America.

98. Russian Criminal Gang 5 uses coercion and physical force to prevent witnesses from testifying or cause witnesses to change their testimony in Krasnodar criminal proceedings.
99. Chechen Criminal Gang 1 uses coercion and physical force to prevent witnesses from testifying or cause witnesses to change their testimony in Krasnodar criminal proceedings.
100. Chechen Criminal Gang 2, sells narcotics in Krasnodar to Member Alina Shipilina who then arranges for its importation into America.

### **C. Cypriot Members**

101. The Bank of Cyprus participates in transferring overseas revenues from illegal Enterprise activities.
102. The Bank of Cyprus provides to members of the Enterprise financial accounts in Cyprus for the investment of money from criminal activities.
103. The Bank of Cyprus provides Enterprise members the service of transferring funds from criminal activities to other financial institutions in Cyprus and internationally.
104. Stephanos is an employee of the Bank of Cyprus or other financial institution in Cyprus where he assists members of the Enterprise in transferring and secreting their funds from criminal activities.
105. Melios Athanasiou and his Russian born wife, Irina, own and operate the Melios Athanasiou Agency (the “Athanasiou Agency”) and IRINIS 182C Entertainment Company (“IRINIS”) in Limassol, Cyprus.
106. The Athanasiou Agency and IRINIS recruit prostitutes from the Vasilyeva Fashion House to sell sexual favors in Cypriot brothel/lap-dancing clubs and the recruited prostitutes also perform sexual acts for pornographic materials.
107. The Athanasiou Agency and IRINIS also recruit prostitutes from Moldavia, Ukraine, Kazakhstan, Romania, Bulgaria, Poland and the Philippines to work as prostitutes and as starlets in pornography materials.
108. Athanasiou Agency and IRINIS obtain visas for foreign prostitutes to work in Cyprus by bribing Cypriot immigration officials.
109. A. Charalambous is a chief of immigration for Cyprus who accepts bribes from the Athanasiou Agency and IRINIS in return for providing Cypriot work visas to foreign prostitutes.



110. Marios Athanasiou, the brother of Melios, manages two brothel/lap-dancing clubs in Limassol, Cyprus—Zygos and Tramps—that are controlled by Russian Criminal Gangs 2 and 3.
111. Melios, Irina and Marios Athanasiou are members of Cypriot organized crime.
112. Melios, Irina and Marios Athanasiou export prostitutes and pornography to America.
113. Melios, Irina and Marios Athanasiou use bribery and counterfeiting to obtain U.S. visas and alien registration cards for prostitutes bound for America.

#### **D. Mexican Members**

114. The Julia Heart Agency finds work for foreign prostitutes in Mexican brothel/lap-dancing clubs.
115. The Julia Heart Agency bribes Mexican immigration officials for work visas for foreign prostitutes.
116. Maria is a Mexican headhunter for the Julia Heart Agency.
117. Maria places foreign prostitutes with brothel/lap-dance clubs in Mexico.
118. Maria bribes Mexican immigration officials for work visas for foreign prostitutes
119. Maria is a business partner of Phodes Studio in Moscow, which provides her with Russian prostitutes.
120. The Men's Club in Mexico City is an upscale brothel/lap-dance club that caters to wealthy Mexican and international clients and is a franchise of the United States Men's Club that has operations in Dallas and Houston, Texas and Charlotte, North Carolina.
121. Mexican Organized Criminal Gang 1 controls The Men's Club in Mexico City.
122. The Men's Club is managed by Roberto & Rosa Elina Quilan and employs illegal aliens as prostitutes and lap-dancers and bribes Mexican government officials in order to stay in operation, launders money and evades Mexican taxes.
123. Max Garcia Appedole obtains Mexican visas for foreign prostitutes who work at the Men's Club in Mexico City by bribing government officials.
124. Juginta Raszyukevichina, a.k.a. Azul (hereafter "Azul"), from Lithuania, operated in partnership with Member Alina Shipilina a call girl service for wealthy businessmen in Mexico that specialized in providing prostitutes for weekend trips to Mexican resort areas.

125. Azul presently operates her own prostitution business out of a bed and breakfast in the Netherlands.
126. Salvador is a business partner of Phodes Studio with which he imports Russian pornography and prostitutes into Mexico.
127. Alfredo Ibarra Sotelo runs a dried fruit export business in Mexico City called Grupo Ibarra Aisa that operates as a cover for narcotic trafficking.

## **VII. Enterprise's Operations Against the Plaintiff**

### **A. Enterprise Targets the Plaintiff**

128. On July 4, 1999, the plaintiff arrived in Moscow, Russia, on a six-month consultancy contract for the American security firm Kroll Associates.
129. Kroll Associates hired the plaintiff to manage and upgrade its Russian operations.
130. On a Friday night a few weeks after the plaintiff's arrival, the plaintiff unexpectedly came across a few partygoers on the grounds of the apartment building in which he was living.
131. Enterprise member Phodes Studio, which had its offices in the apartment building, sponsored the party.
132. At the time, the plaintiff did not know the nature of Phodes Studio's business or that it was an Enterprise member.
133. Member Leonid Perlin, President of Phodes Studio, invited the plaintiff into the main party area after determining that the plaintiff was an American.
134. Inside, Member Alina Shipilina introduced herself to the plaintiff at Member Perlin's behest.
135. Members Perlin and Alina Shipilina subsequently decided to target the plaintiff as part of the Enterprise's ongoing Scheme to infiltrate and expand its operations in the U.S.
136. Members Perlin and Alina Shipilina agreed to use the plaintiff as an unwitting means for Member Alina Shipilina to fraudulently enter America where she would participate in expanding the Enterprise's activities.
137. Member Alina Shipilina set out to win the devotion and cloud the mind of the plaintiff by secretly feeding him narcotics.

138. In addition, Member Alina Shipilina artfully elicited the plaintiff's compassion for her with false tales of hardship and struggle in trying to succeed as a legitimate model and dancer in post communist Russia.
139. In August 1999, Member Alina Shipilina returned to her hometown of Krasnodar, Russia to continue her long established prostitution business in that city about which the plaintiff was unaware of at the time.
140. While in Krasnodar, Member Alina Shipilina continued to cozenly ply the plaintiff through letters and telephone calls in furtherance of the Enterprise's Scheme.

**B. Enterprise Expands Prostitution Operations in Mexico While Pursuing Scheme Against the Plaintiff**

141. By the end of August 1999, the Enterprise had finalized arrangements to establish a branch in Mexico for prostitution and pornography.
142. Members Perlin and Alina Shipilina had made the logistical arrangements for the Enterprise's expansion.
143. Member Perlin communicated between Moscow and Mexico City via telephone and fax in arranging the logistics.
144. Member Alina Shipilina communicated with Member Perlin by telephone, fax and mail from Cyprus and Krasnodar, Russia in arranging her end of the logistics.
145. Members Perlin, Alina Shipilina and another Russian prostitute called Tanya provided bribes to Mexican embassy officials in Moscow to obtain visas for Mexico.
146. Mexican Member Maria of the Julia Heart Agency provided fake sponsors in Mexico to obtain working visas as translators for the two Russian prostitutes: Members Alina Shipilina and Tanya.
147. Member Alina Shipilina, before leaving for Mexico, implored the plaintiff to wait for her so as not to jeopardize the Enterprise's Scheme against the plaintiff.
148. Member Alina Shipilina told the plaintiff she had to go to Mexico to work as a legitimate model and dancer in order to earn enough money to buy her and her divorced mother, Member Inessa Shipilina, an apartment in the central part of Krasnodar, Russia.
149. In Mexico Members Perlin, Alina Shipilina and Tanya established business relations with Mexican organized crime, brothel/strip clubs and a private clientele of wealthy businessmen and politicians.
150. In September 1999, Member Maria arranged for Members Alina Shipilina and Tanya to work at the brothel/strip club called the "The Men's Club".

151. The Men's Club, through Alina Shipilina and Tanya, provided the Enterprise access to public officials and businessmen from Mexico, North America and other parts of the globe.
152. In Mexico Member Alina Shipilina expanded the Enterprise's operations by establishing a weekend service in which call girls, including herself and Azul, traveled to famous resorts with businessmen and politicians.
153. During the fall of 1999 while in Mexico, Member Alina Shipilina continued to advance the Enterprise's Scheme with respect to the U.S. by furthering her and Member Perlin's artifice against the plaintiff.
154. Member Alina Shipilina professed to the plaintiff falsehoods about her loneliness and false endearments in telephone calls and faxes.
155. On November 26, 1999, Members Alina Shipilina and Tanya were arrested by Mexican authorities for working without a visa and for promoting prostitution and engaging in prostitution.
156. Members Alina Shipilina and Tanya were jailed until November 29, 1999 when Mexican Immigration officials escorted them onto a flight back to Russia.
157. On November 30, 1999, Member Alina Shipilina smuggled approximately \$9,000 in the form of cash and traveler's checks into Russia from the Enterprise's Mexican operations.
158. Before Members Alina Shipilina and Tanya's deportation, the two regularly wired money from their part of the Enterprise's activities in Mexico to Member Perlin's off shore bank account.
159. In mid December 1999, in accordance with a previous arrangement made by Member Alina Shipilina, Member Ibarra smuggled into Russia the remaining \$18,000 of the Enterprise's revenues earned by Member Alina Shipilina's operations in Mexico.
160. Member Ibarra smuggled the money by using ATM cards and traveler's checks.
161. Member Ibarra also smuggled in a shipment of narcotics for the Enterprise that he turned over to member Alina Shipilina.
162. Members Perlin, Alina Shipilina and Tanya established an underground airway for transiting Enterprise Russian prostitutes to Mexico.
163. Members Perlin, Alina Shipilina and Tanya developed an influential and wealthy international clientele useful in furthering other Enterprise activities.

### **C. Enterprise's Scheme Fraudulently Gains Member Alina Shipilina Entry into America**

164. Members Alina Shipilina and Perlin pushed ahead full throttle with the Enterprise's Scheme against the plaintiff by focusing on acquiring Member Alina Shipilina U.S. residency status and subsequently naturalization through a fraudulent marriage to the plaintiff.
165. During December 1999 while the plaintiff worked in Moscow and Member Alina Shipilina was back in Krasnodar, Member Alina Shipilina used telephone calls, cards, and a visit to Moscow to tell imaginary tales about the honest and hard life she had lived and to make romantic pretenses in order to wheedle the plaintiff into marriage.
166. In her December visit, Member Alina Shipilina arrived in Moscow a few days earlier than the date she told the plaintiff in order to pick up the money and the narcotics smuggled into the country by Member Ibarra.
167. After repaying Member Ibarra for his assistance with a weekend of prostitution services at the Rossiya Hotel, Member Alina Shipilina promptly put on her mask of pretenses for the plaintiff and went to his office where she claimed to have arrived in town earlier that morning.
168. During Member Alina Shipilina's visit to Moscow, she surreptitiously put narcotics in the plaintiff's food so that the plaintiff would assume the euphoric feeling produced by the narcotics was the result of being with her.
169. Member Alina Shipilina subsequently invited the plaintiff to visit her home in Krasnodar to celebrate the new millennium with her and her mother, Member Inessa Shipilina.
170. Member Inessa Shipilina advised Member Alina Shipilina on strategy and tactics for furthering the Enterprise Scheme to trick the plaintiff into taking Member Alina Shipilina to America to conduct Enterprise activities.
171. During the Millennium visit, Member Inessa Shipilina hid the truth about Member Alina Shipilina and assisted Member Alina Shipilina in surreptitiously putting narcotics in the plaintiff's food in order to create a false feeling of comradeship in the plaintiff.
172. In Moscow, Krasnodar and on a short visit to America, Member Alina Shipilina played the devoted, loving partner and repeatedly and secretly fed the plaintiff narcotics.
173. In February 2000, the Enterprise's Scheme against the plaintiff took a major step closer to fruition when the plaintiff and Member Alina Shipilina set a marriage date for March, which would follow the end of the plaintiff's consultancy contract with Kroll Associates.

174. In March 2000 in Krasnodar, about five days before the wedding ceremony, the plaintiff began to sense that his future wife was not being fully candid with him and told Member Alina Shipilina he was considering canceling the wedding.
175. The next day Member Alina Shipilina began surreptitiously putting "salt and sugars" into the plaintiff's food, which she had obtained from a Krasnodar source.
176. The plaintiff suffered symptoms of narcotic poisoning.
177. The "salt and sugars" Member Alina Shipilina secretly put in the plaintiff's food were narcotics.
178. Member Alina Shipilina put narcotics in the plaintiff's food in order to muddle his thinking and weaken his will so that he would not call off the wedding on which the Enterprise's Scheme against the plaintiff depended.
179. Member Alina Shipilina used the narcotics on the plaintiff to assure that she would be able to obtain U.S. residency status and subsequently naturalization as the plaintiff's wife, which would enable her to set up and conduct Enterprise activities in America.
180. Member Alina Shipilina often secretly slipped the plaintiff narcotics in an effort to befuddle the plaintiff's thinking and use their addictive characteristic to make the plaintiff feel addicted to her.
181. Member Alina Shipilina put the plaintiff in danger of grave harm and death by giving him narcotics without Member Alina Shipilina knowing whether they would cause allergic reactions or exceed the plaintiff's tolerance level.
182. On March 11, 2000, after days of secretly feeding the plaintiff "salts and sugars" the plaintiff married Member Alina Shipilina in Krasnodar.
183. In Member Alina Shipilina's own words:
- "And on Saturday, March 11, 2000, we registered our marriage. It was merry! I [Alina Shipilina] did not accept it very seriously; for me it was only business."
184. Weeks after the wedding the plaintiff could not even remember what his wife had worn at the ceremony because of the narcotics secretly fed him. (Only later in wedding photographs did the plaintiff see that his wife had worn black.)
185. After the marriage Member Alina Shipilina continued to secretly feed the plaintiff narcotics on various occasions to make sure he remained in the dark as to the Enterprise's Scheme.

186. The next step in the Enterprise's Scheme was for Member Alina Shipilina to obtain an immigrant visa to America based on her fraudulent marriage to the plaintiff.
187. Obtaining the visa took about two and a half months, from March to May 2000, required gathering documents, filing a number of forms with the U.S. Immigration and Department of State offices at the Embassy in Moscow and an interview conducted by U.S. Immigration at the Embassy.
188. During this period, the plaintiff put his law and consulting business on hold while waiting in Moscow for Member Alina Shipilina's visa.
189. Unknown to the plaintiff, the Enterprise had a contingency plan if its fraudulent scheme in obtaining Member Alina Shipilina a visa to the U.S. was not successful. In Member Alina Shipilina's own words:
- “What will happen if I [Alina Shipilina] will not receive a visa to America? I will go—with Leonid's [Leonid Perlin] help—to Greece or Venezuela.”
190. In order to obtain a visa, admission to the U.S. as a conditional permanent resident and eventually permanent residency and naturalization, Member Alina Shipilina lied on her visa petition filed with the U.S. Immigration and Naturalization Service (hereafter “the INS”) at the Embassy in Moscow.
191. On INS Biographic Information Form G-325A, Member Alina Shipilina intentionally omitted reporting as her occupations: promoting prostitution, prostitution, money laundering and narcotics trafficking.
192. In May 2000, also in order to obtain a visa, admission to the U.S. as a conditional permanent resident and eventually permanent residency and naturalization, Member Alina Shipilina falsely swore to the truth of the information on her immigrant visa application: U.S. Form 230, Parts I & II: Questionnaire For an Immigrant Visa and Registration Number, which was filed with the U.S. State Department office at the U.S. Embassy in Moscow.
193. Member Alina Shipilina perjured herself in her answers to the following questions on Form 230:
- a. Part I, Question 11, she intentionally omitted her occupations in promoting prostitution, prostitution, money laundering and narcotics trafficking.
  - b. Part I, Question 21, she intentionally lied by stating her occupation in Cyprus was that of an “artist” when in actuality she engaged in prostitution, promoting prostitution, money laundering and narcotics trafficking.
  - c. Part II, Question 33 (b)
    - i. She intentionally lied by denying that she intended to enter the U.S. to engage in prostitution.

- ii. She intentionally lied by denying that she worked as a prostitute within the past 10 year.
    - iii. She intentionally lied by denying that she attempts to and procures prostitutes.
    - iv. She intentionally lied by denying that she attempted to and procured prostitutes within the past 10 years.
    - v. She intentionally lied by denying that she receives money from prostitution.
    - vi. She intentionally lied by denying that she engaged in drug trafficking.
  - d. Part II, Question 34, she intentionally failed to report that she was arrested and imprisoned in Mexico in November 1999.
194. In April 2000, the month before Member Alina Shipilina obtained her U.S. visa, the Enterprise expanded its procurement of prostitutes through an arrangement between Members Perlin and Alina Shipilina in which Member Alina Shipilina began recruiting prostitutes from Krasnodar for the Enterprise's operations in Mexico.
195. From May 19 to 23, 2000, Member Alina Shipilina traveled to Milan, Florence and Venice, Italy to engage in prostitution with Member Ibarra.
196. While in Italy, Member Alina Shipilina picked up from Member Ibarra a shipment of narcotics for enhancing sexual pleasure, which she tested on herself, and brought back to Russia for the Enterprise to distribute.
197. On May 31, 2000, Member Alina Shipilina received an immigrant visa to travel to the United States.
198. In June 2000, the plaintiff learned of adulterous affairs by Member Alina Shipilina but still did not know about her true profession or the Enterprise's Scheme against the plaintiff in which Member Alina Shipilina would assist in expanding Enterprise activities in America.
199. The plaintiff returned to New York City without Member Alina Shipilina.
200. Member Alina Shipilina called the plaintiff's Moscow home number, former work number and New York number repeatedly in an effort to salvage the Enterprise's Scheme against the plaintiff.
201. In at least two telephone calls between Krasnodar and New York, Member Alina Shipilina falsely promised to be faithful, "Roy please give me one last chance. I will correct mistake," pretended remorse, "I very big sorry," and, true to form, elicited sympathy, "Before you I had nothing."
202. In June and July 2000, Member Alina Shipilina also sent a letter and post card from Russia to the plaintiff in America with false words of love, understanding and harmony.



203. Member Alina Shipilina's misrepresentations were intended to lull the plaintiff so that the Enterprise's Scheme could move forward.
204. The plaintiff accepted Member Alina Shipilina's statements as true and forgave her for what he believed were only adulterous affairs and brought her to America.
205. On July 10, 2000, the Enterprise's Scheme against the plaintiff succeeded in gaining Member Alina Shipilina entry into America.
206. On the same day that Member Alina Shipilina entered the U.S., she brought with her an amount of narcotics from Krasnodar.
207. Member Alina Shipilina entered America as a "conditional permanent resident", a status that lasted for two years after which she applied for "permanent residency" in 2002 with the assistance of Member Nicholas J. Mundy.
208. Member Alina Shipilina is currently on a one-year extension of her conditional permanent residency and has not yet received permanent residency status from the INS.
209. After Member Alina Shipilina receives permanent residency status, she may apply for citizenship in five years.
210. As of July 2000, the Enterprise's Scheme had so far been successful but was still not home free.
211. Member Alina Shipilina was now a conditional permanent resident but not as safe from deportation as a permanent resident or naturalized citizen.
212. The Enterprise Scheme's aim of Member Alina Shipilina working diligently to expand the Enterprise's activities in America would not be fully secure until she obtained permanent residency and citizenship.

#### **D. Aim of Enterprise's Scheme Is Threatened**

213. In July 2000, Member Alina Shipilina began working as a lap-dancer at Flash Dancers Topless Club in Manhattan over the plaintiff's objections.
214. On or about August 2000, the plaintiff became suspicious of Member Alina Shipilina's involvement in prostitution when she began secretly contacting Flash Dancer customers over the plaintiff's telephone.
215. The plaintiff confronted Member Alina Shipilina who denied engaging in prostitution.

216. Member Alina Shipilina continued slipping narcotics into the plaintiff's meals in order to divert him from learning more about her activities as part of the Enterprise.
217. In August 2000, the plaintiff launched an investigation that continues to the present day and ended up diverting him from his law and consulting business for two years.
218. In September 2000, Member Alina Shipilina visited Krasnodar and Cyprus from where she sent post cards to the plaintiff in New York expressing false sentiments in an effort to protect the Enterprise's Scheme by lulling the plaintiff.
219. Also while in Krasnodar and Cyprus and to protect the Enterprise's Scheme, Member Alina Shipilina used telephone conversations with the plaintiff in New York to lull him.
220. In October 2000, the plaintiff, as a result of his initial investigation, realized his wife's true occupation and reason for marrying him but was still under aware of the Enterprise's Scheme.
221. The plaintiff told Member Alina Shipilina that he wanted a separation and divorce.
222. Member Alina Shipilina enlisted the assistance of the New York and New Jersey law firm Kuba, Mundy & Associates, also a Member of the Enterprise, to prevent any separation or divorce from interfering with her becoming a permanent resident and eventually a naturalized citizen.
223. At the end of October 2000, the plaintiff and Member Alina Shipilina met with Member Peter Petrovich at Kuba, Mundy & Associates concerning the impact of a separation and divorce on Member Alina Shipilina's immigrant status.
224. Member Petrovich, after consulting with Member Mundy, advised Member Alina Shipilina and the plaintiff that the plaintiff would have to sign a fraudulent affidavit for the INS in order to avoid problems with Member Alina Shipilina becoming a permanent resident.
225. Member Petrovich also advised both to lie to the INS by stating the separation occurred in 2001 instead of 2000 in order to avoid the INS questioning the bona fides of a marriage that dissolved in the same year it was entered.
226. In November 2000, after consulting with an attorney, the plaintiff told Member Alina Shipilina he would not lie to the INS in order to assure her receiving permanent residency and eventually naturalization.
227. From July to November 2000, Member Alina Shipilina used the U.S. post and international telephone system to consult with Member Inessa Shipilina on ways to lull

the plaintiff into assisting Member Alina Shipilina in acquiring permanent residency and eventually naturalization.

#### **E. Enterprise's Illegal Activities to Protect its Scheme**

228. In November Members Mundy, Petrovich and Alina Shipilina agreed to use illegal and legal means to force the plaintiff to lie to the INS in order to protect the Enterprise's Scheme and prevent the plaintiff from eventually exposing the Enterprise's activities through his investigation.
229. On December 13, 2000, Member Alina Shipilina intentionally filed a false report with the 114<sup>th</sup> Police Precinct in Queens, New York at the direction of Members Mundy and Petrovich.
230. In the report, Member Alina Shipilina falsely accused the plaintiff of extortion and making threats.
231. Member Alina Shipilina, however, refused to press charges at that time.
232. Members Mundy and Petrovich directed Member Alina Shipilina to hold off on pressing the false charges so that at the appropriate time the existence of the report combined with the threat to press charges could be used by the Enterprise to intimidate the plaintiff into lying to the INS.
233. On or about December 2000, Member Alina Shipilina told the plaintiff during a telephone conversation that she would reward him for helping her stay in the U.S.
234. In December 2000 or January 2001, Members Mundy, Petrovich and Alina Shipilina agreed to obtain a temporary order of protection—also based on falsehoods—against the plaintiff in order to pressure the plaintiff into lying to the INS.
235. On January 28, 2001, the plaintiff met with Member Alina Shipilina in order to separate their joint HMO policy.
236. Members Mundy, Petrovich and Alina Shipilina agreed before that January 28<sup>th</sup> meeting to have Member Alina Shipilina threaten the plaintiff with physical harm and even death from her Russian criminal associates in order to scare the plaintiff into lying to the INS.
237. At the January 28<sup>th</sup> meeting, Member Alina Shipilina threatened the plaintiff with physical harm and possibly death from her Russian criminal associates unless he agreed to lie to the INS for her.
238. The plaintiff refused to comply with Member Alina Shipilina's threats.

239. On January 31, 2001, one year to the day that the plaintiff proposed marriage to Member Alina Shipilina, Member Alina Shipilina obtained a temporary order of protection based on false testimony in an ex parte court proceeding.
240. Just six days after issuance of the temporary order of protection, Member Mundy sent the plaintiff a letter threatening commencement of “difficult” divorce proceedings unless the plaintiff met to resolve the issues.
241. When viewed in the context of the temporary order of protection obtained through perjured testimony and the previous threat of harm made by Member Alina Shipilina, the Mundy letter was meant to intimidate the plaintiff into lying before the INS.
242. On February 20, 2001, the plaintiff responded by serving an action for divorce/annulment.
243. In February or March 2001, Members Mundy, Petrovich and Alina Shipilina agreed to modify their tactics for accomplishing the Enterprise’s Scheme by focusing on intimidating the plaintiff to agree to a divorce settlement in order to avoid a trial that threatened to expose the Enterprise’s Scheme and its activities.
244. A trial would produce evidence of Member Alina Shipilina’s fraud on the INS, U.S. tax evasion, money laundering, violation of foreign transactions reporting, prostitution, promoting prostitution, narcotics trafficking and perjury that would threaten the Enterprise’s Scheme and risk exposure of Enterprise activities in which Member Alina Shipilina was involved.
245. In March 2001, Member Mundy attempted to intimidate the plaintiff out of going to trial by lying to the plaintiff’s divorce attorney that Mundy possessed medical records showing the plaintiff had beaten Member Alina Shipilina.
246. The plaintiff pressed on for a trail.
247. On March 14, 2001, the plaintiff had a complaint and summons, issued by a Queens, New York court, served on Member Alina Shipilina while giving lap-dances at Flash Dancers.
248. The complaint concerned previous threats of physical harm made by Member Alina Shipilina against the plaintiff.
249. Member Alina Shipilina, standing at six feet five inches in her heels, physically grabbed hold of the five foot eight inch tall process server and slammed her hand holding the complaint and summons into the process server’s chest.
250. Member Alina Shipilina, joined by Flash Dancers Gangster 1, both physically barred the process server from leaving the club.

251. Members Alina Shipilina and Flash Dancers Gangster 1 tried to intimidate the process server into taking back the papers.
252. The process server refused and he was finally allowed to leave.
253. In March 2001, the plaintiff notified the INS of Member Alina Shipilina 's intentional misrepresentations and omissions to the INS and the Department of State in order for her to obtain entry into America.
254. Sometime after March, Members Mundy, Petrovich and Alina Shipilina agreed to bribe an INS agent or agents in New York City to prevent deportation of Member Alina Shipilina.
255. Sometime after March, Members Mundy, Petrovich and Alina Shipilina bribed an INS agent or agents in New York City to prevent deportation of Member Alina Shipilina.
256. In April and June 2001, the plaintiff traveled to Member Alina Shipilina's home city, Krasnodar, Russia, in order to authenticate documents and discover information and potential witnesses in preparation for a divorce/annulment trial.
257. While searching for potential witnesses at the college where Member Alina Shipilina previously attended and taught, Member Vladimir Gavrilovich Minchenko, Vice Rector of the Krasnodar Academy of Physical Culture, and Academy Thugs 1 and 2 forced the plaintiff and his female translator under the threat of physical injury to Member Minchenko's office.
258. Member Minchenko roughly grabbed the translator's upper arm and pulled her up the stairs to his office while Academy Thugs 1 and 2 menacingly directed the plaintiff to follow with the two of them walking closely behind the plaintiff.
259. In Member Minchenko's office, the plaintiff and his translator were held against their will for nearly an hour of interrogation.
260. While in Member Minchenko's office, Member Minchenko tried to reach Member Inessa Shipilina by telephone.
261. During the interrogation, the plaintiff explained, among other matters, the evidentiary need to authenticate the handwriting of Member Alina Shipilina's diary for a divorce trial and requested a sample of her writing from the academy's files.
262. Member Minchenko initially agreed but subsequently did not produce the samples in order to prevent the authentication of the handwriting in Member Alina Shipilina's diary.
263. Member Minchenko informed Member Inessa Shipilina about the plaintiff's discovery efforts in Krasnodar.

264. Member Inessa Shipilina informed Member Alina Shipilina about the plaintiff's discovery efforts in Krasnodar.
265. Members Mundy, Petrovich, Alina Shipilina, and Inessa Shipilina agreed that Inessa Shipilina, who was outside the personal jurisdiction of the New York State Supreme Court, would, with the assistance of Enterprise gangsters in Krasnodar, conduct a campaign of threats and intimidation to prevent witnesses from providing testimony to any U.S. authorities, including the New York divorce court.
266. Member Inessa Shipilina's campaign instilled fear in witnesses by threatening to falsely accuse them of a crime and having corrupt police officials file criminal charges against them.
267. Member Inessa Shipilina instilled fear in witnesses by threatening them with physical injury from the Baraev Islamic Terror and Crime Clan or Russian Criminal Gang 5 or Chechen Criminal Gang 1.
268. Member Inessa Shipilina arranged for the Enterprise's Baraev Islamic Terror and Crime Clan or Russian Criminal Gang 5 or Chechen Criminal Gang 1 to threaten witnesses with physical injury.
269. Member Alexey Smolin assisted in preventing the discovery of evidence useful to the INS or a New York State court by orchestrating a cover up among various people knowledgeable about Member Alina Shipilina and Enterprise activities.
270. In an effort to stop the obstruction of the plaintiff's discovery by Enterprise members, the plaintiff hired a Krasnodar attorney to request assistance from the local prosecutor.
271. The Krasnodar prosecutor pursued a case of criminal defamation against Member Inessa Shipilina for slandering the plaintiff in carrying out the campaign to prevent witnesses from testifying.
272. The Krasnodar prosecutor indicted Member Inessa Shipilina on January 25, 2002, for criminal defamation, but long before then, the plaintiff's witnesses had been intimidated into silence.
273. In July 2001, the Enterprise made another attempt to intimidate the plaintiff into foregoing a trial in the divorce/annulment action when Member Mundy lied to the plaintiff's lawyer that Mundy had access to an audiotape of the plaintiff trying to extort money from Member Alina Shipilina.
274. The plaintiff continued his preparations for a trial.

275. On or about July 2001, Members Mundy, Petrovich and Alina Shipilina agreed to submit a false net worth statement for Member Alina Shipilina to the New York State Supreme Court in the divorce/annulment proceeding.
276. The net worth statement required by the court was falsified in order to hide most of Member Alina Shipilina's income from Enterprise activities on which she intentionally paid no taxes and smuggled out of the country.
277. The falsified net worth statement was submitted in the divorce/annulment proceedings on or about August 2001.
278. In October 2001, the plaintiff learned that his attorney at a preliminary conference on July 26, 2001 in the divorce/annulment proceeding had disregarded the plaintiff's instructions and agreed to settle the divorce/annulment action.
279. At a compliance conference on October 4, 2001, the divorce court judge told the parties that if the plaintiff wanted to try to set aside his prior attorney's agreement to settle, then the plaintiff would have to make a motion for a trial.
280. Following the October 4<sup>th</sup> conference, Members Mundy, Petrovich and Alina Shipilina agreed to have an organized crime member threaten the plaintiff in order to dissuade him from filing a motion for a trial.
281. Member Alina Shipilina and Member Barry, Flash Dancers' Night Manager, or Flash Dancers Manager 3 arranged for Member Madison to make a threatening telephone call to the plaintiff.
282. On October 19<sup>th</sup> in the evening, a man using the name John Madison called the plaintiff's mobile telephone and in a threatening tone of voice left a message that warned the plaintiff against pursuing the legal proceedings against Member Alina Shipilina.
283. Under the circumstances, the plaintiff interpreted the threat as referring to the motion for a trial and that if he went ahead with the motion, Member Madison would cause the plaintiff physical harm.
284. The threatening telephone call made the plaintiff fearful for his physical safety, so he decided against making a motion for a trial and settled the case in November 2001.
285. The Enterprise learned in late January or early February 2002 of the criminal indictment in Krasnodar of Member Inessa Shipilina for defaming the plaintiff.
286. The Enterprise learned in the first part of February or earlier that the INS office at the U.S. Embassy in Moscow had initiated an investigation into Member Alina Shipilina for possible deportation.

287. Enterprise Members Mundy, Petrovich and Alina Shipilina once again agreed to use a member of organized crime to intimidate the plaintiff into withdrawing his cooperation with the Krasnodar prosecutor and the INS at the Embassy in Moscow.
288. Member Alina Shipilina and Member Barry, Flash Dancers' Night Manager, or Flash Dancers Manager 4 arranged for Member John Pierre, to make a threatening telephone call to the plaintiff.
289. On February 6, 2002, in the evening, a man using the name John Pierre called the plaintiff's mobile and left a threatening message warning the plaintiff: "...cease and desist with your actions against Alina Shipilina," "I know everything about you," "...you disgust me," "...I'm very much available," "You better get your act together...", "... you at this point in time have crossed several boundaries that cause for a lot of red flags to wave in the air...", and, "That's it—leave her alone! Have a nice day."
290. Under the circumstances, the exceedingly menacing tone of voice and text of the call made clear to the plaintiff that if he did not cease and desist cooperating with the INS in Moscow and the Krasnodar prosecutor, then serious physical harm would befall him.
291. Member Madison and Member Pierre are the same person whose real name is unknown to the plaintiff.
292. Although shaken and fearful, the plaintiff continued to cooperate with the INS and the Krasnodar prosecutor.
293. On or about March 2002, Members Mundy, Petrovich, Alina Shipilina, Inessa Shipilina and the Enterprise's Baraev Islamic Terror and Crime Clan or Russian Criminal Gang 5 or Chechen Criminal Gang 1 agreed to have members of one of these organizations threaten witnesses into recanting their testimony against Member Inessa Shipilina in the Krasnodar criminal defamation case.
294. Members Mundy, Petrovich and Alina Shipilina used the international telephone and transportation systems to arrange for threatening witnesses into recanting their testimonies against Member Inessa Shipilina.
295. Members Mundy, Petrovich and Alina Shipilina used the international system for transferring money to move funds from America to Russia in order to pay for the threatening of witnesses.
296. The funds used to pay for the threatening of witnesses came from illegal Enterprise activities in the U.S.
297. Witnesses in the criminal case received threats from the Enterprise's Baraev Islamic Terror and Crime Clan or Russian Criminal Gang 5 or Chechen Criminal Gang 1, which caused many of the witnesses to recant their testimonies against Member Inessa Shipilina.



298. On or about March 2002, Enterprise Members Mundy, Petrovich, Alina Shipilina and Inessa Shipilina agreed to bribe Krasnodar officials to close the criminal case against Member Inessa Shipilina.
299. The money for the bribe came from illegal Enterprise activities in the U.S.
300. Members Mundy, Petrovich and Alina Shipilina used the international telephone and transportation systems to arrange for the payment of the bribe.
301. Members Mundy, Petrovich and Alina Shipilina used the international system for transferring money to move funds from America to Russia in order to pay the bribe.
302. Member Alina Shipilina or Inessa Shipilina or Krasnodar Briber 1 paid around \$10,000 to Members Ostapenko, Kurilko and Borisova of the Department of Internal Affairs in Krasnodar to close the criminal case.
303. On or about March 2002, the criminal case against Member Inessa Shipilina was closed.
304. Members Ostapenko, Kurilko and Borisova's closing of the criminal case kept hidden from the public evidence of the Enterprise's Scheme and its operations.
305. Members Ostapenko, Kurilko and Borisova continue to prevent the prosecution of cases in Krasnodar that would expose the Enterprise's operations.
306. On or about March 2001, Members Mundy, Petrovich, and Alina Shipilina agreed to influence or reward Queens Detective Bob Henning for threatening the plaintiff with arrest in order to intimidate the plaintiff into ceasing his cooperation with the INS in Moscow and preventing him from trying to reopen the Krasnodar criminal case against Member Inessa Shipilina.
307. Members Mundy, Petrovich or Alina Shipilina provided Member Henning with bribes or rewards in the form of money or sexual services from Member Alina Shipilina for agreeing to contact the plaintiff to threaten him with arrest in order to stop the plaintiff from cooperating with the INS in Moscow or reopening the Member Inessa Shipilina case.
308. On March 27, 2002, in the Kafkaesque hours before 9 a.m., Member Henning telephoned the plaintiff at his unlisted home number, which was known by Member Alina Shipilina.
309. Member Henning told the plaintiff that because of a complaint recently made by Member Alina Shipilina about an alleged violation of a temporary order of protection, the plaintiff would have to surrender for arrest at a time worked out with the plaintiff's attorney.

310. The temporary order of protection referred to by Member Henning was the one that Member Alina Shipilina obtained by testifying falsely in an ex parte hearing in January 2001.
311. That temporary order of protection had been dismissed nine months earlier in July 2001.
312. Member Henning could not explain why the plaintiff was to be arrested nine months after the temporary order of protection had been dismissed.
313. The plaintiff's attorneys, at a cost of \$3500, contacted Member Henning who could not specify the charge under which the plaintiff was to be arrested.
314. Member Henning decided not to arrest the plaintiff on the previously agreed to date and told the plaintiffs attorney that he referred the matter to the Queens District Attorney's Computer Crime Division.
315. Member Henning communicated with Member Alina Shipilina, Mundy or Petrovich concerning the intimidation tactic through means that included interstate or international telephone calls.
316. Members Mundy, Petrovich and Alina Shipilina also agreed in March to keep the intimidation pressure on the plaintiff by having Member Madison or Pierre, make another threatening telephone call to the plaintiff.
317. Member Alina Shipilina and Member Barry, Flash Dancers' Night Manager or Flash Dancers Manager 5 arranged for Member Madison or Pierre to make another threatening telephone call to the plaintiff.
318. On March 27, 2002, in the evening, a man calling himself John Pierre telephoned the plaintiff and threatened him not to testify before the INS or try to reopen the Krasnodar criminal case.
319. In late July or early August 2002 while in Krasnodar, Member Alina Shipilina contracted with the Enterprise's Aspyan Criminal Association in Krasnodar to use any means necessary, including murder, to keep the plaintiff from testifying before any INS proceeding that might occur concerning member Alina Shipilina.

## **VIII. Other Criminal Operations by the Enterprise that Impact the U.S.**

### **A. Krasnodar, Russia Nexus**

320. Enterprise Members Alexey Smolin, Khachatryan A. Aspyan, Volchok, Raketa, Alina Shipilina, Albatross Club and Albatross Club Gangster 1 agreed in March

2000 that once Member Alina Shipilina obtained U.S. residency they would begin building an operation for transporting prostitutes, pornography and narcotics to America.

321. Enterprise Members Smolin, Aspyan, Volchok, Raketa, Alina Shipilina, Albatross Club and Albatross Club Gangster 1 agreed in March 2000 that Member Alina Shipilina would smuggle or arrange for smuggling profits out of America from the prostitution, pornography and narcotics operations.
322. Members Smolin, Aspyan, Volchok, Raketa, Alina Shipilina, Albatross Club and Albatross Club Gangster 1 currently transport prostitutes, pornography and narcotics from Krasnodar to America.
323. Members Smolin, Aspyan, Volchok, Raketa, Alina Shipilina, Albatross Club and Albatross Club Gangster 1 bribe U.S. government employees to acquire U.S. visas for Enterprise prostitutes.
324. Members Smolin, Aspyan, Volchok, Raketa, Alina Shipilina, Albatross Club and Albatross Club Gangster 1 arrange for counterfeiting U.S. visas and alien registration cards for Russian prostitutes to enter and work in America.
325. Members Smolin, Aspyan, Volchok, Raketa, Alina Shipilina, Albatross Club and Club Gangster 1 counsel and assist Russian prostitutes to make false statements on their visa petitions or applications.
326. Members Flash Dancers Topless Club, Jay-Jay Cabaret, Lepofsky, Flash Dancers Managers 1 to 5 and Barry, Cybertech Internet Strip Club Network, and American Organized Crime Gang 1 entered into an agreement in 2000 with Members Smolin, Aspyan, Volchok, Raketa, Alina Shipilina, Albatross Club and Club Gangster 1 for the importation of prostitutes, pornography and narcotics into the U.S.; providing sponsors, petitioners and employers on visa applications for Russian prostitutes; and recruiting and hiring Russians unlawfully admitted to the U.S.
327. Members Flash Dancers Topless Club, Jay-Jay Cabaret, Lepofsky, Flash Dancers Managers 1 to 5 and Barry, Cybertech, American Organized Crime Gang1 and other American lap-dancing clubs sign on as sponsors, petitioners and employers in order to obtain visas for Russian prostitutes.
328. Members Flash Dancers Topless Club, Jay-Jay Cabaret, Lepofsky, Flash Dancers Managers 1 to 5 and Barry, Cybertech, American Organized Crime Gang 1 and other American lap-dancing clubs certify, swear or declare as true information concerning Russian prostitutes that is intentionally false or omits facts in order to obtain the visas.
329. Members Flash Dancers Topless Club, Jay-Jay Cabaret, Lepofsky, Flash Dancers Managers 1 to 5 and Barry, Cybertech, American Organized Crime Gang1 and other American lap-dancing clubs employ the imported prostitutes to sell sexual services to

club customers and Internet subscribers to [www.flashdancersnyc.com](http://www.flashdancersnyc.com) and other Internet sites.

330. Enterprise photographer Dmitri Morosov supplies much of the Krasnodar pornography that Members Smolin, Aspyan, Volchok, Raketa, Alina Shipilina, Albatross Club and Albatross Club Gangster 1 transport to America.
331. The Krasnodar pornography is sold and distributed on the Cybertech Internet site [www.flashdancernyc.com](http://www.flashdancernyc.com) and other Internet sites by Members Flash Dancers Topless Club, Jay-Jay Cabaret, Lepofsky, Flash Dancers Managers 1 to 5 and Barry, Cybertech, American Organized Crime Gang1 and other American lap-dancing clubs.
332. Member Alina Shipilina regularly smuggles into America narcotics that she obtains from the Enterprise's Baraev Islamic Terror and Crime Clan or Chechen Criminal Gang 2 or Russian Criminal Gang 4 in the Krasnodar region, which includes part of the Russian Caucasus.
333. In 2000, Members Barry, Flash Dancers' Night Manager, Flash Dancers Managers 1 and 2 and Alina Shipilina agreed to surreptitiously feed imported narcotics to the prostitution and lap-dancing customers at Flash Dancers in order to keep them returning.
334. Members Barry, Flash Dancers' Night Manager, Flash Dancers Managers 1 and 2 and Alina Shipilina secretly slip narcotics to the prostitution and lap-dancing customers at Flash Dancers.
335. Member Alina Shipilina personally smuggles or arranges for the smuggling out of America some of the profits from the Krasnodar supply of prostitutes, pornography and narcotics.
336. Member Alina Shipilina does not file the required reports for transporting over \$10,000 out of the U.S.
337. Member Alina Shipilina makes telephone calls from New York to Krasnodar concerning the Enterprise's Krasnodar operations of supplying prostitutes, pornography and narcotics to America.
338. Member Alina Shipilina periodically travels to Krasnodar for meetings with Smolin, Aspyan, Volchok, Raketa and Albatross Club Gangster 1 concerning the Enterprise's Krasnodar operations of supplying prostitutes, pornography and narcotics to America.
339. Member Alina Shipilina began her career with the Enterprise in the early 1990s when, after moving from Grozny, Chechnya, she enrolled her name on what Krasnodar models call the "dirty girls list" at the Vasilyeva Fashion House.

340. The “dirty girls list” offered up a selection of prostitutes to powerful politicians and wealthy organized crime figures.
341. Member Alina Shipilina in the mid 1990s expanded the Enterprise’s prostitution and pornography activities in Krasnodar.
342. Member Alina Shipilina procured additional prostitutes, among them Krasnodar Prostitutes 1 to 3, for the Enterprise and employed a marketer or pimp named Rey to increase business in Krasnodar.
343. The Enterprise’s Krasnodar Prostitutes 1 to 3 presently help Member Alina Shipilina recruit prostitutes for export to the U.S.
344. Member Rey continues to pimp many Krasnodar models for the Enterprise by selling their sexual services to local gangsters and influential government officials.
345. Member Rey provides models for transportation to America to work as prostitutes for the Enterprise.
346. Member Rey provides models to perform in pornography produced in Krasnodar by the Enterprise for the U.S. market.
347. Member Alina Shipilina still provides personalized prostitution services to some Members of the Enterprise’s Albatross Club when she returns to Krasnodar from New York City every two or three months.
348. The Enterprise’s Vasilyeva Fashion House still provides call girl services in Krasnodar through its “dirty girls list.”
349. The Enterprise’s Vasilyeva Fashion House obtains most of its revenue from recruiting Russian females to work as prostitutes in Russia and overseas.
350. In 2001 Members Anastasia Vasilyeva and her husband Dima expanded the Vasilyeva Fashion House’s prostitution supply services to America when they obtained U.S. residency status and set up shop in Greenfield, Wisconsin.
351. Members Anastasia Vasilyeva and her husband Dima provided the INS and Department of State with materially false information in order to obtain their visas and entry into the U.S.
352. Members Anastasia Vasilyeva and her husband Dima import Russian prostitutes into America, in part, by smuggling them across the Canadian border.
353. Members Anastasia Vasilyeva and her husband Dima intentionally provide the INS with false information or omit facts in order to obtain visas for some of their imported prostitutes.

354. Members Anastasia Vasilyeva and her husband Dima promote prostitution in Wisconsin and other states.

355. Members Anastasia Vasilyeva and her husband Dima travel within the U.S. and overseas in order to promote, manage and carry on the Vasilyeva Fashion House's prostitution business.

## **B. Moscow, Russia Nexus**

356. Member Alina Shipilina expanded her Enterprise prostitution services outside of Krasnodar in the late 1990s by advertising on the Internet and commuting periodically to Moscow for prostitution, hands-on lap dancing and pornography arranged for by Member Phodes Studio.

357. Member Phodes Studio, at Member Alina Shipilina's direction, advertised her sexual services on the Phodes web site and elsewhere by using naked pictures of her taken by the company's president, Member Perlin.

358. Member Phodes Studio periodically held and continues to hold Friday night parties that are attended by American executives working in Moscow; Russian gangsters, politicians and businessmen; and Phodes Studio models and prostitutes.

359. Member Alina Shipilina attended many of these parties.

360. In the late 1990s, Member Alina Shipilina also traveled to Moscow in order to find an American man to take her to America where she could assist in expanding the Enterprise's activities.

361. Members Alina Shipilina and Perlin agreed to further the Enterprise's activities in America by finding Member Alina Shipilina an American to fraudulently marry.

362. Member Perlin personally introduced Alina Shipilina to Americans in Moscow and included her on the Phodes Studio "Introduction" web site at the time.

363. The Phodes Studio "Introduction" web site used and uses, currently at [www.phodes.net](http://www.phodes.net), the Internet to duplicitously advertise Russian prostitutes as honest and decent women wanting to marry an American and raise a family in the U.S.

364. Member Perlin generally charges the unsuspecting American thousands of dollars to meet a number of his clandestine prostitutes from whom to choose a wife or a girl friend.

365. Member Phodes Studio has defrauded American men out of tens of thousands of dollars.

366. The “Introduction” web site is also a means by which the Enterprise maintains its fifth column in America for carrying out its criminal activities.
367. In the late 1990s, Member Perlin agreed with an American official at the United States Embassy in Moscow to pay the official bribes in return for U.S. work and travel visas for some of Member Perlin’s Russian prostitutes.
368. Member Perlin bribed the Embassy official with around \$3,000 to \$4,000 per visa.
369. Member Perlin instructed his prostitutes to make false statements or omit facts in order to obtain U.S. visas.
370. Member Perlin arranged with his business allies in the U.S. to provide or act as sponsors, petitioners and employers in which false or omitted information was intentionally used to obtain visas and entry into the U.S. for some of Member Perlin’s prostitutes

### **C. California, U.S.A. Nexus**

371. Member Perlin entered an agreement with Enterprise Member California Pimp in which California Pimp would assist in obtaining visas for Phodes Studio prostitutes and import them to California to work as prostitutes, lap-dancers and pornography starlets.
372. Member California Pimp ran a brothel/lap-dancing club in southern California.
373. Member Perlin obtained visas for a number of his prostitutes through the assistance of Member California Pimp.
374. Member California Pimp intentionally made materially false statements or omitted information as the sponsor, petitioner or employer when obtaining visas for some of Member Perlin’s prostitutes.
375. These prostitutes traveled to California where they worked for Member California Pimp who controlled and harbored them while they engaged in prostitution, lap dancing and pornography.
376. Also centered in California Member Paulsen imports, distributes and sells pornography videos made with Russian prostitutes under contract to member Perlin and the Red Star model agency.
377. Members Perlin, Marc L. Paulsen and Alina Shipilina, in the fall of 1998, produced a masturbation video at Phodes Studio in Moscow in which member Alina Shipilina starred.
378. Member Paulsen imported the video to California.

379. Member Paulsen distributed the video in California and other states while Member Perlin sold it in Russia and over the Internet.
380. On one occasion, U.S. Customs interdicted Member Paulsen importing pornography videos into America when he returned from one of his trips to Moscow.

#### **D. Cyprus Nexus**

381. The Enterprise's Russian Criminal Gang 2 and 3 operated and continue to operate at least two brothel/strip clubs in Limassol, Cyprus: Zygos and Tramps.
382. Marios, Melios and Irina Athanasiou use the Enterprise's Athanasiou Agency and IRINIS as fronts for importing prostitutes and hands-on lap dancers from the Vasilyeva Fashion House and from other model agencies in Krasnodar.
383. The Enterprise's Athanasiou Agency and IRINIS also recruit prostitutes and hands-on lap dancers from other regions of Russia and the countries of Moldavia, Ukraine, Kazakhstan, Rumania, Bulgaria, Poland and the Philippines.
384. Member Marios Athanasiou periodically flies from Cyprus to Krasnodar to distribute the cash profits from the clubs to the Enterprise's Russian Criminal Gangs 2 and 3.
385. The Enterprise's Athanasiou Agency and IRINIS acquire visas for foreign prostitutes and hands-on lap dancers by bribing Cypriot immigration officials, in particular, Member A.Charalambous, a chief immigration officer.
386. Because prostitution is against the law in Cyprus, the visas falsely categorize the prostitutes as "artist(s)".
387. Member Alina Shipilina traveled to Cyprus in December 1998 to work as part of the Enterprise's network of Russian prostitutes earning hard currency overseas.
388. Members Anastasia Vasilyeva and her husband Dima of the Vasilyeva Fashion House made arrangements with Members Melios, Irina and Marios Athanasiou in Cyprus for Member Alina Shipilina and another Vasilyeva model to work as prostitutes and hands-on lap dancers at Zygos or Tramps.
389. Before beginning work, Member Alina Shipilina required a Cypriot doctor's certificate stating she was free of venereal disease and AIDS.
390. Zygos, where Member Alina Shipilina worked, offers a menu of sexual services for which an employee usually receives a third of the price for a sex act plus a daily salary. The menu includes "vaginal intercourse" 60 Cypriot pounds, "oral intercourse" 20 pounds and masturbation 10.



391. In addition to selling sex at Zygos, Member Alina Shipilina cut her own private deals with club customers for sex outside of the brothel.
392. Zygos' manager, Member Marios Athanasiou, complained at the time about Member Alina Shipilina cheating the club out of money through her private deals.
393. A prostitute at Zygos can net around \$7,000 a month.
394. During Member Alina Shipilina's prostitution in Cyprus, she arranged for Enterprise members traveling back to Russia to smuggle her profits to Member Inessa Shipilina in Krasnodar.
395. Member Alina Shipilina returned to Krasnodar in June 1999 with thousands of dollars in cash and gifts that she failed to declare to Cypriot and Russian customs.
396. Member Alina Shipilina, who stands at over six feet tall and around a 145 pounds, hid the cash inside her body, the heels of her shoes and the lining in her suitcases.
397. During Member Alina Shipilina's sojourn in Cyprus, she maintained contact with Member Perlin of Phodes Studio in Moscow about business opportunities for her sexual services or Americans interested in marrying a Russian.
398. In July 1999, Member Perlin notified Member Alina Shipilina of additional business opportunities for her sexual services in Moscow.
399. Member Alina Shipilina traveled to Moscow where she appeared in another pornography video for Phodes Studio and performed at a couple of private business affairs as a prostitute.
400. Member Alina Shipilina also met the plaintiff on her July 1999 trip to Moscow.
401. In September 2000 members Marios, Melios and Irina Athanasiou, Alina Shipilina, Inessa Shipilina and Russian Criminal Gangs 2 and 3 agreed to export prostitutes from Zygos and Tramps to America.
402. Members Flash Dancers Topless Club, Jay-Jay Cabaret, Lepofsky, Flash Dancers Managers 1 to 5 and Barry, Cybertech and American Organized Crime Gang 1 entered into an agreement in the Fall of 2000 with Members Marios, Melios and Irina Athanasiou, Alina Shipilina, Inessa Shipilina and Russian Criminal Gangs 2 and 3 for the importation of prostitutes and pornography into the U.S.; providing sponsors, petitioners and employers on visa applications for Russian prostitutes; and recruiting and hiring Russians unlawfully admitted to the U.S.

403. Members Marios, Melios and Irina Athanasiou, Alina Shipilina, Inessa Shipilina and Russian Criminal Gangs 2 and 3 presently transport prostitutes from Zygos and Tramps to America.
404. A key juncture in the underground airway of prostitutes from Russia to Cyprus to the U.S. is Member Charalambous, a chief in Cypriot Immigration.
405. Member Charalambous permits the Enterprise to import Russian prostitutes into Cyprus, arranges for the prostitutes to receive Cypriot papers that hide their true occupation and uses his contacts with American immigration to subsequently expedite travel visas to America for the Enterprise's prostitutes.
406. Members Marios, Melios and Irina Athanasiou, and Russian Criminal Gangs 2 and 3 bribe U.S. employees to acquire visas for the prostitutes to travel to America.
407. Members Marios, Melios and Irina Athanasiou, and Russian Criminal Gangs 2 and 3 arrange for the counterfeiting of U.S. visas and alien registration cards so that their prostitutes can enter and work in America.
408. Members Flash Dancers Topless Club, Jay-Jay Cabaret, Lepofsky, Flash Dancers Managers 1 to 5 and Barry, Cybertech, American Organized Crime Gang 1 and other American lap-dancing clubs act as sponsors, petitioners and employers for obtaining visas for the Cypriot prostitutes.
409. Members Flash Dancers Topless Club, Jay-Jay Cabaret, Lepofsky, Flash Dancers Managers 1 to 5 and Barry, Cybertech, American Organized Crime Gang 1 and other American lap-dancing clubs certify, swear or declare as true information concerning Russian prostitutes that is false or omits facts in order to obtain the visas.
410. Members Flash Dancers Topless Club, Jay-Jay Cabaret, Lepofsky, Flash Dancers Managers 1 to 5 and Barry, Cybertech, American Organized Crime Gang 1 and other American lap-dancing clubs hire the imported prostitutes to sell sexual services to club customers and Internet subscribers through [www.flashdancersnyc.com](http://www.flashdancersnyc.com) and other Internet sites.
411. In the year 2001, Members Marios, Melios and Irina Athanasiou, Alina Shipilina, Inessa Shipilina and Russian Criminal Gangs 2 and 3 agreed to produce pornography for export to America by using prostitutes from Zygos and Tramps.
412. Members Marios, Melios and Irina Athanasiou, Alina Shipilina, Inessa Shipilina and Russian Criminal Gangs 2 and 3 export pornography to the U.S.
413. The pornography is sold and distribute on the Cybertech Internet site [www.flashdancernyc.com](http://www.flashdancernyc.com) and other sites by the Enterprise's American Organized Crime Gang 1.

- 414. Member Alina Shipilina smuggles and arranges for smuggling out of America some of the profits from the Cypriot supplied prostitutes and pornography.
- 415. Member Alina Shipilina does not file reports on transporting over \$10,000 of this money out of the country at a time.
- 416. Member Alina Shipilina makes telephone calls from New York to members in Krasnodar and Cyprus concerning the Enterprise's importing of prostitutes and pornography from Cyprus.
- 417. Member Alina Shipilina periodically travels from New York to Krasnodar and Cyprus for meetings with other members of the Enterprise concerning importing prostitutes and pornography from Cyprus.

#### **E. Mexico Nexus**

- 418. Member Perlin exports Russian prostitutes to Mexico with the assistance of his Mexican partners, Members Maria and the Julia Heart Agency.
- 419. Members Maria and the Julia Heart Agency import prostitutes from Russia, Eastern Europe, South America and other parts of the world to engage in prostitution for the Enterprise in Mexico.
- 420. Members Maria and the Julia Heart Agency obtain working visas for the prostitutes under the guise of translators or other legitimate occupations.
- 421. Members Maria and the Julia Heart Agency bribe Mexican immigration officials to obtain working visas for alien prostitutes.
- 422. Members Maria and the Julia Heart Agency find positions for the prostitutes in the Enterprise's brothel/lap-dancing clubs in Mexico, such as "The Men's Club".
- 423. Members Maria and the Julia Heart Agency recruit and transport some of the Russian and Eastern European prostitutes across the Mexican border with the U.S. to work for the Enterprise as prostitutes, lap-dancers and pornography starlets in America.
- 424. Members Roberto & Rosa Elina Quilan manage an Enterprise brothel/lap-dancing club in Mexico City—The Men's Club.
- 425. Member Mexican Organized Crime Gang 1 controls The Men's Club.
- 426. Members Roberto & Rosa Elina Quinlan and Mexican Organized Crime Gang 1 recruit and transport some of the prostitutes that work for The Men's Club into America to work for the Enterprise as prostitutes, lap dancers and pornography starlets.

427. Member Max Gracia Appedole assists in the transportation of prostitutes from The Men's Club into America by bribing Mexican army officials to allow the transportation of the prostitutes across Mexico's northern border.
428. Member Azul recruits females from Europe to work as prostitutes for the Enterprise at The Men's Club and in the U.S.
429. In the fall of 1999, Member Alina Shipilina earned tens of thousands of dollars for the Enterprise and herself by providing sexual services in Mexico while working at The Men's Club.
430. Member Alina Shipilina's prostitution services included renting herself, Member Azul and others to wealthy businessmen for weekend trips to resorts such as Acapulco, Cancun and Puerto Vallarta.
431. Member Perlin exports pornography produced at Phodes Studio in Moscow to Mexico with the assistance of a Mexican partner called Salvador.
432. Member Salvador transports some of the Phodes pornography into the U.S. to be distributed and sold by the Enterprise.
433. Member Alfredo Ibarra Sotelo, a well-known client of The Men's Club, and his company Grupo Ibarra Aisa transport narcotics from Mexico into the U.S., Europe and Russia for the Enterprise and participate in the distribution of the narcotics in those countries.

#### **F. United States Nexus**

434. Members Flash Dancers Topless Club, Jay-Jay Cabaret, Lepofsky, Flash Dancers Managers 1 to 5 and Barry and American Organized Crime Gang 1 hire illegal Russian immigrants and Russian prostitutes to work as lap dancers and prostitutes.
435. Members Flash Dancers Topless Club, Jay-Jay Cabaret, Lepofsky, Flash Dancers Managers 1 to 5 and Barry and American Organized Crime Gang 1, in order to increase the club's business, promote prostitution among its lap dancers and customers.
436. Members Flash Dancers Topless Club, Jay-Jay Cabaret, Lepofsky, Flash Dancers Managers 1 to 5 and Barry and American Organized Crime Gang 1 do not report to the Commissioner of Immigration and Naturalization that the club hires aliens for the purpose of prostitution and other immoral acts.
437. Members Flash Dancers Topless Club, Jay-Jay Cabaret, Lepofsky and American Organized Crime Gang 1's communications with the New York State Liquor Authority fraudulently concealed the prostitution activities conducted through Flash Dancers Topless Club.

438. Members Flash Dancers Topless Club, Jay-Jay Cabaret, Lepofsky and American Organized Crime Gang 1 misrepresented on their 1996 "license changes application" to the New York State Liquor Authority that the only type of business carried on at Flash Dancers Topless Club was dancing.
439. Members Flash Dancers Topless Club, Jay-Jay Cabaret, Lepofsky and American Organized Crime Gang 1 misrepresented on their 1996 "license changes application" to the New York State Liquor Authority that the only person holding an interest in the Flash Dancers Topless Club was Member Lepofsky.
440. Flash Dancers Topless Club, Jay-Jay Cabaret, Lepofsky, Flash Dancers Managers 1 to 5 and Barry and American Organized Crime Gang 1 falsely represent to the U.S. and New York State tax authorities that the club's lap-dancers work as independent contractors when they are actually employees.
441. Flash Dancers' night shift has at least 75 lap-dancers working every night of the year with the average dancer netting \$500 a night.
442. Flash Dancers Topless Club, Jay-Jay Cabaret, Lepofsky, Flash Dancers Managers 1 to 5 and Barry and American Organized Crime Gang 1's false reporting that its lap-dancers are independent contractors results in nearly \$13 million in cash revenue earned by the lap-dancers going unreported and untaxed each year.
443. As an example, Member Alina Shipilina grossed around \$275,000 from July 2000 to July 2002, just from lap dancing.
444. Member Alina Shipilina failed to report most of her cash revenue for the tax year 2000 when she listed her gross income as only \$18,861.
445. Member Alina Shipilina also failed to report most of her revenue for the year 2001 and 2002.
446. Member Alina Shipilina temporarily stores the cash proceeds of illegal and legal Enterprise activities in safe deposit box number 14699 at the Citibank branch located at 411 Fifth Avenue, New York, New York.
447. Member Alina Shipilina periodically smuggles revenues from illegal and legal Enterprise activities in amounts of over \$10,000 out of the U.S.
448. Member Alina Shipilina smuggles monetary instruments out of the U.S. on or inside her person or by arranging for other persons to transport the funds or by depositing amounts on her credit cards or ATM cards that allow her to withdraw the funds when overseas.

449. Alina Shipilina has taken the following known trips overseas and transferred funds from illegal and legal Enterprise activities in the amount of over \$10,000 on each trip:
- a. September 2 to September 29, 2000, traveled via Aeroflot from New York City to Moscow then to Krasnodar, Russia, and then Limassol, Cyprus.
  - b. December 18, 2000 to January 18, 2001, traveled from New York City to Moscow then to Krasnodar, Russia, and to St. Petersburg, Russia, and Cyprus.
  - c. Mid-April to mid-May 2001, traveled to Moscow and Krasnodar, Russia, and Limassol, Cyprus.
  - d. August 6 to September 12, 2001, traveled to Moscow and Krasnodar, Russia, and to St. Petersburg, Russia, and Cyprus.
  - e. Late December 2001 to January 28, 2002, traveled to Moscow, St. Petersburg and Krasnodar, Russia, and to Cyprus.
  - f. In July and August 2002 traveled to Moscow, St. Petersburg and Krasnodar, Russia, and Cyprus.
450. Member Alina Shipilina deposits some of the money she smuggles overseas into her Global Equity Fund, account number 54660, at the Bank of Cyprus branch located at 282 Aigos Fylaeos, Aiga Fyaa 3083, Limassol, Cyprus.
451. Member Alina Shipilina failed to report her Bank of Cyprus account on her Federal income tax return for the year 2000.
452. Member Alina Shipilina failed to report her Bank of Cyprus account on her Federal income tax returns for the years 2001 and 2002.
453. Member Stephanos, a bank employee in Limassol, Cyprus, began in September 2000 along with Member Alina Shipilina to disguise the source and ownership of proceeds from illegal Enterprise activities in the U.S., avoid U.S. taxes and reporting requirements, and promote illegal Enterprise activities.
454. Member Stephanos uses his banking connections to transport funds from illegal Enterprise activities in the U.S. to places overseas such as Cyprus.
455. Member Stephanos uses the international telephone and wire system to distribute the proceeds of illegal Enterprise activities in the U.S. into the overseas accounts of Member Alina Shipilina and other Enterprise Members.
456. Member Bank of Cyprus conducts financial transactions with proceeds represented to be from illegal Enterprise activities in the U.S. in order to disguise the source and ownership of the proceeds and facilitate the avoidance of U.S. reporting requirements and the promotion of illegal Enterprise activities.
457. Member Bank of Cyprus conducts some of the financial transactions out of its New York City office that involve proceeds represented to be from illegal Enterprise activities in the U.S.

458. Member Bank of Cyprus uses the international telephone and wiring system to distribute the proceeds from illegal Enterprise activities in the U.S. into overseas accounts of Enterprise Members.
459. On February 22, 2001, Member Alina Shipilina falsely swore to be a U.S. citizen when she registered to vote in federal and state elections in order to obtain a voter registration card that along with other documents can be used to create the mask of citizenship.

#### **G. St. Petersburg, Russia Nexus**

460. On or about December 2000, Member Alina Shipilina and Member Vladimir entered an agreement by which Member Vladimir would assist Member Alina Shipilina in smuggling U.S. dollars into Russia, smuggling narcotics into America and recruiting Russian females to work as prostitutes in the U.S.
461. In late December 2001 or early January 2002, Member Vladimir of St. Petersburg arranged for Member Alina Shipilina to be escorted through Russian customs without having to report the tens of thousands of U.S. dollars she carried from America to Russia.
462. Member Vladimir continues to arrange for Member Alina Shipilina to smuggle tens of thousands of U.S. dollars into Russia without reporting to Russian customs.
463. Member Vladimir of St. Petersburg arranged for two Enterprise members, one with Russia's Airport Intelligence and the other with Russia's Organized Crime Department, to escort Member Alina Shipilina through Russian customs so as to prevent customs from checking her bags for narcotics when she flew back to New York City on January 28, 2002.
464. Member Vladimir continues to arrange for Member Alina Shipilina to smuggle narcotics from Russia to America.
465. Member Vladimir frequently travels from St. Petersburg to the Black Sea area under the cover of selling jewelry in order to disguise his operations of recruiting Russian females to work as prostitutes for the Enterprise in America.

### **IX. Defendants Predicate Acts**

#### ***America***

Defendants Flash Dancers Topless Club, Jay-Jay Cabaret, Lepofsky, Flash Dancers Night Manager Barry, Flash Dancers Managers 1 to 5, Madison or Pierre, Flash Dancers Gangster 1, Cybertech and American Organized Crime Gang 1:

466. Members Flash Dancers Topless Club, Jay-Jay Cabaret, Lepofsky, Flash Dancers Managers 1 to 5 and Barry, Cybertech and American Organized Crime Gang 1 operations include white slavery in violation of 18 U.S.C. 2421 and importing aliens for immoral purposes in violation of 8 U.S.C. 1328.
467. Members Flash Dancers Topless Club, Jay-Jay Cabaret, Lepofsky, Flash Dancers Managers 1 to 5 and Barry, Cybertech and American Organized Crime Gang 1 engage in fraud and the misuse of visas in violation of 18 U.S.C. 1546 by intentionally making material misrepresentations in order to maintain their supply of Russian prostitutes and lap-dancers.
468. Members Flash Dancers Topless Club, Jay-Jay Cabaret, Lepofsky, Flash Dancers Managers 1 to 5 and Barry, Cybertech and American Organized Crime Gang 1 aid and abet fraud and the misuse of visas in violation of 18 U.S.C. 1546 by assisting Russian females in intentionally making material misrepresentations.
469. Members Flash Dancers Topless Club, Jay-Jay Cabaret, Lepofsky, Flash Dancers Managers 1 to 5 and Barry, Cybertech and American Organized Crime Gang 1 failure to report to the INS on alien prostitutes working at Flash Dancers and through the Internet violates 18 U.S.C. 2424.
470. Members Flash Dancers Topless Club, Jay-Jay Cabaret, Lepofsky, Flash Dancers Managers 1 to 5 and Barry, Cybertech and American Organized Crime Gang 1's importation by mail or otherwise for sale and distribution of pornography violates 18 U.S.C. 1461, 1462 & 1465.
471. Members Flash Dancers Topless Club, Jay-Jay Cabaret, Lepofsky, Flash Dancers Managers 1 to 5 and Barry, Cybertech and American Organized Crime Gang 1 engage in the predicate acts in ¶s 466 to 470 to raise revenues for the operation of the Flash Dancers Club, the Cybertech Network and other Enterprise activities and to receive money to establish Enterprise activities, 18 U.S.C. 1962(a); to maintain control over part of the Enterprise's activities or acquire additional activities, 18 U.S.C. 1962(b); and to manage the affairs of part of the Enterprise, 18 U.S.C. 1962(c).
472. Members Flash Dancers Topless Club, Jay-Jay Cabaret, Lepofsky, Flash Dancers Managers 1 to 5 and Barry, Cybertech and American Organized Crime Gang 1 agreed to commit the predicate acts in ¶s 466 to 470 in furtherance of a conspiracy to make money for the Enterprise, maintain control over part of the Enterprise's activities or acquire other activities and manage the affairs of part of the Enterprise in violation of 18 U.S.C. 1962(d).
473. Members Flash Dancers Topless Club, Jay-Jay Cabaret, Lepofsky and American Organized Crime Gang 1's fraudulent concealment from the N.Y. State Liquor Authority of prostitution activities and the true owners of Flash Dancers Topless Club constituted mail fraud under 18 U.S.C. 1341.



474. Members Flash Dancers Topless Club; Jay-Jay Cabaret, Lepofsky and American Organized Crime Gang 1 engaged in the predicate acts in ¶ 473 to raise revenues for the operation of the Flash Dancers Club, the Cybertech Network and other Enterprise activities and to maintain control of and conduct the affairs of part of the Enterprise in violation of 18 U.S.C. 1962(a), (b) & (c).
475. Members Flash Dancers Topless Club; Jay-Jay Cabaret, Lepofsky and American Organized Crime Gang 1 agreed to commit the predicate acts in ¶ 473 in furtherance of a conspiracy under 18 U.S.C. 1962(d) to violate 18 U.S.C. 1962(a), (b) & (c).
476. Members Flash Dancers Topless Club; American Organized Crime Gang 1; and Flash Dancers Managers Barry, 1 and 2 acquire and dispense narcotics in violation of 21 U.S.C. 841 and 952.
477. Members Flash Dancers Topless Club; American Organized Crime Gang 1; and Flash Dancers Managers Barry, 1 and 2 engage in the predicate acts in ¶ 476 to maintain control of and conduct the affairs of part of the Enterprise in violation of 18 U.S.C. 1962(b) & (c).
478. Members Flash Dancers Topless Club; American Organized Crime Gang 1; and Flash Dancers Managers Barry, 1 and 2 agreed to commit the predicate acts in ¶ 476 in furtherance of a conspiracy under 18 U.S.C. 1962(d) to violate 18 U.S.C. 1962(b) & (c).
479. Members Flash Dancers Managers Barry, 3, 4 or 5's efforts to silence the plaintiff constituted tampering with a witness and informant in violation of 18 U.S.C. 1512.
480. Members Flash Dancers Managers Barry, 3, 4 or 5 engaged in the predicate acts in ¶ 479 to maintain control of and manage part of the Enterprise's affairs in violation of 18 U.S.C. 1962(b) & (c).
481. Members Flash Dancers Managers Barry, 3, 4 or 5 agreed to commit the predicate acts in ¶ 479 in furtherance of a conspiracy under 18 U.S.C. 1962(d) to violate 18 U.S.C. 1962(b) & (c).
482. Member John Madison or Pierre's three threatening telephone calls to the plaintiff constituted tampering with a witness and informant in violation of 18 U.S.C. 1512.
483. Member John Madison or Pierre engaged in the predicate acts in ¶ 482 in order to assist the Enterprise in maintaining control of and conducting a segment of its operations in violation of 18 U.S.C. 1962(b) & (c).
484. Member John Madison or Pierre agreed to commit the predicate acts in ¶ 482 in furtherance of an Enterprise conspiracy under 18 U.S.C. 1962(d) to violate 18 U.S.C. 1962(b) & (c).

Kuba Mundy & Associates, Mundy and Petrovich

- 485. Member Kuba, Mundy & Associates' alien registration and visa mill operations play a key role in the white slave trade in violation of 18 U.S.C. 2421 and importing aliens for immoral purposes in violation of 8 U.S.C. 1328.
- 486. Member Kuba, Mundy & Associates' alien registration and visa mill operations participate in fraud and misuse of visas in violation of 18 U.S.C.1546 and the procurement of nationality unlawfully in violation of 18 U.S.C. 1425.
- 487. Member Kuba, Mundy & Associates use of coercion, intimidation and knowing participation in the threats of physical force against witnesses and informants constitutes tampering in violation of 18 U.S.C. 1512.
- 488. Member Kuba, Mundy & Associates engages in the predicate acts in ¶s 485 to 487 to obtained revenues for its operation as an interstate law firm, to maintain its interest in the Enterprise and conduct its role in the affairs of the Enterprise in violation of 18 U.S.C. 1962(a), (b) & (c).
- 489. Member Kuba, Mundy & Associates agreed to engage in the predicate acts in ¶s 485 to 487 in furtherance of an Enterprise conspiracy under 18 U.S.C. 1962(d) to violate 18 U.S.C. 1962(a), (b) & (c).

Mundy

- 490. Member Mundy's direction over the alien registration and visa mill operations of Kuba, Mundy & Associates plays a key role in the white slave trade in violation of 18 U.S.C. 2421 and importing aliens for immoral purposes in violation of 8 U.S.C. 1328.
- 491. Member Mundy's complicity in fraud and the misuse of visas violates 18 U.S.C.1546, and his complicity in the procurement of nationality unlawfully violates 18 U.S.C. 1425.
- 492. Member Mundy's direction of the use of coercion, intimidation and threats of physical force against witnesses and informants violates the tampering statute, 18 U.S.C. 1512.
- 493. Member Mundy's use of the U.S. mail and interstate and international telephone systems in order to further clients' frauds on the INS violates the mail and wire fraud statutes, 18 U.S.C. 1341 & 1343.
- 494. Member Mundy, on three occasions, directed the tampering of the plaintiff as a witness and informant in violation 18 U.S.C. 1512.

495. Member Mundy's knowing participation in the use of or the actual use by himself of interstate or international facilities to arrange for the bribing of Russian public officials was conduct in aid of a racketeering enterprise that violated 18 U.S.C. 1952.
496. Member Mundy's transfer or knowing participation in the transfer overseas of Enterprise funds from illegal U.S. activities in order to bribe Russian public officials violated the money laundering statute 18 U.S.C. 1956(a)(2)(A).
497. Member Mundy's use of or knowing participation in using interstate or international facilities to arrange for the Enterprise's coercion of witnesses in a Russian criminal case violated 18 U.S.C. 1952.
498. Member Mundy's transfer or knowing participation in the transfer of Enterprise money from illegal U.S. activities to Russia in order to pay the Enterprise's gang members to coerce witnesses in a Russian criminal case violated the money laundering statute 18 U.S.C. 1956(a)(2)(A).
499. Member Mundy's knowing participation in the bribing of an unknown INS agent or agents in New York City violated the bribery statute 18 U.S.C. 201.
500. Member Mundy committed the predicate acts in ¶s 490 to 499 to generate revenues for the operation of the law firm Kuba, Mundy & Associates, maintain control of the firm's interest in the Enterprise and direct part of the affairs of the Enterprise in violation of 18 U.S.C. 1962(a), (b) & (c).
501. Member Mundy agreed to commit the predicate acts in ¶s 490 to 499 in furtherance of an Enterprise conspiracy under 18 U.S.C. 1962(d) to violate 18 U.S.C. 1962(a), (b) & (c).

#### Petrovich

502. Member Petrovich's complicity in the alien registration and visa mill operations of Kuba, Mundy & Associates violates the white slavery statute 18 U.S.C. 2421 and the importing aliens for immoral purposes statute 8 U.S.C. 1328.
503. Member Petrovich's complicity in fraud and the misuse of visas violates 18 U.S.C. 1546, and his complicity in the procurement of nationality unlawfully violates 18 U.S.C. 1425.
504. Member Petrovich's assistance in the use of coercion, intimidation and threats of physical force against witnesses and informants violates 18 U.S.C. 1512.
505. Member Petrovich's use of the U.S. mail and interstate and international telephone systems in order to further clients' frauds on the INS violates 18 U.S.C. 1341 & 1343.

506. Member Petrovich, on three occasions, assisted with the tampering of the plaintiff as a witness and informant in violation 18 U.S.C. 1512.
507. Member Petrovich's use of or assistance in using interstate or international facilities to arrange for bribing Russian public officials violated 18 U.S.C. 1952.
508. Member Petrovich's transfer or assistance in transferring Enterprise money from illegal U.S. activities to Russia in order to bribe Russian public officials violated the money laundering statute 18 U.S.C. 1956(a)(2)(A).
509. Member Petrovich's use of or assistance in using interstate of international facilities to arrange for the Enterprise's coercion of witnesses in a Russian criminal case violated 18 U.S.C. 1952.
510. Member Petrovich's transfer or assistance in the transfer of Enterprise money from illegal U.S. activities to Russia in order to pay the Enterprise's gang members to coerce witnesses in a Russian criminal case violated the money laundering statute 18 U.S.C. 1956(a)(2)(A).
511. Member Petrovich's assistance in the bribing of an unknown INS agent or agents in New York City violated the bribery statute 18 U.S.C. 201.
512. Member Petrovich committed the predicate acts in ¶s 502 to 511 to generate revenues for the operation of the law firm Kuba, Mundy & Associates, assist in maintaining control of the firm's interest in the Enterprise and conduct part of the affairs and implement some of the decisions of the Enterprise in violation of 18 U.S.C. 1962(a), (b) & (c).
513. Member Petrovich agreed to commit the predicate acts in ¶s 502 to 511 in furtherance of an Enterprise conspiracy under 18 U.S.C. 1962(d) to violate 18 U.S.C. 1962(a), (b) & (c).

#### Alina Shipilina

514. Member Alina Shipilina's material misrepresentations and omissions on documents submitted to obtain her an immigrant visa in furtherance of the Enterprise's Scheme violated 18 U.S.C. 1546.
515. Member Alina Shipilina's use of telephone calls between Russia and America to further the Enterprise's Scheme violated the wire fraud statute 18 U.S.C. 1343.
516. Member Alina Shipilina's use of the U.S. mails to deliver lulling correspondence constituted mail fraud 18 U.S.C. 1341.

517. Member Alina Shipilina 's knowing participation in bribing an unknown INS agent or agents in New York City in order to protect the Enterprise's Scheme violated the bribery statute 18 U.S.C. 201.
518. Member Alina Shipilina's agreement with the Enterprise's Asypyan Criminal Association to use murder if necessary to prevent the plaintiff from testifying before any INS proceeding violated the murder-for-hire statute 18 U.S.C. 1958.
519. Member Alina Shipilina's entry into the U.S. in order to carry on and expand the unlawful activities of the Enterprise, including prostitution and drug smuggling, violated foreign travel in aid of a racketeering enterprise under 18 U.S.C. 1952.
520. Member Alina Shipilina's knowing participation in white slavery violates 18 U.S.C. 2421 & 2422.
521. Member Alina Shipilina's knowing participation in the importation of aliens for immoral purposes violates 8 U.S.C. 1328.
522. Member Alina Shipilina violates 18 U.S.C. 1546, fraud and misuse of visas, by assisting Russian prostitutes to make false statements in order that they may obtain visas and entry into the U.S.
523. Member Alina Shipilina's knowing participation in obtaining U.S. visas through bribery violates 18 U.S.C. 201.
524. Member Alina Shipilina's knowing participation in the counterfeiting of U.S. visas and alien registration cards violates 18 U.S.C. 1546.
525. Member Alina Shipilina's importing or knowing participation in the importing of pornography for distribution and sale violates 18 U.S.C. 1462 & 1465.
526. Member Alina Shipilina imports narcotics in violation of 21 U.S.C. 952.
527. Member Alina Shipilina surreptitiously administered narcotics to plaintiff on multiple occasions in violation of 21 U.S.C. 841.
528. Member Alina Shipilina surreptitiously dispenses narcotics to some of her prostitution and lap dancing clients in violation of 21 U.S.C. 841.
529. Member Alina Shipilina violated 18 U.S.C. 1510 by attempting to obstruct the plaintiff from communicating with criminal investigators by offering the plaintiff a reward.
530. Member Alina Shipilina, on three occasions, engaged in tampering with the plaintiff as a witness and informant in violation 18 U.S.C. 1512.

531. Member Alina Shipilina violated 18 U.S.C. 1512 by threatening the plaintiff with physical injury in order to keep him from providing information to U.S. authorities.
532. Member Alina Shipilina's use of interstate and international facilities in order to arrange for the bribing of Russian public officials violated 18 U.S.C. 1952.
533. Member Alina Shipilina's transfer or knowing participation in the transfer of Enterprise money from illegal U.S. activities to Russia to bribe Russian public officials violated the money laundering statute 18 U.S.C. 1956(a)(2)(A).
534. Member Alina Shipilina's use of or knowing participation in using international facilities to arrange for the Enterprise's coercion of witnesses in a Russian criminal case was conducted in aid of a racketeering enterprise in violation of 18 U.S.C. 1952.
535. Member Alina Shipilina's transfer or knowing participation in the transfer of Enterprise money from illegal U.S. activities to Russia to pay the Enterprise's gang members to coerce witnesses in a Russian criminal case violated the money laundering statute 18 U.S.C. 1956(a)(2)(A).
536. Member Alina Shipilina's hiding of money from some of the illegal activities of the Enterprise in her New York safe deposit box in order to evade U.S. taxes and to conceal the location and ownership of the proceeds violates the money laundering statute 18 U.S.C. 1956(a)(1)(A)(ii) & (B)(i).
537. Member Alina Shipilina's failure to file reports on the transfers of monetary instruments out of the country in amounts of over \$10,000 violates 31 U.S.C. 5316.
538. Member Alina Shipilina's transfers overseas of Enterprise funds from illegal U.S. activities in order to promote the illegal activities of the Enterprise, evade U.S. taxes, hide the origin and ownership of the funds and avoid U.S. reporting requirements violates 18 U.S.C. 1956(a)(2)(A)(B)(i) & (ii).
539. Member Alina Shipilina's financial transactions involving Enterprise funds from illegal activities that promote illegal activities of the Enterprise, evade U.S. taxes, conceal the origin and ownership of the funds and avoid reporting requirements violates 18 U.S.C. 1956(a)(1)(A) & (B).
540. Member Alina Shipilina's use of the international travel, mail and telephone systems to distribute some of the proceeds of the Enterprise's unlawful activities into her accounts and the accounts of other Members overseas violates 18 U.S.C. 1952.
541. Member Alina Shipilina's use of the international travel, mail and telephone systems in order to manage, promote, conduct and facilitate some of the Enterprise's unlawful activities violates 18 U.S.C. 1952.

542. Member Alina Shipilina committed the predicate acts in ¶s 514 to 541 to raise revenue for establishing and operating various activities of the Enterprise, to maintain her interests and the control of her interests in the Enterprise and to conduct and manage some of the affairs of the Enterprise in violation of 18 U.S.C. 1962(a), (b) & (c).
543. Member Alina Shipilina agreed to commit the predicate acts in ¶s 514 to 541 in furtherance of an Enterprise conspiracy under 18 U.S.C. 1962(d) to violate 18 U.S.C. 1962(a), (b) & (c).

Doctor Marc L. Paulsen

544. Member Paulsen imports into America the pornography he produces in Russia in violation of 18 U.S.C. 1462.
545. Member Paulsen transports pornography videos into the U.S. for the purpose of sale and distribution in violation of 18 U.S.C. 1465.
546. Member Paulsen engages in the predicate acts in ¶s 544 & 545 in order to make money for operating or establishing Enterprise pornography activities in southern California in violation of 18 U.S.C. 1962(a) and to manage Enterprise pornography activities in southern California in violation of 18 U.S.C. 1962(c).
547. Member Paulsen agreed to commit the predicate acts in ¶s 79 & 80 in furtherance of an Enterprise conspiracy under 18 U.S.C. 1962(d) to violate 18 U.S.C. 1962(a) & (c).

Anastasia Vasilyeva and her husband Dima

548. Members Anastasia and Dima's enticement of Russian females to travel to the U.S. to work as prostitutes constitutes white slavery under 18 U.S.C. 2422.
549. Members Anastasia and Dima's importation of Russian females into America to work as prostitutes violates the white slavery statute 18 U.S.C. 2421 and the importing aliens for immoral purposes statute 18 U.S.C. 1328.
550. Members Anastasia and Dima's failure to file factual statements with the Commissioner of INS about the imported prostitutes they control and support violates 18 U.S.C. 2424.
551. Members Anastasia and Dima's providing of fraudulent information to the U.S. Government in order to obtain visas and entry for Russian prostitutes violates 18 U.S.C. 1546.

552. Members Anastasia and Dima's travels to the U.S. to establish their prostitution business in America violated travel in aid of a racketeering enterprise under 18 U.S.C. 1952.
553. Members Anastasia and Dima's travels in interstate and foreign commerce in order to promote, manage and carry on the Vasilyeva Fashion House prostitution business violates 18 U.S.C. 1952.
554. Members Anastasia and Dima committed the predicate acts in ¶s 548 to 553 in order to generate revenue to establish and operate a branch of the Vasilyeva Fashion House's prostitution business as another tentacle of the Enterprise in violation of 18 U.S.C. 1962(a) and conduct some of the activities of the Enterprise in violation of 18 U.S.C. 1962(c).
555. Members Anastasia and Dima agreed to commit the predicate acts in ¶s 548 to 553 in furtherance of an Enterprise conspiracy under 18 U.S.C. 1962(d) to violate 18 U.S.C. 1962(a) & (c).

#### Police Detective Bob Henning

556. Member Henning's abuse of police authority to protect the Enterprise's Scheme by intimidating the plaintiff into ceasing his cooperation with the INS constituted tampering with an informant under 18 U.S.C. 1512.
557. Member Henning's use of interstate and international telephone calls in furtherance of his role in intimidating the plaintiff violated the wire fraud statute 18 U.S.C. 1343.
558. Member Henning engaged in the predicate acts in ¶s 556 & 557 in order to implement the decisions of the Enterprise in conducting its affairs in violation of 18 U.S.C. 1962 (c).
559. Member Henning agreed to commit the predicate acts in ¶s 556 & 557 in furtherance of an Enterprise conspiracy under 18 U.S.C. 1962(d) to violate 18 U.S.C. 1962(c).

#### California Pimp

560. Member California Pimp used fraudulent information in violation of 18 U.S.C. 1546 in order to obtain visas and entry into the U.S. for Phodes Studio prostitutes.
561. Member California Pimp imported Phodes Studio prostitutes to California for prostitution in violation of the white slavery statute 18 U.S.C. 2421, importing aliens for immoral purposes 8 U.S.C. 1328 and foreign travel in aid of racketeering 18 U.S.C. 1952.



562. Member California Pimp failed to file a statement with the Commissioner of Immigration about the imported Phodes Studio prostitutes he harbored and controlled in the U.S. in violation of 18 U.S.C. 2424.

563. Member California Pimp engaged in the predicate acts in ¶s 560 to 562 in order to make money for operating or establishing various Enterprise activities in southern California in violation of 18 U.S.C. 1962(a) and to manage various affairs of the Enterprise in southern California in violation of 18 U.S.C. 1962(c).

564. Member California Pimp agreed to commit the predicate acts in ¶s 560 to 562 in furtherance of an Enterprise conspiracy under 18 U.S.C. 1962(d) to violate 18 U.S.C. 1962(a) & (c).

### ***Russia***

#### Asypyan, Volchok a.k.a. Woolfy, Raketa a.k.a. Rocket, Smolin, Albatross Club and Albatross Club Gangster 1

565. Members Asypyan, Volchok, Raketa, Smolin, Albatross Club and Albatross Club Gangster 1's recruitment and transportation of females to America for prostitution violates the prohibitions on white slavery, 18 U.S.C. 2421 & 2422, and importation of aliens into the U.S. for immoral purposes, 8 U.S.C. 1328.

566. Members Asypyan, Volchok, Raketa, Smolin, Albatross Club and Albatross Club Gangster 1's bribery of U.S. officials to acquire visas and entry for Russian prostitutes violates 18 U.S.C. 201.

567. Members Asypyan, Volchok, Raketa, Smolin, Albatross Club and Albatross Club Gangster 1's counterfeiting of U.S. visas and alien registration cards violates 18 U.S.C. 1546.

568. Members Asypyan, Volchok, Raketa, Smolin, Albatross Club and Albatross Club Gangster 1's transportation by mail and otherwise of pornographic materials to America for sale and distribution violate 18 U.S.C. 1461, 1462 & 1465.

569. Members Asypyan, Volchok, Raketa, Smolin, Albatross Club and Albatross Club Gangster 1's transportation to the U.S. of narcotics violates 21 U.S.C. 952.

570. Members Asypyan, Volchok, Raketa, Smolin, Albatross Club and Albatross Club Gangster 1's foreign travels to promote, manage, carry on and facilitate their prostitution, pornography and narcotic businesses violate 18 U.S.C. 1952.

571. Members Asypyan, Volchok, Raketa, Smolin, Albatross Club and Club Albatross Gangster 1's engaged in the predicate acts in ¶s 565 to 570 in order to make money for establishing and operating an interest in the Enterprise in violation of 18 U.S.C. 1962(a), to maintain control of part of the Enterprise in violation of 18 U.S.C. 1962(b) and to carry on the affairs of part of the Enterprise in violation of 18 U.S.C. 1962(c).

572. Members Asypyan, Volchok, Raketa, Smolin, Albatross Club and Albatross Club Gangster 1 agreed to commit the predicate acts in ¶s 565 to 570 in furtherance of an Enterprise conspiracy under 18 U.S.C. 1962(d) to violate 18 U.S.C. 1962(a)(b) & (c).

#### Asypyan Criminal Association

573. The Asypyan Criminal Association's contingency murder-for-hire contract with Member Alina Shipilina for preventing the plaintiff from testifying at any INS proceeding violates 18 U.S.C. 1958 and constitutes a conspiracy under 18 U.S.C. 1962(d) to maintain an interest in the Enterprise under 18 U.S.C. 1962(b).

#### Ostapenko, Kurilko and Borisova from the Department of Internal Affairs for Krasnodar

574. Members Ostapenko, Kurilko and Borisova's closing of the Krasnodar criminal defamation case against Member Inessa Shipilina avoided public exposure of the Enterprise's operations which in turn furthered the Enterprise's illegal activities in violation of 18 U.S.C. 1328, 18 U.S.C. 201, 1341, 1343, 1461, 1462, 1465, 1546, 1952, 1956, 2421, 2422, and 21 U.S.C. 952.

575. Members Ostapenko, Kurilko and Borisova furthered the predicate acts in ¶ 574 in order to knowingly implement the decisions for conducting the affairs of the Enterprise in violation of 18 U.S.C. 1962(c).

576. Members Kurilko and Borisova entered an agreement to further the predicate acts in ¶ 574 as part of a conspiracy under 18 U.S.C. 1962(d) to violate 18 U.S.C. 1962(c).

#### Tatyanna Vasilyeva Fashion House and Tatyanna Vasilyeva

577. Members Vasilyeva Fashion House and Tatyanna's recruitment and exporting of Russian models to work as prostitutes in America violates prohibitions against white slavery, 18 U.S.C. 2421 & 2422, and importing aliens for immoral purposes, 18 U.S.C. 1328.

578. Members Vasilyeva Fashion House and Tatyanna engage in the predicate acts in ¶ 577 in order to raise funds to operate the Vasilyeva Fashion House, which affects foreign and interstate commerce, in violation of 18 U.S.C. 1962(a), and manage the affairs of the Fashion House's part of the Enterprise in violation of 18 U.S.C. 1962(c).

579. Members Vasilyeva Fashion House and Tatyanna agreed to commit the predicate acts in ¶ 577 in furtherance of a conspiracy under 18 U.S.C. 1962(d) to violate 18 U.S.C. 1962(a) & (c).

Dmitri Morosov

580. Member Morosov's production of pornography for transportation by mail and otherwise to America for sale and distribution facilitates the violation of 18 U.S.C. 1461, 1462 & 1465.
581. Member Morosov engaged in the predicate acts in ¶ 580 in order to raise money to continue the Enterprise's production of pornography in violation of 18 U.S.C. 1962(a) and to knowingly implement the Enterprise's decisions on producing pornography and manage that production in violation of 18 U.S.C. 1962(c).
582. Member Morosov agreed to commit the predicate acts in ¶ 580 in furtherance of a conspiracy under 18 U.S.C. 1962(d) to violate 18 U.S.C. 1962(a) & (c).

Rey-Krasnodar Pimp

583. Member Rey's enticement of Russian models and females to travel to the U.S. to engage in prostitution for the Enterprise violates 18 U.S.C. 2422.
584. Member Rey engages in the predicate acts in ¶ 583 to raise funds for operating his interest in the Enterprise in violation of 18 U.S.C. 1962(a) and knowingly implement the decisions of the Enterprise in violation of 18 U.S.C. 1962(c).
585. Member Rey agreed to commit the predicate acts in ¶ 583 in furtherance of a conspiracy under 18 U.S.C. 1962(d) to violate 8 U.S.C. 1962(a) & (c).

Inessa A. Shipilina

586. Member Inessa Shipilina's furtherance of the Enterprise's Scheme through telephone calls between Russia and America and faxes sent to America violated the wire fraud statute 18 U.S.C. 1343.
587. Member Inessa Shipilina's furtherance of the Enterprise's Scheme through letters sent through the U.S. postal service violated the mail fraud statute 18 U.S.C. 1341.
588. Member Inessa Shipilina's participation in white slavery export and recruitment violates 18 U.S.C. 2421 & 2422.

589. Member Inessa Shipilina's participation in the export to America of aliens for immoral purposes violates 8 U.S.C. 1328.
590. Member Inessa Shipilina's participation in the counterfeiting of U.S. visas and alien registration cards violates 18 U.S.C. 1546.
591. Member Inessa Shipilina's participation in exporting pornography to America for distribution and sale violates 18 U.S.C. 1462 & 1465.
592. Member Inessa Shipilina engages in the predicate acts in ¶s 586 to 591 to raise revenue for establishing and operating various activities of the Enterprise, to maintain her interests and the control of her interests in the Enterprise and to conduct and manage some of the affairs of the Enterprise in violation of 18 U.S.C. 1962(a), (b) & (c).
593. Member Inessa Shipilina agreed to commit the predicate acts in ¶s 586 to 591 in furtherance of an 18 U.S.C. 1962(d) conspiracy to violated 18 U.S.C. 1962(a)(b) & (c).

Vladimir Gavrilovich Minchenko-Vice Rector Krasnodar State Academy

594. Member Minchenko kidnapped the plaintiff in violation of New York State Penal Code 135.20.
595. Member Minchenko's complicity in the recruitment of prostitutes to travel to the U.S. for the Enterprise violates white slavery law 18 U.S.C. 2422.
596. Member Minchenko engaged in the predicate acts in ¶s 594 & 595 to raise funds to operate his interest in the Enterprise in violation of 18 U.S.C. 1962(a), to maintain his interest in the Enterprise in violation of 18 U.S.C. 1962(b) and to knowingly implement the decisions of the Enterprise in violation of 18 U.S.C. 1962(c).
597. Member Minchenko agreed to commit the predicate acts in ¶ 594 & 595 in furtherance of a conspiracy under 18 U.S.C. 1962(d) to violate 18 U.S.C. 1962(a), (b) & (c).

Phodes Studio Co., Leonid Perlin, President Phodes Studio Co., and Russian Criminal Gang 1

598. Members Phodes Studio, Perlin and Russian Criminal Gang 1's operation of an "Introduction" web site for defrauding Americans constitutes wire fraud under 18 U.S.C. 1343.
599. Members Phodes Studio, Perlin and Russian Criminal Gang 1's operation of an "Introduction" web site enables the Enterprise to expand its sexual services operations in

America through white slavery, 18 U.S.C. 2421, and the importation of aliens for immoral purposes, 8 U.S.C. 1328.

600. Members Phodes Studio, Perlin and Russian Criminal Gang 1's complicity in fraud to obtain U.S. visas for their prostitutes violates of 18 U.S.C. 1546.
601. Members Phodes Studio, Perlin and Russian Criminal Gang 1's bribing of a U.S. official at the American Embassy in Moscow to obtain visas for Phodes Studio prostitutes violated 18 U.S.C. 201.
602. Members Phodes Studio, Perlin and Russian Criminal Gang 1's recruitment and transportation of prostitutes to California violated the prohibitions on white slavery, 18 U.S.C. 2421 & 2422, and transporting aliens for immoral purposes, 8 U.S.C. 1328.
603. Members Phodes Studio, Perlin and Russian Criminal Gang 1's on going recruitment and transportation of prostitutes to America violates the prohibitions on white slavery, 18 U.S.C. 2421 & 2422, and transporting aliens for immoral purposes, 8 U.S.C. 1328.
604. Members Phodes Studio, Perlin and Russian Criminal Gang 1 aid and abet the import into America of Member Paulsen's pornography videos in violation of 18 U.S.C. 1462.
605. Members Phodes Studio, Perlin and Russian Criminal Gang 1 aid and abet the sale and distribution of Member Paulsen's pornography videos in America in violation of 18 U.S.C. 1465.
606. Members Phodes Studio, Perlin and Russian Criminal Gang 1 engaged in the predicate acts in ¶s 598 to 605 in order to generate money to operate Phodes Studio, which affects foreign commerce, and their branch of the Enterprise in violation of 18 U.S.C. 1962(a), to maintain control of their interest in the Enterprise in violation of 18 U.S.C. 1962(b) and direct the affairs of their branch of the Enterprise in violation of 18 U.S.C. 1962(c).
607. Members Phodes Studio, Perlin and Russian Criminal Gang 1 agreed to commit the predicate acts in ¶s 598 to 605 in furtherance of a conspiracy under 18 U.S.C. 1962(d) to violate 18 U.S.C. 1962(a), (b) & (c).

#### Vladimir of St. Petersburg

608. Member Vladimir's complicity in Member Alina Shipilina's transfer from America to Russia in late 2001 or early 2002 of funds from illegal Enterprise activities in order to promote the Enterprise's unlawful activities and assist Member Alina Shipilina in evading U.S. taxes constituted money laundering under 18 U.S.C. 1956(a)(1)(A)(i) & (ii).

609. Member Vladimir's complicity in Member Alina Shipilina's transfer from America to Russia in late 2001 or early 2002 of funds from illegal Enterprise activities in order to conceal the origin of the money and avoid reporting requirements constituted money laundering under 18 U.S.C. 1956(a)(1)(B)(i) & (ii).
610. Member Vladimir's ongoing complicity in smuggling proceeds from illegal Enterprise activities violates 18 U.S.C. 1956.
611. Member Vladimir's complicity in the importation of narcotics into America by Member Alina Shipilina in January 2002 violated the prohibition on importing narcotics into the U.S. under 21 U.S.C. 952.
612. Member Vladimir's ongoing complicity in the importation of narcotics into America by Member Alina Shipilina violates the prohibition on importing narcotics into the U.S. under 21 U.S.C. 952.
613. Member Vladimir's recruitment of Russian females to travel to the U.S. to work as prostitutes violates the white slavery statute on enticement 18 U.S.C. 2422.
614. Member Vladimir engaged in the predicate acts in ¶s 608 to 613 in order to generate money to expand his jewelry business, which affects foreign commerce, in violation of 18 U.S.C. 1962(a) and to knowingly implement the decisions of the Enterprise in violation of 18 U.S.C. 1962(c).
615. Member Vladimir agreed to commit the predicate acts in ¶s 608 to 613 in furtherance of a conspiracy under 18 U.S.C. 1962(d) to violate 18 U.S.C. 1962(a) & (c).

#### Krasnodar Briber

616. Member Krasnodar Briber 1's paying of money to Members Ostapenko, Kurilko and Borisova to close a criminal case that would have exposed some of the Enterprise's illegal operations aided and abetted those activities in violation of 8 U.S.C. 1328, 18 U.S.C. 201, 1341, 1343, 1461, 1462, 1465, 1546, 1952, 1956, 2421, 2422 and 21 U.S.C. 952.
617. Member Krasnodar Briber 1 aided and abetted the predicate acts in ¶ 616 in order to maintain the Enterprise's interests in violation of 18 U.S.C. 1962(b) and to knowingly implement the decisions of the Enterprise in violation of 18 U.S.C. 1962(c).
618. Member Krasnodar Briber 1 agreed to aide and abet the predicate acts in ¶ 616 in furtherance of a conspiracy under 18 U.S.C. 1962(d) to violate 18 U.S.C. 1962(b) & (c).

### Krasnodar Prostitutes 1 to 3

619. Members Krasnodar Prostitutes 1 to 3's ongoing recruitment of Russian females to travel to America to engage in prostitution violates the white slavery enticement statute 18 U.S.C. 2422.
620. Members Krasnodar Prostitutes 1 to 3 engage in the predicate acts in ¶ 619 in order to generate money for operating the Enterprise's recruitment of exportable Russian prostitutes in violation of 18 U.S.C. 1962(a) and to knowingly implement the decisions of the Enterprise in violation of 18 U.S.C. 1962(c).
621. Members Krasnodar Prostitutes 1 to 3 agreed to commit the predicate acts in ¶ 619 in furtherance of a conspiracy under 18 U.S.C. 1962(d) to violate 18 U.S.C. 1962(a) & (c).

### Krasnodar State Academy Thugs 1 and 2

622. Members Thug 1 and 2 aided and abetted in kidnapping the plaintiff in violation of New York State Penal Code 135.20.
623. Members Thug 1 and 2 aid and abet Minchenko in recruiting college coeds for the Enterprise to send to the U.S. to work as prostitutes in violation of 18 U.S.C. 2422.
624. Members Thug 1 and 2 engaged in the predicate acts in ¶ 622 to knowingly implement the decisions of the Enterprise in violation of 18 U.S.C. 1962(c).
625. Members Thug 1 and 2 engage in the predicate acts in ¶ 623 to knowingly implement the decisions of the Enterprise in violation of 18 U.S.C. 1962(c).
626. Members Thug 1 and 2 agreed to commit the predicate acts in ¶s 622 & 623 in furtherance of a conspiracy under 18 U.S.C. 1962(d) to violate 18 U.S.C. 1962(c).

### Baraev Islamic Terror and Crime Clan, Russian Criminal Gang 5 and Chechen Criminal Gang 1

627. Member Baraev Islamic Terror and Crime Clan or Russian Gang 5 or Chechen Gang 1's use of coercion in preventing witnesses from testifying in the Krasnodar criminal defamation case avoided public exposure of illegal Enterprise activities that aided and abetted those activities in violation of 8 U.S.C. 1328, 18 U.S.C. 201, 1341, 1343, 1461, 1462, 1465, 1546, 1952, 1956, 2421, 2422, and 21 U.S.C. 952
628. Member Baraev Islamic Terror and Crime Clan or Russian Gang 5 or Chechen Gang 1 engaged in the predicate acts in ¶ 627 in order to maintain and control their

criminal interests and to knowingly implement the decisions of the Enterprise in violation of 18 U.S.C. 1962(b) & (c).

629. Member Baraev Islamic Terror and Crime Clan or Russian Gang 5 or Chechen Gang 1 agreed to commit the predicate acts in ¶ 627 in furtherance of a conspiracy under 18 U.S.C. 1962(d) to violate 18 U.S.C. 1962(b) & (c).

Baraev Islamic Terror and Crime Clan, Russian Criminal Gang 4 and Chechen Criminal Gang 2

630. Member Baraev Islamic Terror and Crime Clan or Russian Gang 4 or Chechen Gang 2's sales of narcotics to Member Alina Shipilina and other Enterprise Members for importation into America violates of 21 U.S.C. 952.
631. Member Baraev Islamic Terror and Crime Clan or Russian Gang 4 or Chechen Gang 2 engage in the predicate acts in ¶ 630 in order to raise funds for their criminal interests in violation of 18 U.S.C. 1962(a) and to conduct part of the affairs of the Enterprise in violation of 18 U.S.C. 1962(c).
632. Member Baraev Islamic Terror and Crime Clan or Russian Gang 4 or Chechen Gang 2 agreed to commit the predicate acts in ¶ 630 in furtherance of a conspiracy under 18 U.S.C. 1962(d) to violate 18 U.S.C. 1962(a) & (c).

*Cyprus*

Bank of Cyprus

633. Member Bank of Cyprus' financial transactions involving money from illegal Enterprise activities in order to hide the origin and ownership of the funds and avoid U.S. reporting requirements violates 18 U.S.C. 1956(a)(1)(B)(i) & (ii).
634. Member Bank of Cyprus' transfers of funds from illegal Enterprise activities in order to hide the origin and ownership of the money and avoid U.S. reporting requirements violates 18 U.S.C. 1956(a)(2)(B)(i) & (ii).
635. Member Bank of Cyprus' use of international facilities to distribute the proceeds from unlawful Enterprise activities constitutes actions in aid of a racketeering enterprise under 18 U.S.C. 1952.
636. Member Bank of Cyprus engages in the predicate acts in ¶s 633 to 635 in order to generate revenues for its banking operations, which affect interstate and foreign commerce, in violation of 18 U.S.C. 1962(a), to maintain its money laundering business with the Enterprise in violation of 18 U.S.C. 1962(b) and to knowingly implement the decisions of the Enterprise in violation of 18 U.S.C. 1962(c).



637. Member Bank of Cyprus agreed to commit the predicate acts in ¶s 633 to 635 in furtherance of a conspiracy under 18 U.S.C. 1962(d) to violate 18 U.S.C. 1962(a), (b) & (c).

Stephanos-Bank Employee

638. Member Stephanos' execution of financial transactions with Enterprise funds from unlawful activities in order to promote those activities and evade U.S. taxes violate the money laundering statute 18 U.S.C. 1956(a)(1)(A)(i) & (ii).
639. Member Stephanos' execution of financial transactions with Enterprise funds from unlawful activities in order to conceal the origin and ownership of the funds and avoid reporting requirements violate 18 U.S.C. 1956(a)(1)(B)(i) & (ii).
640. Member Stephanos' transfer of Enterprise funds outside the U.S. in order to promote the unlawful activities of the Enterprise violate 18 U.S.C. 1956(a)(2)(A).
641. Member Stephanos's transfer of Enterprise funds from unlawful activities outside the U.S. in order to hide the origin and ownership of the funds and avoid U.S. reporting requirements violate 18 U.S.C. 1956(a)(2)(B)(i) & (ii).
642. Member Stephanos' use of international facilities to distribute proceeds from unlawful Enterprise activities into the accounts of Member Alina Shipilina and other Members constitutes aiding of a racketeering enterprise under 18 U.S.C. 1952.
643. Member Stephanos engages in the predicate acts in ¶s 638 to 642 in order to generate revenues for his banking operations, which affect foreign commerce, in violation of 18 U.S.C. 1962(a), maintain his money laundering business with the Enterprise in violation of 18 U.S.C. 1962(b) and implement the decisions of the Enterprise in violation of 18 U.S.C. 1962(c).
644. Member Stephanos agreed to commit the predicate acts in ¶s 638 to 642 in furtherance of a conspiracy under 18 U.S.C. 1962(c) to violate 18 U.S.C. 1962(a), (b) & (c).

Marios, Melios and Irina Athanasiou; IRINIS 182C Entertainment; and Melios Athanasiou Agencies (collectively referred to as "Athanasiou") and Russian Criminal Gangs 2 and 3.

645. The recruitment of prostitutes by Members Athanasiou and Russian Criminal Gangs 2 and 3 for transportation to America from Cyprus violates the white slavery enticement statute 18 U.S.C. 2422.
646. The transportation of prostitutes to America by Members Athanasiou and Russian Criminal Gangs 2 and 3 violates the white slavery statute 18 U.S.C. 2421.

647. Members Athanasious and Russian Criminal Gangs 2 and 3's aiding and abetting the importation of aliens into the U.S. for immoral purposes violate 8 U.S.C. 1328.
648. Members Athanasious and Russian Criminal Gangs 2 and 3's bribery or participation in the bribery of U.S. employees to obtain visas for their prostitutes violates 18 U.S.C. 201.
649. Members Athanasious and Russian Criminal Gangs 2 and 3's complicity in the use of fraud to obtain their prostitutes entry into the U.S. violates 18 U.S.C. 1546.
650. Members Athanasious and Russian Criminal Gangs 2 and 3's counterfeiting or participation in the counterfeiting of U.S. visas and alien registration cards violates 18 U.S.C. 1546.
651. Members Athanasious and Russian Criminal Gangs 2 and 3's travels in foreign commerce to promote, manage and carry on their prostitution business violates 18 U.S.C. 1952, travel in aid of a racketeering enterprise.
652. Members Athanasious and Russian Criminal Gangs 2 and 3's export of pornography by mail or otherwise for the purpose of sale and distribution in the U.S. violates 18 U.S.C. 1461, 1462 & 1465.
653. Members Athanasious and Russian Criminal Gangs 2 and 3 engage in the predicate acts in ¶s 645 to 652 in order to raise money for the establishment and operation of Enterprise activities in violation of 18 U.S.C. 1962(a) and conduct various affairs of the Enterprise in violation of 18 U.S.C. 1962(c).
654. Members Athanasious and Russian Criminal Gangs 2 and 3 agreed to commit the predicate acts in ¶s 645 to 652 in furtherance of a conspiracy under 18 U.S.C. 1962(d) to violate 18 U.S.C. 1962(a) & (c).

A. Charalambous- A Cypriot Chief Immigration Officer

655. Member Charalambous' complicity in importing Russian prostitutes from Cyprus to the U.S. violates the white slavery statute 18 U.S.C. 2421.
656. Member Charalambous' complicity in the importing of Russian females into the U.S. from Cyprus for immoral purposes violates 8 U.S.C. 1328.
657. Member Charalambous engages in the predicate acts in ¶s 655 & 656 in order to raise funds for the operation of the Enterprise's underground prostitute railway in violation of 18 U.S.C. 1962(a) and to knowingly implement the decisions of the Enterprise in violation of 18 U.S.C. 1962(c).

658. Member Charalambous agreed to commit the predicate acts in ¶s 655 & 656 in furtherance of a conspiracy under 18 U.S.C. 1962(d) to violate 18 U.S.C. 1962(a) & (c).

## *Mexico*

### Maria-Prostitute Headhunter for Julia Heart Agency and the Julia Heart Agency

659. Members Maria and the Julia Heart Agency's enticement of Russian and East European prostitutes in Mexico to travel to the U.S. and work as prostitutes violates the white slavery statute against enticement 18 U.S.C. 2422.
660. Members Maria and the Julia Heart Agency's complicity in the transportation of Russian and East European females into the U.S. to work as prostitutes violates the white slavery statute 18 U.S.C. 2421.
661. Members Maria and the Julia Heart Agency engage in the predicate acts in ¶s 659 & 660 in order to raise revenues for the operation of the Julia Heart Agency in violation of 18 U.S.C. 1962(a) and to manage part of the Enterprise's underground prostitute railway from Mexico to the U.S. in violation of 18 U.S.C. 1962(c).
662. Members Maria and the Julia Heart Agency agreed to commit the predicate acts in ¶s 659 & 660 in furtherance of a conspiracy under 18 U.S.C. 1962(d) to violate 18 U.S.C. 1962(a) & (c).

### The Men's Club, Roberto & Rosa Elina Quinlan and Mexican Organized Crime Gang 1

663. Members The Men's Club, Roberto & Rosa Elina Quinlan and Mexican Organized Crime Gang 1's enticement of prostitutes working at The Men's Club to travel to the U.S. to engage in prostitution violates the white slavery statute against enticement 18 U.S.C. 2422.
664. Members The Men's Club, Roberto & Rosa Elina Quinlan and Mexican Organized Crime Gang 1's transportation of prostitutes from The Men's Club into the U.S. to engage in prostitution violates the white slavery statute 18 U.S.C. 2421.
665. Members The Men's Club, Roberto & Rosa Elina Quinlan and Mexican Organized Crime Gang 1 engage in the predicate acts in ¶s 663 & 664 in order to generate funds for the operation of The Men's Club, which affects foreign commerce, in violation of 18 U.S.C. 1962(a) and to manage part of the Enterprise's underground prostitute railway from Mexico to the U.S. in violation of 18 U.S.C. 1962(c).
666. Members The Men's Club, Roberto & Rosa Elina Quinlan and Mexican Organized Crime Gang 1 agreed to commit the predicate acts in ¶s 663 & 664 in furtherance of a conspiracy under 18 U.S.C. 1962(d) to violate 18 U.S.C. 1962(a) & (c).

#### Max Gracia Appedole

667. Member Max Gracia Appedole's bribing of Mexican army and government officials in order to permit the transportation of females from The Men's Club into America to work as prostitutes violates the white slavery statute 18 U.S.C. 2421.
668. Member Max Gracia Appedole engages in the predicate acts in ¶ 667 to knowingly implement the decisions of the Enterprise in violation of 18 U.S.C. 1962(c).
669. Member Max Gracia Appedole agreed to commit the predicate acts in ¶ 667 in furtherance of a conspiracy under 18 U.S.C. 1962(d) to violate 18 U.S.C. 1962(c).

#### Juginta Raszyukevichina a.k.a. Azul

670. Member Azul's enticement of East European females to travel to Mexico and then to the U.S. in order to work as prostitutes violates the white slavery statute against enticement 18 U.S.C. 2422.
671. Member Azul's complicity in transporting East European females to Mexico and then to the U.S. to work as prostitutes constitutes white slavery in violation of 18 U.S.C. 2421.
672. Member Azul engages in the predicate acts in ¶s 670 & 671 in order to make money to operate her prostitution business centered in Holland, which affects foreign commerce, in violation of 18 U.S.C. 1962(a) and to manage part of the Enterprise's prostitution activities in violation of 18 U.S.C. 1962(c).
673. Member Azul agreed to commit the predicate acts in ¶s 670 & 671 in furtherance of a conspiracy under 18 U.S.C. 1962(d) to violate 18 U.S.C. 1962(a) & (c).

#### Salvador-Partner Phodes Studio

674. Member Salvador's use of the U.S. mail to transport Phodes Studio pornography into the U.S. violates 18 U.S.C. 1461.
675. Member Salvador's transportation of Phodes Studio pornography into the U.S. by means other than the post violates 18 U.S.C. 1462.
676. Member Salvador's transportation of Phodes Studio pornography into the U.S. for sale and distribution violates 18 U.S.C. 1465.
677. Member Salvador engages in the predicate acts in ¶s 674 to 676 in order to raise funds for the operation of his pornography trafficking business, which affects foreign

commerce, in violation of 18 U.S.C. 1962(a) and to conduct the affairs of part of the Enterprise's pornography activities in violation of 18 U.S.C. 1962(c).

678. Member Salvador agreed to commit the predicate acts in ¶s 674 to 676 in furtherance of a conspiracy under 18 U.S.C. 1962(d) to violate 18 U.S.C. 1962(a) & (c).

Alfredo Ibarra Sotelo and Grupo Ibarra Aisa

679. Members Grupo Ibarra Aisa and Alfredo Ibarra's transportation into the U.S. of narcotics violates 21 U.S.C. 952.
680. Members Grupo Ibarra Aisa and Alfredo Ibarra's aiding and abetting the distribution of narcotics in the U.S. violates 21 U.S.C. 841.
681. Members Grupo Ibarra Aisa and Alfredo Ibarra engage in the predicate acts in ¶s 679 & 680 in order to raise funds for the operation of their narcotics trafficking business in violation of 18 U.S.C. 1962(a) and to conduct the affairs of part of the Enterprise's activities in violation of 18 U.S.C. 1962(c).

All Member Defendants

682. The above Members of the Enterprise engaged in the cited predicate acts with the requisite mens rea.
683. Each predicate act was committed on behalf of every Member of the Enterprise, since each act was committed with the knowledge of, or was reasonably foreseeable to, each of the Members.

**X. Other Criminal Acts by Defendants**

***America***

Defendants Flash Dancers Topless Club, Jay-Jay Cabaret, Lepofsky, Flash Dancers Night Manager Barry, Flash Dancers Managers 1 to 5, Madison or Pierre, Flash Dancers Gangster 1, Cybertech and American Organized Crime Gang 1

684. Members Flash Dancers Topless Club, Jay-Jay Cabaret, Lepofsky, Flash Dancers Managers 1 to 5 and Barry, Cybertech and American Organized Crime Gang 1's material false statements and omissions in obtaining Russian females visas violate the perjury statute 18 U.S.C.1621, the unsworn declarations statute 28 U.S.C. 1746 and the false statement statute 18 U.S.C. 1001.

685. Members Flash Dancers Topless Club, Jay-Jay Cabaret, Lepofsky, Flash Dancers Managers 1 to 5 and Barry, Cybertech and American Organized Crime Gang 1's hiring of Russian aliens not lawfully admitted to work in the U.S. violates 8 U.S.C. 1324a.
686. Members Flash Dancers Topless Club, Jay-Jay Cabaret, Lepofsky, Flash Dancers Managers 1 to 5 and Barry, Cybertech and American Organized Crime Gang 1's failure to abide by the U.S. employment verification system for aliens violates 8 U.S.C. 1324a.
687. Members Flash Dancers Topless Club, Jay-Jay Cabaret, Lepofsky, Flash Dancers Managers 1 to 5 and Barry, Cybertech and American Organized Crime Gang 1's promotion of prostitution violates New York State Penal Code 230.25.
688. Members Flash Dancers Topless Club, Jay-Jay Cabaret, Lepofsky, Flash Dancers Managers 1 to 5 and Barry, Cybertech and American Organized Crime Gang 1's false reporting of lap-dancers as independent contractors violates the Internal Revenue Code, 18 U.S.C. 72, and New York State Income Earnings and Corporate Taxes 1801.
689. Members Flash Dancers Topless Club, Jay-Jay Cabaret, Lepofsky, Flash Dancers Managers 1 to 5 and Barry, Cybertech and American Organized Crime Gang 1's conspiracies to commit the Federal offenses cited in ¶s 684 to 686 & 688 and conspiracies to commit predicate acts that violate Federal law as cited in ¶s 466 to 470 violate 18 U.S.C. 371.
690. Members Flash Dancers Topless Club, Jay-Jay Cabaret, Lepofsky, Flash Dancers Managers 1 to 5 and Barry, Cybertech and American Organized Crime Gang 1's conspiracies to commit the New York offenses cited in ¶s 686 & 688 violate Penal Code 105.
691. Member Flash Dancers Manager 3,4,5 or Barry's aiding and abetting the making of three threatening telephone calls to the plaintiff constituted coercion in the first degree under New York State Penal Code 135.65 and intimidation in the third degree under Penal Code 215.15.
692. Member John Madison or Pierre's three threatening telephone calls to the plaintiff constituted coercion in the first degree under New York State Penal Code 135.65 and intimidation in the third degree under Penal Code 215.15.
693. Member Flash Dancers Manager 3 or Barry's aiding and abetting the threatening telephone call in October 2001 to prevent the plaintiff from making a motion for a trial in the divorce/annulment case constituted tampering with a witness in the fourth degree under New York State Penal Code 215.10.
694. Member John Madison or Pierre's threatening telephone call in October 2001 to prevent the plaintiff from making a motion for a trial constituted tampering with a witness in the fourth degree under New York State Penal Code 215.10.

695. Member Flash Dancers Manager 4, 5 or Barry's aiding and abetting the two threatening telephone calls in 2002 to prevent the plaintiff from cooperating with the INS constituted obstruction of an ongoing INS proceeding in violation of 18 U.S.C. 1505.
696. Member John Madison or Pierre's two threatening telephone calls in 2002 to prevent the plaintiff from cooperating with the INS constituted obstruction of an ongoing INS proceeding in violation of 18 U.S.C. 1505.
697. Members Flash Dancers Manager 3,4,5 or Barry and John Madison or Pierre's conspiracies to commit the Federal offenses cited in ¶s 695 & 696 and conspiracies to commit predicate acts that violate Federal law as cited in ¶s 476, 479, 482 violate 18 U.S.C. 371.
698. Members Flash Dancers Managers 3,4,5 or Barry and John Madison or Pierre's conspiracies to commit New York offenses cited in ¶s 693 to 696 violated Penal Code 105.
699. Member Flash Dancers Gangster 1's participation in preventing the plaintiff's process server from exiting the Flash Dancers club after serving process constituted unlawful imprisonment in violation of New York State Penal Code 135.10.
700. Member Flash Dancers Gangster 1's efforts to intimidate the plaintiff's process server into taking back the papers handed to Member Alina Shipilina constituted menacing in the third degree under New York State Penal Code 120.15 and obstructing governmental administration in the second degree under Penal Code 195.05.

#### Kuba, Mundy & Associates

701. Member Kuba, Mundy & Associates' subornation of perjury before the U.S. Immigration and Naturalization Service, Internal Revenue Service and Customs Service violated 18 U.S.C. 1001.
702. Kuba, Mundy & Associates' obstruction of INS proceedings violates 18 U.S.C. 1505.
703. Member Kuba, Mundy & Associates' subornation of perjury before the New York State courts and the New York City Police Department violated New York State Penal Code 210.10.
704. Kuba, Mundy & Associates' use of coercion, intimidation and tampering with witnesses or victims violates New York Penal Codes 135.60, 135.65, 215.15 and 215.10.
705. Member Kuba, Mundy & Associates' conspiracies to commit Federal offenses cited in ¶s 701 & 702 and conspiracies to commit predicate acts that violate Federal law as cited in ¶s 485 to 487 violate 18 U.S.C. 371.

706. Member Kuba, Mundy & Associates' conspiracies to commit New York offenses cited in ¶s 703 & 704 violate Penal Code 105.

Mundy

707. Member Mundy's subornation of perjury by Member Alina Shipilina to the INS violated 18 U.S.C. 1621.
708. Member Mundy's subornation of perjury by Member Alina Shipilina before the New York State Supreme Court, the New York City Family Court and the New York City Police Department violated New York State Penal Code 210.10.
709. Member Mundy's efforts to have the plaintiff lie to the INS in order to obtain permanent residency for Member Alina Shipilina constituted obstructing an INS proceeding in violation of 18 U.S.C. 1505.
710. Member Mundy's efforts to prevent the plaintiff from cooperating with the INS constituted obstructing an INS proceeding in violation of 18 U.S.C. 1505.
711. Member Mundy's aiding and abetting the silencing of the plaintiff's Russian witnesses in the New York divorce/annulment action constituted coercion in the first and second degree under New York Penal Code 135.60 & 135.65 and tampering with a witness in the fourth degree under Penal Code 215.10.
712. Member Mundy's two false statements to the plaintiff's attorneys constituted coercion in the second degree under New York Penal Code 135.60 and tampering with a witness under Penal Code 215.10.
713. Member Mundy's aiding and abetting in the making of the three threatening telephone calls to the plaintiff constituted coercion in the first degree under New York State Penal Code 135.65 and intimidation in the third degree under Penal Code 215.15.
714. Member Mundy's aiding and abetting the threatening telephone call in October 2001 to prevent the plaintiff from making a motion for a trial in the divorce/annulment case constituted tampering with a witness in the fourth degree under New York State Penal Code 215.10.
715. Member Mundy's aiding and abetting the two threatening telephone calls in 2002 to prevent the plaintiff from cooperating with the INS constituted obstruction of an ongoing INS proceeding in violation of 18 U.S.C. 1505.
716. Member Mundy's aiding and abetting the threatening of witnesses in the Russian criminal defamation case with physical injury constituted coercion in the first degree under New York Penal Code 135.65.



717. Member Mundy's aiding and abetting the bribing of Russian officials in Krasnodar violated the Foreign Corrupt Practices Act, 15 U.S.C. 78dd-2.
718. Member Mundy's aiding and abetting the transfer of funds from unlawful Enterprise activities to Russia to pay for the threatening of witnesses and bribing of Russian officials constituted money laundering under New York Penal Code 470.
719. Member Mundy's aiding and abetting the bribing of Member Henning of the New York City Police Department constituted bribery in the third degree under New York Penal Code 200.
- a. In the alternative, Member Mundy's aiding and abetting the rewarding of Member Henning of the New York City Police Department constituted rewarding official misconduct in the second degree under Penal Code 200.20.
720. Member Mundy's aiding and abetting of Member Henning's actions that alarmed the plaintiff constituted aggravated harassment in the second degree in violation of New York Penal Code 240.30.
721. Member Mundy's aiding and abetting of Member Henning's actions to scare the plaintiff out of cooperating with the INS constituted obstructing an INS proceeding in violation of 18 U.S.C. 1505, coercion in the second degree in violation of New York Penal Code 135.60 and intimidation in the third degree in violation of Penal Code 215.15.
722. Member Mundy's participation in conspiracies to commit Federal offenses cited in ¶s 707, 709, 710, 715, 717, 721 and conspiracies to commit predicate acts that violate Federal law as cited in ¶s 490 to 499 violate 18 U.S.C. 371.
723. Member Mundy's participation in conspiracies to commit New York offenses cited in ¶s 708, 711-714, 716, 718-721 violates Penal Code 105.

#### Petrovich

724. Member Petrovich's subornation of perjury by Member Alina Shipilina to the INS violated 18 U.S.C. 1621.
725. Member Petrovich's subornation of perjury by Member Alina Shipilina before the New York State Supreme Court, the New York City Family Court and the New York City Police Department violated New York State Penal Code 210.10.
726. Member Petrovich's efforts to have the plaintiff lie to the INS in order to obtain permanent residency for Member Alina Shipilina constituted obstructing an INS proceeding in violation of 18 U.S.C. 1505.

727. Member Petrovich's efforts to prevent the plaintiff from cooperating with the INS constituted obstructing an INS proceeding in violation of 18 U.S.C. 1505.
728. Member Petrovich's aiding and abetting the silencing of the plaintiff's Russian witnesses in the New York divorce/annulment action constituted coercion in the first and second degree under New York Penal Code 135.60 & 135.65 and tampering with a witness in the fourth degree under Penal Code 215.10.
729. Member Petrovich's aiding and abetting in the making of the three threatening telephone calls to the plaintiff constituted coercion in the first degree under New York State Penal Code 135.65 and intimidation in the third degree under Penal Code 215.15.
730. Member Petrovich's aiding and abetting the threatening telephone call in October 2001 to prevent the plaintiff from making a motion for a trial in the divorce/annulment case constituted tampering with a witness in the fourth degree under New York State Penal Code 215.10.
731. Member Petrovich's aiding and abetting the two threatening telephone calls in 2002 to prevent the plaintiff from cooperating with the INS constituted obstruction of an ongoing INS proceeding in violation of 18 U.S.C. 1505.
732. Member Petrovich's aiding and abetting the threatening of witnesses in the Russian criminal defamation case with physical injury constituted coercion in the first degree under New York Penal Code 135.65.
733. Member Petrovich's aiding and abetting the bribing of a Russian official in Krasnodar violated the Foreign Corrupt Practices Act, 15 U.S.C. 78dd-2.
734. Member Petrovich's aiding and abetting the transfer of funds from unlawful Enterprise activities to Russia to pay for the threatening of witnesses and bribing of officials constituted money laundering under New York Penal Code 470.
735. Member Petrovich's aiding and abetting the bribing of Member Henning of the New York City Police Department constituted bribery in the third degree under New York Penal Code 200.
- a. In the alternative, Member Petrovich's aiding and abetting the rewarding of Member Henning of the New York City Police Department constituted rewarding official misconduct in the second degree under Penal Code 200.20.
736. Member Petrovich's aiding and abetting of Member Henning's actions that alarmed the plaintiff constituted aggravated harassment in the second degree in violation of New York Penal Code 240.30.
737. Member Petrovich's aiding and abetting of Member Henning's actions to scare the plaintiff out of cooperating with the INS constituted obstructing an INS proceeding in

violation of 18 U.S.C. 1505, coercion in the second degree in violation of New York Penal Code 135.60 and intimidation in the third degree in violation of Penal Code 215.15.

738. Member Petrovich's participation in conspiracies to commit Federal offenses cited in ¶s 724, 726, 727, 731, 733, 737 and conspiracies to commit predicate acts that violate Federal law as cited in ¶s 502 to 511 violate 18 U.S.C. 371.

739. Member Petrovich's participation in conspiracies to commit New York offenses cited in ¶s 725, 728-730, 732, 734-737 violates Penal Code 105.

#### Alina Shipilina

740. Member Alina Shipilina's marriage to the plaintiff for the purpose of evading U.S. immigration law violated 8 U.S.C. 1325(c).

741. Member Alina Shipilina's material false statements and omissions to the INS and Department of State violated 18 U.S.C. 1001.

742. Member Alina Shipilina's use of her second Russian international passport, 51 No. 0207805, to cover up the true extent and nature of her travels outside the U.S. violates 18 U.S.C. 1001.

743. Member Alina Shipilina's falsely swearing to being a U.S. citizen when she registered to vote violated 18 U.S.C. 1015(f) and New York State Election Law 5-201(6).

744. Member Alina Shipilina's false statements in registering to vote constituted perjury in the second degree under New York Penal Code 210.10.

745. Member Alina Shipilina's surreptitious feeding of narcotics to the plaintiff constituted reckless endangerment in the first degree under New York Penal Code 120.25 or, in the alternative, reckless endangerment in the second degree under Code 120.20.

746. Member Alina Shipilina's repeated prostitution in New York violates New York Penal Code 230.

747. Member Alina Shipilina's promotion of prostitution violates Penal Code 230.25.

748. Member Alina Shipilina's battery on the plaintiff's process server, restraining the process server from leaving and attempting to intimidate the process server constituted unlawful imprisonment in violation of New York State Penal Code 135.10, menacing in the third degree under Penal Code 120.15 and obstructing governmental administration in the second degree under Penal Code 195.05.

749. Member Alina Shipilina's ongoing perjury to the INS violates 18 U.S.C. 1621.

750. Member Alina Shipilina's perjury before the New York State Supreme Court, the New York City Family Court and the New York City Police Department violated New York State Penal Code 210.10.
751. Member Alina Shipilina's efforts to have the plaintiff lie to the INS in order to obtain permanent residency constituted obstructing an INS proceeding in violation of 18 U.S.C. 1505.
752. Member Alina Shipilina's threats of physical injury to the plaintiff in January 2001 in order to make the plaintiff lie to the INS violated coercion in the first degree under New York Penal Code 135.65.
753. Member Alina Shipilina's efforts to prevent the plaintiff from cooperating with the INS constituted obstructing an INS proceeding in violation of 18 U.S.C. 1505.
754. Member Alina Shipilina's aiding and abetting the silencing of the plaintiff's Russian witnesses in the New York divorce/annulment action constituted coercion in the first and second degree under New York Penal Code 135.60 & 135.65 and tampering with a witness in the fourth degree under Penal Code 215.10.
755. Member Alina Shipilina's aiding and abetting in the making of the three threatening telephone calls to the plaintiff constituted coercion in the first degree under New York State Penal Code 135.65 and intimidation in the third degree under Penal Code 215.15.
756. Member Alina Shipilina's aiding and abetting the threatening telephone call in October 2001 to prevent the plaintiff from making a motion for a trial in the divorce/annulment case constituted tampering with a witness in the fourth degree under New York State Penal Code 215.10.
757. Member Alina Shipilina's aiding and abetting the two threatening telephone calls in 2002 to prevent the plaintiff from cooperating with the INS constituted obstruction of an ongoing INS proceeding in violation of 18 U.S.C. 1505.
758. Member Alina Shipilina's aiding and abetting the threatening of witnesses in the Russian criminal defamation case with physical injury constituted coercion in the first degree under New York Penal Code 135.65.
759. Member Alina Shipilina's aiding and abetting the bribing of Russian officials in Krasnodar violated the Foreign Corrupt Practices Act, 15 U.S.C. 78dd-2.
760. Member Alina Shipilina's aiding and abetting the transfer of funds from unlawful Enterprise activities to Russia to pay for the threatening of witnesses and bribing of officials constituted money laundering under New York Penal Code 470.

761. Member Alina Shipilina's bribing of Member Henning of the New York City Police Department constituted bribery in the third degree under New York Penal Code 200.
- a. In the alternative, Member Alina Shipilina's rewarding of Member Henning of the New York City Police Department constituted rewarding official misconduct in the second degree under Penal Code 200.20.
762. Member Alina Shipilina's aiding and abetting of Member Henning's actions that alarmed the plaintiff constituted aggravated harassment in the second degree in violation of New York Penal Code 240.30.
763. Member Alina Shipilina's aiding and abetting of Member Henning's actions to scare the plaintiff out of cooperating with the INS constituted obstructing an INS proceeding in violation of 18 U.S.C. 1505, coercion in the second degree in violation of New York Penal Code 135.60 and intimidation in the third degree in violation of Penal Code 215.15.
764. For the years 2000, 2001 and 2002, Member Alina Shipilina's substantial under reporting of her total income constituted evasion of U.S., New York State and City income taxes in violation of 26 U.S.C. 7201 and New York Income Taxes 1804.
765. Member Alina Shipilina's concealment of cash revenues in her safe deposit box in order to evade taxes violated 26 U.S.C. 7201.
766. Member Alina Shipilina's subscribing of her 2000, 2001 and 2002 tax returns that she knew were not correct violated 26 U.S.C. 7206 and New York Income Taxes 1804.
767. Member Alina Shipilina's failure to report her Bank of Cyprus account on her Federal income tax returns for 2000, 2001 and 2002 violated 26 U.S.C. 7206 and 31 C.F.R. 103.24, which is punishable under 31 U.S.C. 5322.
768. Member Alina Shipilina's conspiracy with the Aspyan Criminal Association to kill the plaintiff if he may be called to testify in any INS proceeding constitutes a conspiracy in the second degree under New York Penal Code 105.15.
769. Member Alina Shipilina's participation in conspiracies to commit Federal offenses cited in ¶s 740-743, 749, 751-753, 757, 759, 763-767 and conspiracies to commit predicate acts that violate Federal law as cited in ¶s 514 to 541 violate 18 U.S.C. 371.
770. Member Alina Shipilina's participation in conspiracies to commit New York offenses cited in ¶s 743-748, 750, 754-756, 758, 760-764, 766, 768 violate Penal Code 105.

Doctor Marc L. Paulsen

- 771. Member Paulsen's business of selling and distributing pornographic videos in California violates 18 U.S.C. 1466 and California Penal Code 311.5.
- 772. Member Paulsen's participation in conspiracies to commit Federal offenses cited in ¶ 771 and conspiracies to commit predicate acts that violate Federal law as cited in ¶s 544 & 545 violate 18 U.S.C. 371.
- 773. Member Paulsen's participation in conspiracies to commit the criminal acts in ¶ 771 violates California Penal Code 182.

Anastasia Vasilyeva and her husband Dima

- 774. Members Anastasia and Dima's false statements and omissions in obtaining Russian females visas violate the perjury statute 18 U.S.C.1621, the unsworn declarations statute 28 U.S.C. 1746 and the false statement statute 18 U.S.C. 1001.
- 775. Members Anastasia and Dima's pandering in Wisconsin violates the Wisconsin prostitution statute 944.33.
- 776. Members Anastasia and Dima's participation in conspiracies to commit Federal offenses cited in ¶ 774 and conspiracies to commit predicate acts that violate Federal law as cited in ¶s 548 to 553 violate 18 U.S.C. 371.
- 777. Member Anastasia and Dima's participation in conspiracies to pander violate Wisconsin Inchoate Crimes 939.31.

Police Detective Bob Henning

- 778. Member Henning's misuse of his police powers to gain a benefit or deprive the plaintiff of one constituted official misconduct under New York Penal Code 195.
- 779. Member Henning's agreement to accept or acceptance of a benefit to influence his official action concerning the plaintiff constituted bribe receiving in the third degree under New York Penal Code 200.10.
  - a. In the alternative, Member Henning's agreement to receive or receipt of a benefit constituted receiving reward for official misconduct in the second degree under Penal Code 200.25.
- 780. Member Henning's actions that alarmed the plaintiff constituted aggravated harassment in the second degree in violation of New York Penal Code 240.30.

781. Member Henning's actions to scare the plaintiff out of cooperating with the INS constituted obstructing an INS proceeding in violation of 18 U.S.C. 1505, coercion in the second degree in violation of New York Penal Code 135.60 and intimidation in the third degree in violation of Penal Code 215.15.

782. Member Henning's participation in conspiracies to commit Federal offenses cited in ¶ 781 and conspiracies to commit predicate acts that violate Federal law as cited in ¶s 556 & 557 violated 18 U.S.C. 371.

783. Member Henning's participation in conspiracies to commit New York offenses cited in ¶s 778 to 781 violated Penal Code 105.

#### California Pimp

784. Member California Pimp's false statements and omissions in obtaining Russian females visas violated the perjury statute 18 U.S.C.1621, the unsworn declarations statute 28 U.S.C. 1746 and the false statement statute 18 U.S.C. 1001.

785. Member California Pimp's promoting of prostitution violated California Penal Code 653.23.

786. Member California Pimp's participation in conspiracies to commit Federal offenses cited in ¶ 784 and conspiracies to commit predicate acts that violated Federal law as cited in ¶s 560 to 562 violated 18 U.S.C. 371.

787. Member California Pimp's participation in conspiracies to commit the criminal acts in ¶ 785 violated California Penal Code 182.

#### ***Russia***

#### Aspyan, Volchok a.k.a. Woolfy, Raketa a.k.a. Rocket, Smolin, Albatross Club and Albatross Club Gangster 1

788. Members Aspyan, Volchok, Raketa, Smolin, Albatross Club and Albatross Club Gangster 1's recruitment of unauthorized Russian aliens to work in the U.S. violates 8 U.S.C. 1324a.

789. Members Aspyan, Volchok, Raketa, Smolin, Albatross Club and Albatross Club Gangster 1's counterfeiting or aiding and abetting the counterfeiting of documents for Russian prostitutes to obtain benefits under the U.S. immigration laws violates 8 U.S.C. 1324c.

790. Members Asypyan, Volchok, Raketa, Smolin, Albatross Club and Albatross Club Gangster 1's aiding and abetting the making of false statements and omissions in order to obtain Russian prostitutes visas violates the perjury statute 18 U.S.C.1621, the unsworn declarations statute 28 U.S.C. 1746 and the false statement statute 18 U.S.C. 1001.
791. Members Asypyan, Volchok, Raketa, Smolin, Albatross Club and Albatross Club Gangster 1's business of selling and distributing pornographic materials into the U.S. violates 18 U.S.C. 1466.
792. Members Asypyan, Volchok, Raketa, Smolin, Albatross Club and Albatross Club Gangster 1's participation in conspiracies to commit Federal offenses cited in ¶s 788 to 791 and conspiracies to commit predicate acts that violate Federal law as cited in ¶s 565 to 570 violate 18 U.S.C. 371.

#### Asypyan Criminal Association

793. Member Asypyan Criminal Association's agreement with Member Alina Shipilina to kill the plaintiff if he may be called to testify at an INS proceeding constitutes conspiracy in the second degree under New York Penal Code 105.15 and conspiracy under 18 U.S.C. 371 to violate 18 U.S.C. 1505 by obstructing proceedings before the U.S. Government.

#### Ostapenko, Kurilko and Borisova-Officials in the Department of Internal Affairs for Krasnodar

794. Members Ostapenko, Kurilko and Borisova's, participation in conspiracies to aid and abet predicate acts that violated Federal law as cited in ¶ 574 violated 18 U.S.C. 371.

#### Vasilyeva Fashion House and Tatyanna Vasilyeva

795. Members Vasilyeva Fashion House and Tatyanna Vasilyeva's recruitment of unauthorized Russian aliens to work in the U.S. violates 8 U.S.C. 1324a.
796. Members Vasilyeva Fashion House and Tatyanna Vasilyeva's aiding and abetting the making of false statements and omissions in order to obtain Russian prostitutes visas violates the perjury statute 18 U.S.C.1621, the unsworn declarations statute 28 U.S.C. 1746 and the false statement statute 18 U.S.C. 1001.
797. Members Vasilyeva Fashion House and Tatyanna Vasilyeva's participation in conspiracies to commit Federal offenses cited in ¶s 795 & 796 and conspiracies to commit predicate acts that violate Federal law as cited in ¶s 577 violate 18 U.S.C. 371.

#### Dmitri Morosov



798. Member Morosov's business of aiding and abetting the sale and distribution of pornographic materials in the U.S. violates 18 U.S.C. 1466.
799. Member Morosov's participation in conspiracies to commit Federal offenses cited in ¶ 798 and conspiracies to commit predicate acts that violate Federal law as cited in ¶ 580 violate 18 U.S.C. 371.

#### Rey-Krasnodar Pimp

800. Member Rey's recruitment of unauthorized Russian aliens to work in the U.S. violates 8 U.S.C. 1324a.
801. Member Rey's participation in conspiracies to commit Federal offenses cited in ¶ 800 and conspiracies to commit predicate acts that violate Federal law as cited in ¶ 583 violate 18 U.S.C. 371.

#### Inessa A. Shipilina

802. Member Inessa Shipilina's aiding and abetting Member Alina Shipilina's fraudulent marriage for the purpose of evading U.S. immigration law violated 8 U.S.C. 1325(c).
803. Member Inessa Shipilina's aiding and abetting the silencing of the plaintiff's Russian witnesses in the New York divorce/annulment action constituted coercion in the first and second degree under New York Penal Code 135.60 & 135.65 and tampering with a witness in the fourth degree under Penal Code 215.10.
804. Member Inessa Shipilina's aiding and abetting the sale and distribution of pornography in the U.S. violates 18 U.S.C. 1466.
805. Member Inessa Shipilina's aiding and abetting the counterfeiting of documents for Russian prostitutes to obtain benefits under the U.S. immigration laws violates 8 U.S.C. 1324c.
806. Member Inessa Shipilina's participation in conspiracies to commit Federal offenses cited in ¶s 802, 804, 805 and conspiracies to commit predicate acts that violate Federal law as cited in ¶s 586 to 591 violate 18 U.S.C. 371.
807. Member Inessa Shipilina's participation in conspiracies to commit New York offenses cited in ¶ 803 violates Penal Code 105.

Vladimir Gavrilovich Minchenko-Vice Rector Krasnodar State Academy

808. Member Minchenko's participation in conspiracies to commit predicate acts that violate Federal law as cited in ¶s 594 & 595 violates 18 U.S.C. 371.

Phodes Studio Co., Leonid Perlin and Russian Criminal Gang 1

809. Members Phodes Studio, Perlin and Russian Criminal Gang 1's recruitment of unauthorized Russian aliens to work in the U.S. violates 8 U.S.C. 1324a.
810. Members Phodes Studio, Perlin and Russian Criminal Gang 1's aiding and abetting the making of false statements and omissions in order to obtain Russian prostitutes visas violates the perjury statute 18 U.S.C.1621, the unsworn declarations statute 28 U.S.C. 1746 and the false statement statute 18 U.S.C. 1001.
811. Members Phodes Studio, Perlin and Russian Criminal Gang 1's business of selling and distributing pornography in the U.S. violates 18 U.S.C. 1466.
812. Members Phodes Studio, Perlin and Russian Criminal Gang 1's participation in conspiracies to commit Federal offenses cited in ¶s 809 to 811 and conspiracies to commit predicate acts that violate Federal law as cited in ¶s 598 to 605 violate 18 U.S.C. 371.

Vladimir of St. Petersburg

813. Member Vladimir's recruitment of unauthorized Russian aliens to work in the U.S. violates 8 U.S.C. 1324a.
814. Member Vladimir's participation in conspiracies to commit Federal offenses cited in ¶ 813 and conspiracies to commit predicate acts that violate Federal law as cited in ¶s 608 to 613 violate 18 U.S.C. 371.

Krasnodar Briber

815. Member Krasnodar Briber's conspiracies to aid and abet predicate acts that violate Federal law as cited in ¶ 616 violate 18 U.S.C. 371.

Krasnodar Prostitutes 1 to 3

816. Members Krasnodar Prostitutes 1 to 3's recruitment of unauthorized Russian aliens to work in the U.S. violates 8 U.S.C. 1324a.

817. Members Krasnodar Prostitutes 1 to 3's participation in conspiracies to commit Federal offenses cited in ¶ 816 and conspiracies to commit predicate acts that violate Federal law as cited in ¶ 619 violate 18 U.S.C. 371.

#### Russian Criminal Gangs 2 & 3

818. Members Russian Criminal Gangs 2 & 3's recruitment of unauthorized Russian aliens to work in the U.S. violates 8 U.S.C. 1324a.
819. Members Russian Criminal Gangs 2 & 3's counterfeiting or aiding and abetting the counterfeiting of documents for Russian prostitutes to obtain benefits under the U.S. immigration laws violates 8 U.S.C. 1324c.
820. Members Russian Criminal Gangs 2 & 3's aiding and abetting the making of false statements and omissions in order to obtain Russian prostitutes visas violates the perjury statute 18 U.S.C.1621, the unsworn declarations statute 28 U.S.C. 1746 and the false statement statute 18 U.S.C. 1001.
821. Members Russian Criminal Gangs 2 & 3's business of selling and distributing pornographic materials in the U.S. violate 18 U.S.C. 1466.
822. Members Russian Criminal Gangs 2 & 3's participation in conspiracies to commit Federal offenses cited in ¶s 818 to 821 and conspiracies to commit predicate acts that violate Federal law as cited in ¶s 645 to 652 violate 18 U.S.C. 371.

#### Baraev Islamic Terror and Crime Clan or Russian Criminal Gang 4 or Chechen Criminal Gang 2

823. Member Baraev Islamic Terror and Crime Clan or Russian Criminal Gang 4 or Chechen Criminal Gang 2's conspiracies to aid and abet the transportation of narcotics to America violate 18 U.S.C. 371.

#### Baraev Islamic Terror and Crime Clan or Russian Criminal Gang 5 or Chechen Criminal Gang 1

824. Member Baraev Islamic Terror and Crime Clan or Russian Criminal Gang 5 or Chechen Criminal Gang 1's threatening of the plaintiff's Russian witnesses in the New York divorce/annulment action constituted coercion in the first and second degree under New York Penal Code 135.60 & 135.65 and tampering with a witness in the fourth degree under Penal Code 215.10.
825. Member Baraev Islamic Terror and Crime Clan or Russian Criminal Gang 5 or Chechen Criminal Gang 1's participation in conspiracies to commit New York offenses cited in ¶ 824 violates Penal Code 105.

826. Member Baraev Islamic Terror and Crime Clan or Russian Criminal Gang 5 or Chechen Criminal Gang 1's conspiracies to aid and abet predicate acts that violate Federal law as cited in ¶ 627 violate 18 U.S.C. 371.

## *Cyprus*

### Bank of Cyprus

827. Member Bank of Cyprus' laundering of money from unlawful Enterprise activities through its New York City office violates New York State Penal Code 470.
828. Member Bank of Cyprus' laundering of money from unlawful Enterprise activities through its New York City office aids and abets tax evasion by Enterprise members in violation of 26 U.S.C. 7201 and New York State Income, Earnings and Corporate Taxes 1801 & 1804.
829. Member Bank of Cyprus' participation in conspiracies to commit Federal offenses cited in ¶s 827 & 828 and conspiracies to commit predicate acts that violate Federal law as cited in ¶s 633 to 635 violate 18 U.S.C. 371.
830. Member Bank of Cyprus' participation in conspiracies to commit New York offenses cited in ¶s 827 & 828 violates Penal Code 105.

### Stephanos-Bank Clerk

831. Member Stephanos' laundering of money from unlawful Enterprise activities aids and abets tax evasion by Enterprise members in violation of 26 U.S.C. 7201 and New York State Income, Earnings and Corporate Taxes 1801 & 1804.
832. Member Stephanos' participation in conspiracies to commit Federal offenses cited in ¶ 831 and conspiracies to commit predicate acts that violate Federal law as cited in ¶s 638 to 642 violate 18 U.S.C. 371.
833. Member Stephanos' participation in conspiracies to commit New York offenses cited in ¶ 831 violates Penal Code 105.

### Marios, Melios, Irina Athanasiou, IRINIS 182C Entertainment and Melios Athanasiou Agencies (collectively referred to as "Members Athanasious")

834. Members Athanasious' recruitment of unauthorized Russian aliens to work in the U.S. violates 8 U.S.C. 1324a.

835. Members Athanasious' counterfeiting or aiding and abetting the counterfeiting of documents for Russian prostitutes to obtain benefits under the U.S. immigration laws violates 8 U.S.C. 1324c.
836. Members Athanasious' aiding and abetting the making of false statements and omissions in order to obtain Russian prostitutes visas violates the perjury statute 18 U.S.C.1621, the unsworn declarations statute 28 U.S.C. 1746 and the false statement statute 18 U.S.C. 1001.
837. Members Athanasious' business of selling and distributing pornographic materials in the U.S. violates 18 U.S.C. 1466.
838. Members Athanasious' participation in conspiracies to commit Federal offenses cited in ¶s 834 to 837 and conspiracies to commit predicate acts that violate Federal law as cited in ¶s 645 to 652 violate 18 U.S.C. 371.

A. Charalambous-Cyprus Chief Immigration Officer

839. Member Charalambous' participation in conspiracies to commit predicate acts that violate Federal law as cited in ¶s 655 & 656 violates 18 U.S.C. 371.

*Mexico*

Maria-Prostitute Headhunter and Julia Heart Agency

840. Members Maria and Julia Heart Agency's recruitment of unauthorized Russian and East European aliens to work in the U.S. violates 8 U.S.C. 1324a.
841. Members Maria and Julia Heart Agency's aiding and abetting the making of false statements and omissions in order to obtain Russian and East European prostitutes visas violates the perjury statute 18 U.S.C.1621, the unsworn declarations statute 28 U.S.C. 1746 and the false statement statute 18 U.S.C. 1001.
842. Members Maria and Julia Heart Agency's participation in conspiracies to commit Federal offenses cited in ¶s 840 & 841 and conspiracies to commit predicate acts that violate Federal law as cited in ¶s 659 & 660 violate 18 U.S.C. 371.

Men's Club, Roberto & Rosa Elina Quinlan and Mexican Organized Crime Gang 1

843. Members The Men's Club, Quinlans and Mexican Organized Crime Gang 1's recruitment of unauthorized Russian and East European aliens to work in the U.S. violates 8 U.S.C. 1324a.
844. Members The Men's Club, Quinlans and Mexican Organized Crime Gang 1's aiding and abetting the making of false statements and omissions in order to obtain Russian and East European prostitutes visas violates the perjury statute 18 U.S.C.1621, the unsworn declarations statute 28 U.S.C. 1746 and the false statement statute 18 U.S.C. 1001.
845. Members The Men's Club, Quinlans and Mexican Organized Crime Gang 1's participation in conspiracies to commit Federal offenses cited in ¶s 843 & 844 and conspiracies to commit predicate acts that violate Federal law as cited in ¶s 663 & 664 violate 18 U.S.C. 371.

#### Max Gracia Appedole

846. Member Max Gracia Appedole's participation in conspiracies to commit predicate acts that violate Federal law as cited in ¶ 202 violates 18 U.S.C. 371.

#### Juginta Raszyukevichina a.k.a. Azul

847. Member Azul's recruitment of unauthorized East European aliens to work in the U.S. violates 8 U.S.C. 1324a.
848. Member Azul's aiding and abetting the making of false statements and omissions in order to obtain East European prostitutes visas violates the perjury statute 18 U.S.C.1621, the unsworn declarations statute 28 U.S.C. 1746 and the false statement statute 18 U.S.C. 1001.
849. Member Azul's participation in conspiracies to commit Federal offenses cited in ¶s 847 & 848 and conspiracies to commit predicate acts that violate Federal law as cited in ¶s 670 & 671 violate 18 U.S.C. 371.

#### Salvador-Partner Phodes Studio

850. Member Salvador's business of selling and distributing pornographic materials in the U.S. violates 18 U.S.C. 1466.
851. Member Salvador's participation in conspiracies to commit Federal offenses cited in ¶ 850 and conspiracies to commit predicate acts that violate Federal law as cited in ¶s 674 to 676 violates 18 U.S.C. 371.

Alfredo Ibarra Sotelo and Grupo Ibarra Aisa

852. Members Grupo Ibarra Aisa and Alfredo Ibarra's participation in conspiracies to commit predicate acts that violate Federal law as cited in ¶s 679 & 680 violate 18 U.S.C. 371.

All Member Defendants

853. The above Members engaged in the cited criminal acts with the requisite mens rea.

**XI. Plaintiff's Efforts to Obtain Assistance from Enforcement Agencies and State Courts**

854. In February 2001, the plaintiff applied for a temporary order of protection in a Queens County court following the January threat of physical harm from Russian criminals that Member Alina Shipilina made to the plaintiff.
855. The Queens judge laughed at the plaintiff and denied the request.
856. In October 2001 after the first threatening telephone call by Member Madison or Pierre, the plaintiff went to his local police precinct in order to report the threat and file a complaint.
857. The two police officers on the desk at the 13<sup>th</sup> Precinct laughed at the plaintiff, said there was nothing they could do and refused to even listen to the plaintiff's audiotape of the threatening call.
858. In February 2002, plaintiff filed a complaint with the 13<sup>th</sup> Precinct about the second threatening telephone call from Member Madison or Pierre.
859. The police decided not to investigate and dismissed the complaint without even bothering to inform the plaintiff.
860. The plaintiff learned the complaint had been dismissed only after calling the precinct.
861. A detective told the plaintiff that the police didn't want to do the work necessary to tract down and investigate Member Madison or Pierre.
862. In February 2002, the plaintiff reported both the October 2001 and February 2002 threatening telephone calls to two agents at the Federal Bureau of Investigation ("F.B.I.") and provided the agents with tape recordings of each call.

863. At the end of February, one of the F.B.I. agents that the plaintiff had met with told the plaintiff that the F.B.I. had located Member Madison or Pierre, knew his real identity and the agents would have a talk with him.
864. The F.B.I. agent would not give the plaintiff Member Madison or Pierre's address or true identity.
865. The F.B.I. was able to locate Member Madison or Pierre and determine his true identity by tracing a voicemail telephone number.
866. In March 2002, the same F.B.I. agent, after contacting Member Alina Shipilina, told the plaintiff that the F.B.I. would not interview Member Madison or Pierre for fear that he might become angry and cause the plaintiff harm.
867. The F.B.I. agent also told the plaintiff that the F.B.I. "was not an investigative organization," so it could not help the plaintiff any further, and the agent warned the plaintiff not to open his apartment door to anyone he did not know and to watch out for himself in public.
868. The plaintiff obtained a temporary protection order against further threatening calls pending a trial in a New York County court.
869. The New York County court, however, refused to grant the plaintiff's motion for a subpoena to obtain the telephone records for the voicemail number of Member Madison or Pierre, so the plaintiff was still unable to discover the true identify of Member Madison or Pierre.
870. The New York County court denied the plaintiff a permanent protection order because the plaintiff could not determine the true identity of the Member Madison or Pierre and thereby show a connection with Member Alina Shipilina.
871. The plaintiff continues to fear for his business, personal safety and life.
872. The plaintiff has provided and continues to provide a description of the continuing acts by the Enterprise against the plaintiff to his attorney so that his attorney might take appropriate action in case the plaintiff is incapacitated, disappears or killed.
873. As a last resort, the plaintiff has brought this civil R.I.C.O. action in the hope that it will prevent the Enterprise from making good on its threats and provide the plaintiff just compensation for the harm caused by the Enterprise's Scheme as conducted by the member defendants.

## **XII. Effect of Interstate and Foreign Commerce**



874. In its effect on interstate and foreign commerce, at the very least, the activities of the Enterprise:

- a. Span the globe and are expanding into states through out America;
- b. Move significant sums of money across interstate and foreign borders;
- c. Move prostitutes, hands-on lap-dancers, pornography and narcotics across interstate and foreign borders;
- d. Use interstate and foreign banking institutions;
- e. Involve customers that cross American state lines either physically or through the Internet to purchase sexual services and pornography;
- f. Increase the risk of sexually transmitted diseases among interstate and foreign customers;
- g. Increase health insurance premiums nationwide by increasing the incidents of diseases among some of the insured;
- h. Increase federal, state and local health expenses by increasing the incidents of diseases among some of the uninsured;
- i. Include operations overseas that have a foreseeable connection with U.S. interstate commerce, such as the recruitment of prostitutes, production of pornography, sales of narcotics, bribery and intimidation;
- j. Place law-abiding interstate and international entertainment companies at a competitive disadvantage through tax evasion and unfair business practices;
- k. Increase the tax burden on federal, state or local taxpayers, since members of the Enterprise consume government provided services without paying their fair share in taxes; and
- l. Increase the operating costs for many legitimate businesses that are cheated by various scams conducted by Enterprise members which in turn increase the price of goods and services throughout the economy.

Additionally,

- m. Members Flash Dancers, its owners and managers advertise and import goods across American state lines;
- n. Member Cybertech provides services across state lines and around the world via the Internet;
- o. Member Kuba, Mundy & Associates maintains New York and New Jersey offices;
- p. Members Flash Dancers Topless Club, Jay-Jay Cabaret, Lepofsky, Flash Dancers Managers, Cybertech, American Organized Crime Gang 1, Alina Shipilina, the Vasilyevas, Vasilyeva House of Fashion, California Pimp, Aspyan, Volchok, Raketa, Smolin, Albatross Club, Albatross Club Gangster 1, Aspyan Criminal Association, Rey, Inessa Shipilina, Krasnodar Prostitutes 1 to 3, Phodes Studio, Perlin, Vladimir, Russian Criminal Gangs 1, 2 and 3, Minchenko, the Athanasious, Maria, Julia Heart Agency, The Men's Club, the Quilans, Azul, Gracia and Mexican Organized Criminal Gang 1 transport or recruit prostitutes and hands-on lap dancers or facilitate recruiting or transporting of such across interstate or foreign borders;

- q. Members Flash Dancers Topless Club, Jay-Jay Cabaret, Lepofsky, Flash Dancers Managers, Cybertech, American Organized Crime Gang 1, Alina Shipilina, Paulsen, Asypyan, Volchok, Raketa, Smolin, Albatross Club, Albatross Club Gangster 1, Asypyan Criminal Association, Morosov, Phodes Studio, Perlin, Athanasious and Salvador transport or facilitate the transportation of pornography across state or foreign borders; and
- r. Members Flash Dancers Topless Club; American Organized Crime Gang 1; Flash Dancers Managers Barry, 1 and 2; Alina Shipilina; Asypyan; Volchok; Raketa; Smolin; Albatross Club; Albatross Club Gangster 1; Asypyan Criminal Association; Baraev Islamic Terror and Crime Clan; Russian Criminal Gang 4; Chechen Criminal Gang 2; and Ibarra transport or facilitate the transportation of narcotics across state or foreign borders.

### **XIII. Pattern of Racketeering Activity**

875. The Enterprise member defendants generate funds, acquire and maintain interests and conduct the affairs of the Enterprise through the numerous predicate acts cited in Section IX above.
876. Member defendants' predicate acts will repeat and multiply into the future in order to continue and increase the Enterprise's businesses and income streams.
877. Member defendants' predicate acts will repeat and multiple into the future in order to further the Enterprise's continuing Scheme to infiltrate and expand its activities into hard currency markets, especially the U.S.
878. Member defendants' predicate acts have occurred within temporal proximity of each other.
879. Member defendants use predicate acts in order to assure the effectiveness of concurrent or successive predicate and non-predicate criminal acts, since often a number of different crimes are necessary for contributing to the successful operation of the Enterprise and its Scheme.
880. For example, the flow of Enterprise human capital from the former Soviet Union often requires a combination of visa fraud, bribery, perjury, mail and wire fraud, and travel in aid of a racketeering enterprise in order to bring Russian managers, pimps and prostitutes to the U.S.
881. In addition, the drive to maximize profits and minimize expenses of the Enterprise results in repeated tax evasion that requires money laundering and exporting revenues out of the U.S. without reporting so as to disguise the ownership and source of the revenues.
882. Also, in order to protect valuable members threatened with exposure, the Enterprise members engage in criminal acts such as tampering with witnesses, unlawful

imprisonment, reckless endangerment, coercion, intimidation, official misconduct and menacing.

883. The Enterprise's Scheme of continuing expansion into hard currency markets targets American men looking for Russian wives and companions in order to defraud the men into bringing an Enterprise manager or prostitute to America in circumvention of U.S. immigration laws.
884. Member defendants' predicate acts in expanding and conducting the Enterprise's U.S. operations enable the Enterprise to target thousands of additional consumers for sexual services with the result of dramatically increasing the health risks, such as exposure to AIDS, to those consumers and their partners.
885. Member defendants' predicate acts in expanding and conducting the Enterprise's operations bodes ill for many legitimate entertainment companies by unfairly competing for entertainment dollars that would otherwise flow to the investors and employees of legitimate businesses in the leisure industry.

#### **XIV. Causes of Action**

##### **First Cause of Action:**

##### **RICO: Use of Income from Racketeering Activities**

886. Plaintiff incorporates all of the prior allegations of this complaint.
887. Defendants' conduct violates 18 U.S.C. 1962(a), and defendants are liable to the plaintiff for the damages set out below.

##### **Second Cause of Action:**

##### **RICO: Racketeering Activities to Maintain Interests or Control**

888. Plaintiff incorporates all of the prior allegations of this complaint.
889. Defendants' conduct violates 18 U.S.C. 1962(b), and defendants are liable to the plaintiff for the damages set out below.

##### **Third Cause of Action:**

##### **RICO: Participation in the Conduct of the Enterprise's Affairs**

890. Plaintiff incorporates all of the prior allegations of this complaint.
891. Defendants' conduct violates 18 U.S.C. 1962(c), and defendants are liable to the plaintiff for the damages set out below.

**Fourth Cause of Action:**  
**RICO: Conspiracy**

892. Plaintiff incorporates all of the prior allegations of this complaint.
893. Defendants' conduct violates 18 U.S.C. 1962(d), and defendants are liable to the plaintiff for the damages set out below.

**Fifth Cause of Action:**  
**Intentional Infliction of Emotional Distress**

894. Plaintiff incorporates all of the prior allegations of this complaint.
895. Defendants Flash Dancers Topless Club; Jay-Jay Cabaret; Kuba, Mundy & Associates; Mundy; Petrovich; Alina Shipilina; Flash Dancers Managers Barry, 3, 4 or 5; Madison or Pierre; and Henning are liable to the plaintiff for intentional infliction of emotional distress as pendent state law claims in this action.

**Sixth Cause of Action:**  
**Abuse of Process or, in the alternative, Prima Facie Tort**

896. Plaintiff incorporates all of the prior allegations of this complaint.
897. Defendants Mundy, Petrovich, Alina Shipilina and Henning are liable to the plaintiff for abuse of process or, in the alternative, prima facie tort as pendent state law claims in this action.

**Seventh Cause of Action:**  
**Malicious Prosecution or, in the alternative, Prima Facie Tort**

898. Plaintiff incorporates all of the prior allegations of this complaint.
899. Defendants Mundy, Petrovich, Alina Shipilina and Henning are liable to the plaintiff for malicious prosecution or, in the alternative, prima facie tort as pendent state law claims in this action.

**X. Damages**

900. The plaintiff has suffered damages to his business and financial interests by the use of funds from racketeering activities to finance the Enterprise's Scheme.
901. Funds from racketeering activities have been used to build a litigation war chest to fund fraudulent proceedings against the plaintiff and fraudulently defend against legitimate proceedings in order to whipsaw the plaintiff into submission and deplete his financial resources.
902. Funds from racketeering activities have been used to bribe public employees into subverting the proper administration of the law in America and Russia so as to thwart the plaintiff's efforts to rectify the Enterprise's harm done to his business reputation and goodwill.
903. Funds from racketeering activities have been used to purchase the intimidation of witnesses in order to thwart the plaintiff's efforts to rectify the Enterprise's harm done to his business reputation and goodwill.
904. The plaintiff has suffered damages to his business and financial interests from racketeering activities used to acquire or preserve influence over some of the Enterprise's activities.
905. The predicate acts committed in furtherance of the Enterprise's Scheme against the plaintiff have caused damages to his business and financial assets as well as imperiled his safety, life, liberty and right not to live in fear.
906. The plaintiff's business and financial assets have been damaged from overt criminal and tortious acts done in furtherance of conspiracies.
907. The plaintiff's business and financial damages from the Enterprise's Scheme are in excess of one million dollars (\$1,000,000) and include:
- a. Loss of profits from the plaintiff's law and consulting business over a two-year period of \$200,000 from cessation of normal work as a result of the initial success of the Enterprise's Scheme in defrauding the plaintiff into arranging for Member Alina Shipilina to enter the U.S. and, subsequently, the plaintiff's ongoing investigation of the Enterprise's Scheme in order to prevent and rectify injury to the plaintiff;
  - b. Business interruption expenses of \$50,000, which includes the additional costs of bringing the plaintiff's business back up to the operating level it had achieved before the Enterprise directed its Scheme against the plaintiff;
  - c. Loss of business opportunities of \$150,000;
  - d. Expenses in excess of \$100,000 for the plaintiff's investigation and efforts to avoid and rectify injury from the Enterprise's Scheme, including without

limitation the investigation of the tampering with and intimidation of witnesses and subornation of perjury and bribery.

- e. Damages in the amount of \$500,000 to the plaintiff's reputation and good will as a result of the false allegations made against the plaintiff in carrying out the Enterprise's Scheme.
  - f. Such other damages to be proved at trial.
908. The plaintiff seeks treble the damages proved, plus costs and attorney fees, pursuant to 18 U.S.C. 1964(c).
909. The plaintiff seeks attorney fees and costs as provided for in the New York Debtor and Creditor Law 276(a)
910. The plaintiff seeks joint and several liability among the defendants.
911. The plaintiff seeks relief pursuant to 18 U.S.C. 1964(a) in the form of orders prohibiting the defendants from hiding assets and prohibiting the defendants from continuing to violate R.I.C.O.
912. Pending trial, the plaintiff seeks an order that defendants restrain from destroying evidence in their possession or control.
913. Pending trial, the plaintiff seeks an order prohibiting the defendants from carrying out their threats or engaging in further intimidation, menacing, coercion or other illegal conduct against the plaintiff.
914. Plaintiff seeks such other relief as is just and proper.

#### **XI. Demand for Jury Trial**

915. Plaintiff demands a trial by jury.

Dated: New York, NY  
April 18, 2003

---

Roy Den Hollander  
Attorney for the plaintiff  
545 East 14 Street  
New York, NY 10009  
(212) 995 5201

-

**ROY DEN HOLLANDER**  
**Attorney at Law**

545 East 14th Street  
New York, NY 10009

Tel. & Fax: (212) 995-5201  
Mobile 917 687 0652  
rdhh@erols.com

December 24, 2003

J. Michael McMahon, Clerk  
United States District Court for the Southern  
District of New York  
Daniel Patrick Moynihan U.S. Courthouse  
500 Pearl Street  
New York, N.Y. 10007-1312

**Roy Den Hollander v. Flash Dancers Topless Club, et al.**  
**Southern District Court of New York, CV-03-2717 (MBM)**

Dear Mr. Mahon:

In accordance with Fed. R. Civ. P. 55(a), the plaintiff requests certificates of default of defendants Anastasia A. Vasilyeva, Nicolay N. Vasilyev, listed in the complaint as Dima-Husband Anastasia Vasilyeva, and Cybertech Internet Solutions, Inc., listed in the complaint as Cybertech Internet Strip Club Network, for failure to plead or otherwise defend in a timely manner.

Enclosed please find the Application for Certificates of Default and Declaration with exhibits in support of the application.

Thank you for your time.

Sincerely,

Roy Den Hollander

CC: Hon. Michael B. Mukasey, Chief Judge  
US District Court  
500 Pearl St., Rm 2240  
New York, NY 10007-1312

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
Roy Den Hollander

Plaintiff,

Docket No. 03 CV 2717 (MBM)



-against-

**Plaintiff's Application to Clerk for Certificates of Default  
Against Defendants Vasilyevas and  
Cybertech**

Flash Dancers Topless Club, et al.,

Defendants.

-----X

To the Clerk of the United States District Court for the Southern District of New York:

The plaintiff, Roy Den Hollander, requests from the Clerk certificates of default of defendants Anastasia A. Vasilyeva, Nicolay N. Vasilyev, listed in the complaint (Exhibit H) as Dima-Husband Anastasia Vasilyeva, (collectively "Vasilyevas") and Cybertech Internet Solutions, Inc., listed in the complaint as Cybertech Internet Strip Club Network ("Cybertech") for failure to plead or otherwise defend in a timely manner as provided by Federal Rules of Civil Procedure, Rule 55(a).

This request is based on the attached declaration of Roy Den Hollander, attorney and pro se plaintiff, which shows the following:

1. On June 14, 2003 defendant Anastasia Vasilyeva and on June 16, 2003 defendant Nicolay N. Vasilyev were served with the summons, complaint, notice of right to magistrate and consent form for magistrate pursuant to Fed. R. Civ. P. 4(c), as evidenced by the proof of service on file with this court (a copy of which is attached to the Declaration as Exhibit A).
2. Defendants Vasilyevas have not served or filed an answer or motion or otherwise defended although they subsequently sent a letter in Russian, Exhibit B of the Declaration, to the Court and the plaintiff within twenty-days after service on them of the complaint, Exhibit H.
3. Defendant Cybertech was served with the summons, complaint, notice of right to magistrate and consent form for magistrate pursuant to Fed. R. Civ. P. 4(c) on June 16, 2003, as evidenced by the proof of service on file with this court (a copy of which is attached to the Declaration as Exhibit C).
4. Defendant Cybertech has failed to file or serve an answer within twenty days of service of the complaint or defend in a timely manner.
5. Defendant Cybertech is not an infant, in the military, or an incompetent person.

Dated: New York, NY  
December 24, 2003

/S/

\_\_\_\_\_  
Roy Den Hollander, Esq.  
Plaintiff pro se  
545 East 14<sup>th</sup> St.  
New York, NY 10009  
212 995 5201

**A Couple Exhibits of the Default Motion**

Cybertech Internet

StripClub Network



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Cybertech Internet

StripClub Network



From business trips to sporting events, we have your perfect companion for you. As a date or simply good company, spending time with one of these unique ladies is definitely a worthwhile experience. Why spend time alone when you could have fun and good conversation with one of these beautiful ladies. Here are just a few examples of when you could use the company of one of our beautiful Ladies.

**Dinner Companions:**

There's nothing more romantic than dining at a candlelit restaurant with a beautiful woman. And there's nothing lonelier than the feeling of wanting to share those intimate moments...but having nobody to share them with. Let Strip Club Escorts provide you with the ultimate escort - a lady of refinement and style to accompany you on that pleasing adventure that's sure to melt the heart of anyone lucky enough to be invited along.

**Nightlife Companion:**

Want to see and experience the sight and sounds of the nightlife? Would you like to be seen with someone on your arm who turns every head in the place and makes everybody wonder "Who's that Models...and the guy she's with?" Strip Club Escorts can make the dream come true by putting one of our stunning models on your arm to light up the room and make you feel like the true VIP you really are.

**Weekend Getaways:**

Are you the kind of the person who needs time to get to know a beautiful lady? A person who likes to travel? A person who lives to visit enchanting places with the perfect companion? Then try a weekend getaway with one of the Strip Club Escorts, an experience to put a skip in your step and a smile on your face.

**Business Trips:**

Let's say you're going to an exotic international location to conduct some business. You don't want to spend every waking hour working and you do wish you had someone along to romanticize the excursion. Answer: Let one of the Strip Club Escorts accompany you on the voyage. Business will never seem like so much fun UNLESS you make the call.

We are proud to arrange and provide the most elite stars of today for any of your corporate events, in store appearances, dinner parties and special occasions. A variety of packages and corporate discounts are available for returning customers and new clientele. So, take a look at our extensive online portfolio and let us make your next event something everyone will remember. Please give us a call or email us with your requests and questions. We look forward to a satisfying and lasting partnership with you.

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DAVID L. FEINBERG  
Attorney At Law  
283 Maple Street  
West Hempstead, NY 11552  
(516) 539-2186

January 8, 2004

HON. MICHAEL B. MUKASEY, U.S.D.J.  
Chief Judge, Southern District of New York  
United States District Court  
500 Pearl Street, Room 2240  
New York, New York 10007

ROY DEN HOLLANDER v. FLASH DANCERS TOPLESS CLUB, et al.  
CV-03-2717(MBM)

Dear Chief Judge Mukasey:

I am writing this letter to oppose Plaintiff's request for a certificate of default against Cybertech Internet Solutions, Inc., in the above-entitled action. (Enclosed please find copies of Plaintiff's letter to the Clerk of this Court, his accompanying application for certificates of default and Declaration in support of said application, and Exhibits C, D and E annexed thereto.) Plaintiff's letter to the Clerk is dated December 24, 2003, and his application to this Court during the holiday season is indicative of the underhanded (though clumsy) manner in which Plaintiff has attempted to gain a judgment over Cybertech without providing that company with a fair opportunity to respond to the allegations against it.

Plaintiff states that Cybertech was served with a summons and complaint for the above-entitled action on June 16, 2003. This is a false assertion, notwithstanding the fact that Plaintiff has shamelessly stated it at least three times. (See paragraph 3 of Plaintiff's Application for Certificates of Default, paragraph 7 of his Declaration and the Affidavit of Service annexed thereto as Exhibit C.) The Affidavit asserts that Cybertech was served at 50 West 33rd Street, even though Cybertech has no offices or employees located at that address. The Affidavit states that an individual named "Tara Kolin" was authorized to accept service on behalf of Cybertech, though no such person works for Cybertech or is even known to the principal officer of said corporation. At the time Plaintiff allegedly served the Court's July 23, 2003 Order (Plaintiff's Exhibit D) upon Cybertech (once again, at the aforementioned incorrect address - please see Plaintiff's Exhibit E), Cybertech did not even have actual notice of Plaintiff's Complaint and would not have such knowledge for several months thereafter. In fact, Plaintiff has never served his Complaint in the above-entitled action upon Cybertech. Since Plaintiff failed to comply with his obligations concerning said service, the deadline specified by the Court in paragraph 1 of its July 23rd Order for

"Defendants who have been served" is inapplicable to Cybertech, and any later deadline subsequently set by the Court for serving responsive papers would be similarly inapplicable to Cybertech.

Furthermore, Plaintiff attempts to gloss over the fact that Cybertech was not properly named in the Complaint, as though this were somehow insignificant. Before Mr. Hollander brought his ill-conceived pro se action against Cybertech and other parties, he obviously had to know that Cybertech was not incorporated under the name "Cybertech Internet Strip Club Network." Plaintiff's failure to exercise due diligence with respect to the matter of properly designating Cybertech in his Complaint is unprofessional and inexcusable. I believe that Mr. Hollander designated Cybertech the way that he did because he wanted to create an unfair impression that there is a linkage, at least conceptually, between Cybertech and some of the other Defendants. In any event, Plaintiff's attempt to obtain a certificate of default against a Defendant which he has not even named correctly in his Complaint should be rejected.

Plaintiff's Complaint was unknown to Cybertech until a motion to dismiss said Complaint that was made by a number of the co-Defendants brought the matter to Cybertech's attention several months after it was allegedly served. I have already agreed to respond to the Complaint on behalf of Cybertech, and the reason why I have yet to submit a direct response to the Court is that I am not currently admitted to practice in the Southern District of New York. Since I am admitted to practice in the Eastern District of New York, I have been assured that there should be no major obstacles to my admission in the Southern District and I would expect to be admitted herein before the end of this month.

When I am able to formally respond to the Complaint against Cybertech following my admission, I expect that I will join in the motion made by several of the co-Defendants to dismiss the Complaint in the above-entitled action. Until that time, for all of the foregoing reasons, I respectfully request that this Court issue an order instructing the Clerk of the Court to reject Plaintiff's application for a certificate of default against Cybertech Internet Solutions, Inc., with respect to the above-entitled action. In the event that the Clerk of the Court has already granted Plaintiff's aforementioned application by the time this letter is received, I respectfully request that this Court issue an order vacating any such certificate of default.

I thank the Court for its attention and consideration regarding this matter.

Very truly yours,

*David L. Feinberg*  
David L. Feinberg

cc: Hon. J. Michael McMahon, Clerk  
Southern District of New York  
United States District Court  
500 Pearl Street  
New York, New York 10007

Roy Den Hollander  
545 East 14th Street  
New York, New York 10009

Zane and Rudofsky  
601 West 26th Street, Suite 1111  
New York, New York 10001

McManus, Collura & Richter, P.C.  
48 Wall Street, 25th Floor  
New York, New York 10005

Jack Sachs  
111 John Street, Suite 1504  
New York, New York 10038

Nelson Stern  
964 Third Avenue, 5th Floor  
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Vikrant Pawar  
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Special Federal Litigation Division  
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Anastasia A. Vasilyeva and Nicolay N. Vasilyev  
2876 A South 46th Street  
Milwaukee, Wisconsin 53219

Cybertech Internet Solutions, Inc.  
45 Church Street, 2nd Floor  
Freeport, New York 11520



**ROY DEN HOLLANDER**  
Attorney at Law

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New York, NY 10009

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Mobile 917 687 0652  
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January 13, 2004

Hon. Michael B. Mukasey, Chief Judge  
United States District Court for the Southern  
District of New York  
Daniel Patrick Moynihan U.S. Courthouse  
500 Pearl Street, Room 2240  
New York, N.Y. 10007-1312

**Roy Den Hollander v. Flash Dancers Topless Club, et al.**  
**Southern District Court of New York, CV-03-2717 (MBM)**

Dear Chief Judge Mukasey:

This is in response to defendant Cybertech Internet Solution's letter to the Court dated January 8, 2004 concerning the plaintiff's application to the clerk for a certificate of default against Cybertech.

As this Court knows, an "application for a certificate of default" is not a motion for a default judgment; it is the first necessary step before filing a motion for default judgment, (S.D.N.Y., L.R. 55.2(b)). Counsel for Cybertech, David L. Feinberg, apparently is unaware of this when he accuses me of a "clumsy" attempt to obtain a default judgment during the holiday season. (Feinberg letter ¶ 1) In addition, there is no requirement that an application for a certificate of default be served on the defaulting party. Dow Chem. Pac. Ltd. v. Rascator Maritime, S.A., 782 F.2d 329, 336 (2d Cir. 1986). Apparently Mr. Feinberg does not know this either. But in the spirit of fairness and openness, the application for a certificate of default was nonetheless served on Mr. Feinberg.

In any event, since service of the application for a certificate of default on Cybertech has had the effect of prodding Mr. Feinberg to finally appear on behalf of his client, I request the Court either set a schedule for Mr. Feinberg to file an answer or make a motion under Fed. R. Civ. P. 12. Mr. Feinberg's reason for delaying his response to the complaint because he was not admitted to the Southern District appears disingenuous, since he could have applied to the Court to appear pro hac vice—it's only \$25.

The remaining issues raised in Mr. Feinberg's letter would be more appropriately dealt with in a Rule 12 motion in which Mr. Feinberg provides affidavits and legal citations on which he is apparently relying. The issues include:

1. Whether Cybertech can overcome the presumption of service at its Manhattan address (also the location of the lap-dancing Paradise Club) as evidenced by the affidavit of service, Exhibit A;
2. Whether Cybertech had notice of the claims against it as a result of the April 20, 2003 first class mailing of the request for waiver of summons and the complaint to the address listed by the New York Secretary of State for Cybertech in Port Washington, See Exhibit B, affidavit and certificate of mailing; (When there was no response from Cybertech as to the request for waiver of process, papers were served on its Manhattan office in an effort to reduce the cost of service that will be billed to Cybertech under Fed. R. Civ. P. 4(d));
3. Whether even a *pro se* plaintiff has the right to amend a complaint to include the registered name of an inactive New York State corporation: Cybertech Internet Solutions—a name Mr. Feinberg refused to provide the plaintiff, and which corporation created and operates, among other web sites, the Internet "Global Porn" and "Strip Club Escorts." See Exhibit C; and
4. Whether Mr. Feinberg's request to join the current motion to dismiss by certain defendants after the plaintiff has filed his response and perhaps even after the Court's decision will be allowed even though Mr. Feinberg was informed of that motion on December 2, 2003?

Rather than circumventing the established due process procedures for resolving such issues, which is apparently Mr. Feinberg's strategy, I once again request the Court to set a schedule for Cybertech to answer or file a Rule 12 motion so that the plaintiff has a meaningful opportunity to respond to Mr. Feinberg's objections concerning the complaint.

Thank you for your time.

Very truly yours,

  
Roy Den Hollander

CC:

David L. Feinberg (Cybertech)  
Attorney at Law  
283 Maple Street  
West Hempstead, NY 11552  
Tel. 516 539 2186

### Some Exhibits of the Reply

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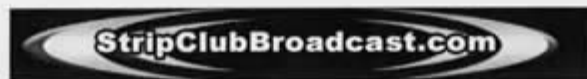
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
ROY DEN HOLLANDER,

Plaintiff,

-against-

FLASH DANCERS TOPLESS CLUB,  
et al.,

Defendants.  
-----X

:  
: 03 Civ. 2717 (MBM)  
:

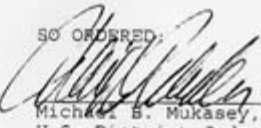
:  
: ORDER  
:

MICHAEL B. MUKASEY, U.S.D.J.

Plaintiff has applied for entry of a default against the Vasilyeva defendants and defendant Cybertech Internet Strip Club Network. All defendants who have appeared have filed and joined in motions to dismiss the entire complaint for, among other reasons, failure to state an actionable claim. That motion is not yet sub judice. Accordingly, plaintiff's application for entry of a default against the Vasilyeva defendants and Cybertech Internet Strip Club Network is denied without prejudice to renewal, if appropriate, after the Court decides defendants' outstanding dismissal motions. Plaintiff is not to seek entries of default against any other defendant pending further order of the Court.

SO ORDERED:

Dated: New York, New York  
January 12, 2004

  
Michael B. Mukasey,  
U.S. District Judge

*I received A's response on Jan 12 and  
replied Jan 13. The Ct made its decision  
w/o hearing my reply*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

\_\_\_\_\_  
ROY DEN HOLLANDER

X

Plaintiff,

Docket No. 03 CV 2717

- against -

*Domestic*  
Flash Dancers Topless Club, et al.

Defendants.

\_\_\_\_\_  
X

**MEMORANDUM OF LAW**

**MC MANUS, COLLURA & RICHTER, P.C.**

ATTORNEYS AT LAW  
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Fax (212) 425-3175

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### PRELIMINARY STATEMENT

✓ Defendants, Kuba, Mundy & Associates, Nicholas J. Mundy (collectively referred herein as "Mundy") and Peter Petrovich ("Petrovich"), by their attorneys, McManus, Collura & Richter, P.C., respectfully submit this Memorandum of Law together with the Declaration of Bradley E. Dubin, Esq. dated September 19, 2003 and the exhibits annexed thereto in support of the instant motion for an Order: (1) dismissing the first, second, third and fourth causes of action contained in plaintiff's complaint with prejudice as against Mundy and Petrovich alleging violations of the Racketeer Influenced and Corrupt Organizations Act ("RICO"), 18 U.S.C. §1962(a)-(d), for failure to state a claim upon which relief can be granted pursuant to Fed. R. Civ. P. 12(b)(6) and for failure to plead predicate acts with sufficient particularity pursuant to Fed. R. Civ. P. 9(b); (2) dismissing the fifth, sixth and seventh causes of action contained in plaintiff's complaint with prejudice as against Mundy and Petrovich alleging pendant state law claims for failure to state a claim upon which relief can be granted pursuant to Fed. R. Civ. P. 12(b)(6); (3) dismissing plaintiff's complaint and each cause of action therein with prejudice as against Mundy and Petrovich on the grounds that the complaint does not contain a short and plain statement of the claim showing that the pleader is entitled to relief pursuant to Fed. R. Civ. P. 8(a)(2); (4) for an injunction prohibiting plaintiff from filing any further related claims against Mundy and Petrovich; and (5) for such other and further relief as this Court deems just and proper.

✓ The plaintiff<sup>1</sup> has commenced the instant action against sixty-three separate domestic and foreign defendants, located in the United States, Russia, Cyprus and Mexico, and has asserted nine hundred and fifteen separate numbered allegations against them, in a ninety-

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<sup>1</sup>Although appearing *pro se*, plaintiff, Roy Den Hollander, is an attorney licensed to practice law in the State of New York.

one page complaint, spanning the globe. (Ex. A)<sup>2</sup>. At best, the plaintiff's complaint is a frivolous, meandering, disorganized, prolix narrative seeking to humiliate his former wife, Alina A. Shipilina ("Ms. Shipilina"), and seemingly anyone who has ever come in contact with her or assisted her in preventing him from harassing her. The plaintiff's complaint is nothing more than a delusional, imaginary tale of fantasy, that reads more like a Tom Clancy novel than a legal pleading.

✓ To the extent the plaintiff's complaint can be grasped to some degree, it appears that the complaint attempts to allege an enterprise of purported illegal activity among the named defendants, many of whom he is unable to name<sup>3</sup>, which violates the RICO statute. (Ex. A, ¶¶886-893<sup>4</sup>). However, the plaintiff's RICO claims make clear that the identifiable defendants seem to have absolutely no connection to each other whatsoever, let alone form the basis of a RICO conspiracy, except for the fact that they have all purportedly come into contact in some way with plaintiff's former wife, Ms. Shipilina. As will be demonstrated, *infra*, the plaintiff's complaint utterly fails to set forth or establish a legally cognizable claim for RICO violations, and, as such, these claims must be dismissed.

✓ In addition, the plaintiff alleges pendent state law claims against Mundy and Petrovich for intentional infliction of emotional distress, abuse of process, malicious prosecution and prima facie tort. (Ex. A, ¶¶894-899). However, the plaintiff's state law claims fail to state causes of action and are time barred by the applicable statute of limitations.

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<sup>2</sup>The phrase "Ex. \_\_\_" followed by a letter, all in parenthesis, refers to the corresponding exhibit appended to the Declaration of Bradley E. Dubin, Esq., dated September 19, 2003, submitted in support of this motion.

<sup>3</sup>For example, defendants, "California Pimp," "Other American Lap Dancers," "Albatross Club Gangster #1," etc. (Ex. A).

<sup>4</sup>The phrase "Ex. A, ¶ \_\_\_" followed by a number, all in parenthesis, refers to the paragraph of the plaintiff's complaint appended to the Declaration of Bradley E. Dubin, Esq., dated September 19, 2003, as Exhibit A and submitted in support of this motion.

## STATEMENT OF FACTS

### A. Facts Underlying Plaintiff's Complaint

✓ Mundy is a small "general practice" law firm, with an emphasis on immigration law<sup>5</sup>. Mundy represented the plaintiff's former wife, Ms. Shipilina, as a defendant in the divorce/annulment proceedings commenced by the plaintiff on or about February 12, 2001 as well as the relentless course of harassment that followed by the plaintiff once the divorce proceedings were resolved. Mundy also continues to represent Ms. Shipilina in relation to immigration matters pending before the Bureau of Citizenship and Immigration Services.

✓ In his divorce complaint, the plaintiff leveled allegations of prostitution, drug use and fraud against Ms. Shipilina and sought to annul their marriage on the basis of fraud. (Ex. B). The plaintiff claimed that Ms. Shipilina threatened to injure him if he did not "lie to the Immigration and Naturalization Service [(INS)] to get her a green card." (Ex. B). Interestingly, the divorce complaint did not allege that Mundy or Petrovich asked him to lie or threatened him if he did not lie, as he now conveniently claims in this action. (Ex. B).

✓ In contradiction to the plaintiff's divorce complaint, Ms. Shipilina's answer contained a counterclaim alleging that, among other things, plaintiff threatened to have her deported "if she did not do everything he told her to," including the payment of a large sum of money. (Ex. C). The counterclaim also recognized that the plaintiff created a public website in Ms. Shipilina's name<sup>6</sup> where, pending the divorce proceedings, he posted a copy of her personal diary and nude photographs without her knowledge or consent. (Ex. C).

<sup>5</sup>Nicholas J. Mundy is an attorney licensed to practice law in the State of New York and a member of the defendant law firm, Kuba, Mundy & Associates. Petrovich is an independent contractor, translator, who performs work for Kuba, Mundy & Associates.

<sup>6</sup>Upon information and belief, the website address was [www.alinashipilina.com](http://www.alinashipilina.com), which is no longer active.

*Mundy  
firm  
has  
left  
office*

*Queens did find no violation of law*

✓ In response to the creation of this inappropriate and offensive public website, Ms. Shipilina filed a report with the New York City Police Department. Upon information and belief, the criminal matters were being handled by Detective Hennings, who has been named as a defendant in this action. Tellingly, the police report demonstrates that the plaintiff's attempt to extort money from Ms. Shipilina predates his divorce complaint by six months. (Ex. D).

✓ The divorce action settled pursuant to Stipulation of Settlement dated November 2, 2001. (Ex. E). The Stipulation of Settlement along with the Findings of Fact and Conclusions of Law and Divorce Judgment were all drafted by plaintiff's retained attorney. (Ex. E). Plaintiff *guess he does not know this* voluntarily consented to the divorce settlement. (Ex. E). Nonetheless, in May of 2002, the plaintiff, *wrong* pro se, moved to vacate and set aside the Stipulation, which was denied by Hon. Justice Joan B. Lobis on August 1, 2002. (Ex. F)<sup>7</sup>.

✓ Concurrently, the plaintiff, pro se, instituted a Family Court proceeding against Ms. Shipilina, seeking an order of protection in March, 2002. The plaintiff ironically claimed that he was the victim of harassment. (Ex. H)<sup>8</sup>. However, the plaintiff's petition was dismissed after trial on August 12, 2002<sup>9</sup>.

*Que. Trialer reduces in d system he should be condemned*

✓ The plaintiff's abuse of the court system and use of litigation as a means to harass and intimidate are evident upon an even cursory review of the plaintiff's motion papers. (Ex. F). Without regard for ethics or even common decency, among the twenty-two exhibits attached to plaintiff's frivolous motion, which was denied, was a CD Rom labeled "Masturbation Video Promo Featuring Alina Shipilina." (Ex. G).

✓ Even a perfunctory reading of the plaintiff's own legal papers support the conclusion that the plaintiff improperly uses the legal system as a vehicle to harass and incense. Plaintiff's voluminous discovery demands, which were almost entirely stricken by the Court, are objectively offensive and repugnant. (Ex. I).

*Is should legally be gone not just even if that is what she's calling pattern of conduct*

<sup>7</sup> Notably, the plaintiff's complaint acknowledges that this Family Court proceeding in March, 2002 was not the first time that the plaintiff applied for an order of protection. In fact, the plaintiff's complaint details his pattern of filing complaints in connection with Ms. Shipilina, which all have been dismissed and found to be unsupported. Specifically, the plaintiff applied for a temporary order of protection in a Queens County Court in February of 2001 and the Judge "laughed at the plaintiff and denied his request." (Ex. A, ¶¶854, ¶855). The plaintiff filed another report of a threat against him with his local police precinct and the "two police officers...laughed at the plaintiff." (Ex. A, ¶¶856, ¶857). After filing another complaint with the police station, the plaintiff's complaint was again dismissed. (Ex. A, ¶¶858-861). The plaintiff then sought the assistance of the FBI in connection with purported threats. (Ex. A, ¶¶862-867). Subsequently, the plaintiff applied for another protection order in a New York County Court, which was denied (Ex. A, ¶¶868-870).

*Templehoff*



✓ The plaintiff also harassed those associated with Ms. Shipilina by filing a fabricated and baseless disciplinary complaint with the Departmental Disciplinary Committee, First Judicial Department, against Nicholas J. Mundy in December of 2001, and which he improperly made public by annexing it as an exhibit to his motion to set aside the divorce stipulation. (Ex. J). *make other cases negative sealed*

The ~~incredible and far-fetched~~ *cite complaint as to allegations* allegations contained in the plaintiff's disciplinary complaint are surpassed only by the outlandish allegations that he has now conjured up in the context of this action. (Ex. J). The disciplinary complaint was dismissed by the Departmental Disciplinary Committee on October 16, 2002. (Ex. K)<sup>10</sup>. *Disciplinary committee sent back for review*

✓ On March 25, 2003, the plaintiff commenced an action in the Supreme Court of the State of New York, County of New York, bearing Index No. 03/105646, against nine of the defendants named in the instant action, including Mundy and Petrovich alleging intentional infliction of emotional distress. (Ex. L). *To meet SL*

The summons with notice was never served upon either Mundy or Petrovich<sup>11</sup>. A complaint has also never been served in the State Court action. *False, Mundy even contacted with JD's SL*

#### B. Plaintiff's Allegations

✓ The plaintiff commenced the instant Federal action by serving his complaint, dated April 18, 2003, upon Mundy on or about June 10, 2003. (Ex. A). Significantly, Petrovich has never been served with a copy of the plaintiff's complaint. The plaintiff's allegations, against the back-drop delineated above, indisputably reveal that this action is yet another frivolous *only applicants submitted within SD*

<sup>10</sup> Faced with the plaintiff's assault of frivolous litigation, Nicholas J. Mundy reluctantly filed a disciplinary complaint against plaintiff on April 23, 2003. Given the confidential nature of such proceedings, a copy of the complaint has not been attached to the instant motion and will only be provided, *in camera*, to the Court upon the Court's request and upon approval from the Grievance Committee. Interestingly, the instant action followed two months after the filing of the grievance. *Action dismissed. Can't make public*

<sup>11</sup> The plaintiff's state law claims are jurisdictionally defective since the complaint was not served upon Mundy or Petrovich within one hundred and twenty days of the filing of the complaint on March 26, 2003. (Ex. G). See N.Y. Civ. Prac. L. & R. §306(b).

act on the part of the plaintiff seeking reprisal against Ms. Shipilina and anyone who has ever come in contact with her, and clearly does not state a legally cognizable claim against Mundy and Petrovich. The instant action is the plaintiff's latest and most serious step in his quest to harass, intimidate and persecute Mundy and Petrovich for their role in defending Ms. Shipilina in her divorce/annulment proceedings.

#### **I. The Purported Enterprise**

✓ The plaintiff's complaint alleges the existence of a criminal RICO enterprise characterized as the "Russian International Crime Organization [which] generates profits worldwide from numerous criminal activities that include without limitation drug trafficking, money laundering, tax evasion, immigration fraud, prostitution, pornography, white slavery, bribery, mail and wire fraud, murder, extortion, coercion and terror." (Ex. A, ¶1).

✓ The enterprise allegedly "rose out of the ashes of the Soviet Union when the collapse of communism unleashed that empire's restraints on organized crime, corrupt government officials, travel, trade, communication and emigration." (Ex. A, ¶10). The enterprise purportedly consists of "domestic and foreign corporations, partnerships, individuals, government officials, law firms, [American, Russian and Chechen] organized crime gangs... and an Islamic terrorist and crime clan." (Ex. A, ¶ 11). Allegedly, "the relationships among the Enterprise's members are formal, including agreements and chain of command authority, and informal in which the common objectives of the Enterprise... controls decision-making." (Ex. A, ¶14). The current focus of the enterprise is alleged "to infiltrate and expand its illegal and ancillary legal activities into hard currency markets, especially in the United States, for the personal enrichment of the members of the Enterprise..." (Ex. A, ¶12).

✓ Plaintiff somehow concludes that the purported [e]nterprise has damaged his law and consulting business as well as drugged, defrauded, coerced and threatened the plaintiff with severe bodily harm." (Ex. A, ¶3)<sup>12</sup>.

✓ A reading of the plaintiff's complaint makes evident that the entire foundation and configuration of the alleged enterprise centers around Ms. Shipilina and the people she purportedly encountered and places to which she purportedly traveled. The complaint first tracks Ms. Shipilina's encounter with the plaintiff in Russia, then details her subsequent purported trips, jobs and dealings in Mexico, the United States, Russia and Cyprus. (Ex. A). Based upon the tracking of Ms. Shipilina's purported dealings and travels, the plaintiff imagines an enterprise allegedly operating throughout the world and he names every entity and person Ms. Shipilina ever supposedly came in contact within those countries as members of the enterprise.

✓ Although the plaintiff alleges the existence of an enterprise, there is absolutely no connection offered by plaintiff among any of the defendants comprising this purported enterprise, or at least between Mundy, Petrovich and the other defendants, other than that they have had some form of contact with Ms. Shipilina. Notably, Mundy's and Petrovich's only association with any of the defendants named in this action arise out of Mundy's representation of Ms. Shipilina in the divorce/annulment proceedings commenced by the plaintiff, and present immigration matters involving Ms. Shipilina. In fact, Mundy only has a connection with three of the sixty-three named defendants, namely Ms. Shipilina, Petrovich and Detective Hennings. Petrovich only has a connection with Ms. Shipilina and Mundy.

<sup>12</sup> Although the plaintiff has failed to state how the alleged enterprise affected his "legal and consulting business," plaintiff seeks damages in excess of one million dollars for "business and financial damage," including loss of business, loss of profits, damage to reputation, business interruption, reimbursement for expenses incurred in "plaintiff's investigation," and treble damages. (Ex. A, ¶907, ¶908).

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**ii. Plaintiff's Allegations Against Mundy and Petrovich<sup>13</sup>**

*shall allegations not be added*

✓ In identifying the members of the enterprise, Mundy and Petrovich are alleged to be three of nineteen domestic members, in addition to the countless foreign members. In particular, Mundy is alleged, in conclusory fashion, to (1) act as consiliari and manager of United States immigration issues in New York for the enterprise; (2) operate a green card and visa mill that fraudulently obtains United States visas, residency status and naturalization for aliens; (3) advise its clients to commit perjury before the [INS], Internal Revenue Service [IRS], Customs Service and the New York State Courts; (4) use coercion and intimidation against parties, witnesses and informants in proceedings; (5) participate in money laundering and the use of international facilities to aid a racketeering enterprise; and (6) mastermind and direct illegal activities to acquire United States visas, residency status and naturalization for the members of the enterprise. (Ex. A, ¶¶27-32).

✓ Petrovich is alleged to (1) assist Mundy in executing illegal activities necessary to import and keep in members of the enterprise in the United States and (2) act as an attorney in the United States, although not admitted, under the supervision of Mundy. (Ex. A, ¶¶33, ¶34).

✓ The complaint avers that Mundy and Petrovich, as members of the enterprise, engaged in illegal activities against the plaintiff by: (1) using fraudulent and/or illegal means to assist Ms. Shipilina in obtaining immigration benefits (Ex. A, ¶207, ¶¶222-225, ¶229, ¶230, ¶232, ¶234, ¶236, ¶240, ¶241); (2) using illegal means to protect the enterprise and prevent plaintiff from exposing the activities of the enterprise (Ex. A, ¶228, ¶243, ¶¶275-277); (3) intimidating plaintiff to settle divorce proceedings that he instituted against Ms. Shipilina (Ex.

<sup>13</sup> Although the plaintiff's chaotic, ninety-one page, complaint has asserted nine hundred and fifteen separate numbered allegations, counsel for Mundy and Petrovich has attempted to summarize the plaintiff's allegations, identify those allegations asserted against Mundy and Petrovich and categorize the plaintiff's causes of action against Mundy and Petrovich.

A, ¶243, ¶245, ¶273); (4) intimidating witnesses from providing testimony to United States authorities/Courts in connection with the plaintiff's divorce proceedings (Ex. A, ¶¶265-288); (5) intimidating plaintiff to dissuade him from trying to set aside the agreed upon divorce settlement (Ex. A, ¶¶280-284); (6) participating in tampering and bribery to prevent the deportation of Ms. Shipilina (Ex. A, ¶¶254-255, ¶¶286-290, ¶306, ¶307); and (7) using illegal means of bribery, money laundering and intimidation of the plaintiff and witnesses to obstruct the criminal indictment against Iness Shipilina in Russia for defaming plaintiff (Ex. A, ¶¶286-290, ¶¶293-295, ¶298, ¶300, ¶301, ¶306, ¶307).

✓ Through the use of these outlandish, extremely broad and fantastic allegations, the plaintiff alleges that Mundy and Petrovich engaged in predicate criminal acts in furtherance of an alleged RICO conspiracy as follows: (1) white slave trade and importing aliens for immoral purposes (Ex. A, ¶485, ¶490, ¶502); (2) fraud and misuse of visas and the procurement of nationality unlawfully (Ex. A, ¶486, ¶491, ¶503); (3) obstruction of justice by witness and informant tampering (Ex. A, ¶487, ¶492, ¶494, ¶497, ¶504, ¶506, ¶509); (4) use of United States mail and interstate and international telephone systems to further mail and wire frauds (Ex. A., ¶493, ¶¶495-498, ¶505, ¶¶507-510); (5) bribery (Ex. A., ¶495, ¶499, ¶507, ¶511); and (6) money laundering (Ex. A, ¶496, ¶498, ¶508, ¶510).

✓ In addition, it is alleged that Mundy and Petrovich committed other criminal acts (merely repetitive of the alleged predicate acts above) including (1) suborning perjury before the INS, IRS, Customs Service, New York State Courts and New York City Police Department (Ex. A, ¶701, ¶703, ¶707, ¶708, ¶724, ¶725); (2) obstructing INS proceedings and aiding and abetting such proceedings to obtain permanent residency for Ms. Shipilina (Ex. A, ¶702, ¶709, ¶710, ¶715, ¶721, ¶726, ¶727, ¶731, ¶737); (3) tampering with witnesses or victims and aiding and abetting such tampering in connection with the plaintiff's divorce/annulment

proceedings and the criminal defamation case in Russia (Ex. A, ¶¶704, ¶¶711-714, ¶716, ¶¶728-730, ¶732); (4) aiding and abetting bribery (Ex. A, ¶717, ¶719, ¶733, ¶735); (5) aiding and abetting money laundering (Ex. A, ¶718, ¶734); and (6) aiding and abetting the harassment of plaintiff. (Ex. A, ¶720, ¶736).

✓Accordingly, the plaintiff has alleged seven causes of action against Mundy and Petrovich. The first, second, third and fourth causes of action allege violations of sections 18 U.S.C. 1962(a), (b), (c) and (d) all respectively. (Ex. A, ¶¶886-893). The fifth cause of action alleges intentional infliction of emotional distress (Ex. A, ¶894, ¶895). The sixth cause of action alleges abuse of process (Ex. A, ¶898, ¶899) and the seventh cause of action alleges malicious prosecution (Ex. A, ¶¶896-899). Plaintiff's sixth and seventh causes of action alternatively allege prima facie tort. (Ex. A, ¶¶896-899).

#### **C. Plaintiff's Further Requests for Orders of Protection**

✓Subsequent to the service of his complaint and numerous requests for protection orders prior to serving his complaint, the plaintiff again wrote to this Court on June 19, 2003 seeking yet another order of protection. (Ex. M). The plaintiff's correspondence confirms that he has been involved in a series of investigations and complaints to state and federal authorities in connection with Ms. Shipilina, which apparently have been dismissed or ignored. (Ex. M).

✓ On June 26, 2003, counsel for Mundy and Petrovich responded to the plaintiff's correspondence. (Ex. N). On July 7, 2003, the plaintiff forwarded another letter to this Court further requesting an order of protection and acknowledging that the New York City Police Department has now closed his case. (Ex. O).

# ARGUMENT

## POINT I

### PLAINTIFF HAS FAILED TO SATISFY THE STANDARD OF REVIEW ON A MOTION TO DISMISS PURSUANT TO FED. R. CIV. P. 12(b)(6) AS PLAINTIFF CAN PROVE NO SET OF FACTS WHICH WOULD ENTITLE HIM TO RELIEF

✓ This Court is empowered to dismiss plaintiff's complaint for failure to state a claim pursuant to Fed. R. Civ. P. 12(b)(6) where it appears beyond doubt that plaintiff can prove no set of facts in support of his complaint which would entitle him to relief against Mundy and Petrovich. *King v. Simpson*, 189 F.3d 284, 287 (2d Cir. 1999); *Harris v. City of New York*, 186 F.3d 243, 247 (2d Cir. 1999); *Bernheim v. Litt*, 79 F.3d 318, 321 (2d Cir. 1996). In reviewing a motion to dismiss under Fed. R. Civ. P. 12(b)(6), this Court is required to deem all factual allegations in the complaint as true and draw all reasonable inferences in favor of the plaintiff. *Koppel v. 4987 Corp.*, 167 F.3d 125, 127 (2d Cir. 1999); *Jaghory v. New York State Dep't of Educ.*, 131 F.3d 326, 329 (2d Cir. 1997). However, the Court must only accept as true well pleaded factual allegations contained in the complaint, not bald conclusory statements. *Goldfine v. Sichenzia*, 118 F. Supp.2d 392, 396-97 (S.D.N.Y. 2000). "A complaint which consists of conclusory allegations unsupported by factual assertions fails even the liberal standard of Rule 12(b)(6)." *Lakonia Mgmt. Ltd. v. Meriwether*, 106 F. Supp.2d 540, 543 (S.D.N.Y. 2000); *De Jesus v. Sears, Roebuck & Co.*, 87 F.3d 65, 70 (2d Cir. 1996). In addition, "legal conclusions, deductions, or opinions couched as factual allegations [in the complaint] are not given a presumption of truthfulness." *L'Europeenne de Banque v. La Republica de Venezuela*, 700 F. Supp 114, 122 (S.D.N.Y. 1988).

✓ Review of a motion to dismiss pursuant Fed. R. Civ. P. 12(b)(6) must be limited to the complaint and documents attached or incorporated by reference thereto. *International Broth. of Teamsters v. Carey*, 163 F. Supp.2d 271, 279 (S.D.N.Y. 2001); *Kramer v. Time Warner Inc.*

937 F.2d 767, 773 (2d Cir. 1991). In this context, the Second Circuit has held that a complaint is deemed to "include...documents that the plaintiff either possessed or knew about and upon which they relied in bringing the suit." *Rothman v. Gregor*, 220 F.3d 81, 88 (2d Cir. 2000).

✓ The defendants assert that the plaintiff had possession and full knowledge of each and every exhibit attached to the instant motion, that the exhibits go to the heart of the complaint and the veracity of the statements made by the plaintiff therein, and it is therefore appropriate for this Court to consider the same in deciding the instant motion. In light of the standards set forth in reviewing this motion to dismiss and the contents of this motion with annexed exhibits, it is respectfully submitted that the plaintiff has failed to make out a claim against Mundy and Petrovich as a matter of law.

## POINT II

### PLAINTIFF'S FIRST, SECOND, THIRD AND FOURTH CAUSES OF ACTION FOR RICO VIOLATIONS SHOULD BE DISMISSED AS A MATTER OF LAW

#### A. The Threshold Requirements to Sustain RICO Claims

✓ In considering RICO claims, Courts must attempt to achieve results "consistent with Congress's goal of protecting legitimate businesses from infiltration by organized crime." *Schmidt v. Fleet Bank*, 16 F.Supp.2d 340, 346 (S.D.N.Y. 1998) (citing *United States v. Porcelli*, 865 F.2d 1352, 1362 (2d Cir. 1989)). However, "because the 'mere assertion of a RICO claim...has an almost inevitable stigmatizing effect on those named as defendants ... courts should strive to flush out frivolous RICO allegations at an early stage of the litigation'." *Id.* (quoting *Figueroa Ruiz v. Alegria*, 896 F.2d 645, 650 (1st Cir. 1990)).

✓ Plaintiff's complaint alleges civil RICO violations under 18 U.S.C. §1962(a), (b), (c) and (d). (Ex. A, ¶¶886-893).



18 U.S.C. §1962(a) specifically provides, in pertinent part, that:

It shall be unlawful for any person who has received any income derived, directly or indirectly, from a pattern of racketeering activity or through collection of an unlawful debt in which such person has participated as a principal within the meaning of Section 2, title 18, United States Code, to use or invest, directly or indirectly, any part of such income, or the proceeds of such income, in acquisition of any interest in, or the establishment or operation of, any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce...

18 U.S.C. §1962(b) specifically provides that:

It shall be unlawful for any person through a pattern of racketeering activity or through collection of an unlawful debt to acquire or maintain, directly or indirectly, any interest in or control of any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce.

18 U.S.C. §1962(c) specifically provides that:

It shall be unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprises's affairs through a pattern of racketeering activity or collection of unlawful debt.

18 U.S.C. §1962(d) specifically provides that:

It shall be unlawful for any person to conspire to violate any of the provisions of subsection (a), (b) or (c) of this section.

✓ To prevail on a claim for damages under RICO, New York Federal Courts have consistently employed the standard set forth by the United States Supreme Court and specified that the plaintiff must first allege that the defendants violated the substantive RICO statute, 18 U.S.C. §1962, commonly known as "criminal RICO." In so doing, plaintiff must allege the existence of seven constituent elements: (1) that the defendants (2) through the commission of two or more acts (3) constituting a "pattern" (4) of "racketeering activity" (5) directly or indirectly invests in, or maintains an interest in, or participates in (6) an "enterprise" (7) the activities of which affect interstate or foreign commerce. *Burrell v. State Farm and Cas. Co.*, 226 F. Supp.2d 427, 443 (S.D.N.Y. 2002). See also *Citadel Mgmt., Inc. v. Telesis Trust*

Inc., 123 F. Supp.2d 133, 154 (S.D.N.Y. 2000); *Feeley v. The Whitman Corp.*, 65 F. Supp.2d 164, 174 (S.D.N.Y. 1999).

✓Further, "the plaintiff only has standing if, and can only recover to the extent that, he has been injured in his business or property by the conduct constituting the violation" of section 1962. *Sedima S.P.R.L. v. Imrex Co., Inc.*, 473 U.S. 479, 496, 105 S.Ct. 3275, 3285 (1985).

✓The plaintiff has clearly failed to sufficiently allege the elements of his RICO claims, namely (1) the existence of two or more predicate acts against Mundy and Petrovich, (2) a pattern, (3) that Mundy and Petrovich invests, maintains or participates in an enterprise, (4) or that an enterprise even exists. The plaintiff has further failed to demonstrate that he has standing to maintain this action. Lastly, the plaintiff's claim of conspiracy to commit RICO and aiding and abetting RICO violations similarly fail.

**B. Plaintiff's Complaint Fails To Adequately Allege Predicate Acts and Is Dismissible Pursuant Fed. R. Civ. P. 9(b)**

**i. Plaintiff's RICO Claims Must Be Plead With Particularity under Fed. R. Civ. P. 9(b)**

✓When fraud is pleaded, the general rules for dismissal under Fed. R. Civ. P. 12(b)(6) are applied in light of Fed. R. Civ. P. 9(b)'s particularity requirements. *IUE AFL-CIO Pension Fund v. Hermann*, 9 F.3d 1049, 1052, 1053 (2d Cir. 1993) (citing *Ross v. Bolton*, 904 F.2d 819, 823 (2d Cir. 1990)). Fed. R. Civ. P. 9(b) provides that "in all averments of fraud..., the circumstances constituting fraud...shall be stated with particularity...". Fed. R. Civ. P. 9(b) is designed to further three goals: (i) provide defendants with fair notice of claims to enable the preparation of a defense; (ii) protect defendants from harm to their reputation or good will by unfounded allegations of fraud; and (iii) reduce the number of strike suits. *DiVittorio v. Equidyne Extractive Indus., Inc.*, 822 F.2d 1242, 1247 (2d Cir. 1987).

✓ In light of these purposes, allegations of fraud that are pled as predicate acts in a RICO claim must satisfy Fed. R. Civ. P. 9(b). See *Mills v. Polar Molecular Corp.*, 12 F. 3d 1170, 1176 (2d Cir. 1993); *Economic Opportunity Comm'n of Nassau County v. County of Nassau, Inc.*, 47 F. Supp.2d 353, 361 (E.D.N.Y. 1999). In fact, all of the concerns that dictate that fraud be pled with particularity exist with even greater urgency in civil RICO actions." *Zaro Licensing, Inc. v. Cinmar, Inc.*, 779 F. Supp. 276, 281 (S.D.N.Y. 1991) (quoting *Plount v. America Home Assurance Co.*, 668 F. Supp. 204, 206 (S.D.N.Y. 1987). The Court should insist upon strict compliance with technical pleading requirements for a civil RICO claim because of the stigmatizing effect of those named as defendants. See *Katzman v. Victoria's Secret Catalogue*, 167 F.R.D. 649, 655 (S.D.N.Y. 1996), *aff'd*, 113 F.3d 1229 (2d Cir. 1997).

Thus, the Second Circuit has made clear that "[i]n the RICO context, Rule 9(b) calls for the complaint to specify the statements it claims were false or misleading, give particulars as to the respect in which plaintiffs contend the statements were fraudulent, state when and where the statements were made, and identify those responsible for the statements." *Moore v. PaineWebber, Inc.*, 189 F.3d 165, 173 (2d Cir. 1999) (citations omitted) (quoting *McLaughlin v. Anderson*, 962 F.2d 187, 191 (1992); *Economic Opportunity Comm'n of Nassau County v. County of Nassau, Inc.* 47 F. Supp.2d at 361-362. See also *Spoto v. Herkimer County Trust*, 2000 WL 533293 \*6 (N.D.N.Y. April 27, 2000) (dismissing RICO mail fraud claim because plaintiff failed to delineate "the who, what, why, where and when" of the alleged misrepresentation); *Official Publications, Inc. v. Kable News Co. Inc.*, 692 F. Supp. 239, 245 (S.D.N.Y. 1988), *rev'd on other grounds*, 884 F.2d 664 (2d Cir. 1989) (complaint alleging mail and wire fraud must set forth the contents of the items mailed, specify how each of these items were false and misleading, specify who made the allegedly fraudulent statements and the time and place such statements were made) Allegations that do not

specify the time, place, speaker or content of the allegedly fraudulent statements do not satisfy the particularity requirement of Fed. R. Civ. P. 9(b). *Denny v. Barber*, 576 F.2d 465, 469, (2d Cir. 1978). Where multiple defendants are involved, the complaint is required to describe specifically each defendant's alleged participation in the fraud. *DiVittorio v. Equidyne Extractive Indus. Inc.*, 822 F.2d at 1247.

✓ Lastly, "Rule 9(b) pleadings cannot be based upon information and belief." *DiVittorio v. Equidyne Extractive Indus. Inc.*, 822 F.2d at 1247; *Segal v. Gordon*, 467 F.2d 602, 608 (2d Cir. 1972). *to reject statements possibly of the knowledge of the plaintiff*

**ii. Plaintiff Has Failed to Demonstrate the Particularity That Is Required for Pleading RICO under Fed. R. Civ. P. 9(b)**

✓ In order to sustain a RICO claim, plaintiff must allege that each defendant committed at least two or more predicate acts, especially where there are multiple RICO defendants. *Lakonia Mgmt., Ltd. v. Meriwether*, 106 F. Supp.2d at 550. As detailed above, in the RICO context, Fed. R. Civ. P. 9(b) dictates that the predicate acts alleged in the complaint must be pled with particularity. The plaintiff alleges that Mundy and Petrovich violated the RICO statute by committing predicate criminal acts such as: (1) white slave trade and importing aliens for immoral purposes; (2) fraud and misuse of visas and procurement of nationality unlawfully; (3) obstruction of justice by witness and informant tampering; (4) mail and wire fraud; 5) bribery; and (6) money laundering. (Ex. A ¶¶485-513)<sup>14</sup>. However, as discussed more thoroughly below, plaintiff's claims of predicate acts committed by Mundy and Petrovich are clearly lacking in the required factual specificity under Fed. R. Civ. P. 9(b) to support his RICO

<sup>14</sup> Additionally, it is alleged that Mundy and Petrovich committed other criminal acts such as suborning perjury and obstruction, bribery, money laundering and harassment of plaintiff. (Ex. A, ¶¶701-737). These other criminal acts alleged by the plaintiff against Mundy and Petrovich are merely repetitive of the other alleged predicate acts purportedly committed by Mundy and Petrovich, which are detailed above.

claims. Accordingly, it is respectfully submitted that the first, second, third and fourth causes of action of the plaintiff's complaint be dismissed.

**aa. Plaintiff Has Failed to Sufficiently Plead White Slave Trade, Fraud and Misuse of Visas as Predicate Acts**

✓ In respect to the plaintiff's allegations that Mundy and Petrovich participated in the predicate criminal acts of white slave trade and importing aliens for immoral purposes as well as fraud and misuse of visas and procurement of nationality unlawfully, the plaintiff merely alleges in conclusory fashion that they perform such activities by running an alien registration and visa mill operation. This deduction certainly does not satisfy the particularity requirement pursuant to Fed. R. Civ. P. 9(b). (Ex. A, ¶485, ¶486, ¶490, ¶491, ¶502, ¶503).

✓ Even scrutinizing the remaining portions of the plaintiff's complaint as to the alleged illegal conduct of Mundy and Petrovich, which could conceivably form a basis for an allegation that Mundy and Petrovich participated in white slave trade, importing of aliens and/or fraud as well as misuse of visas and procurement of nationality unlawfully, it is clear that there is absolutely no support, or particularity, for the plaintiff's conclusions that Mundy and Petrovich participated in such illegal activity. (Ex. A, ¶207, ¶¶222-225, ¶229, ¶230, ¶232, ¶234, ¶236, ¶240, ¶241, ¶254, ¶255).

✓ With the exception of his ex-wife, Ms. Shipilina, the plaintiff fails to name a single person for whom or with whom these purported illegal activities were performed. The plaintiff has provided absolutely no specifics whatsoever. No specific dates, times, names or places have been furnished. Plaintiff fails to identify a single document, statement or fact that purports to show such conduct on the part of Mundy and Petrovich. In essence, the plaintiff's complaint does not demonstrate by any stretch of the imagination that Mundy and Petrovich participated in white slave trade, importing of aliens and/or fraud, misuse of visas, or procurement of nationality unlawfully. Rather, the only thing that is clear upon a review of

these paragraphs of the plaintiff's complaint is that Mundy and Petrovich assisted Ms. Shipilina with immigration matters and advocated on her behalf in connection with her divorce proceedings<sup>15</sup>. Accordingly, the plaintiff's unsubstantiated and absurd allegations of white slave trade, importing of aliens, misuse of visas and procurement of nationality unlawfully on the part of Mundy and Petrovich cannot provide a basis to support his RICO claims.

**bb. Plaintiff Has Failed to Sufficiently Plead Obstruction of Justice as a Predicate Act**

✓ The plaintiff alleges that Mundy and Petrovich tampered with witnesses and informants in connection with the Russian criminal defamation case, the plaintiff's divorce proceeding and the INS' investigation into the deportation of Ms. Shipilina. (Ex. A, ¶¶243, ¶245, ¶265, ¶273, ¶¶280-284, ¶¶286-290, ¶¶293-295, ¶306, ¶307, ¶315, ¶316, ¶487, ¶492, ¶494, ¶497, ¶504, ¶506, ¶509). The section relied upon by the plaintiff to advance the argument that such conduct constitutes the predicate act of obstruction of justice is 18 U.S.C. 1512, which relates to tampering with a witness, victim or informant. (Ex. A, ¶¶487, ¶492, ¶494, ¶497, ¶504, ¶506, ¶509).

✓ 18 U.S.C. §1512 reads, in pertinent part:

107 (a) Whoever knowingly uses intimidation or physical force, or threatens another person or attempts to do so, or engages in misleading conduct towards another person, with intent to--

(1) influence the testimony of any person in an official proceeding;

shall be fined not more than \$250,000 or imprisoned not more than ten years, or both.

✓ Although paragraphs 701-739 of the plaintiff's complaint allege that Mundy and Petrovich committed "other criminal acts," these general conclusory allegations, merely repetitive of the already asserted "predicate acts," do nothing to change the fact that the plaintiff has failed to sufficiently plead the requisite specificity necessary to sustain his assertion that the defendants committed white slave trade, importing of aliens as well as fraud/misuse of visas and procurement of nationality unlawfully in support of his RICO claims.

✓ The plaintiff's allegations that Mundy and Petrovich allegedly obstructed justice cannot withstand scrutiny. Section 1512 requires that the alleged tampering take place within the context of an "official proceeding," which is defined in 18 U.S.C. §1515(a) as follows:

- (A) a proceeding before a judge or court of the United States, a United States Magistrate, a bankruptcy judge or a Federal grand jury;
- (B) a proceeding before Congress;
- (C) a proceeding before a Federal government agency which is authorized by law.

✓ The tampering which purportedly occurred in connection with the foreign, Russian, criminal case did not occur within the definition of an "official proceeding," and, thus does not satisfy the requirements of 18 U.S.C. §1512. The tampering which purportedly occurred in connection the divorce action in New York State Court also does not satisfy the requirements of 18 U.S.C. §1512, because the federal obstruction of justice statute only applies to proceedings in a federal court of the United States. *Kashelkar v. Rubin & Rothman*, 97 F. Supp.2d 383, 392 (S.D.N.Y. 2000). See also *O'Malley v. New York City Transit Auth.*, 896 F.2d 704, 707 (2d Cir. 1990) (congressional intent was to limit RICO's obstruction of justice to federal court proceedings in the United States); *Park South Assocs. v. Fischbein*, 626 F. Supp. 1108, 1113 (S.D.N.Y. 1986) (defendants' purported bribe did not violate 18 U.S.C. §1512 because the terms of that statute are defined in 18 U.S.C. §1515 and do not apply to state court proceedings)<sup>16</sup>. Thus, the plaintiff cannot state a claim for obstruction of justice within the meaning of the statute, and, therefore, cannot plead such predicate acts in support of his RICO claims.

<sup>16</sup> The only other allegation of obstruction on the part of Mundy and Petrovich relates to their purported interference with an investigation by the INS and the Krasnodar prosecutor for the possible deportation of Ms. Shiplina. Plaintiff alleges that Mundy and Petrovich agreed to use an enterprise member to intimidate plaintiff in withdrawing his cooperation with the INS. (Ex. A, ¶¶286-292). However, as detailed below, plaintiff's allegations are conclusory at best and not stated with the requisite specificity. Further, not only are no specifics of tampering offered, but the plaintiff acknowledges that he was not damaged as he admits that he was not obstructed from cooperating. The plaintiff's complaint states that he "continued to cooperate with the INS and Krasnodar prosecutor." (Ex. A, ¶292).

✓ Insofar as this Court finds that the plaintiff properly pled a claim for obstruction of justice within the meaning of 18 U.S.C. §1512, it is clear that the plaintiff's conclusion that Mundy and Petrovich committed the predicate act of obstruction of justice by engaging in witness and informant tampering does not satisfy the *particularity requirement* under Fed. R. Civ. P. 9(b). (Ex. A, ¶¶487, ¶492, ¶494, ¶497, ¶504, ¶506 ¶509).

✓ Even analyzing these remaining portions of the plaintiff's complaint directed to Mundy and Petrovich, which could conceivably form a basis for an allegation that Mundy and Petrovich obstructed justice by participating in tampering, it is clear that there is absolutely no foundation, or particularity, for the plaintiff's conclusions that Mundy and Petrovich obstructed justice. (Ex. A, ¶243, ¶245, ¶¶265-268, ¶273, ¶¶280-284, ¶¶287-290, ¶¶293-295, ¶306, ¶307, ¶315, ¶316).

✓ Specifically, although paragraph 243 concludes, upon information and belief, that Mundy and Petrovich intimidated the plaintiff to agree to a divorce settlement in order to avoid a trial that would expose the purported enterprise, plaintiff fails to particularize how he was intimidated or specifically when or where he was intimidated, nor has the plaintiff offered any proof of such intimidation on the part of Mundy and Petrovich. (Ex. A, ¶243). The only thing that is clear upon a reading of this paragraph, in connection with the rest of the complaint, is that the plaintiff is providing excuses for a divorce settlement with which he is now unhappy, and one that his attorneys prepared, that he voluntarily entered into, and which the underlying Court refused vacate. (Ex. E). Further, the plaintiff's allegation of intimidation is based upon nothing more than information and belief.

✓ Paragraph 245 concludes that Mundy attempted to intimidate the plaintiff from proceeding to trial by lying to the plaintiff's attorneys that he possessed medical records demonstrating that plaintiff physically assaulted Ms. Shipilina. (Ex. A, ¶245). However,



plaintiff fails to offer any proof of such acts on the part of Mundy, specify where this purported intimidation occurred or how Mundy carried out such purported intimidation. Plaintiff further fails to identify any witnesses to this purported intimidation. Even assuming that Mundy told plaintiff that he possessed such records, plaintiff fails to particularize how this act amounts to obstruction of justice or tampering, especially where the records reflect plaintiff's behavior and were used in negotiating the litigation.

✓ Although paragraphs 265 through 268 conclude, upon information and belief, that Mundy and Petrovich agreed that Inessa Shipilina, with the help of enterprise gangsters, would threaten and intimidate "witnesses" from providing testimony to United States authorities and the divorce Court by falsely accusing them of crimes and threatening physical injury, plaintiff again fails to detail when such witnesses were intimidated, where they were intimidated and exactly which enterprise gangsters carried out such threats. In fact, plaintiff has offered no proof of any such intimidation. Plaintiff also fails to set forth any proof or details as to when, where or how Mundy and Petrovich "agreed" to carry out such acts. The plaintiff cannot even state which witnesses were purportedly threatened. (Ex. A, ¶¶265-268). Additionally, plaintiff's assertions are based only upon information and belief.

✓ Paragraph 273 concludes that Mundy attempted to intimidate the plaintiff into foregoing a trial of the divorce action by lying to the plaintiff's attorneys that he possessed an audiotape revealing that plaintiff tried to extort money from Ms. Shipilina. (Ex. A, ¶273). However, plaintiff fails to offer any proof of such acts on the part of Mundy, specify where this purported intimidation was performed or how Mundy carried out such purported intimidation. Even assuming that Mundy told plaintiff that he possessed such a tape, there is absolutely no indication that this constitutes obstruction of justice or tampering, especially where the tape showed plaintiff's behavior and was used in negotiating litigation.

✓ Paragraph 280 through 284 alleges, upon information and belief, that Mundy and Petrovich agreed to have an "organized crime member" threaten plaintiff against filing a motion for trial to set aside the divorce settlement, and that the threat was in the form of a telephone message on the plaintiff's cell phone. (Ex. A, ¶¶280-284). However, the plaintiff has proffered no evidence of such a telephone message or the reporting of such a threat, nor has the plaintiff offered any proof that Mundy or Petrovich agreed to engage in this conduct, if it ever occurred. In fact, plaintiff acknowledges that Mundy's and Petrovich's purported agreement to engage in such conduct is based only upon information and belief, which hardly satisfies the particularity requirement of alleging such acts. Furthermore, the plaintiff was not damaged at all by this purported intimidation as he, indeed, did file a motion to set aside the divorce settlement. (Ex. F).

✓ Paragraph 286 through 290 alleges, upon information and belief, that Mundy and Petrovich agreed to use members of the enterprise to intimidate the plaintiff to cease cooperating with the Krasnodar prosecutor and INS. In this regard, plaintiff was allegedly threatened with a message on his cell phone. (Ex. A, ¶¶287-290). The plaintiff, however, has proffered no evidence of such a message, nor has the plaintiff offered any proof that Mundy or Petrovich agreed to engage in this conduct, if in fact it occurred. The plaintiff even acknowledges that Mundy's and Petrovich's purported agreement to engage in such conduct is based only upon information and belief, which hardly satisfies the particularity requirement.

✓ Further, there is no proof that the telephone message referenced in paragraph 289, even assuming that it was left, objectively constitutes tampering and was not merely an attempt to subvert the plaintiff's continued harassment. In fact, the plaintiff's acknowledges that the message stated that the plaintiff's "crossed several boundaries" and merely requested that he "cease and desist your actions against Alinia Shipilina" and "leave her alone." Further,

even assuming that this message was left and affording the purported message a liberal analysis, there is no indication that this message constituted a threat or warned the plaintiff against cooperating with certain authorities. Lastly and most significantly, there can be no claim of obstruction in respect to these paragraphs as the plaintiff admits that he continued to cooperate with the INS and Krasnodar prosecutor despite the message. (Ex. A, ¶292).

✓ Paragraphs 293 through 295 conclude, upon information and belief, that Mundy and Petrovich agreed to have members of the enterprise threaten witnesses to recant testimony in the Russian defamation case and that Mundy and Petrovich used the mail and wire systems to accomplish such threats. (Ex. A, ¶¶293-295). However, plaintiff cannot even state who was allegedly threatened, where they were threatened or specifically how they were threatened, nor has the plaintiff offered any proof of such threats or that Mundy and Petrovich agreed to engage in such acts if any even occurred. The conclusion that some unknown witnesses were threatened at some unknown time by one of many potential unknown persons via the mail and wire systems surely is not sufficient. Additionally, plaintiff's assertion is based only upon information and belief.

✓ Paragraphs 306, 307 and 315 allege that Mundy and Petrovich agreed to bribe Detective Hennings to threaten the plaintiff with arrest in order to intimidate him into ceasing cooperation with the INS and prevent him from trying to reopen the Russian defamation case. (Ex. A ¶306, ¶307, ¶315). First, there is no proof of any bribes offered other than plaintiff's conclusion, based only upon information and belief, nor are there any details whatsoever of specifically when, where or how such bribes were purportedly carried out. Further, plaintiff fails to show how a warning of arrest by Detective Hennings, a police officer, in connection with plaintiff's violation of a protective order constitutes obstruction of justice. (Ex. A, ¶¶ 306-310). Moreover, there are no details provided to support the conclusion that Mundy or

Petrovich communicated with Detective Hennings other than general allegations that such communication occurred through the mail and wire systems. (Ex. A, ¶315)

✓ Lastly, paragraph 316 concludes that Mundy and Petrovich agreed to have enterprise members, Madison or Pierre, threaten the plaintiff by telephone. (Ex. A ¶316). This is the only information provided. Once again, there is no mention as to when this purported telephone call was made, where it was made or what was stated. Likewise, there are no details offered, that Mundy and Petrovich agreed to have this telephone call made. The plaintiff has also failed to identify a witness to this telephone call or the purported agreement. As such, there is no proof whatsoever of such a call or agreement, except for the plaintiff's conclusion based solely upon information and belief.

✓ Thus, it is clear that with the exception of Ms. Shipilina and her mother, the plaintiff fails to name a single person for whom these purported illegal activities were performed. The plaintiff has provided absolutely no specifics whatsoever. Only vague dates and conclusory suggestions of tampering have been provided. No specific times, names, places or particulars have been furnished as to who was tampered with or how they were tampered with. In fact, plaintiff cannot identify or particularize a single witness tampered with other than himself. His statements that he has been tampered with are not only self-serving but are against the weight of the evidence and conclusory. Plaintiff fails to identify a single document, statement or fact that purports to show such tampering on the part of Mundy and Petrovich<sup>17</sup>.

<sup>17</sup> Although paragraphs 701-739 of the plaintiff's complaint allege that Mundy and Petrovich committed "other criminal acts" relating to tampering, these general conclusory allegations, merely repetitive of the already asserted "predicate acts," do not alter the fact that the plaintiff has failed to sufficiently plead the requisite specificity necessary to sustain obstruction of justice claims in support of his RICO causes of action.

cc. **Plaintiff Has Failed to Sufficiently Plead  
Mail and Wire Fraud as Predicate Acts**

SOAFC 4/14/17  
replied to plead  
fraud

✓ The plaintiff also alleges that Mundy and Petrovich participated in mail and wire fraud in support of his RICO claims. (Ex. A, ¶240, ¶241, ¶294, ¶295, ¶300, ¶301, ¶315, ¶316, ¶493, ¶¶495-498, ¶505, ¶¶507-510). A complaint alleging mail and wire fraud must show "(1) the existence of a scheme to defraud, (2) defendant's knowing or intentional participation in the scheme, and (3) the use of interstate mails or transmission facilities in furtherance of the scheme." *S.Q.K.F.C., Inc. v. Bell Atlantic Tricon Leasing Corp.*, 84 F.3d 629, 633 (2d Cir. 1996); *Compania Sud-Americana de Vapores v. IBI Schroder Bank & Trust Co.*, 785 F.Supp. 411, 424 (S.D.N.Y. 1992).

✓ The term "scheme to defraud" connotes some degree of planning by the defendants, making it essential that evidence show the defendants entertained an intent to defraud. *Drexel Burnham Lambert v. Saxony Heights Realty Assoc.*, 777 F. Supp 228, 238 (S.D.N.Y. 1991). A showing of intentional fraud or reckless indifference to the truth is necessary to establish mail or wire fraud. *Id.*

✓ The plaintiff's pleading of the acts of mail and wire fraud must be dismissed as the complaint fails to provide any facts to support the allegations that there was a scheme to defraud the plaintiff by interstate mails or wires or that the defendants knowingly participated in a scheme. (Ex. A ¶240, ¶241, ¶294, ¶295, ¶300, ¶301, ¶315, ¶316, ¶493, ¶¶495-498, ¶505, ¶¶507-510). Plaintiff's mere conclusions that Mundy and Petrovich acted with the intent to defraud is not sufficient.

✓ Moreover, the crux of the plaintiff's allegations is that Mundy and Petrovich used only intrastate and international mail and wire systems, not interstate systems. (Ex. A ¶240, ¶241, ¶294, ¶295, ¶300, ¶301, ¶315, ¶316, ¶493, ¶¶495-498, ¶505, ¶¶507-510). To properly plead mail and wire fraud violations, the plaintiff must demonstrate interstate use, which the plaintiff

has not established. See *DiFiore v. DiLorenzo*, 1997 WL 722697 \*4 (E.D.N.Y. September 19, 1997) (the wire fraud statute by its terms does not cover purely intrastate telephone calls); *Browning Avenue Realty Corp. v. Rosenheim*, 774 F.Supp. 129, 137 (S.D.N.Y. 1991) (to plead mail and wire fraud, plaintiff must allege use of interstate mails or interstate wires); *S.Q.K.F.C., Inc. v. Bell Atlantic Tricon Leasing Corp.*, 84 F.3d at 633; *Connors v. Lexington Insur. Co.*, 666 F.Supp 434, 450 (E.D.N.Y. 1987). Moreover, where the parties are New York residents, all telephone calls are presumed to be intrastate. *DiFiore v. DiLorenzo*, 1997 WL 722697 \*4. See also *McCoy v. Goldberg*, 748 F. Supp. 146, 154 (S.D.N.Y. 1990).

✓ Here, paragraphs 240 and 241 involve solely an intrastate letter sent from Mundy to the plaintiff, both New York residents. (Ex. A ¶¶240, ¶241). Paragraphs 294, 295, 300 and 301 involve the purported use of international mail and wire systems, not interstate communication. (Ex. A, ¶¶294, ¶295, ¶300, ¶301).

✓ Although paragraph 315 alleges "interstate or international" telephone calls between Detective Hennings and either Ms. Shipilina, Mundy or Petrovich, there is no proof of any interstate communications. In fact, plaintiff cannot even allege for certain that interstate communication occurred as he states "interstate or international." In addition, plaintiff cannot state who exactly the communication was between and his conclusion of "interstate or international" communications is based only upon information and belief. Nonetheless, it is apparent that Detective Hennings (from the New York Police Department), Ms. Shipilina Mundy and Petrovich all reside in New York. (Ex. A, ¶¶27-34, ¶47, ¶874(o)). It is therefore presumed that such purported communications was intrastate, especially without specific allegations to the contrary. Plaintiff's conclusion that "interstate or international" communication occurred cannot overcome this presumption.

✓ Paragraph 316 alleges that Mundy and Petrovich agreed to have "Madison" or Pierre" make a threatening telephone call to plaintiff. (Ex. A, ¶316). There is no assertion that "Madison or Pierre" reside outside the state of New York. In fact, the plaintiff's complaint suggests that they reside in New York as they are referred to as being "domestic members" of the purported enterprise connected to other New York domestic members and a "member of American Organized Crime Gang 1" situated in New York. (Ex. A, ¶¶18-22, ¶26, ¶45, ¶46). Therefore, insofar as these purported telephone calls were made, and Mundy and Petrovich "agreed" for them to be made, it is presumed they were intrastate. In fact, the plaintiff has not even alleged that these purported telephone calls were interstate. *As pleaded, the plaintiff has not shown that Mundy and Petrovich used interstate or international systems.*

✓ Lastly, although plaintiff fails to plead interstate use of mail and wire systems as detailed above, plaintiff concludes in paragraphs 493, 495, 497, 505, 507 and 509 that Mundy and Petrovich used "interstate and/or international" systems and facilities. (Ex. A, ¶¶493, ¶495, ¶499, ¶505, ¶507 and ¶509). However, as demonstrated, plaintiff has utterly failed to properly plead the use of interstate systems. Merely mentioning that word "interstate" and concluding that Mundy and Petrovich engaged in interstate mail and wire communications is not sufficient. The remaining paragraphs of the plaintiff's complaint directed at Mundy and Petrovich, suggesting mail and wire fraud on their part, namely paragraphs 496, 498, 508 and 510, merely allege the use of international systems, not interstate communications. (Ex. A, ¶¶496, ¶498, ¶508 and ¶510). *Alleged interstate or international systems are not interstate or international.*

✓ Given that the plaintiff has failed to demonstrate a scheme to defraud or that Mundy and Petrovich knowingly participated in the scheme, and has further failed to show that they used interstate mail or wire communications in furtherance of the scheme, the plaintiff cannot state a claim for mail or wire fraud. Since the plaintiff has not sufficiently established a claim *how can plaintiff state a claim?*

for mail and wire fraud against Mundy and Petrovich, he cannot allege such fraud as predicate acts in support of his RICO claims.

✓ In addition, because the plaintiff alleges mail and wire fraud as predicate acts, the complaint must comport with the particularity requirements of Fed. R. Civ. P. 9(b). The complaint, in alleging predicate acts of mail and wire fraud, merely baldly asserts that they performed such fraud, which is clearly insufficient. (Ex. A., ¶¶493, ¶¶505).

✓ Even granting the rest of the plaintiff's complaint a liberal reading and applying the conclusion that Mundy and Petrovich engaged in mail and wire frauds to each of the factual incidents in the complaint where mail or wire communication is alleged to have taken place, it is clear that the plaintiff's allegations do not meet the heightened pleading requirements of Fed. R. Civ. P. 9(b) for alleging mail or wire fraud. (Ex. A ¶¶240, ¶¶241, ¶¶294, ¶¶295, ¶¶300, ¶¶301, ¶¶315, ¶¶316).

✓ In respect to the plaintiff's allegations of mail fraud, no specific evidence, dates, times, or places have been provided. (Ex. A ¶¶240, ¶¶241, ¶¶294, ¶¶300). The plaintiff alleges in paragraph 240 and 241 that Mundy sent the plaintiff a letter on February 5, 2001 "threatening the commencement of 'difficult' divorce proceedings unless the plaintiff met to resolve the issues," which was meant to "intimidate the plaintiff into lying before the INS." (Ex. A, ¶¶240, ¶¶241). This letter merely represents communication between the parties in connection with litigation. (Ex. P). The plaintiff's allegations in paragraphs 240 and 241 measured against the attached letter itself is perhaps one of the most glaring examples of how the plaintiff has taken a letter prepared in the context of a divorce litigation and "twisted" it to suggest that it represents mail fraud or other forms of wrongdoing on the part of Mundy. (Ex. P). There is absolutely no identification of the specific statements which were purportedly false or misleading or the manner in which this letter was purportedly fraudulent.



✓ Paragraph 294 generally alleges that Mundy and Petrovich used the international transportation system to threaten witnesses into recanting their testimony. Paragraph 300 generally alleges that Mundy and Petrovich used the international transportation system to arrange for the payment of bribes. (Ex. A ¶¶294, ¶300). Insofar as the plaintiff suggests that these acts evidence mail fraud, the plaintiff has failed to provide any documentation/letters to support his claims. The plaintiff has also completely failed to provide dates, times, places or particulars of such mailings. In fact, the plaintiff has not only failed to identify the parties to whom these letters were allegedly mailed, the manner in which the documents were purportedly fraudulent or the specific statements which were false, but has failed to identify which part of the "transportation system" was even used. *Ex. A need to provide dates, times, places, parties, manner, statements, fraudulent, specific, statements, which, were, false, but, has, failed, to, identify, which, part, of, the, "transportation, system," was, even, used.*

✓ Likewise, the plaintiff's general allegations of wire fraud must similarly fail. (Ex. A ¶¶294, ¶295, ¶300, ¶301, ¶315, ¶316). Paragraphs 294 and 295 alleges that Mundy and Petrovich used the international telephone system to threaten witnesses and transfer money to threaten witnesses. (Ex. A ¶¶294, ¶295). Paragraphs 300 and 301 merely alleges that Mundy and Petrovich used the international telephone system to arrange for bribes. (Ex. A ¶¶300, ¶301). Paragraphs 315 and 316 generally allege that Mundy and Petrovich used the telephone system to intimidate the plaintiff. (Ex. A, ¶¶315, ¶316). *Ex. A need to provide dates, times, places, parties, manner, statements, fraudulent, specific, statements, which, were, false, but, has, failed, to, identify, which, part, of, the, "transportation, system," was, even, used.*

✓ Insofar as the plaintiff suggests that these acts evidence wire fraud, the plaintiff has failed to provide any evidence or specifics to support his claims. No dates, times, places or particulars of such wire fraud have been detailed. The plaintiff has not identified which witnesses were purportedly threatened, when or where they were threatened or specifically how they were threatened, nor has the plaintiff set forth any details as to how the wire system was used to threaten witnesses or transfer money. (Ex. A ¶¶294, ¶295). The plaintiff has similarly not identified when, where or how the telephone system was used to arrange *Ex. A need to provide dates, times, places, parties, manner, statements, fraudulent, specific, statements, which, were, false, but, has, failed, to, identify, which, part, of, the, "transportation, system," was, even, used.*

purported bribes or who was contacted to arrange such bribes. (Ex. A ¶300, ¶301). The plaintiff has also failed to provide specifics as to other purported threatening telephone calls made to him. (Ex. A, ¶315, ¶316). It is evident that the plaintiff cannot identify a single document or fact that purports to show such wire fraud on the part of Mundy and Petrovich, nor has plaintiff ever attempted to show statements which were purportedly false or the manner in which certain wire communications were fraudulent. *Allegation that communication was fraudulent*

Further, insofar as the plaintiff does allege some vague details as to purported mail and wire fraud on the part of Mundy and Petrovich, they are based only upon information and belief. Without being able to specify the statements it claims were false or misleading, give particulars as to the respect in which the statements were fraudulent, state when and where the statements were made, and identify those responsible for the statements, it is clear that the plaintiff's claims of mail and wire fraud must fail as a matter of law<sup>18</sup>. The plaintiff's claims of mail and wire fraud against Mundy and Petrovich are sadly deficient on all fronts.

**dd. Plaintiff Has Failed to Sufficiently Plead Bribery as a Predicate Act**

✓ The plaintiff's conclusions that Mundy and Petrovich participated in the predicate act of bribery are also insufficient under Fed. R. Civ. P. 9(b). (Ex. A., ¶495, ¶499, ¶507, ¶511).

✓ Even affording the rest of the plaintiff's complaint a liberal reading and applying the conclusion that Mundy and Petrovich bribed officials to each of the factual incidents in the complaint where bribery is mentioned, it is again clear that the plaintiff's allegations do not meet the heightened pleading requirements of Fed. R. Civ. P. 9(b). (Ex. A, ¶254, ¶255, ¶¶298-302, ¶306, ¶307).

<sup>18</sup> Although paragraphs 701-739 of the plaintiff's complaint, which recite "other criminal acts" purportedly committed by Mundy and Petrovich relating to mail and wire fraud, these general conclusory allegations are merely repetitive of the already asserted "predicate acts" and does not alter the finding that the plaintiff has failed to sufficiently plead the requisite specificity necessary to sustain mail and wire fraud as predicate acts in support of his RICO claims. *Use as supporting evidence*

✓ Paragraphs 254 and 255 generally allege, upon information and belief, that Mundy and Petrovich agreed to bribe and then did bribe "an INS agent" in New York City to prevent the deportation of Ms. Shipilina. (Ex. A, ¶¶254, ¶255). The plaintiff has again provided absolutely no specifics whatsoever. There is no proof offered to support the conclusion that there was an agreement to bribe or even a bribe, nor has the plaintiff particularized where the bribe was purportedly made, which "INS agent" received the alleged bribe or how the bribe was conducted. It not even clear where the money for the purported bribe came from. In addition, plaintiff fails to identify a single document, statement or fact that purports to show such a bribe by Mundy and Petrovich. Without setting forth any specific times, names, places or particulars as to the purported bribes, these claims must fail. *no specificity*

✓ Paragraphs 298 through 302 allege that, upon information and belief, Mundy and Petrovich agreed to bribe "Krasnodar officials" to close a Russian criminal case, that the money came from the "illegal Enterprise," that Mundy and Petrovich arranged the bribes through the international mail and wire systems and that \$10,000 was paid to close the Russian criminal case. (Ex. A ¶¶298-302). Plaintiff fails to offer any proof, however, of an agreement to bribe or the bribe itself to support his conclusions. Additionally, there is no mention of specifically when the bribe was purportedly made, where it was made, which "Krasnodar official" received the purported bribe or who exactly paid the purported bribe. Plaintiff has also failed to sufficiently allege how the bribes was carried out. The plaintiff's statement that the bribe was arranged through the international mail and wire system does not satisfy the particularity requirement. *no specificity*

✓ Paragraphs 306 and 307 allege that, upon information and belief, Mundy and Petrovich agreed to bribe and then did bribe Detective Hennings to intimidate the plaintiff into ceasing his cooperation with the INS and to prevent him from trying to reopen the Russian criminal *no specificity*

case. (Ex. A ¶306, ¶307). The plaintiff's allegations again fail to provide the requisite specificity as there is no specific indication of when, where or how the bribes were purportedly made, nor has plaintiff identified any witnesses to these alleged acts. In fact, plaintiff fails to identify a single document or statement or fact that purports to show such bribery on the part of Mundy and Petrovich. In essence, plaintiff cannot offer any proof of an agreement to bribe or the bribe itself except for his conclusions that it occurred.

✓ Lastly, insofar as the plaintiff does allege some vague details as to Mundy's and Petrovich's purported participation in bribery, they are based only upon information and belief, and insufficient to support his RICO causes of action<sup>19</sup>.

**ee. Plaintiff Has Failed to Sufficiently Plead Money Laundering as a Predicate Act**

The plaintiff's conclusions that Mundy and Petrovich participated in the predicate act of money laundering is also insufficient under Fed. R. Civ. P. 9(b). (Ex. A, ¶496, ¶498, ¶508, ¶510). Paragraphs 496, 498, 508 and 510 allege that Mundy and Petrovich transferred "enterprise" funds overseas to bribe Russian officials and coerce witnesses in connection with the Russian criminal case. (Ex. A, ¶496, ¶498, ¶508, ¶510). The plaintiff's conclusions, however, not only fail to detail the purported bribes and coercion, but fail to set forth any specifics as to the transfers which allegedly violated the money laundering statute. The plaintiff has failed to provide the times, dates, places and particulars of the purported transfers as well as failed to identify the persons who allegedly sent and received such transfers. In addition, plaintiff fails to identify a single document, statement or fact that purports to confirm that such transfers ever occurred or that Mundy and Petrovich participated in such transfers.

<sup>19</sup> Although paragraphs 717, 719, 733 and 735 of the plaintiff's complaint generally allege that Mundy and Petrovich committed "other criminal acts" relating to bribery, these conclusory allegations are merely repetitive of the already asserted "predicate acts," and do nothing to alter the fact that plaintiff has failed to sufficiently plead the requisite specificity necessary to sustain an allegation of bribery in support of his RICO claims.

Indeed, the plaintiff has set forth nothing more than legal conclusions, deductions and opinions couched as factual allegations in support of his allegations of not only money laundering by Mundy and Petrovich, but white slave trade, misuse of visas, obstruction of justice, mail and wire fraud and bribery. The Court must not give such conclusory statements a presumption of truthfulness in determining this motion to dismiss. *L'Europeenne de Banque v. La Republica de Venezuela*, 700 F. Supp at 122. Thus, Mundy and Petrovich respectfully submit that since the plaintiff's complaint fails to adequately allege predicate acts in support of his RICO claims, the first, second, third and fourth causes of action must be dismissed as a matter of law.

**C. Plaintiff's Complaint Fails to Adequately Allege a Pattern of Racketeering Activity**

✓ In addition to failing to properly plead predicate acts, the plaintiff similarly fails to adequately plead a pattern of racketeering activity. To sufficiently plead a pattern of racketeering activity, a plaintiff must allege "(1) at least two predicate acts of racketeering occurring within a ten-year period; (2) that the predicate acts are related to each other; and (3) that the predicate acts amount to or pose a threat of continuing criminal activity." *Price v. Gast*, 2000 WL 36981 \*6 (S.D.N.Y. Apr. 11, 2000); See also *H.J. Inc. v. Northwestern Bell Telephone Co.*, 492 U.S. 229, 239, 109 S.Ct. 2893, 2900 (1989); 18 U.S.C. §1961(5) (pattern of racketeering activity "requires at least two acts of racketeering activity, one of which occurred after the effective date of this chapter and the last of which occurred within ten years...after the commission of a prior act of racketeering activity").

✓ The statement that a pattern requires "at least two predicate acts" implies that while two acts are necessary, they may not be sufficient to establish a pattern. *H.J. Inc. v. Northwestern Bell Telephone Co.*, 492 U.S. at 238-44, 109 S.Ct. at 2900-2903. In addressing what constitutes a pattern of racketeering activity, the Second Circuit noted that "[a]n

interrelationship between acts, suggesting the existence of a pattern, may be established...[by] proof of their temporal proximity, or common goals, or similarity of methods, or repetitions." *United States v. Indelicato*, 865 F.2d 1370, 1382 (2d Cir. 1989) (*en banc*), *cert denied*, 493 U.S. 811, 110 S.Ct. 56 (1989). The United States Supreme Court noted that "[t]he term pattern requires the showing of a relationship between the predicates and of the threat of continuing activity...It is this factor of continuity plus relationship which combines to constitute a pattern." *H.J. Inc. v. Northwestern Bell Telephone Co.*, 492 U.S. at 238-39, 109 S.Ct. at 2900 (citations omitted).

To satisfy the "continued criminal activity" prong in alleging a pattern of racketeering activity under a RICO cause of action, the plaintiff must make a showing of either "closed-ended continuity" or "open-ended continuity." *Id.*

#### i. Closed-ended Continuity

✓ "Closed-ended continuity is demonstrated by predicate acts that 'amount to continued criminal activity' by a particular defendant." *De Falco v. Bernas*, 244 F.3d 286, 321 (2d Cir. 2001). In order to measure whether closed-ended continuity exists, the Second Circuit has stated that several factors may be considered including the length of time over which the alleged predicate acts took place, the number and variety of acts, the number of participants, the number of victims, and the presence of separate schemes. *GICC Capital Corp. v. Tech. Finance Group, Inc.*, 67 F.3d 463, 467 (2d Cir. 1995).

✓ The length of time over which predicate acts occurred is a substantial factor and appears to be dispositive if the period of time is not sufficiently long. The plaintiff must prove a series of related predicates extending over a substantial period of time. *H.J. Inc. v. Northwestern Bell Telephone Co.*, 492 U.S. at 242, 109 S.Ct. at 2902. Predicate acts extending over a few weeks or months and threatening no future criminal conduct do not

satisfy this requirement. *Id.* "Since the Supreme Court decided *H.J. Inc.*, this Court [Second Circuit] has never held a period of less than two years to constitute a 'substantial period of time,' for the purposes of the closed-ended continuity test. *De Falco v. Bernas*, 244 F.3d at 321. See also *Cofacredit, S.A. v. Windsor Plumbing Supply Co. Inc.*, 187 F.3d 229, 242 (2d Cir. 1999) (predicate acts committed in less than a one year period insufficient length to demonstrate closed-ended continuity); *Metromedia v. Fugazy*, 983 F.2d 350 (2d Cir. 1992) (upholding RICO verdict, despite erroneous jury instruction that "a few weeks or months" might be a substantial period of time, because predicate acts occurred over two years); *Jacobson v. Cooper*, 882 F.2d 717, 720 (2d Cir. 1989) (finding closed-ended continuity when predicate acts occurred over a "matter of years" from 1980 to 1989).

✓ In determining the duration of a pattern of racketeering activity, Courts focus solely on the predicate acts of racketeering each defendant is alleged to have committed. *De Falco v. Bernas*, 244 F.3d at 321. See also *H.J. Inc. v. Northwestern Bell Telephone Co.*, 492 U.S. at 242, 109 S.Ct. at 2902 (continuity test looks to period during which predicate acts were committed). Moreover, acts that do not constitute predicate racketeering activity are not included in the calculation for determining continuity. *Cofacredit, S.A. v. Windsor Plumbing Supply Co. Inc.*, 187 F.3d at 243.

✓ As demonstrated above, the plaintiff's complaint completely fails to plead predicate acts with sufficiency. Nevertheless, to the extent this Court finds that the plaintiff has properly pled such predicate acts and demonstrated that they constitute "racketeering activity," the plaintiff has still failed to sufficiently establish the requisite showing of a "pattern" as there has been no demonstration of closed-ended continuity.

✓ The plaintiff alleges that Mundy and Petrovich first met with Ms. Shipilina at the "end of October, 2000." (Ex. A, ¶223). In fact, plaintiff did not commence divorce/annulment

proceedings against Ms. Shipilina until February 2001, and, therefore, it was not until this time that Mundy and Petrovich appeared in the divorce action on behalf of Ms. Shipilina. (Ex. B). However, taking the plaintiff's allegations as true to the effect that Mundy and Petrovich first met with Ms. Shipilina in October, 2000, no required predicate act is even alleged to have been committed by Mundy or Petrovich prior to October, 2000, and could not have been committed prior to that time. A review of the complaint also reveals that there are no allegations that Mundy or Petrovich met with any other members of the purported enterprise prior to October, 2000 and participated with them in predicate acts. (Ex. A). Additionally, the last predicate act alleged to have been committed by Mundy or Petrovich was in March, 2002. (Ex. A, ¶¶293, ¶298, ¶¶315-318, ¶715). There are no allegations that Mundy and Petrovich committed any other predicate or criminal acts after March, 2002 or had any connection with other members of the enterprise after that date. (Ex. A).

✓ Thus, the period of time between the predicate acts purportedly committed by Mundy and Petrovich amounts to, at most, merely one year and five months. It is well settled that closed-ended continuity cannot exist over such an abbreviated period of time. *See De Falco v. Bernas*, 244 F.3d at 321; *Cofacredit, S.A. v. Windsor Plumbing Supply Co. Inc.*, 187 F.3d at 242.

## ii. Open-ended Continuity

✓ Unlike closed-ended continuity, to satisfy open-ended continuity, "the plaintiff need not show that the predicates extended over a substantial period of time but must show that there was a threat of continuing criminal activity beyond the period during which the predicate acts were performed." *Cofacredit, S.A. v. Windsor Plumbing Supply Co. Inc.*, 187 F.3d at 242. *See also The Jordan (Bermuda) Inv. Co. v. Hunter Green Inv. Ltd.*, 154 F.Supp.2d 682, 694 (S.D.N.Y. 2001) (open-ended continuity does not require substantial temporal showing, but



requires plaintiff to show a threat of on-going criminal activity beyond the period in which the predicate acts were committed).

✓ In the Second Circuit, "cases assessing whether a threat of continuity exists have looked first to the nature of the predicate acts alleged or to the nature of the enterprise at whose behest the predicate acts were performed." *De Falco v. Bernas*, 244 F.3d at 323 (quoting *GICC Capital Corp. v. Technology Finance Group, Inc.*, 67 F.3d at 466 (internal quotations omitted)). "[W]here the enterprise primarily conducts a legitimate business, there must be some evidence from which it may be inferred that the predicate acts were the regular way of operating that business, or that the nature of the predicate acts themselves implies a threat of continued criminal activity." *De Falco v. Bernas*, 244 F.3d at 323 (quoting *Cofacredit, S.A. v. Windsor Plumbing Supply Co. Inc.*, 187 F.3d at 243).

✓ As demonstrated above, the plaintiff's complaint fails to properly plead predicate acts on the part of Mundy and Petrovich. Nevertheless, insofar as this Court concludes that the plaintiff has properly pled such predicate acts and demonstrated that they constitute "racketeering activity," the plaintiff has still failed to sufficiently establish the requisite showing of a "pattern" as there has been no demonstration of open-ended continuity.

✓ The predicate racketeering acts alleged to have been committed by Mundy and Petrovich occurred from October, 2000 through March, 2002, at best. (Ex. A). The complaint was filed on April 18, 2003 and served upon Mundy in June of 2003. The complaint has never been amended. There is absolutely nothing in the complaint which suggests that any predicate acts were even committed by Mundy and Petrovich after March, 2002 or up until the time the complaint was filed and served in April and June of 2003. This is especially interestingly if the plaintiff would now have this Court believe that the threat of criminal activity by Mundy and Petrovich is ongoing and continued after March, 2002. Even taking the

plaintiff's allegations as true, they go no further than describing past criminal acts by Mundy and Petrovich with finite goals, which were completed. The plaintiff's allegations, taken at their face value, if proved, would establish, at most, that there was a "discrete and relatively short-lived scheme" to defraud the plaintiff, which is insufficient to establish a claim of open-continuity. *Cofacredit, S.A. v. Windsor Plumbing Supply Co. Inc.*, 187 F.3d at 244.

✓ In an apparent ploy, albeit unsuccessful, to plead his RICO claims, the plaintiff has chosen to make broad and sweeping conclusions such as "on information and belief, member defendants' predicate acts will repeat and multiply into the future," instead of simply proving, or even alleging, continuing criminal activity beyond the period during which the predicate acts were performed by Mundy or Petrovich. (Ex. A, ¶¶876, ¶877). There is not one iota of evidence to support plaintiff's conclusion that such acts even occurred, let alone will repeat into the future. In fact, the complaint is totally devoid of any specific allegation or factual basis to support plaintiff's opinion and such legal conclusions and opinions couched as factual allegations are insufficient to demonstrate the threat of ongoing criminal activity.

✓ Hence, this Court must dismiss the plaintiff's RICO claims since the plaintiff has failed to allege sufficient predicate acts on the part of Mundy and Petrovich for this Court to find that they amount to or pose a threat of continuing criminal activity. Without a showing of open-ended or closed-ended continuity, the plaintiff has failed to establish a "pattern" of racketeering activity, and, thus plaintiff's RICO claims must fail as a matter of law.

**D. Plaintiff Fails to Establish That Mundy or Petrovich Invests In, or Maintains an Interest In, or Participates in the Enterprise**

✓ i. **No Utilization or Investment of Income within 18 U.S.C. §1962(a)**

To state a claim under 18 U.S.C. §1962(a), plaintiff must allege that (1) the defendants used or invested racketeering income to acquire or maintain an interest in the alleged enterprise; and 2) the plaintiff suffered an injury as a result of the investment by the

defendants. *O & G Carriers, Inc. v. Smith*, 799 F. Supp. 1528, 1542 (S.D.N.Y. 1992); *Bingham v. Zolt*, 683 F. Supp. 965, 971 (S.D.N.Y. 1988). Thus, "the essence of a violation of §1962(a) is not commission of predicate acts but investment of racketeering income." *NRB Indus. Inc. v. R.A. Taylor & Assoc., Inc.*, 1998 WL 3638 \*1 (S.D.N.Y. 1998) (quoting *Quaknine v. MacFarlane*, 897 F.2d 75, 83 (2d Cir. 1990)).

✓ The injury from the alleged RICO violation must be a "use" or "investment" injury distinguished from the injuries purportedly caused by the predicate acts themselves. See *Update Traffic Systems, Inc. v. Gould*, 857 F. Supp. 274, 282 (E.D.N.Y. 1994); *NRB Indus. Inc. v. R.A. Taylor & Assoc., Inc.*, 1998 WL 3638 \*1. "This investment-injury requirement is not satisfied merely because the defendant/enterprise has reinvested money from the racketeering acts back into its own operations, thus enabling the scheme to continue." *Update Traffic Systems, Inc. v. Gould*, 857 F. Supp. at 282-83.

Plaintiff's complaint fails to even allege that Mundy or Petrovich received racketeering income from the purported enterprise or used or invested income received from the purported racketeering activity to acquire an interest in the alleged enterprise. (Ex. A). Furthermore, plaintiff has not established that he sustained an injury as a result of the use or investment by Mundy or Petrovich. Rather, plaintiff's complaint is limited to alleged damages resulting from purported predicate acts. (Ex. A).

## ii No Acquisition or Maintenance of Interest within 18 U.S.C. §1962(b)

To state a claim under 18 U.S.C. §1962(b), plaintiff must allege that (1) the defendants acquired or maintained an interest in the alleged enterprise through a pattern of racketeering activity; and (2) plaintiff suffered an injury as a result of the acquisition of the enterprise. *O & G Carriers, Inc. v. Smith*, 799 F. Supp. at 1543. See also *Medgar Evers Houses Tenants Ass'n v. Medgar Evers Houses Associates, L.P.*, 25 F. Supp.2d 116, 124 (S.D.N.Y. 1998) (18

U.S.C. 1962(b) prohibits a person engaging in racketeering activity from using that activity to acquire or maintain an interest in or control over an enterprise that affects interstate commerce).

Thus, plaintiff must allege that he sustained "a distinct injury caused by the defendants' acquisition or maintenance of an interest in or control of an enterprise. *Id.* In *Medgar Evers*, the alleged enterprise was the association of the defendants themselves and the Court found that the §1962(b) claim failed because the plaintiff did not allege that the defendants acquired or maintained an "interest" in their "association" through the pattern of racketeering and failed to allege a distinct injury stemming from the defendants' acquisition or maintenance of that interest. *Id.*

Again, the plaintiff has clearly failed to sufficiently plead that Mundy and Petrovich used racketeering activities to acquire or maintain an interest in or control over the purported enterprise. (Ex. A). Plaintiff's "throw-in" of the word "maintain" in concluding that Kuba, Mundy & Associates engaged in predicate acts to generate revenues "to maintain its interest in the Enterprise," that Mr. Mundy committed predicate acts to "maintain control of the firm's Enterprise" and that Petrovich committed predicate acts to "assist in maintaining control of the firm's interest in the in the Enterprise" is in sufficient. (Ex. A, ¶¶488, ¶500, ¶512). The plaintiff has similarly failed to adequately plead that he sustained a distinct injury as a result of Mundy's or Petrovich's acquisition or maintenance of an interest in or control of the purported enterprise.

### iii. No Participation in the Enterprise within 18 U.S.C. §1962(c)

✓ To state a claim under 18 U.S.C. §1962(c), plaintiff must allege "that he was injured by the defendants" "(1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity." *Cofacredit, S.A. v. Windsor Plumbing Supply Co., Inc.* 187 F.3d at 242 (citing *Azrielli*

*v. Cohen Law Offices*, 21 F.3d 512, 520 (2d Cir. 1994)); *Dietrich v. Bauer*, 76 F. Supp.2d 312, 347 (S.D.N.Y. 1999).

✓ The defendants must also have "participated" in "the operation or management of the enterprise itself." *Congregacion de law Mision Provincia de Venezuela*, 978 F. Supp at 446. In other words, a party will not be liable under 18 U.S.C. §1962(c) unless it has *some* part in directing the [RICO] enterprise's affairs." *Reves v. Ernst & Young*, 507 U.S. 170, 179, 113 S.Ct. 1163, 1170 (1993). See also *Congregacion de law Mision Provincia de Venezuela*, 978 F. Supp at 450 ("it must be alleged that a defendant exerts control over the enterprise or is involved in some degree in its direction). This "operation or management" requirement is a test that "is a very difficult test to satisfy." *La Salle Nat'l Bank v. Duff & Phelps Credit Rating Co.*, 951 F. Supp. 1071, 1090 (S.D.N.Y. 1996). The simple taking of directions and performance of tasks that are necessary or helpful to the enterprise, without more, is insufficient to bring a defendant within the scope of §1962(c). *U.S. v. Diaz*, 176 F.3d 52, 92 (2d Cir. 1999); See also *Congregacion de law Mision Provincia de Venezuela*, 978 F. Supp at 450 ("Mere involvement or association with a RICO enterprise is not enough to establish RICO liability- 'the test is not involvement but control.'")

✓ Indeed, Courts have dismissed cases where, like here, plaintiff has failed to show that defendants did anything more than purportedly "assist" in the alleged RICO enterprise, ruling that merely alleging "wrongful acts" which could have importance to the enterprise's scheme does not translate into "direction" of the enterprise. See *Schmidt v. Fleet Bank*, 16 F. Supp.2d at 347. In fact, where an attorney is deemed to have power to direct certain actions of individuals involved, and in some cases where that attorney allegedly participates in the fraud, that does not equate to the power to direct and operate the enterprise itself. See *Morin v. Trupin*, 835 F. Supp. 126 (S.D.N.Y. 1993). In *Morin v. Trupin*, the Court found that an

attorney's facilitation of the operation of the enterprise does not create a sufficient ground of "operation and management" to constitute liability under section 1962(c). *Id.* at 134. The Court elaborated that even "if this Court found that these defendants had substantial persuasive power to induce management to take certain actions, this is still not equivalent to having the power to conduct or participate directly or indirectly in the conduct in the affairs of those corporations." *Id.* at 135-36 (citations omitted); *Strong & Fischer, Ltd. v Maxima Leather, Inc.* 1993 WL 277205 (S.D.N.Y. July 19, 1973).

✓ The plaintiff's complaint, even when read in a light most favorable to him, is devoid of any allegations that Mundy or Petrovich had any part in the "operation or management" of the purported enterprise. Virtually every paragraph of the plaintiff's complaint directed at Mundy or Petrovich merely alleges that they were involved in the purported enterprise or simply performed tasks necessary or helpful to the purported enterprise. In fact, there are only two paragraphs in the plaintiff's complaint directed at Mundy and Petrovich, which even suggest that Mundy and Petrovich directed the enterprise or exerted control over the enterprise. (Ex. A, ¶¶500, ¶¶512). However, the plaintiff's conclusions in these paragraphs that Mundy and Petrovich "maintain control of the firm's interest in the Enterprise and direct part of the affairs of the Enterprise" as well as "implement some of the decisions of the Enterprise" is clearly insufficient to satisfy the stringent standard of "operation and management." (Ex. A, ¶¶500, ¶¶512). If anything, the plaintiff's complaint is replete with allegations that Mundy and Petrovich were merely involved with the purported enterprise and assisted the enterprise, which is insufficient. See *U. S. v. Diaz*, 176 F.3d at 92; *Congregacion de la Mision Provincia de Venezuela*, 978 F. Supp at 450; *Schmidt v. Fleet Bank*, 16 F. Supp.2d at 347; *Morin v. Trupin*, 835 F. Supp. at 134-136.

**E. Plaintiff's Complaint Fails to Adequately Allege The Existence of a RICO Enterprise**

✓ In addition to failing to properly plead predicate acts and a pattern of racketeering activity, the plaintiff most glaringly fails to sufficiently plead the existence of an enterprise. A RICO plaintiff must plead each defendant's participation in the "operation or management" of an "enterprise" as those terms are defined for the purposes of the statute. *Dietrich v. Bauer*, 76 F. Supp.2d 312, 347 (S.D.N.Y. 1999). A RICO enterprise is statutorily defined as "any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity." 18 U.S.C. §1691(4) (*emphasis added*).

✓ In interpreting this statute, the Supreme Court has defined a RICO enterprise as a "group of persons associated together for a common purpose or engaging in a common course of conduct...[It is] proved by evidence of an ongoing organization, formal or informal, and by any evidence that the various associates function as a continuing unit." *United States v. Turkette*, 452 U.S. 576, 583, 101 S.Ct. 2524, 2528 (1981). See also *Kashelkar v. Rubin & Rothman*, 97 F. Supp.2d at 391; *First Nationwide Bank v. Gelt Funding Corp.* 820 F. Supp., 89 (S.D.N.Y. 1993) (for an association of individuals to constitute an enterprise, the individuals must share a common purpose to engage in a particular fraudulent course of conduct and work together to achieve such purposes).

✓ "In determining whether the members of a purported association-in-fact functioned as a unit, '[c]ourts in the Second Circuit must look to the 'hierarchy, organization, and activities' of the association". *Schmidt v. Fleet Bank*, 16 F. Supp. 2d at 349 (quoting *First Nationwide Bank v. Gelt Funding Corp.*, 820 F. Supp. at 98).

Consistent with these standards, "a RICO enterprise must exhibit structural continuity over its alleged lifespan." *Kovian v. Fulton*

RICO enterprise  
can be pled  
generally  
Rothman 7-33

Just  
specify  
what  
enterprise  
is  
fraudulent  
course  
of  
conduct

structural  
continuity

*County Nat'l. Bank and Trust Co.*, No. 86- CV-154 1990 WL 36809, at 16 (N.D.N.Y. March 28, 1990). As the Eighth Circuit has explained, "continuity of structure exists where there is an organizational pattern or system of authority that provides a mechanism for directing the group's affairs on a continuing, rather than an ad hoc, basis." *Handeen v. LeMaire*, 112 F.3d 1339, 1351 (8th Cir. 1997) (quoting *United States v. Kragness*, 830 F.2d 842, 856 (8th Cir. 1987)).

*Schmidt v. Fleet Bank*, 16 F. Supp. 2d at 349.

✓ In addition, "[i]t is firmly established that, to state a claim under RICO, a Plaintiff must allege and prove the existence of an enterprise which is 'separate and distinct from the alleged pattern of racketeering activity.'" *Goldfine v. Sichenzia*, 118 F. Supp.2d at 400 (quoting *Black Radio Network, Inc. v. NYNEX Corp.*, 44 F. Supp.2d 565, 580 (S.D.N.Y. 1999)). In other words, the enterprise cannot be the pattern of racketeering but must be "an entity separate and apart from the pattern of activity in which it engages." *United States v. Turkette*, 452 U.S. at 583, 101 S.Ct. at 2529. The members of the purported enterprise "as a whole must have a common link other than the racketeering activity." *McDonough v. National Home Ins. Co.*, 108 F.3d 174, 177 (8th Cir. 1997). Thus, if a plaintiff has not pled that the alleged enterprise would exist despite the alleged pattern of racketeering activity, then the claims are subject to dismissal as a matter of law. See *Goldfine v. Sichenzia*, 118 F. Supp.2d at 400.

✓ Plaintiff's RICO claims in the instant matter fail as a matter of law, because he has not pled an enterprise within the meaning of the RICO statute. The enterprise allegedly consists of all defendants, which encompasses "domestic and foreign corporations, partnerships, individuals, government officials, law firms, [American, Russian and Chechen] organized crime gangs... and an Islamic terrorist and crime clan." (Ex. A, ¶11). The complaint, however, is completely devoid of any sensible, logical, or coherent explanation as to how all these



defendants are joined together as a group to perpetrate the acts and frauds alleged in the complaint. Indeed, there can be no such explanation, because no "association" exists.

The complaint clearly fails to allege any specific facts revealing a continuous structure of the enterprise, interrelationship of alleged actions or coordinated roles played by the members of the purported enterprise. Similarly, there is no showing of a sensible chain of command<sup>21</sup> or functional integration. In fact, the only factor joining the sixty-three domestic and foreign defendants is Ms. Shipilina and the people she purportedly encountered, places she purportedly traveled, and institutions she purported worked at or visited. There is absolutely no other connection among Mundy and Petrovich and the other defendants comprising this purported enterprise, other than they had some form of alleged contact with Ms. Shipilina. Conclusory allegations that disparate parties were associated in fact by virtue of their involvement with Ms. Shipilina are insufficient to sustain a RICO claim, absent specific allegations as to how the members were associated together in an enterprise. *First Nationwide Bank v. Gelt Funding Corp.*, 820 F. Supp. at 98.<sup>22</sup> In addition, common sense does not support the notion that a small law firm, Mundy, could act as the law firm holding together the purported enterprise and conducting legal work for over sixty-three defendants across the world.

Additionally, the plaintiff has not pled any details which would even remotely suggest that the purported enterprise would exist as a continuous structure, separate and distinct from the alleged pattern of racketeering activity. *First Nationwide Bank*, 820 F. Supp. at 98. The plaintiff has failed to proffer any evidence that the alleged enterprise would still exist if the

<sup>21</sup>The plaintiff's general allegation that "relationships among the Enterprise's members are formal, including agreements and chain of command authority, and informal in which the common objectives of the Enterprise... controls decision-making" is clearly insufficient. (Ex. A, ¶14).

<sup>22</sup>If anything, the plaintiff's complaint shows that some defendants may have committed independent crimes. A series of discontinuous independent acts is no more of an "enterprise" than it is a single crime.

"predicate acts [were] removed from the equation". *Id.* In other words, it is clear that there is no common nexus between the members of the alleged enterprise, or at least between Mundy, Petrovich and the remaining members, other than their purported racketeering activities directed towards Ms. Shipilina. As there is a complete paucity of evidence that the alleged enterprise would exist, despite the alleged pattern of racketeering activity, the plaintiff has failed to establish the existence of an enterprise.

✓ Thus, the plaintiff's preposterous allegations of a RICO enterprise and ongoing organization between the defendants may be the most damning evidence of the frivolous nature of this complaint. The plaintiff's allegations of the existence of a RICO enterprise, stretches the bounds and limits of even the most delusional imagination. Since the plaintiff's complaint fails to establish the existence of an enterprise, plaintiff's RICO claims are subject to dismissal as a matter of law.

#### F. Plaintiff Lacks Standing to Assert a RICO Claim

✓ Plaintiff must satisfy the following three requirements to have standing to assert a RICO violation: (1) a violation of section 1962; (ii) injury to business or property; and (iii) causation of the injury by the violation. *First Nationwide Bank v. Gelt Funding Corp.*, 27 F.3d 763, 767 (2d Cir. 1994) *cert denied* 513 U.S. 1079 (1995). See also *Hecht v. Commerce Clearing House, Inc.*, 897 F.2d 21, 23 (2d Cir. 1990); 18 U.S.C. §1964(c) ("Any person injured in his business or property by reason of a violation of section 1962 of this chapter" has standing to sue for RICO violations).

Standing to sue is limited to those persons whose injuries were both factually and proximately caused by the alleged RICO violation. *Holmes v. Securities Investor Protection Corp.*, 503 U.S. 258, 268, 112 S.Ct. 1311, 1316-1318 (1992). While the term proximate cause is utilized, the Second Circuit has made clear that liability under statutes such as RICO does

not "depend on whether there is proximate causation as that term is used at common law," *Abrahams v. Young & Rubicam Inc.*, 79 F.3d 234, 237 (2d Cir. 1996). Instead, the question is whether the plaintiff was "in the category the statute meant to protect," and whether "the harm that occurred . . . [was] the 'mischief' the statute sought to avoid." *Id.* Thus, to have standing, plaintiff must show that he was "the intended target" of the RICO violations, and that any alleged RICO injury must have been the "preconceived purpose" of the RICO activities. See *In re American Express Co. Shareholder Litig. v. Robinson*, 39 F.3d 395, 400 (2d Cir. 1994).

✓ Further, a cause of action under RICO does not accrue until the amount of damages becomes clear and definite. *Bankers Trust Co. v. Rhodes*, 859 F.2d 1096, 1106 (2d Cir. 1988), *cert denied*, 490 U.S. 1007, 109 S.Ct. 1643 (1989).

Even assuming that the plaintiff is able to demonstrate the requisite elements of a RICO claim, the complaint must still be dismissed because the plaintiff lacks standing to maintain such an action. Plaintiff's complaint fails to set forth a single factual allegation that would lead any reasonable person to believe that the sixty-three named defendants, located throughout the world, are engaged in a RICO enterprise with the preconceived purpose of intentionally targeting him for financial ruin.

Furthermore, plaintiff's damages allegedly consist of damages to his business, financial interests, safety, liberty and reputation. (Ex. A, ¶¶900-914). The only damages actionable under RICO are to a persons' business or property. Plaintiff cannot demonstrate with any specificity in what manner he sustained injuries to his business or property. His conclusory allegations of loss profits from his law and consulting business, expenditure of funds to restore his business, loss of business opportunities and expenditure of funds to investigate the purported enterprise are not only unavailing but are not definite or ascertainable.

damages. ✓ Moreover, any purported harm to the plaintiff's business is solely a result of the plaintiff's own careless actions and dedication to an imaged RICO enterprise, which does not exist. image the plaintiff's business

**G. Plaintiff Has Failed to Plead Conspiracy to Violate RICO within 18 U.S.C. §1962(d)**

✓ A claim under 18 U.S.C. §1962(d) requires that the defendants conspire to commit a substantive RICO violation. To state a claim under 18 U.S.C. §1962(d), plaintiff must adequately allege that the defendants agreed to form and associate themselves with a RICO enterprise and agreed to commit two predicate acts in furtherance of a pattern of racketeering activity in connection with that enterprise. *Cofacredit, S.A. v. Windsor Plumbing Supply Co. Inc.*, 187 F.3d at 244. ✓ However, a conspiracy claim under 18 U.S.C. §1962(d) will not survive if the complaint contains nothing more than conclusory allegations of a conspiracy. Case law is unequivocal that "[b]are allegations of 'conspiracy'...are insufficient to support of a civil RICO claim". *Morin v. Trupin*, 747 F. Supp. 1051, 1067 (S.D.N.Y. 1990) (quoting *Crunwald v. Bomfreund*, 668 F. Supp. 128, 133 (E.D.N.Y. 1987)). "Indeed, even a 'mere [allegation of an] agreement to commit the predicate acts is not sufficient to support a charge of conspiracy under §1962(d)'." *Morin v. Trupin*, 747 F. Supp. at 1067 (quoting *Seville Indus. Machinery Corp. v. Southmost Machinery Corp.*, 742 F.2d 786, 792 N. 8 (3d Cir. 1984), cert. denied, 469 U.S. 1211, 105 S.Ct. 1179 (1985)). Rather, plaintiff must show that the defendants understood the scope of the enterprise and knowingly agreed to further its affairs through the commission of various offenses. *Morin v. Trupin*, 747 F. Supp. at 1067. RICO claim

✓ The plaintiff alleges that Mundy and Petrovich conspired to commit predicate and other acts of white slave trade, importing aliens for immoral purposes, fraud and misuse of visas, the procurement of nationality unlawfully, obstruction of justice, mail and wire fraud, bribery and money laundering. (Ex. A, ¶¶489, ¶¶501, ¶¶513, ¶¶705, ¶¶706, ¶¶722, ¶¶723, ¶¶738, ¶¶739). lack of facts

Although the plaintiff's complaint is replete with the phrase that Mundy and Petrovich "agreed" to "perform" certain acts, as demonstrated above, there continues to be a paucity of facts to support these bald assertions of a conspiracy. (Ex. A, ¶¶234, ¶236, ¶243, ¶254, ¶265, ¶275, ¶280, ¶287, ¶293, ¶298, ¶306, ¶316). The plaintiff has failed to adequately plead when or where such purported agreements occurred, the nature of the agreements or what the terms of the agreements to conspire were. Thus, bare conclusory allegations of a conspiracy are insufficient to support plaintiff's RICO claims.

Additionally, there can be no RICO conspiracy without a substantive RICO violation. *NRB Indus., Inc. v. R.A. Taylor & Assocs., Inc.*, 1998 WL 3638 \*3 (S.D.N.Y. Jan. 7, 1998). In other words, if the plaintiff fails to state a claim for violation of §1962(a), (b) or (c), their RICO conspiracy claim must also fail. *Id.* See also *Discon v. NYNEX Corp.*, 93 F.3d at 1064, *rev'd on other grounds*, 525 U.S. 128 (1998) (if prior claims do not state a claim for substantive RICO violations, then a RICO conspiracy claim necessarily does not set forth conspiracy to commit such violations); *Katzman v. Victoria's Secret Catalogue*, 167 F.R.D. at 658 *aff'd* 113 F.3d at 1229 (failure to plead facts that would satisfy 1962(a), 1962(b) or 1962(c) necessarily dooms any claim that the plaintiff might assert arising under 1962(d)). Since the plaintiff has clearly failed to assert a substantive RICO violation against Mundy and Petrovich, plaintiff's conspiracy claims against Mundy and Petrovich under 18 U.S.C. §1962(d) must fail as a matter of law.

Lastly, the Supreme Court has held that a party will not be liable under 18 U.S.C. §1962(d) unless it has some part in directing the RICO enterprise's affairs. See *Reves v. Ernst & Young*, 507 U.S. at 170, 113 S.Ct. at 1163. As set forth above, plaintiff has failed to plead direction of the purported enterprise on the part Mundy and Petrovich. Plaintiff's conspiracy claims must fail on this basis as well.

#### H. There Is No Valid Claim for Aiding and Abetting Rico Violations

Insofar as the plaintiff has suggested that Mundy and Petrovich aided and abetted RICO violations, there is no private right of action for aiding and abetting a RICO violation. (Ex. A, ¶¶711, ¶¶713-721, ¶728, ¶¶728-737). See *Goldfine v. Sichenzia*, 118 F. Supp.2d at 392. "In a recent exhaustive opinion, Judge Mukasey held that there is no federal tort of aiding and abetting a RICO violation." *LaSalle Bank v. Duff & Phelps Credit Rating Co.*, 951 F. Supp at 1088-1089 (quoting *Economic Development v. Arthur Andersen & Co.*, 924 F. Supp. 449, 475-478 (S.D.N.Y. 1996)). The Court in *LaSalle Bank* agreed with Judge Mukasey's analysis and recommended the dismissal of plaintiffs' claim of aiding and abetting a RICO violation on the ground that there is no such cause of action. *Id.*

In *Hayden v. Paul, Weiss, Rifkind, Wharton & Garrison*, 955 F.Supp 248 (S.D.N.Y. 1997), the Southern District Court again followed the reasoning of the Supreme Court in *Central Bank of Denver, N.A. v. First Interstate Bank of Denver, N.A.*, 511 U.S. 164, 114 S.Ct. 1439 (1994) and declined to find a private right of action by stating "[n]owhere in the text of Section 1962 is there any indication that Congress intended to impose aiding and abetting liability for a violation of the RICO statute." *Hayden v. Paul Weiss, Rifkind, Wharton & Garrison*, 955 F. Supp at 256.

Accordingly, insofar as the plaintiff claims that Mundy and Petrovich violated 18 U.S.C. 1962(a), (b), (c) and (d) on the basis of their "aiding and abetting" status, these claims must be dismissed as a matter of law.

## POINT III

## PLAINTIFF'S PENDANT STATE LAW CLAIMS FAIL AS A MATTER OF LAW

## A. This Court Lacks Jurisdiction Over Plaintiff's Pendant State Law Claims

✓ Assuming that this Court dismisses plaintiff's RICO claims, no federal question provides this Court with jurisdiction over the plaintiff's state law claims for intentional infliction of emotional distress, abuse of power, prima facie tort and malicious prosecution. (Ex. A, ¶¶894-899). Further, this Court would not have jurisdiction over his state law claims by virtue of amount in controversy and diversity of citizenship since diversity of citizenship is not complete, because the plaintiff and numerous defendants are residents of the State of New York. Consequently, whether to retain jurisdiction over plaintiff's pendent state law could only be entertained pursuant to the sound discretion of the trial court. 28 U.S.C. §1367(a)(7); See also *Perez v. Ortiz*, 849 F.2d 793, 798 (2d Cir. 1988).

The Supreme Court said in *United Mine Workers v. Gibbs*, 383 U.S. 715, 725, 86 S.Ct. 1130, 1138 (1986):

Pendant jurisdiction, in the sense of judicial power, exists whenever there is a claim arising under . . . the Laws of the United States. . . , U.S. Const., Art. III, [§]2, and the relationship between that claim and the state claim permits the conclusion that the entire action before the court comprises but one constitutional 'case'. The federal claim must have substance sufficient to confer subject matter jurisdiction on the court.

As discussed above, plaintiff has not sufficiently pled RICO violations. The exercise of federal jurisdiction must first be tested against the allegations in the complaint. To withstand a motion to dismiss, a federal claim must be stated with substance sufficient to confer subject matter jurisdiction. *Id.* at 725. The required specificity of pleadings must be examined by the standard that "complaints containing only 'conclusory,' 'vague,' or 'general allegations' of a conspiracy to deprive a person of his constitutional rights will be

dismissed." *Hughes v. Patrolmen's Benevolent Ass'n. of the City of New York, Inc.*, 850 F.2d 876, 880 (2d Cir. 1988). If, during the course of the proceedings, it becomes apparent that the federal claims are discernibly meritless, both the federal and pendant state law claims must be dismissed. *Crane Co. v. American Standard*, 603 F.2d 244, 254 (2d Cir. 1979).

✓ Although Courts often dismiss both Federal and pendant State law claims where the Federal claims are meritless, it is respectfully submitted that this Court exercise its discretion and address the instant state law claims in the interest of resolving this matter and in the interest of judicial and party economy. Given the plaintiff's abuse of the legal system and history of litigation, this Court should exercise supplemental jurisdiction over plaintiff's pendent state claims. *conclusion*

**B. Plaintiff's Pendant State Law Claims Do Not State a Cause of Action and Are Barred by the Statute of Limitations**

✓ Insofar as this Court decides to extend jurisdiction over plaintiff's state law claims for intentional infliction of emotional distress, abuse of power, prima facie tort and malicious prosecution, plaintiff's claims fail to state a cause of action and are entirely lacking in merit against Mundy and Petrovich. (Ex. A, ¶¶894-899). In addition, some of the plaintiff's state-law claims are barred by the applicable statute of limitations.

**i. Plaintiff's Claim for Intentional Infliction of Emotional Distress Should be Dismissed**

✓ The plaintiff's fifth cause of action alleges intentional infliction of emotional distress. (Ex. A, ¶¶894, ¶895). To state a claim for intentional infliction of emotional distress, the plaintiff must demonstrate (1) extreme and outrageous conduct (2) intent to cause, or disregard of a substantial probability of causing, severe emotional distress, (3) a casual connection between the conduct and injury, and (4) severe emotional distress. *Howell v.*



*New York Post Company, Inc.*, 81 N.Y.2d 115, 121, 612 N.E.2d 699, 702, 596 N.Y.S.2d 350, 353 (1993). See also *Bender v. City of New York*, 78 F.3d 787, 790 (2d Cir. 1996). The requirements of this standard are very strict, and liability has been found only where the conduct has been "so outrageous in character, and so extreme in degree, as to go beyond all possible bounds of decency, and to be regarded as atrocious, and utterly intolerable in a civilized community." *Dillon v. City of New York*, 261 A.D.2d 34, 41, 704 N.Y.S.2d 1, 7 (1st Dep't 1999) (quoting *Murphy v. American Home Products Corp.*, 58 N.Y.2d 293, 303, 448 N.E.2d 86, 96, 461 N.Y.S.2d 232, 242 (1983)).

✓ Plaintiff seeks to hold Mundy and Petrovich liable for representing his ex-wife in divorce and immigration proceedings. In doing so, plaintiff fails to sufficiently plead every element of a claim for intentional infliction of emotional distress. Plaintiff fails to demonstrate any conduct that is "atrocious, and utterly intolerable in a civilized community," on the part of Mundy and Petrovich, which would qualify as "extreme and outrageous conduct." Plaintiff also fails to demonstrate, let alone even allege, that Mundy and Petrovich intended to cause severe emotional distress, that there is a casual connection between the conduct of Mundy and Petrovich and plaintiff's purported injuries, and that he even sustained severe emotional distress. Plaintiff's claim of emotional distress is bare and conclusory, with uncorroborated injuries. Insofar as the plaintiff even suggests that he has sustained some form of severe distress or depression, although he has not alleged it in this action, it surely was not caused, intentionally or otherwise, by any conduct on the part of Mundy or Petrovich.

✓ Moreover, it is well established that a claim for intentional infliction of emotional distress in New York has a one year statute of limitations. N.Y. Civ. Prac. L.&R. 215(3) (McKinney 2003). See also *Stordeur v. Computer Assocs. Int'l., Inc.*, 995 F.Supp 94, 98

(E.D.N.Y. 1998); *Brown v. Bronx Cross County Medical Group*, 834 F. Supp 105, 110 (S.D.N.Y. 1993); *Campbell v. Chabot*, 189 A.D.2d 746, 747, 592 N.Y.S.2d 423 (2nd Dep't 1993); *Gallagher v. Directors Guild of America, Inc.*, 144 A.D.2d 261, 262, 263, 533 N.Y.S.2d 863, 864 (1st Dep't. 1988). "The time within which an action must be commenced, except as otherwise expressly prescribed, shall be computed from the time the cause of action accrued to the time the claim is interposed." N.Y. Civ. Prac. L. & R. §203(a) (McKinney 2003). The claim "accrues when the wrong is done, regardless of when it was discovered..." *Stordeur v. Computer Associates Int'l., Inc.*, 995 F.Supp at 98. See also *Britt v. The Legal Aid Society, Inc.*, 95 N.Y.2d 443, 741 N.E.2d 109, 718 N.Y.S.2d 264 (2000).

✓ Although the plaintiff does not specify which acts by Mundy or Petrovich comprise his claim for intentional infliction of emotional distress, the last purported wrongful act even alleged to have been committed by Mundy or Petrovich which could have caused plaintiff's distress, occurred in March, 2002. (Ex. A, ¶293, ¶298, ¶¶315-318, ¶715). There is absolutely no claim by the plaintiff that Mundy or Petrovich acted unlawfully or participated in the purported enterprise after that date. (Ex. A). Therefore, the claim could not have accrued any later than March, 2002 and could have accrued as early as October of 2000 when Mundy and Petrovich first allegedly met Ms. Shipilina and first allegedly participated in the purported enterprise. (Ex. A, ¶223). The complaint was not filed until April 18, 2003, which is more than one year after Mundy or Petrovich's last alleged act or participation in the purported enterprise. (Ex. A). The plaintiff failure to commence his claim for intentional infliction of emotional distress within the applicable statute of limitations is yet another basis for dismissal as to his fifth cause of action.

ii. **Plaintiff's Claim for Abuse of Process Should be Dismissed**

✓ The plaintiff's sixth cause of action alleges abuse of process. (Ex. A, ¶¶896, ¶897).

Abuse of process is defined as "the misuse or perversion of regularly issued legal process for a purpose not justified by the nature of the process." *Board of Education of Farmingdale Union Free School District v. Farmingdale Classroom Teachers Ass'n, Inc.*, 38 N.Y.2d 397, 400, 380 N.Y.S.2d 635, 639, 343 N.E.2d 278 (1975). To state a claim for abuse of process, the plaintiff must demonstrate: (1) that defendant initiated regularly issued process, either civil or criminal, compelling the performance of forbearance of some prescribed act; (2) that defendant intended to do harm without excuse or social or economic justification and plaintiff did sustain injury to or an interference with his person or property; and (3) that defendant used the process in a perverted manner and sought some collateral advantage or corresponding detriment lying outside the legitimate ends of the process. *Id.* at 403. See also *Curiano v. Suozzi*, 63 N.Y.2d 113, 116, 469 N.E.2d 1324, 1326, 480 N.Y.S.2d 466, 468 (1984).

✓ Where the defendants utilize legal procedure in a manner consonant with the purpose for which the procedure was designed, the cause of action for abuse of process will not stand. See *Raved v. Raved*, 105 A.D.2d 735, 481 N.Y.S.2d 170 (2d Dep't 1984).

The plaintiff must allege facts sufficient to establish how this process was diverted from its lawful purpose to withstand a motion to dismiss. *Id.* Further, a malicious motive alone does not give rise to a cause of action for abuse of process. *Curiano v. Suozzi*, 63 N.Y.2d at 116, 469 N.E.2d at 1326, 480 N.Y.S.2d at 466. See also *Matthews v. New York City Dept. of Social Services*, 217 A.D.2d 413, 415, 629 N.Y.S.2d 241, 243 (1st Dep't 1995).

A valid cause of action for abuse of process also requires that there be an unlawful

interference with one's person or property under color of process. See *Curiano v. Suozzi*, 63 N.Y.2d at 116, 469 N.E.2d at 1326, 480 N.Y.S.2d at 466.

Plaintiff fails to sufficiently plead the elements of a claim for abuse of process. Most glaringly, the plaintiff fails to allege that "any regularly issued process" was ever issued by Mundy and Petrovich. (Ex. A) In addition, the plaintiff has not alleged that Mundy or Petrovich intended to do harm without justification and used the process in a manner to obtain a collateral objective or advantage. (Ex. A) Plaintiff also fails to allege "the gist of the action for abuse of process ..., the improper use of process after it is issued." *Curiano v. Suozzi*, 63 N.Y.2d at 116, 469 N.E.2d at 1326, 480 N.Y.S.2d at 466 (citations omitted) (quoting *Williams v. Williams*, 23 N.Y.2d 592, 596, 240 N.E.2d 333, 335, 298 N.Y.S.2d 473, 476 (1969)). Lastly, where, as here, the allegations concerning abuse of process fail to allege actual or special damages, the cause of action must be dismissed. *Rosen v. Brandes*, 105 Misc. 2d 506, 513, 432 N.Y.S.2d 597, 602 (Nassau County Ct. 1980); *Kahn v. Freidlander*, 90 A.D.2d 868, 456 N.Y.S.2d 482 (3d Dep't 1982). The plaintiff cannot sustain a cause of action for abuse of process as he fails to allege special damages at all, much less with the requisite particularity.

Furthermore, a one year statute of limitations period has been provided under New York law for "an action to recover damages for assault, battery, false imprisonment, malicious prosecution, libel slander, false words causing special damages, or a violation of the right to privacy under section fifty-one of the civil rights law." N.Y.Civ. Prac. L. & R. §215(3). Although abuse of process is not specifically included in this section, every appellate court which has considered this statute recognized that a claim for damages for an intentional tort such as abuse of process is subject to the one year statute of limitations period. See *Bittner v. Cummings*, 188 A.D.2d 504, 506, 591 N.Y.S.2d 429, 431 (2d Dep't

1992); *Gallagher v. Directors Guild of America, Inc.*, 144 A.D.2d 261, 533 N.Y.S.2d 863 (1st Dep't 1988); *Hansen v. Petrone*, 124 A.D.2d 782, 508, N.Y.S.2d 500 (2d Dep't 1986).

✓ As demonstrated above, the plaintiff's one year statute of limitations period has expired since the abuse of process claim could not have accrued any later than March, 2002 and this action was not commenced until April 18, 2003, which is more than one year later. Accordingly, plaintiff's sixth cause of action for abuse of process must be dismissed as a matter of law.

### iii. Plaintiff's Claim for Malicious Prosecution Should be Dismissed

✓ Plaintiff's seventh cause of action alleges malicious prosecution. (Ex. A, ¶¶898, ¶899). The mere bringing of a civil suit, even if groundless and ill-motivated, does not result in special damage or injury sufficient to sustain an action for malicious prosecution. *Homstein v. Wolf*, 109 A.D.2d 129, 132, 491 N.Y.S.2d 183, 186 (2d Dep't 1985), *aff'd* 67 N.Y.2d 721, 499 N.Y.S.2d 938, 490 N.E.2d 857. The elements necessary to maintain a cause of action for malicious prosecution are (1) the defendant either initiated or continued a prior judicial proceeding against the plaintiff; (2) the prior proceeding terminated in plaintiff's favor; (3) there was no probable cause for the prior judicial proceeding; (4) the prior judicial proceeding was instituted with malice; and (5) the plaintiff suffered a special injury of interference with his person or property as a result of this proceeding). *Id.* See also *Engel v. CBS, Inc.*, 93 N.Y.2d 195, 711 N.E.2d 626, 689 N.Y.S.2d 411(1999). Conclusory allegations of malice are insufficient to form the factual basis for such an allegation. See *Homstein v. Wolf*, 109 A.D.2d at 132, 491 N.Y.S.2d at 186.

✓ Additionally, an essential element of a claim for malicious prosecution is that the proceeding was terminated in favor of the accused, and this requirement is satisfied only when the case has been tried on the merits and the outcome was a finding of innocence.

*Martin v. Adler*, 135 Misc. 2d 383, 515 N.Y.S.2d 400 (Rockland County Ct. 1987). Thus, where dismissal on the merits was never reached, the absence of an affirmative finding of innocence on the merits forecloses a cause of action sounding in malicious prosecution. *Sokol v. Sofokles*, 136 A.D.2d 535, 523 N.Y.S.2d 155 (2d Dep't 1988); *Davis v. State of New York*, 124 A.D.2d 420, 507 N.Y.S.2d 520 (3d Dep't 1986).

The plaintiff's malicious prosecution claim is deficient in every respect. Notwithstanding plaintiff's nine hundred and fifteen paragraph complaint, there is no allegation of a judicial proceeding ever commenced or continued against him by Mundy and Petrovich, or that any such proceeding was ever terminated in his favor. (Ex. A). Malice on the part of Mundy or Petrovich has also not been sufficiently alleged, nor has special injuries. Plaintiff completely fails to allege the requisite elements to sustain his seventh cause of action for malicious prosecution.

Additionally, the plaintiff's claim for malicious prosecution is governed by a one year statute of limitations period. N.Y. Civ. Prac. L.&R. § 215(3). See also *Preston v. New York*, 223 F. Supp.2d 452, 468 (S.D.N.Y. 2002); *Hansen v. Petrone*, 124 A.D.2d at 782, 508 N.Y.S.2d at 500. The claim begins to run when the underlying action terminates in plaintiff's favor. See *Dudick v. Guyas*, 277 A.D.2d 686, 716 N.Y.S.2d 407 (3d Dep't. 2000). Although there is no allegation that Mundy or Petrovich initiated a judicial proceeding against the plaintiff, let alone that a proceeding terminated in the plaintiff's favor, the last possible date that a claim for malicious prosecution could have accrued against Mundy and Petrovich is March, 2002. This is the last date that Mundy and Petrovich are alleged to have participated in the alleged enterprise or its illegal activities. (Ex. A). This action was not commenced until more than one year later, therefore, plaintiff's seventh cause of action is time barred.

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#### iv. Plaintiff's Claim for Prima Facie Tort Should be Dismissed

Plaintiff sixth and seventh causes of action alternatively allege a claim for prima facie tort. (Ex. A, ¶¶896-899). Prima facie tort is designed to provide a remedy for intentional and malicious actions that cause harm and for which no traditional tort provides a remedy. *Curiano v. Suozzi*, 63 N.Y.2d at 114, 469 N.E.2d at 1325, 480 N.Y.S.2d at 467. However, Courts have made clear that "prima facie tort (is not) a 'catch-all' alternative for every cause of action that cannot stand on its own legs." *Church of Scientology of Ca. v. Siegelman*, 94 F.R.D. 735, 738 (S.D.N.Y. 1982) (quoting *Belsky v. Lowenthal*, 62 A.D.2d 319, 323, 405 N.Y.S.2d 62, 65 (1st Dept. 1978)).

To state a claim for prima facie tort, plaintiff must demonstrate (1) intentional infliction of harm (2) resulting in special damages, (3) without excuse or justification and (4) by an act or series of acts that would otherwise be helpful. *Burns Jackson Miller Summit & Spitzer v. Lindner*, 59 N.Y.2d 314, 332, 464 N.Y.S.2d 712, 720, 451 N.E.2d 459 (1983).

The most significant element of this cause of action, a heightened malice component, is summarized below:

...there is no recovery in prima facie tort unless malevolence is the sole motive for defendant's otherwise lawful act or, in Justice Holmes' characteristically colorful language, unless defendant acts from "disinterested malevolence" (citations omitted) by which is meant "that the genesis which will make a lawful act unlawful must be a malicious one unmixed with any other and exclusively directed to injury and damage of another" (citation omitted).

*Burns Jackson Miller Summit & Spitzer v. Lindner*, 59 N.Y.2d at 333, 464 N.Y.S.2d at 721, 451 N.E.2d at 468.

Where a plaintiff fails to allege any facts to indicate that the sole motivation for a defendant's action was to injure and damage the plaintiff, a cause of action for prima facie tort must be dismissed. *Bread Chalet, Inc. v. Royal Ins. Co.*, 224 A.D.2d 650, 651, 639

N.Y.S.2d 73, 74 (2d Dep't 1996). See also *Goettler v. Peters*, 225 A.D.2d 660, 664, 639 N.Y.S.2d 843, 846 (2d Dep't 1996).

Moreover, an "essential element of the cause of action [of prima facie tort] is an allegation of special damages." *Howard v. Block*, 90 A.D.2d 455, 454 N.Y.S.2d 718 (1st Dep't 1982). Special damages must be alleged "with sufficient particularity to identify actual losses and be related casually to the alleged tortious acts." *Luciano v. Handcock*, 78 A.D.2d 943, 433 N.Y.S.2d 257, 258 (3d Dep't 1980). See also *Ginsberg v. Ginsberg*, 84 A.D.2d 573, 443 N.Y.S.2d 439 (2d Dep't 1981) (counterclaim should be dismissed because it failed to state special damages); *Lincoln First Bank v. Siegel*, 60 A.D.2d 270, 400 N.Y.S.2d 627 (4th Dep't 1977) (complaint couched in broad and conclusory terms that did not allege how the plaintiff was damaged should be dismissed).

The plaintiff's claim for prima facie tort fails as a matter of law. First, plaintiff does not even allege that the sole motivation for the alleged wrongful acts was malice. Even if it can be inferred that Mundy or Petrovich in some way engaged in intentional or malicious acts, there is no allegation that they were motivated exclusively by malice. In fact, the plaintiff's complaint alleges that Mundy and Petrovich performed illegal acts for reasons other than to solely injure plaintiff, namely to assist Ms. Shipilina in becoming a resident, to protect the purported "enterprise," and to prevent the deportation of Ms. Shipilina. (Ex. A, ¶¶222-225, ¶228, ¶254, ¶255). Accordingly, the plaintiff's complaint acknowledges that there were other reasons for the defendants' alleged illegal acts.

Since the plaintiff's complaint does not allege sufficient facts from which this Court could reasonably infer that the defendants' alleged actions were motivated *solely* by a desire to harm the plaintiff, the plaintiff's prima facie tort claim is deficient. See *Levy v. Coates*, 286 A.D.2d 424, 729 N.Y.S.2d 903 (2d Dep't 2001) ("plaintiff failed to establish



that the sole motivation for the institution of the criminal charge was disinterested malevolence"); *Bread Chalet, Inc. v. Royal Ins. Co.*, 224 A.D.2d at 651, 639 N.Y.S.2d. at 74 ("plaintiff failed to allege that the carrier's sole motivation for denying coverage was to injure the plaintiff"). Quite simply, the plaintiff has not tendered any evidence from which a reasonable conclusion could be made that Mundy and Petrovich, the attorneys/translator for Ms. Shipilina in her divorce proceedings and immigration matters, had the sole desire to maliciously injure the plaintiff.

The plaintiff has also failed to sufficiently plead special damages with the requisite specificity to support his prima facie tort claim. Plaintiff does not identify actual losses related to the purported tortuous acts. Accordingly, the plaintiff's sixth and seventh causes of action, which alternatively allege prima facie tort must be dismissed as a matter of law.

#### POINT IV

#### PLAINTIFF'S COMPLAINT FAILS TO CONTAIN A SHORT AND PLAIN STATEMENT OF THE CLAIMS SHOWING THAT THE PLEADER IS ENTITLED TO RELIEF AND THEREFORE SHOULD BE DISMISSED AS A MATTER OF LAW

✓ As an alternative to dismissal of the plaintiff's RICO and state law claims pursuant to Fed. R. Civ. P. §9(b) and Fed. R. Civ. P. §12(b)(6), it is respectfully requested that this Court dismiss the plaintiff's complaint pursuant to Fed. R. Civ. P. §8(a)(2).

✓ Fed. R. Civ. P. §8(a)(2) requires that a complaint contain a "short and plain statement showing that the pleader is entitled to relief." The purpose of this rule is to give fair notice of the claim being alleged so that the defendants will have the opportunity to file a responsive answer, prepare an adequate defense, and determine whether the doctrine of *res judicata* applies. See *Brown v. Califano*, 75 F.R.D. 497, 498 (D.D.C. 1977); *Conley v. Gibson*, 355 U.S. 41, 47, 78 S.Ct. 99, 102 (1957).

✓ Courts have not hesitated to dismiss actions under Fed. R. Civ. P. §8(a)(2) where a complaint sets forth "a meandering, disorganized, prolix narrative" that defy comprehension or was "so verbose, confused and redundant" that its true substance, if any, is well disguised." *Brown v. Califano*, 75 F.R.D. at 499. See also *Prezzi v. Schelter*, 469 F.2d 691, 692 (2d Cir. 1972), cert. denied, 411 U.S. 935, 93 S.Ct. 911 (1973) *Karlinsky v. New York Racing Ass'n Inc.*, 310 F. Supp. 937, 939 (S.D.N.Y. 1970). Such dismissals may be made on motion or *sua sponte* by the Court. *Resource N.E. of Long Island, Inc. v. Babylon*, 28 F.Supp.2d 786, 794 (E.D.N.Y. 1998).

✓ In *Brown v. Califano*, the plaintiff had filed "a virtual onslaught of litigation" against various public and private individuals and organizations alleging "widespread misconduct by defendants actionable variously under the Constitution, numerous federal statutes and nearly all theories of recovery known to the common law." *Brown v. Califano*, 75 F.R.D. at 498. The Court concluded that the complaint fell "far short of the admittedly liberal standard set in F.R.C.P. 8(a)," because the complaint was a confused and rambling narrative of charges and conclusions, contained an untidy assortment of claims neither plainly nor concisely stated, was not meaningfully distinguished from bold conclusions and personal comments and the dates and places of the complained transactions were not alleged with even modest particularity. *Id.* at 499. Although the Court noted that the usual remedy for noncompliance with Fed. R. Civ. P. §8(a) is dismissal with leave to amend, the Court dismissed the complaint with prejudice as the Court determined that the plaintiff is no stranger to the Courts and "to permit plaintiff to institute this lawsuit another time will needlessly waste time and effort." *Id.*

✓ It is respectfully submitted that plaintiff's, ninety-one page, nine hundred and fifteen paragraph, complaint is a paradigmatic example of a pleading, which fails to comport with

Fed. R. Civ. P. §8(a)(2). It is meandering prolix narrative which defies comprehension. Given that the plaintiff is an attorney, his poor pleading practice is even more egregious. It is further submitted that permitting the plaintiff to amend his pleading would be a needless waste of resources on the part of sixty-three defendants as well as a strain on judicial resources. Accordingly, it is respectfully requested that the instant complaint be dismissed with prejudice pursuant to Fed. R. Civ. P. § 8(a)(2).

#### POINT V

##### DEFENDANTS ARE ENTITLED TO INJUNCTIVE RELIEF

"It is well established in this circuit that a defendant may seek to enjoin a party who has [a] history of litigation entailing vexation, harassment and needless expense to [other parties] and [who poses] an unnecessary burden on the courts and their supporting personnel." *Becker v. Dunkin Donuts of America, Inc.*, 665 F. Supp 211 (S.D.N.Y. 1987) (citations omitted) (quoting *In re Martin-Trigona v. Lavien*, 737 F.2d 1254, 1262 (2d Cir. 1984). In such cases, the "traditional standards for injunctive relief, *i.e.* irreparable injury and inadequate remedy at law, do not apply to the issuance of an injunction against a vexatious litigant." *Id.*

In *Lipin v. National Union Fire Ins. Co. of Pittsburgh, P.A.*, 202 F. Supp.2d 126 (S.D.N.Y. 2002), the Court ordered injunctive relief by barring the commencement of further related litigation by the plaintiff and held that a district court has the authority to enjoin a plaintiff who engages in a pattern of vexatious litigation from continuing to do so. *Id.* at 142.

The Court further concluded that it will consider various factors in determining whether to restrict a litigant's future access to the Court including: (1) the litigant's history of litigation and whether it entailed vexatious, harassing or duplicative lawsuits; (2) the

litigant's motive in pursuing the litigation, e.g. does the litigant have an objective good faith expectation of prevailing?; (3) whether the litigant is represented by counsel; (4) whether the litigant has caused needless expense to other parties or has posed an unnecessary burden on the court and their personnel; and (5) whether other sanctions would be adequate to protect the court and other parties. *Id.*

Given the history and abusive nature of plaintiff's actions to date, Mundy and Petrovich submit that nothing short of injunctive relief will subvert the plaintiff's continuing course of harassment. It is clear that the plaintiff's history of litigation entails vexatious, harassing and duplicative lawsuits. The plaintiff had commenced various prior Court actions in connection with his divorce proceeding as well as initiated various investigations and disciplinary complaints, many of which have been dismissed by the Courts and agencies. The plaintiff also instituted a duplicative state Court action. Plaintiff's abuse of the legal system is also evidenced by the exhibits submitted in support of this motion. Moreover, the plaintiff does not have a good faith basis for prevailing in the instant action. A reading of the complaint makes clear that plaintiff's motive is nothing more than a personal vendetta directed against his former wife and anyone who assisted, employed or encountered her. Lastly, the plaintiff is not represented by counsel and has caused needless expense to over sixty-three defendants across the world as well as to the Court by serving this ninety-one page, nearly one thousand paragraph, complaint. Consequently, defendants respectfully urge this Court to issue an injunction barring the plaintiff from filing any future related claims.

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## POINT VI

**PLAINTIFF HAS NOT PROPERLY SERVED PETROVICH AND  
THEREFORE THIS COURT HAS NO JURISDICTION OVER PETROVICH**

✓ In the event this Court finds that the plaintiff has stated a cause of action against Mundy and Petrovich, the plaintiff's claims against Petrovich still cannot stand, because this Court does not have jurisdiction over him. The plaintiff's complaint has never been served upon Petrovich.

✓ The plaintiff does not contend that he served Petrovich personally pursuant to N.Y. Civ. Prac. L. & R. §308(1) or at his "dwelling," "usual place of abode" or "last known residence" pursuant to N.Y. Civ. Prac. L. & R. §308(2). Rather, it is undisputed that the plaintiff *attempted* to serve Petrovich at his "actual place of business" and with a follow-up mailing at his "actual place of business" pursuant to N.Y. Civ. Prac. L. & R. §308(2). The plaintiff served the complaint upon Petrovich at the office of Kuba, Mundy & Associates located at 321 Broadway, New York, New York 10007. However, Petrovich does not maintain his place of business at the office of Kuba, Mundy & Associates located at 321 Broadway, New York, New York 10007, nor has Petrovich ever maintained his place of business at such an address. Petrovich is not an employee of Kuba, Mundy & Associates. Accordingly, the plaintiff's complaint has never been served upon Petrovich properly. Petrovich respectfully requests that this action be dismissed since this Court has no jurisdiction of the person of Petrovich.

**CONCLUSION**

For the foregoing reasons, it is respectfully submitted that this Court issue an Order dismissing the plaintiff's complaint in its entirety with prejudice, granting an injunction prohibiting plaintiff from filing any further related claims, and for such other and further relief as this Court may deem just and proper.

Dated: New York, New York  
September 19, 2003

McManus, Collura & Richter, P.C.

By: 

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Attorneys for Defendants,  
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New York, New York 10005  
(212) 425-3100

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Rev'd 9/19

-----X

ROY DEN HOLLANDER,	:	Docket No.
Plaintiff,	:	CV-03-2717 (MBM)
- against -	:	
FLASH DANCERS TOPLESS CLUB, et al.,	:	<b><u>DECLARATION</u></b>
Defendants.	:	

-----X

EDWARD S. RUDOFISKY hereby declares the following to be true  
under the penalty of perjury:

1. I am a member of the firm of Zane and Rudofsky, co-counsel  
(together with Charles F. Axelrod, Esq.) for the defendants named in the  
above referenced action as "Flash Dancers Topless Club,"<sup>1</sup> "Jay-Jay  
Cabaret, Inc.," "Lynn Lepofsky, CEO Jay-Jay Cabaret, Inc.," "Barry-Night  
Manager Flash Dancers," and "Flash Dancers Managers 1 to 5"  
(collectively referred to herein as "FlashDancers Defendants"); am fully  
familiar with the matters set forth herein; and submit this Declaration in

<sup>1</sup> "Flash Dancers Topless Club" is not a legal entity and has no capacity to sue or be  
sued. "FlashDancers" is the tradename under which defendant Jay-Jay Cabaret, Inc.  
conducts business at premises 1674 Broadway, New York, New York. It is also a  
federally registered service mark owned by defendant Jay-Jay Cabaret, Inc.

regard to the motion on behalf of defendants Kuba, Mundy & Associates, Nicholas J. Mundy and Peter Petrovich (collectively referred herein as "Mundy/Petrovich Defendants") dismissing this action pursuant to Rules 8(a)(2), 9(b) and 12(b)(6) of the Federal Rules of Civil Procedure ("F.R.Civ.P.").

2. The FlashDancers Defendants hereby join in the motion of the Mundy/Petrovich Defendants, except with regard to matters pertaining solely and exclusively to the Mundy/Petrovich Defendants and not to all defendants generally.<sup>2</sup>

3. The Complaint mentions the FlashDancers Defendants in ¶ 1 ("Listing of all defendants"); ¶ 2 ("Listing of all defendants with known addresses"); ¶ 3 ("Listing of all defendants with unknown addresses"); ¶¶ 16 – 23 (purportedly identifying "Domestic Members" of the "Enterprise"); ¶ 213 (alleging that the plaintiff's wife, defendant Alina Shipilina ("A. Shipilina"), began working at the "FlashDancers" nightclub in July 2000); ¶¶ 281, 288, and 317 (alleging, generally, that defendant A. Shipilina and "FlashDancers" club managers "arranged" for another "member" of the alleged "Enterprise" to "make ... threatening phone call[s] to the

<sup>2</sup> The FlashDancers Defendants have no independent knowledge of the factual matters asserted in the motion of the Mundy/Petrovich Defendants. Accordingly, it would be inappropriate under F.R.Civ.P. 11 for the FlashDancers Defendants to join in those particular assertions.



plaintiff");<sup>3</sup> ¶¶ 326 - 329 (alleging, generally, "upon information and belief," that the FlashDancers Defendants, together with other named defendants, "entered into an agreement in 2000 with Members Smolin, Asypyan, Volchok, Raketa, Alina Shipilina, Albatross Club and Club Gangster 1 for the importation of prostitutes, pornography and narcotics into the U.S.; providing sponsors, petitioners and employees on visa applications for Russian prostitutes; and recruiting and hiring Russians unlawfully admitted to the U.S."; "sign on as sponsors, petitioners and employers in order to obtain visas for Russian prostitutes"; "swear or declare as true information concerning Russian prostitutes that is intentionally false or omits facts in order to obtain the visas"; and "employ the imported prostitutes to sell sexual services to club customers and Internet subscribers ..."); ¶ 331 (alleging, generally, "upon information and belief," that the FlashDancers Defendants "sell and distribute" "Krasnodar pornography" on the Internet); ¶ 333 - 334 (alleging, generally, "upon information and belief," that the defendant A. Shipilina and certain of the FlashDancers Defendants "agreed to surreptitiously feed imported narcotics to the prostitutes and lap-dancing customers at Flash Dancers in order to keep them returning" and "secretly slip narcotics to the prostitution and lap-dancing customers at

<sup>3</sup> These are not alleged to have been interstate calls.

Flash Dancers"); ¶¶ 402 and 408-410 (identical, general allegations "upon information and belief," of fraud in immigration matters, but with respect to "Cypriot," rather than "Russian," "prostitutes"); ¶¶ 434 - 442 (general allegations, "upon information and belief," of "hir[ing] illegal Russian immigrants and Russian prostitutes to work as lap dancers and prostitutes"; "promot[ing] prostitution"; not "report[ing] to the Commissioner of Immigration and Naturalization that the club hires aliens for the purpose of prostitution and other immoral acts"; "fraudent[ly] conceal[ing]" information from the New York State Liquor Authority; "misrepresenting" information on a New York State Liquor Authority "license changes application"; "falsely represent[ing] to the U.S. and New York State tax authorities that the club's lap-dancers work as independent contractors when they are actually employees"; and "false[ly] reporting that its lap-dancers are independent contractors ..."); ¶¶ 466 - 481 (general allegations "upon information and belief" of "importing aliens for immoral purposes" in violation of 8 U.S.C. § 1328 and "white slavery" in violation of 18 U.S.C. § 2421, "material misrepresentations" in violation of 18 U.S.C. § 1546, "aid[ing] and abet[ting] fraud and misuse of visas" in violation of 18 U.S.C. § 1546, "failure to report to the INS on alien prostitutes" in violation of 18 U.S.C.

§ 2424, "importation by mail or otherwise for sale and distribution of pornography" in violation of 18 U.S.C. §§ 1461, 1462 and 1465, "mail fraud" on the New York State Liquor Authority in violation of 18 U.S.C. § 1341, "acquir[ing] and dispens[ing] narcotics" in violation of 21 U.S.C. §§ 841 and 952, and "tampering with a witness and informant" in violation of 18 U.S.C. § 1512, all of which are further alleged to be predicate acts in violation of various sections of "RICO," 18 U.S.C. § 1962(a), (b), (c) and (d)); ¶¶ 684 – 699 (alleging "material and false statements" in violation of 18 U.S.C. § 1001 and 1621, and 28 U.S.C. § 1746, "hiring of Russian aliens not lawfully admitted to work in the U.S." and "failing to abide by the U.S. employment verification system for aliens" in violation of 8 U.S.C. § 1324a, "promotion of prostitution" in violation of New York Penal Law § 230.25, "false reporting of lap-dancers as independent contractors" in violation of 18 U.S.C. § 72 and "New York State Income Earnings and Corporate Taxes 1801," "conspiracies" in violation of 18 U.S.C. § 371 and New York Penal Law § 105, "coercion" and "intimidation" in violation of New York Penal Law §§ 135.65 and 215.15, "tampering with a witness" in violation of New York Penal Law § 215.10, "obstruction of an ongoing INS proceeding" in violation of 18 U.S.C. § 1505, and "unlawful imprisonment" of "the plaintiff's process server" in

violation of New York Penal Law § 135.10, all of which are alleged under the rubric of "Other Criminal Acts"; and §§ 874m and p-r (activities of FlashDancers Defendants which affect interstate commerce).

4. Needless to say, the FlashDancers Defendants deny plaintiff's outrageous and scandalous allegations. For the information of the Court, defendant Jay-Jay Cabaret, Inc. d/b/a "FlashDancers" has been doing business at a single location since in or about 1986; is duly licensed and regulated by the New York State Liquor Authority and numerous New York City agencies with jurisdiction (e.g., Department of Consumer Affairs, Building Department, Police Department, Mayor's Midtown Task Force); and has never been even accused of any (much less all) of the incredible litany of felonies alleged by plaintiff.

5. Despite the dramatic nature of the allegations made, it is patently obvious that the Complaint fails to state a claim against the FlashDancers defendants, particularly when measured by the special pleading obligations imposed under F.R.Civ.P. 9(b) and the "Civil RICO" caselaw discussed in the memorandum of law submitted on behalf of the Mundy/Petrovich Defendants. General, conclusory allegations of wrong-

doing, utterly devoid of factual specificity, do not suffice to satisfy the plaintiff's pleading obligations.<sup>4</sup>

6. Out of the 915 numbered paragraphs of the Complaint, the only allegations made of alleged culpable conduct involving any of the FlashDancers Defendants and the plaintiff are the allegations that certain "managers" of the "FlashDancers" night club, together with defendant A. Shipilina, arranged for allegedly "threatening" telephone calls to be made to plaintiff. (Complaint, ¶¶ 281, 288 and 317.) For all of the reasons set forth by the Mundy/Petrovich Defendants, these allegations are palpably insufficient, as a matter of law, to support a Civil RICO complaint against the FlashDancers Defendants.<sup>5</sup>

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7. For the reasons set forth in the Mundy/Petrovich Defendants' motion, the Complaint fails to state a claim against the FlashDancers Defendants for intentional infliction of emotional distress. (Complaint, Fifth Cause of Action, ¶¶ 894-895). In any event, upon

<sup>4</sup> Plaintiff is an attorney. Moreover, he was accompanied to the July 23, 2003 hearing by Jeffrey Drummond, Esq., the attorney who issued the State Court Summons on plaintiff's behalf which is referred to in the Mundy/Petrovich Defendants' motion papers. There is no reason not to insist that plaintiff comply with the rules of procedure and standards imposed by caselaw.


<sup>5</sup> By way of example, and not limitation, it is axiomatic that plaintiff would not have standing to assert claims under Civil RICO for alleged false statements to INS, tax fraud, or fraud on the NYS Liquor Authority, etc. - - alleged misconduct which is denied but which, even if proven, was not directed to plaintiff and caused him no harm.

dismissal of the First through Fourth Causes of Action alleged under Civil RICO (the basis of Federal Court jurisdiction), the Fifth Cause of Action should be dismissed pursuant to 28 U.S.C. § 1367(c)(3).

8. The Sixth and Seventh Causes of Action (Complaint, ¶¶ 896-899) are not alleged against the FlashDancers Defendants.

WHEREFORE, declarant urges the Court to dismiss this action, with costs, for all of the reasons set forth in the motion to dismiss filed by the Mundy/Petrovich Defendants, together with the reasons set forth above.

Executed under the penalty of perjury at New York, New York on the 19<sup>th</sup> day of September, 2003.

  
Edward S. Rudofsky

**COPY**

Index No. 03 CIV 2717 (MBM)

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ROY DEN HOLLANDER,

Plaintiff,

-against-

FLASH DANCERS TOPLESS CLUB, et al.,

Defendants.

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**DEFENDANT HENNING'S MEMORANDUM OF  
LAW IN SUPPORT OF HIS MOTION TO DISMISS**

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**MICHAEL A. CARDOZO**  
*Corporation Counsel of the City of New York*

*Attorney for Detective Henning  
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New York, N.Y. 10007*

*Of Counsel: Vikrant Pawar  
Tel: (212) 788-0775*

hendsmss

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
ROY DEN HOLLANDER,

Plaintiff,

-against-

03 CV 2717 (MBM)

FLASH DANCERS TOPLESS CLUB, et al.,

Defendants.  
-----X

**DEFENDANT HENNING'S MEMORANDUM OF LAW IN  
SUPPORT OF HIS MOTION TO DISMISS**

**PRELIMINARY STATEMENT**

Plaintiff Roy Den Hollander, proceeding *pro se*, brings this action against Detective Robert W. Henning and numerous other domestic and international defendants alleging violation of various provisions of the Racketeer Influenced and Corrupt Organizations Act ("RICO"). In this action, plaintiff alleges that various defendants conspired to violate the RICO statute.

Defendant Henning now moves, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, for an order dismissing plaintiff's complaint against defendant Henning because (1) plaintiff has failed to state a claim upon which relief may be granted against defendant Henning<sup>1</sup> and (2) plaintiff's state law claims cannot proceed as a matter of law because plaintiff has failed to meet the applicable statute of limitations and failed to comply with conditions precedent.

As such, defendant Henning respectfully submits that the Court must grant his Motion to Dismiss.

<sup>1</sup> Defendant Henning refers the Court to co-defendant Kuba and Associates' Memorandum of Law for discussion of claims relevant to all defendants.



**PLAINTIFF'S STATE LAW CLAIMS SHOULD BE  
DISMISSED AS TIME-BARRED AND FOR HIS FAILURE  
TO COMPLY WITH CONDITIONS PRECEDENT**

A: Plaintiff's claims are barred by the statute of limitations:

The statute of limitations applicable to pendent state tort actions is determined by reference to the state's law regarding statute of limitations. *Guaranty Trust Co. v. York*, 326 U.S. 99 (1943). Under New York law, all personal injury claims brought against a city or any of its officers, agents or employees must be commenced within one year and ninety days after the occurrence of the event upon which the claim is based. Gen. Mun. Law §50-i; *Norr v. Spiegler*, 72 A.D.2d 20, 22-23, 423 N.Y.S.2d 177 (1<sup>st</sup> Dept. 1980), *aff'd*, 53 N.Y.2d 661, 438 N.Y.S.2d 1000 (1981); *Singleton v. City of Newburgh*, 1 F. Supp. 2d 306, 316-317 (S.D.N.Y. 1998).

Defendant Henning's only interaction with defendant Alina Shiplina was on June 27, 2001, when she came to the 114<sup>th</sup> Precinct to complain that her ex-husband had created an internet website on which he printed portions of her diary and posted nude pictures of her. Defendant Henning then investigated the complaint but no action was taken against plaintiff, Roy Den Hollander. Plaintiff's complaint was filed on April 18, 2003, well over 1 year and 90 days after any interaction between co-defendants Henning and Shiplina. Therefore, any conceivable state law claims against defendant Henning are time-barred.

B: Plaintiff failed to file a Notice of Claim:

Furthermore, all of plaintiff's state law claims must also be dismissed for plaintiff's failure to file a timely notice of claim. Under New York law, a notice of claim is a condition precedent to bringing a tort action against a municipality or any of its officers, agents or employees. N.Y. Gen. Mun. Law §§50-e and 50-i. Moreover, Gen. Mun. Law §50-e requires that a notice of claim be filed within ninety days of the accrual of the cause of action. These provisions have been strictly construed by both state and federal courts. *Baez v. New York City*

*Health and Hosp. Corp.*, 80 N.Y.2d 571, 576; 592 N.Y.S.2d 640 (1992); *Shakur v. McGrath*, 517 F.2d 983, 985 (2d. Cir. 1975). A plaintiff's failure to timely file a notice of claim requires dismissal of pendent state tort claims against the City or its employees in a federal civil rights action. *Robinson v. Matos*, 97 CV 7144 (TPG), 1999 U.S. Dist. LEXIS 5447 (S.D.N.Y. Apr. 16, 1999) (citing *Felder v. Casey*, 487 U.S. 131, 151 (1988)). Specifically, failure to comply with these requirements requires a dismissal for failure to state a cause of action. *Brown v. Metropolitan Transportation Authority*, 717 F. Supp. 257, 259 (S.D.N.Y. 1989).


Since plaintiff did not filed a timely notice of claim in this case (see Pawar Declaration, ¶ 3), any conceivable state law claims must be dismissed.

**CONCLUSION**

For the foregoing reasons and all the documents submitted herein and by co-defendants,  
defendant Henning's Motion to Dismiss must be granted.

Dated: New York, New York  
October 6, 2003

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By:   
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Assistant Corporation Counsel  
Special Federal Litigation Division

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152 West 57<sup>th</sup> Street  
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New York, New York 10005

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ROY DEN HOLLANDER,

Plaintiff,

-against-

FLASH DANCERS TOPLESS CLUB, et al.,

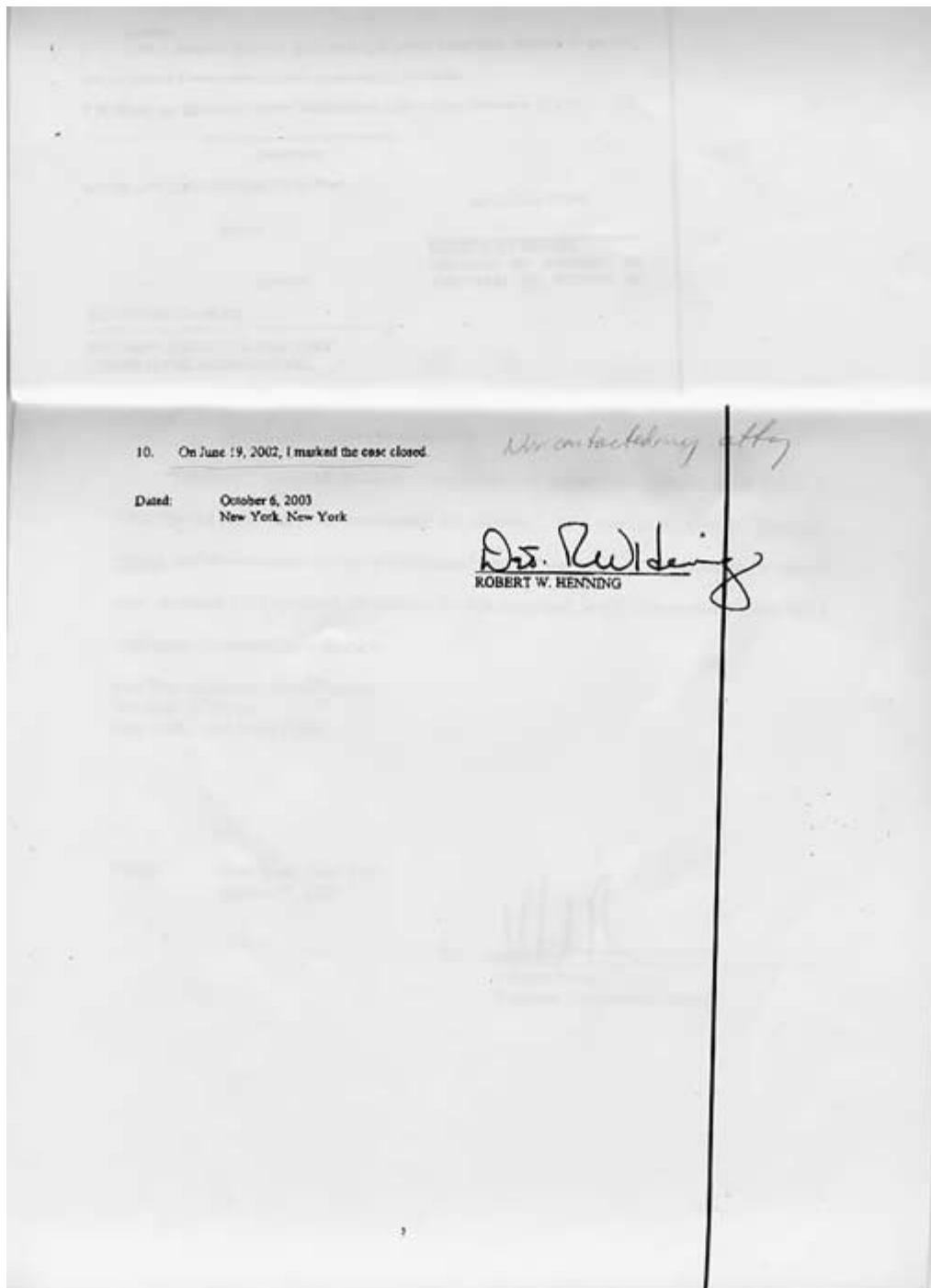
Defendants.

**AFFIDAVIT OF ROBERT W.  
HENNING IN SUPPORT OF  
MOTION TO DISMISS**

03 CV 2717 (MBM)

I, ROBERT W. HENNING declare, under penalty of perjury and pursuant to 28 U.S.C. § 1746,  
that the following statements are true to the best of my knowledge.

1. I am a detective with the New York City Police Department assigned to the 114<sup>th</sup> Precinct.
2. On June 27, 2001, Alina Shiplina came to the 114<sup>th</sup> precinct with an interpreter with respect to a Family Court Order of Protection.
3. I do not recall ever speaking to Alina Shiplina again.
4. Ms. Shiplina complained about a website that her ex-husband had created that allegedly contained a diary of hers and nude photos of her.
5. I contacted Roy Den Hollander and asked that he have his attorney contact me regarding the pending allegation by Ms. Shiplina.
6. I never again heard from Mr. Hollander or his attorney.
7. Due to problems in having the Russian website translated and the tragedy of September 11, 2001, I was not able to contact the District Attorney's office until April 2002.
8. On April 23, 2002 I contacted Robert Alexander, Assistant District Attorney in the Queens County, Computer Crimes Division regarding the website.
9. I was subsequently informed by the District Attorney's Office that the website did not violate the Order of Protection and that they would not prosecute the matter.



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Admitted in  
NY, CA, DC, & CT

August 5, 2003

VIA FACSIMILE ONLY: 212 995 5201

Roy Den Hollander  
Attorney at Law  
545 East 14<sup>th</sup> Street  
New York, NY 10009

Re: Hollander v. Flash Dancers, et al.  
S.D.N.Y. 03 CV 2717 (MBM)

Dear Mr. Hollander:

Recall that this firm represents Mr. Paulsen. Before we prepare a motion to dismiss we want to discuss whether you would prefer not to be distracted by Mr. Paulsen's motion and rather focus on the other defendants. Mr. Paulsen is medically sick and will undergo surgery soon. Also, he is not a pornographer.

We sense the hurt that prompted you to file the lawsuit. But Mr. Paulsen does not belong in the case.

Please consider stipulating to the dismissal of Mr. Paulsen.

We must hear from you by August 13.

Sincerely,  
*Nelson M. Stern*  
Nelson M. Stern

**ROY DEN HOLLANDER**  
Attorney at Law

545 East 14th Street  
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New York, NY 10009  
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August 5, 2003

**By fax, one page  
(212) 371 2131**

Nelson M. Stern, Esq.  
964 Third Avenue  
New York, NY 10155

**Roy Den Hollander v. Flash Dancers Topless Club, et al.**  
**Southern District Court of New York, CV-03-2717 (MBM)**

Dear Mr. Stern:

I am terribly sorry to hear of Mr. Paulsen's illness and hope all goes well in the upcoming operation.

I respectfully decline your offer to stipulate Mr. Paulsen out of this lawsuit. What may be of assistance for you and your client is that at the pretrial conference Judge Mukasey indicated he would accept a joint motion to dismiss. I cannot speak for the defendants' attorneys, but it may be worthwhile contacting them to determine whether they intend to save time and cost by going in on a joint motion.

Thank you very much.

Sincerely,

Roy Den Hollander

**To Clerk of the Court J. Michael McMahon  
United States District Court  
Southern District of New York**

**July 2, 2003**

From (wife) **Anastasia A. Vasilyeva**  
Social Security number 395-21-8413  
Permanent resident card (green card) number 047-469-650  
2876 A SOUTH 46<sup>TH</sup> STREET  
MILWAUKEE WISCONSIN 53219

(Husband) **Nicolay N. Vasilyev**  
Social security number 395-21-8414  
Permanent resident card (green card) number 047-469-651  
2876 A SOUTH 46<sup>TH</sup> STREET  
MILWAUKEE, WISCONSIN 53219  
(414) 545-16-74

This is a reply to summons 03 CV 2717

We, **Anastasia A. Vasilyeva** and **Nicolay N. Vasilyev**, received summons on 6.14.03 and we want to respond to the following matter:

Sorry for our English, we have been in the USA for only two years, our income is low, we have two children-3.5 and 7 months old, my husband doesn't have a job, and he is learning English and babysitting our children. We can't afford to hire an attorney and translator, please let us answer in Russian.

On 6.14.03, a messenger from a court delivered two documents for me and for my husband **NICOLAY N. VASILYEV** that were from **Roy Den Hollander**. Since we have been in the USA for two years, our knowledge of English doesn't allow us to read and understand the containment of the documents.

However, we understood that the person **Roy Den Hollander** illegally accuses us of breaking the US laws in the following categories:

1. Prostitution and spread of prostitution
2. Drugs and distribution of drugs
3. Connections with the organized crime world in Russia, Mexico, Cyprus, and USA;
4. Asserting that my husband and my family are criminal figures in the South Russia and Krasnodar.
5. While leaving in Russia we committed assorted crimes
6. Violation by US rules of entering and living in the USA
7. Committing fraud against Federal organization-Immigration and Naturalization and illegal obtaining of the permanent residents (green cards) to live in the USA.
8. Money laundering and various violations of law.

We certainly deny all the accusations and allegations against us.

All the assumptions and allegations don't have documental basis, and are built on rumors and information, as **Roy Den Hollander** admits, which he made up, driven by anger and offense.



In order for the honorable court to fairly determine our innocence on all the accusations from **Roy Den Hollander**, we have the evidence that could help You determine our innocence.

A year or half a year before leaving for the permanent living in the USA (we came to the USA On June 28, 2001) we lived on 7 Hakurate Street, apartment 11, Krasnodar, Russia. To our workplace, which is located in “Tatyana Vasilyeva’s Fashion House” 158 Krasnaya St., Krasnodar, Russia, came a man who did not speak Russian, who introduced himself as **Roy Den Hollander** and said that he was the husband of my former student Alina Shipilina, who was attending “The School of Fashion and Beauty” of “Tatyana Vasilyeva’s Fashion House” five years ago.

I knew English better than my husband, so I was the one who was talking to **Roy Den Hollander**. He immediately gave us a copy of a document, which he said was his wife’s personal diary. He said that his wife was a prostitute, and that she promised to end it when she married him. But she deceived him and once she came to the USA and got the status, she continued to be a prostitute. Then she divorced him, and he lost a lot of money. He told us to read the diary and said that he will be back to talk to us the next day. In the diary were private thoughts from Alina Shipilina. The next day **Roy Den Hollander** came back and started asking us what we knew bad about his wife and what information and proof we can provide for the court to get his money back. We were shocked by the questions. We said that we had no proof and that we know nothing bad about his wife. We gave him a copy of the application when his wife was a student of “School of Fashion and Beauty.” We showed and gave him several pictures of her from the beauty contest when she was participating and became “Vice Miss’ and “Miss FA”

At the time when his wife was attending “School of Fashion and Beauty” and was participating in a beauty contest, I wasn’t married (we got married on June 4, 1999) to **Nicolay N. Vasilyev**. My husband didn’t know Alina Shipilina and saw her twice in his life.

When **Roy Den Hollander** understood that we couldn’t help him with anything he got nervous. He asked if we could introduce him to people mentioned in his wife’s diary. He wanted to meet his wife’s ex-boyfriend. I said that I was going to call that person and ask if he wanted to speak to **Roy Den Hollander**. Ex-boyfriend of Alina Shipilina agreed to meet with Roy Den Hollander. Their meeting was scheduled on our premises. **Roy Den Hollander** and the ex-boyfriend decided to talk in undisclosed location. After that we never saw **Roy Den Hollander**.

On June 28, 2001 we came to the USA.

- My husband’s name is not Dima-it’s NICOLAY. Dima- is his name that was given to him at christening. Everyone knows about it –friends and employers. Only Roy Den Hollander doesn’t know about it. This proves about that he is using false facts, and also doesn’t have a serious attitude to the Court;
- We won green cards while being in Russia in 1999. The court can verify the date by requesting information from the Federal Center of Immigration And Naturalization.

- Documents for obtaining the right to live with a status of permanent resident (green cards) we collected and sent to the embassy in Moscow;
- We went through an interview with consuls in the US embassy in Moscow. The date the Court can verify by requesting information from the US embassy in Moscow.
- Along with other documents we have documents that prove lack of our criminal history and that we have no connections with the criminal organization.
- Before we were allowed to enter the US we were thoroughly checked by American special services;
- At that time I gave birth to my son on December 12, 1999.
- When we came to Milwaukee, we were living with our friends for a month. Their names are Arpik and Joseph Weitzer, clinical associate professor of University of Wisconsin Milwaukee/414 229-6887 their address: 2844 S 48 St. Milwaukee 532199 (414) 329-92-93
- Then we rented an apartment at: 2876 A South 46<sup>th</sup> Street Milwaukee, Wisconsin 53219, (414) 545-16-74, where we are living at a present time. The owner of the house Jamie Jamison tel. (414) 321-93-99, can prove that we live there permanently (it goes against Roy Den Hollander's accusations that we live in Greenfield).
- **Anastasia A. Vasilyeva** work from 2001 till now Custom Tailoring doing tailoring and alterations for men & women at address: 18900 W.Bluemound road; Brookfield, Wisconsin 53045/ 1-262-796-0434. I work 40 Hours a day. If necessary I could provide my checks for the whole period of my employment. As a witness I could offer my boss Cindy Zahnow. This disproves the accusation and allegation of **Roy Den Hollander** that we are rich and have our business;
- **Nicolay N. Vasilyev**. For the first six month he was working at Mc Donald's restaurants, Milwaukee, WI. He is not working now, as he is looking after our two sons and studies English for entering the university.
- On December 1, 2002 we had a second son. On the next day of my son's birth, he had to go through a serious surgery. He spent two months in a children hospital. He is handicapped. He is deaf on a right ear, he has a lot of health problems and before he is 5 or 6 he has to go through minimum of two surgeries .We spend all our time at the hospital. We attach a letter from the hospital and you could also contact the surgeon who is treating my son for the proof that we were always next to our child. The name of the doctor is Joel Shilyansky, MD assistant professor/ 9000 w. Wisconsin Av. Milwaukee, WI 53200 (414) 266-6561; this disproves the accusations of Roy Den Hollander that we are traveling around the world and across America and have plenty of free time.
- The Court can request the customs service in the USA and ask about how many times we left the country and Milwaukee. During last two years we didn't go anywhere. This disproves the accusations and allegation of Roy Den Hollander that we distribute prostitution and drugs;
- On December 25, 2002 our father came from Russia. Special agent services and FBI/Federal Bureau of Investigation inspected all of us. The name of the agent is

Barry P. Babler, 330 e. Kilbourn Ave. Milwaukee, WI 53202 tel. (414) 276-46-84. The services and FBI had no issues.

- We can provide the documents, pictures, videos, articles from newspapers and magazines about our life in Russia at any request of the court.

Our facts overturn the above accusations and allegations of Roy Den Hollander and prove that they are false.

On the basis of the above mentioned facts we are asking:

1. To refuse the plaintiff's request
2. As we don't speak English and can't understand the meaning of the documents that we receive, and according to the US law we have equal rights as all other participants of Court proceeding, and we also have a right to receive true and understandable information on our native language, we are asking to keep all the information and trial proceeding in Russian, and in case of any contacts with court representatives or other officials, we kindly request translation of everything that is said or written into Russian.
3. As a family with low income we are asking for an attorney.
4. In case we need to spend our time for the judicial and other purposes and that will be the time my wife will have to skip work and when my husband will not be able to look after the children, we are asking to compensate for babysitting and for each working day at my job rate.
5. If it is required for us to be present in NY court, we are asking for the additional payment of air fare and housing;
6. All the financial expenses listed above should be presented to **Roy Den Hollander**.

Rec'd 4/1/4

DAVID L. FEINBERG  
Attorney At Law  
283 Maple Street  
West Hempstead, NY 11552  
(516) 539-2186

March 29, 2004

HON. MICHAEL B. MUKASEY, U.S.D.J.  
Chief Judge, United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: ROY DEN HOLLANDER v. FLASH DANCERS TOPLESS CLUB, et al.  
03-CV-2717 (MBM)

Dear Chief Judge Mukasey:

I am the attorney representing Cybertech Internet Solutions, Inc. (sued herein, with no small degree of absurdity, as "Cybertech Internet Strip Club Network"), one of many defendants in the above-referenced action. I wish to thank this Court for graciously extending my time to submit a response to Plaintiff's Complaint as I awaited my admission to practice in the Southern District and dealt with other pressing matters.

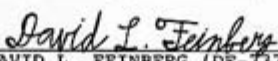
Defendant Cybertech Internet Solutions, Inc. now joins the motion made by Defendants Kuba, Mundy & Associates, Nicholas J. Mundy and Peter Petrovich, through their attorneys, to dismiss the Complaint filed by Roy Den Hollander when he commenced the above-referenced action in this Court on April 18, 2003. Defendant Cybertech agrees with the argument, advanced in the aforementioned motion and supported by numerous other defendants herein, that Plaintiff's Complaint is legally insufficient in failing to meet established standards for maintaining an action under the Racketeer Influenced and Corrupt Organizations Act ("RICO"), pursuant to the applicable Federal Rules of Civil Procedure as they have been interpreted by the courts in this and other Federal Circuits. Since Mr. Hollander has made no allegations against Defendant Cybertech that fall outside of RICO, there is therefore no reason for this Court to allow Plaintiff to continue maintaining his action against Cybertech, even if he is permitted to maintain his action under some other theory against any of the remaining Defendants.

With respect to the specific allegations made against Defendant Cybertech in the Complaint, Plaintiff purports to be under the assumption that individuals who may be employed by some of the other Defendants are also employees of Cybertech. As counsel for Defendant Cybertech, I would like to stress to this Court that Cybertech has no employment relationship with any of the other Defendants herein or with any individuals who work for any of these Defendants, nor does Cybertech have any

knowledge of whether the individuals who work for the other Defendants are employees or independent contractors or what their immigration status may be. While Cybertech does not hire illegal immigrants and certainly does not condone this unlawful practice on the part of other employers, this corporation is unaware that any of the other Defendants engage in such a practice. Furthermore, Cybertech would never be a participant in any scheme or a party to any agreement involving the hiring of illegal immigrants or any other unlawful activity, notwithstanding the fanciful conspiracy theories suggested by Plaintiff in the Complaint.

Defendant Cybertech would also like to join other Defendants in requesting that Plaintiff be enjoined from filing any further claims related to this matter, together with whatever other and further relief this Court deems just and proper. Thank you for your attention and consideration.

Respectfully submitted,

  
DAVID L. FEINBERG (DF-7379)  
Attorney for Defendant  
Cybertech Internet Solutions, Inc.  
283 Maple Street  
West Hempstead, New York 11552  
(516) 539-2186

cc: Clerk of the Court  
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Anastasia A. Vasilyeva and Nicholay N. Vasilyev  
2876A South 46th Street  
Milwaukee, WI 53219

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
ROY DEN HOLLANDER, :

Plaintiff, :

-against- :

FLASH DANCERS TOPLESS CLUB, et al., :

Defendants. :

Index No. 03 Civ. 2717 (MBM)

-----X  
  
MEMORANDUM OF LAW  
IN SUPPORT OF MOTION TO DISMISS

CLAUGUS & MITCHELL  
80 Broad Street  
New York, New York 10004

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BRUCE A. CLAUGUS (BC-2306)  
CLAUGUS & MITCHELL  
80 BROAD STREET  
NEW YORK, NEW YORK 10004  
(212) 425-2200  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

ROY DEN HOLLANDER,	:	Index No. 03 Civ. 2717 (MBM)
Plaintiff,	:	
-against-	:	MEMORANDUM OF LAW
	:	IN SUPPORT OF
FLASH DANCERS TOPLESS CLUB, et al.,	:	MOTION TO DISMISS
Defendants.	:	

-----X

This memorandum is submitted in support of the motion by Defendant Bank of Cyprus, Ltd. (the "Bank") to dismiss, with prejudice, Plaintiff's complaint (the "Complaint") pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure ("FRCP") for failure to state a claim upon which relief may be granted and to grant such other relief as the court should deem fitting and proper. This memorandum is supported by the accompanying affidavits of Yiannis Kypri, dated June 17, 2004, Athos Hadjimitsis, dated June 17, 2004, and Zaharo Sofianou, dated June 30, 2004.

#### I. PRELIMINARY STATEMENT

On March 11, 2000, Plaintiff Roy Den Hollander, married Defendant Alina Shipilina. The match seems not to have been made in heaven and they were soon divorced. In the aftermath of this personal misfortune, Plaintiff has come to believe organized crime, comprised of more than sixty defendants, caused his loss. He believes that these disparate individuals and entities caused the marriage to make him a pawn in their activities.

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Plaintiff's beliefs are unbelievable. He must look elsewhere for the cause of his misfortune, including to himself. Defendants did not marry Ms. Shipilina. Plaintiff did. Defendants did not divorce her. Plaintiff did. Certainly the Bank of Cyprus played no role in this sorry affair. Correspondingly, Plaintiff has not and can not state any cause of action against the Bank. Furthermore, he has not and can not show that the Bank caused his loss. His is a personal misfortune common to half the population and, like the others, he must seek a personal recovery. The Court should facilitate this recovery by dismissing the within Complaint with prejudice. It would, thereby, also bring a measure of justice to the Bank.

## II. STATEMENT OF FACTS

On April 13, 2003, Plaintiff Roy Den Hollander filed the within Complaint. Approximately a year later, Plaintiff served it on the Bank.<sup>1</sup> Nearly one hundred pages long, the Complaint alleges a colorful narrative of international crime involving money laundering, white slavery, drug trafficking, murder, terror, pornography, and prostitution. From Moscow to New York to Limassol to Mexico City the Complaint alleges acts of criminality against over sixty individuals and corporate entities, all of which purportedly combined to cause the marriage of Plaintiff to Alina Shipilina and their subsequent divorce.

The Bank's only purported involvement in this unfortunate affair is limited to nonspecific acts of (1) laundering overseas revenues from "enterprise" activities; (2) providing members of the "enterprise" with financial accounts and transaction services, and (3) disguising the source, ownership, and location of "enterprise" proceeds. This activity is alleged to have been

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<sup>1</sup> This service was defective; however, the Bank seeks a decision on the merits to vindicate its professional and commercial reputation. Accordingly, the Bank does not seek dismissal on mere procedural grounds.

*Exclude this from appointment  
and in accordance with  
appointment*

conducted from Cyprus and from the representative office of the Bank in New York City. No factual detail is provided.<sup>2</sup>

The only specific accusation against the bank is that Plaintiff's ex-wife, Alina Shipilina, allegedly "deposits some of the money she smuggles overseas into her Global Equity Fund, account number 54660, at the Bank of Cyprus branch located at 282 Aigos Flyaeeos, Aiga Fyna 3083, Limassol." Regardless of whether the Bank would be at fault as to these purported acts by Ms. Shipilina, if they occurred; as it happens, they never occurred. The Bank does not have any account holder by the name of Alina Shipilina or any of the other names attributed to her by Plaintiff in the Complaint. See *Affidavits of Yiannis Kypri, Athos Hadjimitsis, and Zaharo Sofianou*. Nor does the Bank have any account bearing the number 54660. *Id.* Nor has the Bank ever done business in New York with the Plaintiff or any defendant. The allegations by Plaintiff are entirely groundless. Nonetheless, Plaintiff alleges four, separate violations of the Racketeer Influenced and Corrupt Organizations Act ("RICO") by the Bank<sup>3</sup>. Not only are his allegations factually groundless, his pleading is structurally flawed, fatally so. The Complaint fails to state any claim against the Bank.

### III. ARGUMENT

#### A. PLAINTIFF'S COMPLAINT SHOULD BE DISMISSED AS TO THE BANK OF CYPRUS

This dispute, if there is one, is between Plaintiff and his ex-wife. Organized Crime did not cause Plaintiff's misfortune. Certainly, the Bank played no role. Be that as it may, the Complaint still presents unsupported, stigmatizing, and conclusory allegations of racketeering activity as to which the Bank must seek vindication. To this end, the Bank asks that the Court

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<sup>2</sup> The Bank maintains a representative office in New York City, however, no financial transactions are conducted from this office. See *Affidavit of Zaharo Sofianou*.

<sup>3</sup> Plaintiff alleges seven causes of action; however, only the first four are alleged against the Bank.

dismiss Plaintiff's complaint with prejudice. Despite being tome-like in length, the Complaint fails to state any claim, whatever, against the Bank.

#### **1. Standard for Granting a Motion to Dismiss**

A court should grant a motion to dismiss under Rule 12(b)(6) if, after construing the allegations liberally and in a light most favorable to the pleader, it appears beyond doubt that the pleader can prove no set of facts in support of his claim which would entitle him to relief. *Harris v. City of New York, et al.*, 186 F.3d 243, 247 (2<sup>nd</sup> Cir. 1999) (citations omitted). In evaluating the underlying allegations, the court is not required to accept as true "unwarranted deductions." *First Nationwide Bank v. Gelt Funding Corp.*, 27 F.3d 763, 771 (2d Cir. 1994) (citations omitted).

#### **2. Standard for Pleading a RICO Count**

In general, to state a civil RICO count pursuant to 18 U.S.C. §1962, a plaintiff must allege: (1) conduct by a defendant (2) consisting of a pattern (3) of racketeering activity (4) to affect an enterprise (5) engaged in interstate or international commerce (6) that injures a plaintiff's business or property. *Sedima, S.P.R.L. v. Imrex, Co.*, 473 U.S. 479, 496, 105 S.Ct. 3275, 3285, 87 L.Ed.2d 346 (U.S. 1985). None of Plaintiff's four causes of action against the Bank makes these allegations.<sup>4</sup>

##### **a. Plaintiff's First Cause of Action "RICO: Use of Income from Racketeering Activities" Must Be Dismissed**

Plaintiff's first cause of action against the Bank alleges violation of 18 U.S.C. 1962(a). Complaint ¶¶ 886-887. Within the six basic elements just enumerated, to state a claim

<sup>4</sup> Plaintiff also fails to plead adequately certain predicate acts alleged in the Complaint as a basis for his RICO claims. These acts include violations of 18 U.S.C. § 371 (conspiracy), 26 U.S.C. § 7201 (tax evasion), Sections 1801 and 1804 of the New York State Income, Earnings and Corporate Taxes Law (failure to file tax returns and filing of false returns, respectively), and Sections 105 and 470 of the New York Penal Code (conspiracy and money laundering, respectively).

under Section 1962(a), "a plaintiff must allege injury 'by reason of defendants' investment of racketeering income in an enterprise." *Ouaknine, et al. v. MacFarlane, et al.*, 897 F.2d 75 (2<sup>nd</sup> Cir. 1990) (internal citations omitted). Plaintiff makes no such allegation against the Bank. He offers, instead, the contradictory allegation that the Bank violated 18 U.S.C. 1962(a) because it transferred money from illegal enterprise activities (1) "to avoid U.S. reporting activities", (2) "to hide the origin and ownership of the money", (3) "to distribute the proceeds from unlawful Enterprise activities", and (4) "to generate revenues for its banking operations". Complaint ¶¶ 633 - 636. Instead of alleging the requisite conduct of the investment of racketeering income in an enterprise, Plaintiff claims that the income from the alleged activities was invested in the Bank – not in the enterprise. Plaintiff has it backwards and fails to plead the necessary conduct. Accordingly, the first cause of action must be dismissed.

**b. Plaintiff's Second Cause of Action "RICO: Racketeering Activities to Maintain Interest or Control" Must Be Dismissed**

Plaintiff's second cause of action against the Bank alleges violation of 18 U.S.C. 1962(b). Complaint ¶¶ 888 - 889. As a threshold proposition, a claim under Section 1962(b) must allege that the defendant acquired or maintained an interest in, or control of, an enterprise through a pattern of racketeering activity. *Dubai Islamic Bank v. Citibank, N.A.*, 126 F. Supp 2d 659, 670 (S.D.N.Y. 2000). The Complaint is devoid of any such allegation. Nowhere among the nine hundred fifteen paragraphs comprising Plaintiff's Complaint is there any mention, whatever, of conduct in which the Bank acquired, maintained, or controlled any interest in any enterprise. Just as in the case of his first cause of action, the second cause of action must be dismissed for failure to plead the requisite conduct. *Id.*

**c. Plaintiff's Third Cause of Action "RICO: Participation in the Conduct of the Enterprise Affairs" Must Be Dismissed**

Plaintiff's third cause of action against the Bank alleges violation of 18 U.S.C. 1962(c). Complaint ¶¶ 890 - 891. As the first order of business, to state a claim under 18 U.S.C. § 1962(c) a plaintiff must allege that a defendant conducted or participated "in the conduct of . . . [an] enterprise's affairs through a pattern of racketeering activity." *U.S. v. Anthony Viola, et al.*, 33 F.3d 37, 40 (2d Cir. 1994) (quoting 18 U.S.C. § 1962(c)). Such conduct or participation, at a minimum, "must 'have some part in directing [the enterprise's] affairs'". *Id.* (quoting *Reves v. Ernst & Young*, 122 L. Ed. 2d 525, 536-537, 113 S. Ct. 1163, 1170 (1993)). *Keeping cadence* with his previous failures, Plaintiff has not alleged any such conduct, participation, or direction by the Bank. Accordingly, Plaintiff's third cause of action fails to state a claim and must be dismissed.

**d. Plaintiff's Fourth Cause of Action "RICO: Conspiracy" Must Be Dismissed**

Plaintiff's fourth cause of action against the bank alleges violation of 18 U.S.C. § 1962(d). Complaint ¶¶ 892 - 893. At the outset, a claim under Section 1962(d), which involves conspiracy, must plead facts alleging that each defendant "knowingly agreed to participate in the conspiracy". *Schmidt v. Fleet Bank*, 16 F.Supp. 2d 340, 347 (S.D.N.Y. 1998) (quoting *Industrial Bank of Latvia v. Baltic Fin. Corp.*, 1994 U.S. Dist. LEXIS, \*8, 93 Civ. 9032, 1994 WL 286162, at \*3 (S.D.N.Y. June 24, 1994)). Plaintiff makes no such allegation against the Bank. He offers, instead, the vague, circular conclusions that the Bank provided an account for his ex-wife, transferred money, provided accounts and transaction services, and participated in conspiracies to violate Federal law. ¶¶ 827-830. Into what agreement did the Bank enter? With whom did the Bank agree? What was the conspiracy? These conclusory allegations are insufficient to allege

conspiracy under 18 U.S.C. 1962(d). *Schmidt*, 16 F.Supp. at 354. Moreover, because Plaintiff has failed to plead any substantive RICO violation in Counts I through III of the Complaint, there can be no RICO conspiracy. *Id.* at 353. Accordingly, like the other causes, Plaintiff's fourth cause must be dismissed. To Judge decide

**e. Plaintiff Has Failed to Plead Proximate Cause**

Above all else, conduct by the Bank must proximately cause Plaintiff's injury. *Hecht v. Commerce Clearing House, Inc.*, 897 F.2d 21 (2d Cir. 1990); *Shaw v. Rolex Watch U.S.A., Inc.*, 745 F. Supp. 982, 985 (S.D.N.Y. 1990). In this case, Plaintiff has pleaded no proximate cause. In fact, Plaintiff has pleaded no cause at all. In addition, even if all that Plaintiff alleges is true and the Bank was (1) transferring overseas revenues from "enterprise" activities; (2) providing members of the "enterprise" with financial accounts and transaction services, (3) disguising the source, ownership, and location of "enterprise" proceeds, and (4) accepting deposits from his ex-wife, Plaintiff has failed to allege any facts tending to show that any of this alleged conduct injured him. Plaintiff has no grievance against the Bank and the Court should not entertain Plaintiff's imaginings. The Court, the Bank, and Plaintiff all have more productive uses for their resources.

**f. The Complaint Must be Dismissed with Prejudice**

Plaintiff's failure to plead any fact sufficient to support his claims requires dismissal of the Complaint with prejudice. *Cortec Industries, Inc. v. Sum Holding L.P.*, 949 F.2d 42, 48 (2d Cir. 1991). This failure is predictable. There is no cause of action against the Bank. Accordingly this failure is not and can not be corrected by Plaintiff's assertion of conclusory allegations. *Erwin Protter, Fast Food Franchise, Inc. v. Nathan's Famous Systems, Inc.*, 925 F.



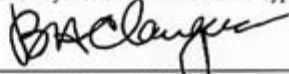
Supp. 947, 954-955 (E.D.N.Y. 1996). Plaintiff should not be granted leave to amend his Complaint. His complaint should be dismissed with prejudice.

#### IV. CONCLUSION

For the foregoing reasons, it is respectfully requested that the motion of Defendant Bank of Cyprus, Ltd., to dismiss the Complaint, with prejudice, and to grant such other relief as the Court should deem fitting and proper, be granted in its entirety.

Dated: New York, New York  
June 30, 2004

Respectfully submitted,  
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UNITED STATES DISTRICT COURT -  
SOUTHERN DISTRICT OF NEW YORK

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ROY DEN HOLLANDER,

Plaintiff,

-against-

FLASH DANCERS TOPLESS CLUB, et al.,

Defendants.

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Index No. 03 Civ. 2717 (MBM)

AFFIDAVIT OF  
ATHOS HADJIMITSIS

DISTRICT COURT OF NICOSIA,  
REPUBLIC OF CYPRUS

Athos Hadjimitsis, being duly sworn, deposes and says:

1. I am the Compliance Officer of Defendant, Bank of Cyprus, Ltd. (the "Bank"), and am authorized to submit this affidavit in support of the within motion by the Bank.

2. Of my own personal knowledge and from the books and records of the Bank, to which I have access, I am fully familiar with the facts hereinafter set forth.

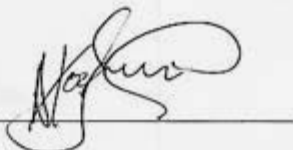
3. Among my duties, I regularly review accounts and account holders and maintain records of the same. In this capacity, on June 10, 2004, I searched all relevant Bank records for any account held by Alina Shipilina, Alina Chipilina, or Alina Angelina (the "Account Holder") during the period of January 1, 2000, through December 31, 2003. No such person maintained any account in any branch of the Bank during such time.



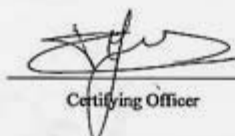
4. I also searched all relevant Bank records for any account existing during the period of January 1, 2000, through December 31, 2003 and bearing the number 54660, cited by Plaintiff as belonging to the Account Holder. No such account existed or exists in any branch of the Bank.

Pursuant to 28 U.S.C. § 1746, I declare, under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct.

Dated: 17<sup>th</sup> June 2004, Cyprus



Subscribed and sworn to before me this 17<sup>th</sup> day of June, 2004.

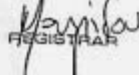


Certifying Officer

FREDERIKI YIANGPOULLOU  
CERTIFYING OFFICER  
NICOSIA



SWORN AND SIGNED BEFORE ME  
AT THE DISTRICT COURT OF NICOSIA  
THIS 17<sup>th</sup> DAY OF June 2004



REGISTRAR

Γ. ΜΑΚΡΙΔΟΥ  
ΠΡΟΤΟΚΟΛΛΑΝΤΗΣ



BRUCE A. CLAUGUS (BC-2306)  
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

ROY DEN HOLLANDER,	:	
	:	Index No. 03 Civ. 2717 (MBM)
Plaintiff,	:	
	:	AFFIDAVIT OF
-against-	:	ZAHARO SOFIANOU
FLASH DANCERS TOPLESS CLUB, et al.,	:	
Defendants.	:	

-----X

STATE OF NEW YORK        )  
COUNTY OF NEW YORK     ) ss.:  
CITY OF NEW YORK         )

ZAHARO SOFIANOU, being duly sworn, deposes and says:

1. I am the Chief Representative of the Bank of Cyprus, Ltd. (the "Bank") and am in charge of the Representative Office of the Bank located at 80 Broad Street, New York, New York 10004 (the "Representative Office"). I have been Chief Representative since the Office opened in 1998 and am authorized to submit this affidavit in support of the within motion by the Bank.

2. Of my own personal knowledge and from the books and records of the Representative Office, to which I have access, I am fully familiar with the facts hereinafter set forth.

3. The Bank is headquartered in Nicosia, Cyprus and, by international standards, is quite small. The Representative Office is correspondingly small and typically has two or three employees, including me. It is the policy of the Bank to know its clients and this policy is carried out and enforced.

4. In my role as Chief Representative of the Bank in New York, I caused the reviews described in the affidavits of Yiannis Kypri and Athos Hadjimitsis to be conducted. I refer the Court to the aforesaid affidavits for the results of these reviews.

5. The Representative Office does not perform any financial transactions for any client of the Bank or for any other third parties. I have never met, do not know, and the Representative Office has never done business with Plaintiff, his ex-wife, or any defendant named in the within Complaint. In particular, because they are very few in number, the Representative Office rarely comes into contact with Russians who have business with the Bank. Hence, if Plaintiff's ex-wife or any other defendant of Russian extraction had had any contact or done any business with the Office I head, I am certain that I would have learned of and would remember it. No one by the name of Alina Shipilina, Alina Chipilina, Angelina Shipilina, or Angelina Chipalina has ever come in contact with me or my Office. Nor has any other defendant.

Under penalty of perjury under the laws of the United States of America, I declare that the foregoing is true and correct.

Dated: New York, New York  
June 30, 2004

  
Zaharo Sofianou

Subscribed and sworn to before me this thirtieth day of June, 2004.

  
Notary Public

MICHAEL J. DAVIS VELASCO  
Notary Public, State of New York  
No. 02046062574  
Qualified in Kings County  
Commission Expires August 13, 2025

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

Roy Den Hollander

Plaintiff,

Docket No. 03 CV 2717 (MBM)

-against-

**Plaintiff's Memorandum of Law In  
Opposition to Certain Defendants'  
Motions to Dismiss**

*Domestic*

Flash Dancers Topless Club  
Jay-Jay Cabaret, Inc.  
Cybertech Internet Strip Club Network  
Lynn Lepofsky-CEO Jay-Jay Cabaret, Inc.  
Barry-Night Manager Flash Dancers  
Kuba, Mundy & Associates  
Nicholas J. Mundy  
Peter Petrovich  
Alina A. Shipilina a.k.a. Chipilina a.k.a Angelina  
Doctor Marc L. Paulsen  
Anastasia Vasilyeva  
Dima-Husband Anastasia Vasilyeva  
John Madison or John Pierre  
Bob Henning-New York City Police Detective  
American Organized Crime Gang 1  
Flash Dancers Managers 1 to 5  
Flash Dancers Gangster 1  
California Pimp  
Other American Lap-Dancing Clubs

*Russia*

Khachaturyan Araratovich Asypyan-Russian Organized Crime Boss  
Asypyan Criminal Association  
Volchok a.k.a. Woolfy-Russian Organized Crime Member  
Raketa a.k.a. Rocket-Russian Organized Crime Member  
The Albatross Club-Russian Organized Crime Social Club  
Alexey Smolin-Russian Organized Crime Member  
Baraev Islamic Terror and Crime Clan  
P. I. Ostapenko-Chief of the Investigation Office in the Department of Internal Affairs for  
Krasnodar, Russia  
Anna Pavlovna Kurilko-Chief of the Inquest Office in the Department of Internal Affairs  
for Krasnodar, Russia  
Olga Viktorovna Borisova-Investigator in the Inquest Office in the Department of  
Internal Affairs for Krasnodar, Russia

Tatyanna Vasilyeva Fashion House  
Tatyanna Vasilyeva  
Dmitri Morosov  
Rey-Krasnodar, Russia, Pimp  
Inessa A. Shipilina  
Vladimir Gavrilovich Minchenko-Vice Rector Krasnodar State Academy  
Phodes Studio Co.  
Leonid Perlin, President Phodes Studio Co.  
Tanya, Phodes Studio Prostitute  
Vladimir of St. Petersburg  
Albatross Club Gangster 1  
Krasnodar Briber 1  
Krasnodar Prostitutes 1 to 3  
Krasnodar State Academy Thugs 1 and 2  
Russian Criminal Gangs 1 to 5  
Chechen Criminal Gangs 1 to 2

*Cyprus*

Bank of Cyprus  
Stephanos-Bank Employee  
Melios Athanasiou Agencies  
IRINIS 182C Entertainment Company  
Melios Athanasiou-Owner and CEO Melios Athanasiou Agencies and IRINIS 182C  
Irina Athanasiou-Owner and Executive of Melios Athanasiou Agencies and IRINIS 182C  
Marios Athanasiou-Manager Zygos and Tramps Cabarets  
A. Charalambous-Cyprus Immigration Chief

*Mexico*

Julia Heart Agency  
Maria-Prostitute Recruiter for Julia Heart Agency  
The Men's Club, Mexico City  
Roberto & Rosa Elina Quilan-Managers Men's Club  
Max Gracia Appedole  
Juginta Raszyukevichina a.k.a. Azul  
Salvador-Partner Phodes Studio  
Alfredo Ibarra Sotelo  
Mexican Organized Criminal Gang 1

Defendants.

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**1. Plaintiff's memorandum of law in opposition to the motion to dismiss by the Enterprise movants Kuba, Mundy & Associates; Mundy; and Petrovich that was joined by movants, FlashDancers, Shipilina, Paulsen and Henning.**

**Preliminary Statement**

The question before this Court is **not** whether the plaintiff has **proven** at this early stage of the proceeding that the Enterprise (the “Russian mafia”) and some of its members, including the Enterprise movants, violated the RICO statute and state law, but whether the Complaint **alleges** they did. Allegations are the assertions in a complaint that set out what the plaintiff expects to prove. Black’s Law Dictionary. Allegations are not the “proof”, “evidence”, “establishment of”, “demonstration”, “explanation”, “showing” or “corroboration” that the Enterprise movants claim the Complaint should have provided. The plaintiff must not be put to the test to prove his allegations at the pleading stage. NOW, Inc v. Scheidler, 510 U.S. 249, 256, 127 L.Ed.2d 99, 114 S.Ct. 798 (1994).

This memorandum of law by the plaintiff contains five major sections in opposition to the five motions to dismiss brought by the domestic (residence within the US) Enterprise defendants who have appeared in this civil RICO action. These defendants are collectively referred to as “the Enterprise movants” and consist of the Kuba, Mundy & Associates law firm; Mundy; Petrovich; Flash Dancers Topless Club; Jay-Jay Cabaret, Inc.; Lepofsky-CEO Jay-Jay Cabaret, Inc.; Barry-Night Manager Flash Dancers; Flash Dancers Managers 1 to 5; Shipilina; Paulsen; and Henning. All the Enterprise movants joined the memorandum of law submitted by Enterprise movants Kuba, Mundy & Associates, Mundy and Petrovich. This section, Section 1, addresses that memorandum while the remaining four sections address any new issues raised by

the motions, declarations, affidavits or memoranda separately submitted by the other Enterprise movants.

When this memorandum refers to fewer than all the Enterprise movants, the term “Enterprise movant” is followed by the person’s name. Other defendants in this action who are not presently moving to dismiss are collectively referred to as “other mafia defendants” or individually as “mafia defendant” followed by the person’s name. When the Complaint states Kuba, it is referring to the firm Kuba, Mundy & Associates,

Cites to the Kuba, Mundy and Petrovich memorandum are in parentheses stating “Memorandum” followed by the page number and a hyphen that indicates the paragraph on that page. For example, (Memorandum p 28-1) refers to page 28, the first paragraph, and not necessarily the first full paragraph, but the first group of lines on that page. Cites to the Complaint are in parentheses stating “Complaint” followed by only the paragraph number. For example, (Complaint 267) refers to the numbered allegation 267, which deals with a Chechen crime clan.

The numbers and letters used for denoting sections in this memorandum are the same as those used in the Kuba, Mundy and Petrovich memorandum. This should make it easier for the Court to compare the two principal memoranda in this motion to dismiss.

The plaintiff uses the term “Russian mafia” to mean the Russian International Crime Organization or the “Enterprise” as stated in paragraph one of the Complaint. The “Russian mafia” includes those identified as Russian Mafiosi in the media and by law enforcement agencies; the targets of the Federal Bureau of Investigation’s (“FBI”) unit on Russian organized crime; various Russian, Chechen, American, Cypriot and Mexican gangsters along with those of other nationalities; assorted Chechen Islamic terrorists; and the more than thirty Russian gangs

now operating in the US, most notably New York, Miami, San Francisco, Los Angeles and Denver, Robert I. Friedman, Red Mafiya: How the Russian Mob Has Invaded America, p. xix-xx, Little Brown & Company (2002). The defendants in this action comprise only a small number the members of the Russian mafia. (Complaint 15)

The purpose of this memorandum by the plaintiff is to point out the errors and omissions made by the Enterprise movants in their motion papers concerning the law and the Complaint. This memorandum's main purpose is not to argue facts as in a summary judgment motion, since discovery has not yet occurred. Part of the Enterprise movants' obvious strategy is to have this Court treat their motion to dismiss as one for summary judgment. It would give this Court, which belongs to a circuit renown for its disfavorable disposition to civil RICO cases, Batista, Civil Rico Prac. Manual, 2003 Cum. Supp., 3.31A, an expedient means for disposing of a complex case against a criminal entity that spans the globe. However, even under the summary judgment standard, the courts should be reluctant to grant a dismissal because where motive and intent play leading roles, the proof is largely in the hands of the alleged conspirators and hostile witnesses thicken the plot. Cox v. Administrator US Steel & Carneige, 17 F.3d 1386, 1400 (11<sup>th</sup> Cir. 1994). In the case of a motion to dismiss where discovery has not even begun, this is even more pertinent.

In addition, this memorandum seeks to debunk the many misleading arguments and implications contained in the Enterprise movants' memoranda of law and declarations. A pervasive and key feint of the Enterprise movants is repeatedly objecting to the Complaint for failing to "*prove*", "*evidence*", "*establish*", "*demonstrate*", "*show*", or "*corroborate*" various elements of RICO and the predicate acts as a reason for dismissing the Complaint. In the law,

“prove” means to establish a fact as true by evidence; “evidence” means any species of proof; “establish” means prove; “demonstrate” means to prove indubitably; “show” means to make clear by evidence or to prove; and “corroborate” to add confirming facts or evidence. Black’s Law Dictionary. Complaints are not meant to provide these functions—they are the beginning of the fact-finding process not the end. The Enterprise movants apparently want to return to yesteryear when under federal practice, prior to the federal rules, the pretrial functions of notice-giving, issue formulation and fact revelation were performed primarily, and inadequately, by the pleadings. Hickman v. Taylor, 329 U.S. 495, 500, 91 L.Ed. 451, 67 S.Ct. 385 (1947). Back then, inquiry into the issues and the facts before trial was narrowly confined and was often cumbersome in method. Id. at 501. The federal rules, however, restrict pleadings to the task of general notice giving and invest the deposition-discovery process with a vital role in the preparation for trial. Id. “It is a familiar rule of pleading ... that evidence by which an allegation is sought to be established need not be pleaded. ... Such matters [of evidence], however, are for proof and we doubt the propriety, much less the necessity of their allegation.” Cater Constr. Co. v. Nischwitz, 111 F.2d 971, 973 (7<sup>th</sup> Cir. 1940).

RICO complaints are not held to a higher standard when it comes to pleading. “Congress resolved to address the problem of organized crime by strengthening the legal tools in the evidence gathering process ....” Beck v. Prupis, 529 U.S. 494, 496, 146 L.Ed.2d 561, 120 S.Ct. 1608 (2000). That did not mean requiring evidence be provided in a complaint for each element of every alleged predicate act and RICO violation. In refusing to dismiss a RICO complaint this Court stated in Gitterman v. Vitoulis, 564 F.Supp. 46, 49 (SDNY 1982), “The purpose of a motion to dismiss is not to test the weight of the evidence which might be offered in support of it but to assess the legal feasibility of the complaint.” (Citing Geisler v. Petrocelli, 616 F.2d 636,

639 (2d Cir. 1980)). In addition, the “[d]ismissal of a complaint before discovery is a drastic step which should not be taken unless it appears to a certainty that the plaintiff is entitled to no relief under any set of facts which could be proved in support of the claim.” Gitterman at 49 (citing Wade v. Johnson Controls, Inc., 693 F.2d 16, 22 (2d Cir. 1982)). And recently, the Supreme Court, in reversing the Second Circuit, stated the federal “pleading standard relies on liberal discovery rules and summary judgment motions to define disputed facts and issues and to dispose of unmeritorious claims.” Swierkiewicz v. Sorema NA, 534 U.S. 506, 512, 152 L.Ed.2d 1, 122 S.Ct. 992 (2002). “The provisions for discovery are so flexible and the provisions for pretrial procedure and summary judgment so effective, that attempted surprise in federal practice is aborted very easily, synthetic issues detected, and the gravamen of the dispute brought frankly into the open for the inspection of the court.” Id., at 512, 513 (quoting 5 C. Wright & A. Miller, Federal Practice and Procedure, 1202, p. 76 (2ed. 1990)).

Alternatively, the Enterprise movants use the tactic of painting the Complaint as not meeting the fair notice requirements by objecting to a paragraph or paragraphs in the Complaint for not containing enough information. Of course, they fail to cite other paragraphs with additional information that make their objections groundless. Or the Enterprise movants object to the Complaint’s allegations as “*general*”, “*insufficient*”, “*inadequate*”, “*bare*”, or “*conclusory*”. In the law, a conclusion is an inference drawn from evidentiary facts, Black’s Law Dictionary; allegations are not conclusions; they come at the end of the process and not the beginning. In addition, all that the federal rules require in a pleading is that a party should set forth the averments in general terms. Wright & Miller, Fed. Prac. & Proc.: Civil 2d 1281, p 519. “The modern philosophy concerning pleadings is that they do little more than indicate generally



the type of litigation that is involved. A generalized summary of the case that affords fair notice is all that is required.” SEC v. Timetrust, Inc., 28 F.Supp. 34, 41 (ND Cal. 1939).

In sum, part of the Enterprise movants’ strategy is to obtain dismissal based on their erroneous effort to have the Court apply a higher standard than that required for pleadings, and, on the other hand, to get a dismissal based on their inaccurate characterizations that the Complaint’s allegations fall below the actual standard required.

Another tactic used by the Enterprise movants is to trivialize the dangers of the Russian mafia by calling the Complaint “frivolous” and “a delusional, imaginary tale of fantasy.” (Memorandum p 2-1) The plaintiff has received four telephone threats—three of which were recorded, copies of two of those recordings are in the possession of Enterprise movant Mundy. (Complaint 282, 289, 318 and June 19, 2003 letter to the Court) The New York FBI warned the plaintiff not to open his door to anyone he doesn’t know and to watch out for himself when out in public. (Complaint 866, 867) But this Court need not rely solely on the Complaint’s allegations for determining whether it is “delusional;” it can take judicial notice in considering a motion to dismiss, Hirsch v. Arthur Anderson & Co., 72 F.3d 1085, 1088, 1092 (2d Cir. 1995), that the danger of the Russian mafia to US citizens, of which the plaintiff is one, is no “imaginary tale of fantasy.”

Before Congress in 1996, then FBI Director Louis Freeh said that when freedom was established in Russia, it helped spread the existing criminal network to expand abroad. Emergency Net News Service, Friday, May 3, 1996, Vol 2 – 124. He added, “Evidence that organized crime activity from these areas is expanding and will continue to expand to the United States is well-documented.” Id. At the same Congressional hearings, then CIA Director John Deutsch said, “Russia’s criminal groups reach across international borders, including our own ...

[and] have the potential to support terrorism, and contribute to the proliferation of materials, technology and weapons of mass destruction.” Id. While the last part of this quote concerns the Tom Clancy novel The Sum of All Fears, this Complaint does not deal with nuclear weapons of mass destruction, just the more mundane, run of the mill Russian criminal operations in America, such as money laundering, illegal money transactions, prostitution, narcotics trafficking, extortion and fraud that are often carried out in cooperation with La Cosa Nostra. The Center for Strategic and International Studies, Report on Russian Organized Crime, 1997, Task Force headed by William H. Webster.

The Russian mafia has been operating in the United States for years. Scott P. Boylan, Organized Crime and Corruption in Russia, Vol. 19, Fordham Int’l L.J., 1999, 2013 (1996). With the fall of the Soviet Union, the activities of Russian organized crime groups have spread to the United States and Europe. Id. “Not only does the Mafia kill and steal in Russia, it does so in the United States as well.” Id. at 2001. Mafia members are involved in "theft, extortion, money-laundering, gun-trafficking, drug running, prostitution, smuggling, loan sharking, contract killing and more." Id. “The U.S. Department of Justice has established task forces to deal with the Russian Mafia in New York, Los Angeles, and Miami.” Id. In 1994, the Russian mob had more than 300 members in the New York area alone, making it larger than the Bonanno, Colombo, or Lucchese crime families. Allan Friedman, The Organizatsiya: Brooklyn's Booming Russian Mob is Slicker, Smarter, and Much Meaner than La Cosa Nostra, N.Y. Mag., Nov. 7, 1994, at 50. Russia’s international professional criminals have caused the most economic damage in the US. Scott O’Neal, Russian Organized Crime, FBI Law Enforcement Bulletin, May 2000. “Blending financial sophistication with bone-crunching violence, the Russian mob has become the FBI’s most formidable criminal adversary, creating an international

criminal colossus that had surpassed the Columbian cartels, the Japanese Yakuza, the Chinese triads and the Italian mafia in wealth and weaponry.” Robert I. Friedman, Red Mafiya: How the Russian Mob Has Invaded America, p. xix. Unlike the former Communist Party that was out to bury us, today’s Russian syndicate has set out to fleece us.

The Enterprise movants, without the aid of discovery, state the motivation for the Complaint was to “humiliate” Enterprise movant Shipilina and the other defendants in this RICO action. (Memorandum p 2-1) As Charlie Chan once said, “truth cannot be an insult,” and if it injures a person’s self-respect that is the fault of the person, not the reporter. Discovery is the more appropriate forum for exploring motivations rather than a motion to dismiss. Swierkiewicz v. Sorema NA, 534 U.S. at 512. The Enterprise movants are simply engaging in character assassination—plaintiff seeks to humiliate, harass and is delusional—in order to shut down the argument and marginalize the plaintiff so that they do not have to argue the merits. The merits at this stage are whether the Complaint alleges a claim under the law. Just because the defendants may feel humiliated due to the exposure of their acts, is not a reason to dismiss a complaint that contains serious criminal allegations against a gang of Russian, Chechen and American criminals.

The Enterprise movants also try to trivialize the Complaint by saying it “attempts to allege.” (Memorandum p 2-2) The Complaint does not “attempt”, it alleges—that is what complaints do. And this Complaint alleges an enterprise, the Russian mafia, bringing prostitutes to New York and other states in the US, passing drugs and huge sums of money back and forth between countries, creating and trafficking in pornography, and threatening physical violence to anyone who might get in its way. (Complaint 10-15) The Complaint makes clear that a central member and site of some of the Enterprise’s illegal actions is the establishment called “Flash

Dancers Topless Club,” located on Broadway and 52d Street in New York City, and that the defendants often act in other countries where there is a link of some kind, such as a connection to brothels in Cyprus that some defendants control, or to specific participants in the Enterprise traveling in other places. (Complaint 322, 326, 329, 331, 334, 335, 338, 376, 402, 403, 410, 412, 413, 414, 417)

The Enterprise movants speculate that the only connection among the defendants—who make up a small portion of the Russian mafia—is that they came “into contact in some way with the plaintiff’s former wife,” Enterprise movant Shipilina. (Memorandum p 2-2) If coming into “contact” with movant Shipilina was the criteria for listing a person as a defendant, then it would be impossible to list them all for Shipilina has literally had thousands of customers who have “come into contact” with her. No, the Complaint lists only those persons that the plaintiff has been able to identify, or, at least, indicate by a pseudonym, that have caused the plaintiff harm and are connected by the common purpose of lucrative activities in hard currency markets which unites members of the Russian mafia. (Complaint 2, 16-127)

All the RICO defendants do have some connection with Enterprise movant Shipilina because she’s the thread that weaves through this section of the Russian mafia. The defendants are fellow travelers who committed predicate acts in order to get Enterprise movant Shipilina into the US, keep her there and expand the activities of the Russian mafia to its and their benefit. In the Watergate scandal, reporters Woodward and Bernstein followed the money; here the plaintiff followed the trail of Shipilina until he and a graduate of Harvard Law realized the extent of the underworld workings that had caused the plaintiff so much harm.

The Enterprise movants also advocate dismissal of the Complaint because “many of [the defendants] [the plaintiff] is unable to name.” (Memorandum p 2-2) Well, what do they expect?

The Russian mafia is a secretive organization whose crimes and threats aren't usually made with legal names given. Besides, a complaint "may name an unknown defendant by using a "John Doe" appellation or other description if the plaintiff has been unable to ascertain the real identity of the defendant. Moore's Fed. Prac., 10.02(2)(d)(i), 3<sup>rd</sup> Edition.

This Complaint not only seeks compensation and protection for the plaintiff, but in its own small way, hopes to take a step along the road mapped by the RICO statute: "the eradication of organized crime in the United States." Pub.L. 91-254, 84 Stat. 922 (1970). "Congress found that 'organized crime in the United States [had become] a highly sophisticated, diversified and widespread activity that annually drain[ed] billions of dollars from America's economy by unlawful conduct and illegal use of force, fraud and corruption.'" Beck v. Prupis, 529 U.S. 494, 496, 146 L.Ed.2d 561, 120 S.Ct. 1608 (2000)(quoting Pub.L. 91-254, 84 Stat. 922). "The result was to 'weaken the stability of the Nation's economy, harm innocent investors and competing organizations, interfere with free competition, ... threaten the domestic security, and undermine the general welfare of the nation and its citizens.'" Id. More succinctly, mobsters, including Russian ones, resort to violence when they don't get their way; they corrupt the system.

### **Statement of Facts**

#### **A. How did I get into this mess?**

There are really only two ways a middle-aged, American, male lawyer could get involved with such a bunch—money or a woman. I took the road less traveled or, perhaps, more traveled.

An allegory should help. While sailing the waters of the former Soviet Union in my Sun Fish, doing my work for Kroll Associates, along comes this juggernaut of pimps, prostitutes,

pornographers, pushers and assorted criminals of Russian, Chechen, American and other nationalities, including a few lunatics from the Chechen Special Islamic Regiment. The juggernaut, ever scanning for the easy prey of softhearted American businessmen, spots me, and sends out one of its prostitutes as bait: a tall, blue-eyed, bleached blonde. Using duplicity and drugs, my Sun Fish is torpedoed, heads to the bottom. I'm sunk—married to a Russian prostitute who is a member of Russian organized crime although I don't know it at the time. I bring my wife of a few months to America, and the juggernaut of the Russian mafia gets another one of its assets and mid-level managers into the premier hard currency market in the world. While this was happening to me, it was and continues to happen to others. When I finally came up for air and saw what was happening: I struggled, tried to get free, fought back to protect my rights as a human being by using the law and not stepping outside the law—but to no avail. So far, the Russian juggernaut of organized crime has been more powerful, more effective than the law because it uses lies, dissemblances, prevarication, smear tactics, threats, intimidation and bribery.

Today, the Russian mafia consists of assorted criminals from the former Soviet Union who have joined with underworld characters in Western markets over the past decade to create a global web of smuggling, protection, extortion, counterfeiting, tampering with witnesses, revenge, evasion of taxes and other illegal activities. (Complaint 10, 11, 15) Russian organized crime groups, working in cooperation with each other and foreign gangsters, infiltrate lucrative, hard currency markets, such as the US, by taking advantage of ineffective and un-enforced immigration laws, as well as bribable officials, to illegally gain entry for the organization's managers and human assets. (Complaint 13, 883) I am one of the victims of this new Red menace.

This case grew out of the discoveries I made, beginning in the year 2000, after working in Moscow as the acting manager for Kroll Associates. I found out that my spouse, whom I met and married in Russia in March 2000, was really a money launderer, tax evader, prostitute and procurer for a gang of Russian and Chechen organized crime figures. (Complaint 35, 36, 157-58, 339-42, 347) That she had secretly slipped narcotics into my meals and pretended to be something she wasn't in order to marry me so that she could enter the USA to expand the activities of the criminal organization to which she belongs—the Russian mafia. (Complaint 174-185)

The Russian mafia, as with all organizations, consists of and acts through people, and no one victim, or customer, comes into contact with all the decision makers and support personnel that go into making an enterprise successful. But they are there in the shadows supporting those on the front lines, giving aid and direction in order to reach the enterprise's goals. For me, the Russian mafia's retailer or, more appropriately, front, initially was Enterprise movant Shipilina, but soon other comrades in crime came out from standing in the shadows to help directly and indirectly with the Enterprise's Scheme as it applied to me. (Complaint 16-127) What others are lurking behind the known defendants continue to be revealed as the Krasnodar, Russia police conduct their investigation, and I mine.

Operating through some of its members, the Russian mafia tricked me into bringing one of its assets, Enterprise movant Shipilina, to the US (Complaint 2, 136); tried to get me to lie to the Immigration and Naturalization Service ("INS") (Complaint 224-25, 228,); secretly fed me drugs (Complaint 168, 171, 175-77, 180, 216,); tried to intimidate me (Complaint 245, 273, 306, 308-14); threatened me with physical violence (Complaint 236-37, 257-58, 280-83, 287-90, 316-18); suborned and committed perjury (Complaint 229-30, 232, 239, 275-77); engaged in mail

and wire fraud (Complaint 200-04, 218, 219, 227, 294, 300, 315); bribed officials (Complaint 254-55, 298, 307); attempted to and did tamper with witnesses and informants (Complaint 265-68, 284, 290, 293, 297); laundered money (Complaint 295-96, 301-03) and conspired to commit murder for hire (Complaint 319). As a result, to this day, I continue to follow the advice given me in March 2002 by a special agent for the FBI—don't open your door to anyone you don't know and watch out when you are in public.

My continuing investigation in Russia has revealed the involvement of a Chechen terror and crime clan in threatening witnesses in Krasnodar (Complaint 293, 297) and the clan's known connection with one defendant who arranged the intimidation of witnesses (Complaint 76, 77, 265-268, 293, 297). The clan was run by Arbi Baraev, who beheaded four British telecommunication workers in 1998 in return for \$20 million from Usama Bin Laden, and Movsar Baraev, who led the taking of 700 hostages at a Moscow theater in October 2002. Institute Study of Conflict, Ideology, and Policy, Perspective, Vol. XIII, No. 2 (Nov.-Dec. 2002). Both are now dead, but were very much alive in the spring of 2001, when witnesses began receiving threats. The Baraev Islamic mafia clan continues to wreak havoc in Russia and elsewhere. I, myself, have received four threats so far, one from a Russian speaking man as described in my June 19, 2003 letter to the court and copied to the Enterprise movants. (Complaint 280-84, 287-90, 316-18)

Besides the harm and fear caused me by the defendants, their continuing criminal activities also injure other US citizens, both individuals and companies. (Complaint 883-85) Through business alliances among American, Russian and Chechen criminals, the defendants further the Russian mafia's operations of white slavery, pornography and the crimes that maximize and protect its profits, such as immigration fraud, bribery, drugs, money laundering,



tax evasion, coercion, intimidation, perjury, official misconduct and more. (Complaint 15) Russians run prostitutes, pornography and in some cases drugs out of Russia into the US (Complaint 322, 371, 375-76), or first to Cyprus and then the US (Complaint 381-83, 403), or by way of Mexico and then to America (Complaint 418-19, 423). The prostitutes and pornography are sold through an affiliation of lap-dancing clubs controlled by organized crime and marketed over the Internet. (Complaint 329, 331, 410, 413, 434-36) The drugs are secretly administered to customers as a way of assuring return business. (Complaint 333-35)

The Enterprise movants in the “Statement of Facts” of their joint Memorandum p 3-10 sidestep the Complaint’s allegations, which are supposed to be taken as true for the purpose of a motion to dismiss. The movants try to distract the Court from criminal allegations against the Russian mafia, of which they are a part, by using misstatements, omissions, errors and a smear here and there. The Enterprise movants front-load their memorandum with what they call ‘facts’ in order to disparage me. They use the ancient method of painting an opponent in a false light in order to keep the real issues in the dark and probably in the hope the Court will glance over the legal mistakes made in their “Argument” section. A unique RICO defense, but that is the Enterprise movants’ strategy: throw enough mud and maybe some will stick, make enough misrepresentations and maybe some will be believed.

In order to win the day, the Enterprise movants also try to depict this civil RICO action as a rehash of a closed domestic relations case in which I “[w]ithout regard for ethics or even common decency” (Memorandum p 4 n.7) set out on a “relentless course of harassment” against the movants that has culminated in the “outlandish”, “incredible” and “far-fetched” allegations in the Complaint. (Memorandum p 5-1) This RICO suit grew out of the earlier domestic relations’ investigation (Complaint 217) and the events triggered by that investigation, which revealed a

criminal entity lurking in the background, connecting seemingly disparate individuals and organizations in Europe and the Americas that turned out to be part of the Russian mafia. The only reason for the earlier domestic relations' case was the very nature of the Russian mafia's Scheme, which included using prostitutes in Moscow to deceive American businessmen into marrying them so that the prostitutes could gain legal entry into the USA. (Complaint 2, 135-37, 883) I was one of the suckers. In total – and naïve – good faith, I married Enterprise movant Shipilina shortly before returning to the US from my Moscow consultancy with Kroll Associates. But because the trail of the harm done to me lies behind a fraudulent marriage rather than a fraudulent business transaction does not make it any less serious. When criminal instrumentalities exploit human emotions of the heart rather than the pocket book, the victim does not lose his rights under US law.

This is a case about the institutional behavior of the Russian mafia, which includes many criminal members posing as legitimate businesses and law-abiding individuals, such as the Enterprise movants and other defendants. (Complaint 16-127) This RICO action has been brought against the “archetypal, intimidating mobster”, Sedima, S.P.R.L. v. Imrex Co., Inc., 473 U.S. 479, 499, 105 S.Ct. 3275, 3280 (1985), an enterprise of organized criminals, not respected and legitimate businesses and individuals.

When I returned to the U.S.A. in July 2000 (Complaint 205) with my bribe of four months, she immediately joined her cohorts in prostitution, working out of “Flash Dancers Topless Club” (Complaint 214), tried to engage me in criminal activity (Complaint 233), drugged my food to deter me from seeking an annulment or divorce (Complaint 216), and threatened me with death and injury from her Russian mafia associates if I did not lie to the INS for her (Complaint 236).

I learned my “wife” worked as a prostitute and was using me for immigration purposes after translating a portion of her diary, which she kept in plain sight. (Complaint 220) When the annulment/divorce action commenced, I began searching in Moscow and Krasnodar, Russia for information and witnesses relevant to that court proceeding. (Complaint 256-57) My investigation discovered, among other culpable conduct, that she, Enterprise movant Paulsen and defendant Perlin had created a pornographic video in which she engaged in very graphic acts for US dollars (Complaint 377), and that she and defendant Perlin advertised her sexual services via naked photographs of her (Complaint 357). In one case, there is direct evidence that she sold these naked photographs to a man for 10 Cypriot pounds after performing sexual acts on him when she worked in Cyprus at the brothel “Zygos” during the first half of 1999. (Complaint 390-91) The pornographic video was imported into America by Enterprise movant Paulsen (Complaint 378) and clips from the video were used by defendant Perlin to advertise the prostitution and pornography production services he sells as part of the Russian mafia.

Enterprise movants now hypocritically criticize me for using the already marketed naked photographs (Memorandum p 3-3) and the promotional pornographic video clips (Memorandum p 4 n.7) to unearth evidence of movant Shipilina’s fraud and her criminal activities for the divorce/annulment suit. The Russian language web site was created as a means to find new Russian witnesses, acquire additional information and communicate the truth to potential witnesses and informants after previously forthcoming witnesses and individuals with useful information were being threatened into silence. (Complaint 265-68) The web site contained only a small sampling of Enterprise movant Shipilina’s widely offered pornographic services and extensive criminal exploits listed in a section of her diary. (Complaint 35-36, 152, 155-57, 191-

93, 322-25, 332, 334, 335, 339-41) After a period of time, the web site was closed when it no longer produced evidence.

In some twisted form of reasoning, the Enterprise movants claim that the use of the video clips as an exhibit in a motion to reform the divorce settlement—where the papers are not open to the public—makes me indecent and unethical. (Memorandum p 4 n. 7) Those video clips were made public long before they entered the court system in order for movant Shipilina and her Moscow pimp defendant Perlin to make money. Further, in an action for reformation of a divorce settlement that essentially requests damages for emotional distress, could anything demonstrate such pain more effectively than a man discovering that the woman he loved and cherished was, and continued to be, a porn star who had deceived him into marriage so that she could ply her wares for the Russian mafia in a hard currency market? I don't think so.

Enterprise movants Kuba, Mundy and Petrovich paint themselves as innocents that merely represent another virtuous soul, Enterprise movant Shiplina. A more accurate picture of Kuba, Mundy & Petrovich is that of a “green card and visa mill” (Complaint 28) getting fat on the feeding frenzy of obstructionist immigration lawyers that fail to sort out the truly oppressed from the rank opportunists, fugitive criminals and terrorists. Even if all the Enterprise movants do engage in some legitimate operations, they are still alleged to be active members of a criminal enterprise—the Russian mafia.

The Enterprise movants in their Memorandum at p 3-2 state, “The plaintiff [in the divorce complaint] claimed that Ms. Shipilina threatened to injure him if he did not ‘lie to the Immigration and Naturalization Service.’” Although Enterprise movant Shipilina is six feet one inch tall and 145 pounds, a female threatening a man just does not make it, which, of course, is the impression the Enterprise movants clearly wanted to leave. But they were only able to leave

that false impression by deleting a crucial part from the divorce complaint they cited to in their Exhibit B(9)(g). What the divorce complaint stated was that movant Shipilina “would direct her ‘Russian mafia friends to put [me] in the hospital or even kill me,’” if I did not lie to the INS. Now that’s a threat!

In addition, the Enterprise movants “interestingly” claim that because the divorce complaint, their Exhibit B, does not mention that Enterprise movants Mundy or Petrovich advised me to lie to the INS or threatened me, that such did not happen. (Complaint p 3-2) The divorce complaint did not mention such conduct because it was not grounds for my obtaining an annulment or divorce. I was divorcing movant Shipilina—not movants Petrovich or Mundy. Such allegations were more appropriate for the disciplinary complaints that the Enterprise movants also chastise me for filing. (Memorandum p 5-1) Furthermore, I relied on my divorce attorneys to decide what to include in the divorce complaint, which Enterprise movants Mundy and Petrovich well know.

Just a side note here, interestingly, the Enterprise movants do not refer to any paragraphs or page numbers in the exhibits they cite. That of course leads to wasting a busy court’s time by requiring it to search through the Enterprise movants exhibits in order to check the accuracy of their characterizations of parts of those documents. Perhaps, the movants wish the Court to accept their edited version of documents on faith.

In their Memorandum at p 4-1, the Enterprise movants’ cunningly confuse two different reports made against me to the police. The result is the implication that both were investigated when, in fact, only one was, and that one was closed because no violation occurred. They also try to bolster the credibility of the report that was not investigated by saying it came before a

divorce was imminent. Let's clear up the Enterprise movants' dissemblance in this paragraph of their memorandum.

The Enterprise movants' refer to the police report about the evidence-gathering, Russian language web site, which contained Shipilina's diary and the naked photographs she marketed, as "criminal matters being handled by Detective Henning." (Memorandum p 4-1) This is the report that Enterprise movant Henning says he contacted the Queens District Attorney about (Henning Affidavit Para. 8) and over which he threatened me with arrest (Complaint 309) In the very next sentence of the Memorandum, the Enterprise movants falsely ascribe "criminal matters being handled by Detective Henning" to a report against me for alleged extortion. This is a different report, and one in which charges were never pressed and never investigated. (Complaint 229-32) But the Court cannot tell this unless it uses a magnifying glass on Enterprise movants' Exhibit D, which combines into one exhibit two different reports—clever. So, the only complaint against me that the police investigated was the one concerning the Russian language web site, and that the Queens District Attorney's Office concluded was unfounded (Henning Affidavit 9), but the Court will not find the DA's conclusion anywhere in the Enterprise movants' Memorandum.

As for the "extortion" police report on which charges were not pressed and the police did not investigate, the Enterprise movants' misleading state, "Tellingly, the police report demonstrates [which means "prove indubitably"] that the plaintiff's attempt to extort money from Ms. Shipilina predates his divorce complaint by six months." (Memorandum p 4-1) The wording of this sentence implies that the report, on which no charges were pressed, is true in its claim of extortion because my lawyers served the annulment/divorced complaint six months after the report was filed.

The time line of events is important here. (Complaint at 223 to 232) In late October 2000, Enterprise movant Shipilina and I met with Enterprise movant Petrovich at Kuba, Mundy & Associates to arrange for a separation, to be followed by a divorce. At this meeting I was advised by Enterprise movant Petrovich, after he consulted with Enterprise movant Mundy, to lie in an affidavit to the INS in order to assure that Enterprise movant Shipilina would obtain a permanent green card. (Complaint 223-24) Afterwards, I consulted with an attorney friend, Jeffrey N. Drummond, and in no uncertain terms, he confirmed that my decision not to lie was the only acceptable course of action. I notified Enterprise movant Shipilina that I would not lie for her to the INS, after that, on December 13, 2000, she filed the perjured police report alleging my extortion attempt. (Complaint 226, 229, 230)

The filing of the perjured report claiming extortion came after a divorce was imminent, and after I refused to cooperate with Enterprise movants Kuba, Mundy, Petrovich and Shipilina's shenanigans to defraud the INS. Rather than demonstrating moral turpitude in me, the filing of the false report more reasonably infers an effort to create a false record by which Enterprise movants Kuba, Mundy, Petrovich and Shipilina could pressure me into lying before the INS or use to their advantage in a divorce proceeding that appeared imminent at that time. (Complaint 232) Otherwise, why file a report on which charges are not pressed unless to hold that ammunition in reserve.

The Enterprise movants claim in their Memorandum at p 4-2 & n. 7 that I "abuse[d] the court system ... as a means to harass and intimidate ..." because in May 2002, I filed a motion to reform the divorce stipulation to which they say I had "voluntarily consented." As I said in my Complaint at 279-284, I entered the divorce settlement as a result of receiving a threatening telephone call in October 2001 from an anonymous, thuggish-sounding stranger who warned me

against pursuing the divorce proceedings. The caller said he was telephoning on behalf of my “soon to be ex-wife, Angelina.”—the stage name she used in Cypriot and Mexican brothels and at Flash Dancers. I felt extremely threatened and decided not to take any chances with my physical safety. Enterprise movant Mundy has a tape recording of this call. Still the Enterprise movants contend that I voluntarily consented to a settlement and then later, out of an alleged effort to “harass and intimidate,” brought a motion to reform for duress, coercion and fraud. The Enterprise movants just don’t get it: conduct isn’t duress unless it works, and when it works the victim is not going to tell the world unless, as what happened with me, circumstances changed, which I stated in my motion to vacate. At the very least, there’s a fact dispute here that can be resolved through discovery.

By the end of March 2002, I had received two more threatening telephone calls, one in February and one in March, from a man sounding like the same person in the first menacing call. (Complaint 289-91, 318) In these two calls, the man referred to himself as John Pierre, and once again said he was calling on behalf of Angelina—the prostitution and lap-dancing name used by movant Shipilina. The purpose of these terrorizing calls were clearly to prevent me from providing information to the INS concerning Enterprise movant Shipilina’s fraud on the INS and the US State Department in obtaining an immigrant visa. (Complaint 191-93)

After the February 6, 2002 call, I filed a complaint with the 13<sup>th</sup> Police Precinct and the FBI. (Complaint 858-62) The FBI did start a preliminary investigation and apparently tracked down the man making the threats, but the FBI agents refused to tell me his name. (Complaint 863-64) One of the agents, however, did tell me that the FBI decided not to interview the man for fear he might cause me harm. (Complaint 865-66)



After the March 27, 2002 threatening call, I filed for an order of protection in the New York County Family Court—there was no place left to go. (Complaint 868) Unfortunately, the judge refused to grant me a discovery subpoena for telephone records and other information that would have led to identifying the man making the threats and enable me, through the discovery process, to link that man with movant Shipilina.

The Enterprise movants call my efforts to find protection from the police, FBI and the Family Court as “objectively offensive and repugnant” and an attempt to “harass and incense.” (Memorandum at p 4 n. 8) Further, the Enterprise movants in footnote 8 asks this Court to send a chilling message to any US citizen who foolishly chooses to fight for his rights—if you lose, and res judicata does not apply, the courts will still use that to throw out any cause of action that reveals itself later on. The right to pursue justice through the legal system will be a right in name only.

The movants also claim that because bureaucrats chose to laugh at me before even hearing my evidence, such callousness shows I am improperly using the legal system. (Memorandum p 4 n. 8 & 9) On the other hand, perhaps these bureaucrats are of the same quality that granted two of the 911 hijackers their visas, just months after killing thousands. Thus far, I have received four threatening telephone calls, two of which are on audiotape; copies of both are in the possession of movant Mundy. The fourth, this time in Russian, threatened me not to travel to Krasnodar, Russia to continue my investigation into this case. I reported that call to the 13<sup>th</sup> Precinct and the FBI. Both said there was nothing they could do without the telephone number from where the call came, but the FBI did start an investigation into some to the allegations in this Complaint. So who’s being harassed; who’s being intimidated by a large

underworld entity—not the Enterprise movants. Still the issue of my motivation is more appropriately explored in discovery rather than a motion to dismiss.

The Enterprise movants also do not cite any ethical canons or disciplinary rules I allegedly violated in my pursuit of justice. They merely engage in name-calling in a transparent attempt to bias the Court because I had the audacity to exercise my civil rights. If I have abused the judicial system as they allege, they can bring abuse of process or malicious prosecution actions. But in *pari delicto*, even if true, which it is not, is no reason for dismissal of a RICO action. Neither the Rico statute nor the legislative history suggests that a Rico plaintiff has to be an innocent victim.

The Enterprise movants continue their distraction from the real issue before this Court—whether the Complaint alleges a claim under RICO—by saying I “improperly made public” the disciplinary complaint I filed against Enterprise movant Mundy when I annexed it to my motion to reform the divorce stipulation. Since that motion was in a domestic relations case, and domestic relations cases are not opened to the public, it was not made public by me. These RICO proceedings, however, are open to the public, so the first party to improperly make public the disciplinary complaint against Enterprise movant Mundy was Enterprise movant Mundy in Exhibit J. So why am I being blamed for that—to falsely smear me, of course.

The Enterprise movants then switch gears from castigating me to playing the victim. They pretend that Enterprise movant Mundy “reluctantly” filed a disciplinary grievance against me in the face of my “assault of frivolous litigation.” (Memorandum p 5 n. 10) This change in tack, however, did not leave behind the movants’ pattern of omissions and misstatements.

The Enterprise movants failed to say that the disciplinary committee quickly closed its investigation into Enterprise movant Mundy’s grievance against me after I filed my reply. My

reply made clear that the disciplinary grievance was simply an attempt to deter my use of the legal system by making the bizarre claim that my filing of a RICO complaint was evidence of my unfitness to practice law. The disciplinary grievance was a unique way of trying to thwart the purpose of Congress in enacting the civil RICO statute: “Those who have been wronged by organized crime should at least be given access to a legal remedy.” Congressional hearings quoted in Sedima, S.P.R.L. v. Imrex Co., Inc., 473 U.S. 479, 487, 105 S.Ct. 3275, 3280 (1985).

The basis for the conclusion that the disciplinary grievance was an attempt to scare me off of the RICO case is that Enterprise movant Mundy had received the RICO complaint before he filed the disciplinary grievance. Exhibit A, Certificate of Mailing and Affidavit of Mailing. In fact his grievance makes reference to the RICO action that had already been filed with the Court. Enterprise movant Mundy had received the RICO complaint as part of my request for a waiver of summons under Rule 4(d). At the time he received the waiver request and RICO complaint, neither Mundy nor the other defendants had yet been served with the summons. The strategy in filing the disciplinary complaint was obviously to intimidate me against going through with this RICO action, which I could have done by simply not serving the RICO summons. The disciplinary grievance was just another effort by the Russian mafia to misuse the state’s legal apparatus to deny me of my civil rights and the right to earn a living because I dared to oppose that organization.

The Enterprise movants create another false impression that the emotional distress action brought against them in the New York Supreme Court is another separate cause of action meant to harass. (Memorandum p 5-2) That action is identical to the Fifth Cause of Action in this RICO suit—intentional infliction of emotional distress. The New York State action was brought on March 25, 2003 as a precautionary measure to toll the statute of limitations on the intentional

infliction of emotional distress by members of the Russian mafia. And no, I am not admitting that the statute had run by the time the RICO complaint was filed on April 18, 2003. The Enterprise movants claim the emotional distress summons with notice was never served on them. (Memorandum p 5-2, n 11) That is false. Exhibit B contains copies of the affidavits of service. In fact, Enterprise movant Mundy even contacted my lawyer at the time, Jeffrey Drummond, concerning the emotional distress suit.

To sum up, I was tricked, drugged and pushed into this sinkhole of a situation when I ran a foul of a large criminal organization operating out of Russia. I was taken for a ride by a mobster moll right out of a 1940s detective movie, except standing behind this moll are Russian and Chechen organized crime figures, associates of the Chechen Special Islamic Regiment and other members of the Russian mafia.

#### B. Enterprise Movants Spin the Complaint

The Enterprise movants continue their maligning of me by claiming this RICO action is the latest in my “quest to harass, intimidate and persecute” the Enterprise movants. (Memorandum p 6-1) It seems a little ludicrous that I, a sole practitioner lawyer, eking out a living, could “harass, intimidate and persecute” an entire law firm that advertises on the Internet in Russian on the very same page as an agency marketing Russian girls for marriage and linked to pornography, [www.russianday.com](http://www.russianday.com), Exhibit C, and has offices in New Jersey, New York City and Rockland County. Or that I could persecute a lucrative strip club advertised as “Live from the heart of NYC” in Times Square, [www.flashdancernyc.com](http://www.flashdancernyc.com); a New York City Police Detective, a medical doctor and a wealthy Russian prostitute along with numerous others, including gangsters and Islamic lunatics.

If I have caused such trials and tribulations to the Russian mafia, then why haven't the Enterprise movants filed harassment actions and complained about intimidation? Because there's no basis. Where are their allegations of my arranging threatening telephone calls and threats of arrest or surreptitiously feeding them drugs? There are none. Only the objection that I sought to redress the harm done to me and protect my physical safety from what I now know is the Russian mafia. The Enterprise movants ask this Court to not only grant dismissal because they don't like me exercising my rights as an American, but also request this Court to act as a medieval inquisitor that would permanently crush my constitutional rights with "an injunction barring [me] from filing any future related claims." (Memorandum p 65-2) I assume that would even entail a class action RICO suit against the Russian mafia for which I am currently trying to form a class of American men who have suffered similar harm by using the web site been-scammed.com.

i. Does it or doesn't it exist—the Enterprise, a.k.a, the Russian mafia

The Enterprise movants do a good job of cherry-picking the Complaint's allegations concerning the Enterprise, by leaving out a couple of key ones:

1. The Enterprise is an on going operation in which its members associate together for the purpose of engaging in illegal and legal activities in order to earn substantial profits.
2. A key aim of the Enterprise is to infiltrate and expand its activities in hard currency markets where profits are not threatened by inconvertibility of the local currency or drastic depreciations.

They also question whether the Russian mafia did any harm to my business and property by referring to only one allegation in the Complaint at paragraph 3 (Memorandum p 7-1) and ignoring others at 188, 900-907. The Enterprise movants also object in footnote 12 of their

Memorandum that I “failed to state [it should be “allege”] how” the Russian mafia injured my business and property. Even had the Complaint failed to specify the manner in which I was injured, which it does not, in the RICO context, “[a]t the pleading stage, general factual allegations of injury resulting from the defendant’s conduct may suffice, for on a motion to dismiss we presume that general allegations embrace those specific facts that are necessary to support the claim.” NOW v. Scheidler, 510 U.S. 249, 256, 127 L.Ed.2d 99, 114 S.Ct. 798 (1994) (quoting Lujan v. Defenders of Wildlife, 504 U.S. 555, 561, 119 L.Ed.2d 351, 112 S.Ct. 2130 (1992)).

But the Enterprise movants key criticism over the Complaint’s Enterprise allegations is that the Russian mafia and its operations throughout the world are figments of my imagination. (Memorandum p 7-2) That remains to be seen, which is the task of discovery. But the Complaint clearly does allege the existence of a global Russian organized crime group of which the Enterprise movants and other defendants are alleged members. (Complaint 1, 2, 10-14, 16-127) Further, the Court can take judicial notice of the Russian mafia from articles such as the following one by Scott P. Boylan, Organized Crime and Corruption in Russia, Vol. 19, Fordham Int’l L.J., 1999, 2013 (1996): “Presently, the U.S. and Russian Governments are cooperating in efforts to combat criminals operating in the United States and Russia. [100] The FBI has assigned agents to the U.S. Embassy in Moscow, while U.S. Department of Justice prosecutors currently reside in Moscow.” If the Complaint’s allegations about the Enterprise are imaginary, why doesn’t the FBI save taxpayer dollars by closing down its Moscow office and its Russian organized crime unit here in New York, which is currently looking into some of the allegations in the Complaint?

The Enterprise movants also try to discredit the existence of the Russian mafia by claiming “the configuration of the alleged [E]nterprise centers around Ms. Shipilina and the people she purportedly encountered and places to which she purportedly traveled.”

(Memorandum p 7-2) The Russian mafia does not center on movant Shipilina although the defendants in this case do have connections with her. Enterprise movant Shipilina is a mid-level manager and asset of the Russian mafia, who works with, works for, cooperates with or directs other members of the criminal enterprise. When I walked into the cross hairs of the Russian mob (Complaint 130-137), Shipilina was the one dispatched by defendant Perlin to sucker me into unknowingly helping the mob infiltrate another of its members into the US. The only way I have been able to expose some of the workings of the Russian mafia members named as defendants was by following the thread of Enterprise movant Shipilina.

My dark passage began with the discovery of telephone calls that Shipilina made from my apartment in order to marketed her sexual services to Flash Dancers’ customers. (Complaint 214) The truth led through a labyrinth of sleaze, crime and corruption that my attorney friend, Jeffrey Drummond, helped me realize was part of the Russian mafia. I am just one of the pieces of wood that the Russian mafia used to fuel its Mordor engine of greed. As I said, “This complaint concerns a portion of the Enterprise’s activities in America, Russia, Cyprus and Mexico and some of its Members, the defendants, who are alleged to engage in money laundering, prostitution, pornography, white slavery, drug trafficking, bribery, tampering with witnesses and informants, obstructing justice, tax evasion, failure to report the transfer of funds overseas, mail and wire fraud, immigration violations, conspiracy to commit murder for hire and the use of the international facilities to assist in carrying out Enterprise activities.” (Complaint 15) The Complaint does not address all the activities or all the members of the Russian mafia. A

person injured by organized crime, such as the Italian mafia, will only be talking about a limited number of crimes and persons. A person who is loan-sharked by the Italian mob will not likely come into contact with those who issue fake construction bonds. No individual will ever be the victim of all of a gang's illegal acts.

The Enterprise movants object, "there is absolutely no connection offered by plaintiff among any of the defendants comprising the purported enterprise." (Memorandum p 7-3) The Enterprise movants Kuba, Mundy and Petrovich claim their only connection with the defendants in this case is with Enterprise movant Shipilina. (Id.) I don't know that and neither does this Court because there has been no discovery. Once again, the Complaint need only allege, which it does throughout. Prostitutes and pornography flow out of southern Russia into New York for sale and use in lap dancing clubs like Flash Dancers or over the internet (Complaint 19, 22, 23, 24, 25, 73, 322, 329, 330, 331, 343, 363, 366, 413, 434, 435), immigration laws are violated to get the prostitutes into America and keep them here (Complaint 27, 29, 32, 87, 95, 113, 191-93, 323-25, 327-28, 353, 405-09), drugs are brought in from southern Russia to keep lap-dancing customers happy (Complaint 23, 48, 97, 100, 206, 332, 334, 460), prostitutes and pornography also flow from southern Russia to Cyprus and on to the US (Complaint 96, 106, 112, 403, 410, 412), prostitutes and pornography move from Moscow to southern California (Complaint 37, 38, 51, 80, 368, 370, 374, 376, 377) or first to Mexico and then into the US (Complaint 114, 117, 119, 122, 126, 423, 426, 427, 428, 431-32), the prostitute underground railway extends into Wisconsin from southern Russia (Complaint 42, 69, 350, 352), the operations are protect with bribery (Complaint 47, 65, 66, 67, 84, 88, 298, 302, 307) and intimidation (Complaint 30, 46, 49, 50, 77, 98, 99, 265-68, 280-83, 287-90, 293, 297, 308, 316-18), profits are laundered (Complaint 31, 101-04, 295, 301, 335, 414, 447, 453, 454-58) and the system corrupted (Complaint 874). It



is all interrelated—supply, production, protection, profit maximization, reinvestment and growth—with each defendant playing his or her part in the success of a large organization.

A little common sense is needed to show the absurdity of the Enterprise movants objection that the defendants are not connected. When I worked as an associate at Cravath, Swaine and Moore or as a political producer at Channel 7 Eyewitness News, I never came into contact with every member in those large organizations, but it was clear that we all shared the organization's goals and worked for that end. On anyone case or story, I was at times the only connection among different members of the organization, all of whom were working to make the organization succeed and providing varying degrees of assistance on that particular case or story. That's how large organizations work. They muster together resources, which include people, to support the pursuit of numerous activities to achieve the organization's goals. At any one time, Cravath, Swaine and Moore is working on dozens of cases, Eyewitness News on dozens of stories and the Russian mafia on dozens of targets. Looking at only one case, one story or one target will reveal only some of the organization's members and some of them will not even know each other, but they all share the common goal and accept the means for achieving it. Otherwise, they will be fired, or, as with the Russian mafia, worst. And no, I am not claiming Cravath or Eyewitness News as being RICO enterprises.

Alternatively, in Hansel'n Gretel Brand, Inc. v. Savitsky, 1997 WL 543088, \*2 (SDNY Sept. 3, 1997) the defendants argued, as the Enterprise movants do here, that a complaint must allege a common link other than the racketeering activity (Memorandum p 7-3) or, stated differently, they played roles in the enterprise distinct from the racketeering activity. According to Hansel, that is not the law of the Second Circuit.

Finally, for this section, if what the Complaint alleges at paragraphs 1, 10-15 is not an enterprise, than neither is the Italian mafia, the very impetus for the RICO statute.

(ii) Missing and misstated allegations by Enterprise movants Kuba, Mundy and Petrovich

Although Enterprise movants Kuba, Mundy and Petrovich's object that the criminal allegations against them are "conclusory" (Memorandum p 8-2), a fair reading of the "ninety-one page, complaint" with its "nine hundred and fifteen separate numbered allegations" (Memorandum p 8 n. 13) shows it provides them fair notice of the claims against them.

Enterprise movants Kuba, Mundy and Petrovich also call the Complaint's allegations "outlandish, extremely broad and fantastic ...." (Memorandum p 9-2) Well, of course they are. They describe the conduct of members of the Russian mafia, which, to quote an American executive in Moscow, are "frigging unbelievable." The Complaint merely depicts the Enterprise movants deeds, and, if those had not been outlandish, then there would be no Complaint.

Enterprise movants Kuba, Mundy and Petrovich seek to have the Court view the allegations against them in isolation. (Memorandum pp 8-10) That would mean missing the forest for the trees. The purpose of RICO is to reach organized crime groups. If defendants are permitted to narrow the focus to individual defendants in a vacuum, then there is no RICO statute. The cause of action is against the Russian mafia of which the defendants are part. Large organizations work through individual humans who make decisions within their sphere of responsibility and carry out tasks to get them accomplished. It is a one for all, all for one situation. And that is how the law treats RICO participants: joint and severally liable. Fleischhauer v. Feltner, 879 F.2d 1290, 1301 (6<sup>th</sup> Cir. 1989). The US Senate report on RICO stated: "What is needed here ... are new approaches that will deal not only with individuals, but also

with the economic base through which those individuals constitute such a serious threat to the economic well-being of the Nation.” S.Rep. No. 91-617, p 79 (1969).

Enterprise movants Kuba, Mundy and Petrovich, and by inference the other movants, also object that their non-predicate criminal acts alleged in the Complaint (Complaint 684-853) are “merely repetitive of the alleged predicate acts.” (Memorandum p 9-3) Not fully true, or all of those other criminal acts would also be predicate acts, but they are not. While some of the Enterprise movants and other defendants’ crimes do violate both the RICO predicate acts and, at the same time, New York criminal law, many of their acts include state or federal crimes that do not fall within the list of predicate acts in 18 USC 1961. Among the non-predicate federal crimes are employing unauthorized aliens, 8 USC 1324a; tax evasion, 26 USC 7201, 7203, 7206-07; use of fraudulent documents, 8 USC 1324c; bribing Russian officials in violation of the foreign corrupt practices act, 15 USC 78dd-2, 3; perjury, 18 USC 1621, and false statements, 18 USC 1001; conspiracies to violate federal law, 18 USC 371; and obstructing federal government proceedings, 18 USC 1505. As for New York State law, the violations include prostitution, Penal 230; reckless endangerment, Penal 120.20 & 120.25; coercion, Penal 135.60 & 135.65; official misconduct, Penal 195; intimidation, Penal 215.15; and conspiracy to violate state law, Penal 105.

In their summary of the allegations, Enterprise movants Kuba, Mundy and Petrovich leave out many of the averments, which makes it difficult to follow the Complaint if only the sections they refer to are read. (Memorandum p 8-2 to 10-2) Perhaps this is an instance of self-fulfilling criticism, since they already claim the Complaint is “chaotic”. (Memorandum p 8 n. 13) Among crucial allegations left out:

1. Complaint 237, when at a meeting with me “... Member Alina Shipilina threatened the plaintiff with physical harm and possibly death from her Russian criminal associates unless he agreed to lie to the INS for her.” Here Enterprise movant Shipilina was carrying out the agreed course of action by Enterprise movants Mundy, Petrovich and her. (Complaint 236)
2. Complaint 239 in which Enterprise movant Shipilina, at the behest of Mundy and Petrovich (Complaint 234), obtained a temporary order of protection against me based on perjured testimony.
3. Complaint 244, which explains Enterprise movants Kuba, Mundy, Petrovich and Shipilina’s reasons for intimidating me into a settlement: “A trial would produce evidence of Member Alina Shipilina’s fraud on the INS, U.S. tax evasion, money laundering, violation of foreign transactions reporting, prostitution, promoting prostitution, narcotics trafficking and perjury that would threaten the Enterprise’s Scheme and risk exposure of Enterprise activities in which Member Alina Shipilina was involved.”
4. Complaint 316-318 in which Enterprise movants Kuba, Mundy, Petrovich and Shipilina arranged for Member John Madison, a.k.a. Pierre, to threaten me into not testifying before any INS proceeding concerning Shipilina.
5. Complaint 705, 706, 722, 723, 738, 739 in which Enterprise movants Kuba, Mundy and Petrovich conspired to violate federal law, commit predicate acts and break various New York criminal laws.

Besides deleting complete allegations that they apparently don't like, Enterprise movants Kuba, Mundy and Petrovich misstate others or omit key parts. For example:

1. They say the Complaint alleges Enterprise movants Kuba, Mundy and Petrovich  
“[O]perate a green card and visa mill that fraudulently obtains U.S. visas, residency status and naturalization for aliens.” (Memorandum p 8-1) However, their statement alters the meaning of the allegation by omitting the word “Russians”—the main beneficiaries of the illegal conduct. (Complaint 28)
2. Enterprise movants Kuba, Mundy and Petrovich say the Complaint alleges Petrovich  
“[A]cts as an attorney in the US, although not admitted, under the supervision of Mundy.” (Memorandum p 8-2) Here they left out that Petrovich was an attorney in Russia, which helps infer he is also acting as one here.
3. Enterprise movants Kuba, Mundy and Petrovich say the Complaint alleges they were,  
“intimidating witnesses from providing testimony to US authorities/Courts in connection with the plaintiff's divorce proceeding....” (Memorandum p 9-1, (4)) The Complaint alleges intimidating witnesses “from providing testimony to any US authorities” and not just about the divorce proceeding, but any US investigation, such as by the INS.  
(Complaint 265)
4. Enterprise movants Kuba, Mundy and Petrovich say the Complaint alleges they were  
“intimidating the plaintiff to dissuade him from trying to set aside the agreed upon divorce settlement.” (Memorandum p 9-1, (6)) The referenced “agreed upon divorce settlement” was one made by my lawyer without my knowledge or approval. (Complaint 278, 279)

5. Enterprise movants Kuba, Mundy and Petrovich say the Complaint alleges they were “using ... bribery ... intimidation” against me and others “to obstruct the criminal indictment...” of one of the defendants. (Memorandum p 9-1, (7)) They omit key parts of the allegations that among the intimidators were Chechen Islamic Mafiosi, that one reason for the intimidation was to prevent me from cooperating with the INS, that the money used to pay for the intimidation and bribes in violation of the Foreign Corrupt Practices law came from illegal Russian mafia activities, that around \$10,000 was paid to corrupt Russian officials, that the international telephone and transportation system was used to make the intimidation and bribery arrangements and to wire the money, that witnesses were in fact threaten, and that the criminal case against a Russian mafia member was closed in order to keep secret some of the Russian mafia’s activities. (Complaint 286-306)
6. In their memorandum at p 9-1, (7), they also fail to mention that among the people allegedly bribed was a New York City detective who threatened me with arrest in order to keep me from cooperating with the INS or the Krasnodar district attorney prosecuting the criminal case. (Complaint 306, 307)
7. Enterprise movants Kuba, Mundy and Petrovich mistakenly imply the Complaint alleges the predicate act of obstruction of justice. (Memorandum p 9-2) The Complaint alleges the predicate act of tampering with witnesses and informants, which is 18 USC 1512. (Complaint 487, 492, 494, 504, 506) It’s more than a semantic difference that Enterprise movants Kuba, Mundy and Petrovich exploit to make misleading legal arguments in their memorandum under section II. (B)(ii)(bb), which will be addressed below.

8. Enterprise movants Kuba, Mundy and Petrovich refer to the Complaint's allegations 495, 497, 507 and 509 as dealing with bribing Russian officials and coercing the plaintiff's witnesses, but fail to mention that what makes such conduct predicate acts is that international facilities were used to arrange such conduct in aid of a racketeering organization—the Russian mafia, which violates 18 USC 1952. (Memorandum p 9-2)
9. Enterprise movants Kuba, Mundy and Petrovich, in their memorandum at p 9-3, summarize the Complaint's allegations against Mundy and Petrovich for obstructing INS proceedings, but fail to cite to the criminal acts they aided and abetted in carrying out that obstruction—coercion and intimidation. (Complaint 721, 737)
10. Enterprise movants Kuba, Mundy and Petrovich omitted in their memorandum at p 9-3 that the Complaint alleges their activities of tampering with witnesses involved threats of physical injury, intimidation and coercion, not only in the divorce proceeding and criminal case in Krasnodar, but in the INS investigation against Enterprise movant Shipilina. (Complaint 713, 715, 716, 729, 731, 732)
11. Enterprise movants Kuba, Mundy and Petrovich, in their memorandum at p 10-1, fail to mention the significance of the allegations of bribing a Russian official—it violates the foreign corrupt practices act. (Complaint 717, 733) They also omit that the other bribery allegations are for bribing or, in the alternative, rewarding a New York City detective, Enterprise movant Henning. (Complaint 719, 735)
12. Enterprise movants Kuba, Mundy and Petrovich, in their memorandum at p 10-1, omit that the laundered money came from illegal Russian mafia activities and was used to threaten witnesses and bribe Russian officials. (Complaint 718, 734)

This statement of facts has pointed out the Enterprise movants omissions, errors and misstatements as well as their effort to castigate me, the victim of RICO violations, as unworthy of the right to seek legal redress for harms whose causes didn't become evident until hindsight and the aid of a Harvard educated lawyer began connecting the dots. Those dots revealed a picture of the Enterprise movants and other Russian mafia members' criminal activities. As of the writing of this memorandum in opposition, the full extent of the Russian mafia's activities that have injured me is still not known. But my continuing investigation and discovery will complete the picture.

In order to depict the segment of the Russian mafia's activity involving the defendants, my complaint is one third longer than Enterprise movants Kuba, Mundy and Petrovich's Memorandum. The Enterprise movants, however, have seized on my complaint's length, not just to imply that the length itself is wrong, but to omit, misrepresent and twist allegations out of their common sense meaning in the probable hope that the time pressured court will miss what the Complaint actually alleges.

### C. Help

The Enterprise movants criticize me for making "numerous requests" for protection orders. (Memorandum p 10-3) I've been threaten with death by a member of the Russian mafia (Complaint 237), received four threatening telephone calls (Complaint 282, 289, 318 and June 19, 2003 letter), been threaten with arrest on a bogus charge (Complaint 309; Henning Affidavit Para. 9, 10) and told by the FBI, the premier law enforcement agency in the world, to watch out for myself in public (Complaint 867). During all this, I thought the judiciary would help me, and



made three requests for protection orders—but to no avail. So, if anything, I’m a dope, but that is not grounds for dismissing a RICO complaint—I don’t think.

The Enterprise movants again provide misleading information to the Court when they say investigations by state and federal authorities “apparently have been dismissed or ignored.” (Memorandum p 10-3) The Enterprise movants are clearly in a better position to know than me, since they are the ones being investigated. But as far as my knowledge goes, the INS investigation is ongoing (Complaint 286), the FBI and Krasnodar police are currently looking into some of the allegations in the Complaint, and the New York City Board of Elections completed its investigation into Enterprise movant Shipilina falsely swearing to US citizenship when she registered to vote (Complaint 459) and referred those findings to the US Attorney for the Eastern District and the Queens District Attorney.

### **Argument**

#### **Point 1: The RICO complaint meets the standard of review pursuant to Rule 12(b)(6).**

“Dismissal of a civil RICO complaint for failure to state a claim is appropriate only when ‘it is clear that no relief could be granted under any set of facts that could be proved consistent with [plaintiff’s] allegations.’” Commercial Cleaning Servs. LLC v. Colin Serv. Sys. Inc., 271 F.3d 374, 379 (2d Cir. 2001) (quoting H.J. Inc. v. Northwestern Bell Telephone Co., 492 US 229, 249-50, 106 L.Ed.2d 195, 109 S.Ct. 2893 (1989). “A complaint should not be dismissed for failure to state a claim ‘unless it appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief.’” Berk v. Tradewell, 2003 Lexis 12078, \* 15, 16 (SDNY July 16, 2003, J. Mukasey) (citing Conley v. Gibson, 355 U.S. 41, 45-46, 2 L. Ed. 2d 80, 78 S.Ct. 99 (1957); Goldman v. Belden, 754 F.2d 1059, 1065 (2d Cir. 1985)).

“On a motion to dismiss, a court must read the complaint generously, and draw all inferences in favor of the pleader.” See California Motor Transport Co. v. Trucking Unlimited, 404 U.S. 508, 515, 30 L. Ed. 2d 642, 92 S.Ct. 609 (1972).” “The Federal Rules of Civil Procedure erect a powerful presumption against rejecting pleadings for failure to state a claim,” Robbins v. Wilkie, 300 F.3d 1208, 1210 (10<sup>th</sup> Cir. 2002). The court accepts the plaintiff’s description of what happened to him along with any conclusions that can be reasonably drawn. Wright & Miller, Fed. Prac. & Proc.: Civil 2d 1357, p 319.

The issue on a motion to dismiss is not whether the plaintiff will ultimately prevail, but whether he is entitled to offer evidence to support his claims. See Villager Pond, Inc. v. Town of Darien, 56 F.3d 375, 378 (2d Cir. 1995). It is not the Court’s function at this stage of the proceedings to weigh the evidence that might be presented at trial; instead, the Court should merely determine whether the complaint itself is legally sufficient. Id. The Enterprise movants’ Memorandum, however, seeks to have the Court consider the Complaint as though it were the transcript of a trial or the product of discovery.

The Enterprise movants ask for dismissal because “bald conclusory statements... deductions, or opinions couched as factual allegations,” are not given the presumption of truth (Memorandum p 11-1, p 12-2), but they fail to specify which allegations they are referring. If the Enterprise movants had really found allegations of conclusions and opinions, they should have moved for a more definite statement. The Supreme Court stated in Swierkiewicz v. Sorema NA, 534 U.S. at 514, “If a pleading fails to specify the allegations in a manner that provides sufficient notice, a defendant can move for a more definite statement under Rule 12(e).

The liberal notice pleading of Rule 8(a) is the starting point of a simplified pleading system, which was adopted to focus litigation on the merits of the claim. See Conley, 355 U.S.

at 48. The complaint need not state with precision all elements that give rise to a legal basis for recovery as long as fair notice of the nature of the action is provided. Wright & Miller, Fed. Prac. & Proc.: Civil 2d 1216, p 154. The ninety-one-page RICO complaint in this action easily gives the Enterprise movants fair notice of the basis of the claims against them. In addition, the RICO statute, even at the pleading stage, is to be liberally construed to effectuate its remedial purpose, *see Sedima*, 473 U.S. at 498, which includes the infliction of financial injury on racketeers, *see US v. Turkette*, 452 U.S. 576, 593, 69 L.Ed.2d 246, 101 S.Ct. 2524 (1981), including the Russian mafia.

In deciding a Rule 12(b)(6) motion, courts are dealing only with the complaints' allegations, Knevelbaard Diaries v. Kraft Foods, Inc., 232 F.3d 979, 991 (9<sup>th</sup> Cir. 2000), not the defendants' allegations in their memorandum of law for a dismissal. The court restricts its inquiry to "facts stated on the face of the complaint, in documents appended to the complaint or incorporated in the complaint by reference, and to matters of which judicial notice may be taken." Allen v. WestPoint-Pepperell, Inc., 945 F.2d 40, 44 (2d Cir. 1991); *see also* Fed. R. Civ. P. 10(c). The Enterprise movants request the Court to consider a number of documents attached to their memorandum of law of which the plaintiff has knowledge. (Memorandum p 12-2)

When a court reviews statements extraneous to the complaint, the problem that usually arises is the plaintiff did not have notice that those statements would be considered in a motion to dismiss. Cortec Indus., Inc. v. Sum Hldng. LP, 949 F.2d 42, 48 (1991). In order to correct this notice deficiency, motions to dismiss are converted into summary judgment motions. Id. But "[w]here the plaintiff has actual notice of all the information in the movants' papers ... the necessity of translating a Rule 12(b)(6) motion into one under Rule 56 is largely dissipated." Id.

So, the Enterprise movants use of documents, to which the plaintiff had notice, argues against their effort to turn this motion into one for summary judgment.

If this Court dismisses the Complaint or part of it under Rule 12(b)(6), then the plaintiff requests leave to amend.

Point 2: Getting it, keeping it, running it and conspiring to do all three in violation of RICO.

A. The elements of RICO.

The RICO statute is a complex and, at times, seemingly confusing law that has given the courts many problems. The plaintiff has used his perspective as an MBA graduate to understand the statute, which may be of assistance to the Court, or, the Court can skip ahead to the middle of page 43.

Any criminal enterprise, such as the Russian mafia, can be thought of as similar to a business conglomerate with all its attendant business relationships. The conglomerate consists of affiliates and subsidiaries each with their own managers. The conglomerate may be tightly controlled or more akin to a confederation where all member companies are pretty much autonomous. Business conglomerates often have their own in-house counsel or captive law firm where the lawyers not only participate in management decision-making but also provide directions for carrying out decisions and aspects of the operations. The same holds true of accountants; public relations firms; advertising agencies; and management, personnel and physical plant consultants. Even suppliers, wholesalers and retailers may swing enough influence to play a role in directing operations because of the integrated effort needed to bring a product or service to the market place just in time to meet consumer demand.

The really successful conglomerates have a strategic vision or goal that can be expressed in a sentence. It's goals, such as Merck's: "Preserving and improving human life; medicine is for the patient." Or Disney: "Bringing happiness to millions." Or General Electric under Jack Welch: "Become number one or two in every market we serve." Or the Russian mafia: "Infiltrate and expand operations into hard currency markets, especially the USA." (Complaint 2) These goals are what give direction to decision making by managers, employees and associates in large, modernly managed organizations. Such goals eliminate the need for a hierarchically structured command and control. A mid-level manager does not need a higher up, who in turn needs another higher up, and so on, to clear a course of action. According to Professor E. Kirby Warren at Columbia University's School of Business, managers will make those day-to-day decisions that serve the organization's stated goal.

Once an organization's goal is in place, the participants need to agree on strategies for achieving that goal. With RICO conglomerates the strategies are summarized by the three main RICO violations 18 USC 1962(a)(b) &(c): get it, keep it and run it. For the Russian mafia that means:

1. Invest money from legitimate and racketeering activities to gain control of other businesses—whether legitimate, criminal or mixed—in order to grow the Enterprise.
2. Use racketeering activities to maintain or take over businesses—whether legitimate, criminal or mixed—in order to consolidate and expand operations.
3. Effectively operate the Enterprise by conducting the racketeering activities that are its core business and using other racketeering activities to protect the core business and maximize profits.

The conspiracy section 1962(d) comes into play when participants or associates of a RICO agree on any of the above strategies. The Complaint alleges the Enterprise movants agreed on all three. (Complaint 472, 478, 484, 501, 513, 543, 547, 559)

In order to achieve its strategies a conglomerate needs tactics—the nuts-and-bolts acts needed to get, keep and run. For RICO conglomerates the tactics are of two types: a pattern of racketeering activity that is defined as individual predicate acts which are related and continuous, and agreements; that is, conspiracies, to commit predicate acts, which should not be confused with an agreement to pursue a particular strategy, which is a conspiracy to violate RICO.

As with most modern-day conglomerates, a RICO enterprise need reach across interstate or foreign borders.

And finally, the statute requires a RICO conglomerate to have harmed the plaintiff.

The purpose of RICO is not as narrow as the Enterprise movants claim when they say its aim is to protect legitimate business from infiltration by organized crime. (Memorandum p 12-3) The statutory history “not only refers ... to the importance of undermining organized crime’s influence on legitimate businesses but also refers to the need to protect the public from those [who] would run ‘organization[s] in a manner detrimental to the public interest.’” Cedric Kushner Promotion, Ltd., v. King, 533 U.S. 158, 165, 150 L. Ed. 2d 198, 121 S.Ct. 2087 (2001) (citing Senate Rep. No. 91-617 at 82.) RICO protects the public from those who use a legitimate or illegitimate enterprise as a vehicle through which unlawful activity is committed. NOW, Inc. v. Scheidler, 510 U.S. 249, 259. And “[t]he statute’s remedial purposes are nowhere more evident than in the provision of a private action for those injured by racketeering activity.” Sedmia, 473 U.S. at 498. “The object of civil RICO is ... not merely to compensate victims but

to turn them into prosecutors, private attorney generals, dedicated to eliminating racketeering activity.” Rotella v. Wood, 528 U.S. 549, 557, 145 L.Ed.2d 1047, 120 S.Ct. 1075 (2000). The Complaint alleges the Russian mafia is an illegitimate enterprise (Complaint 1, 10, 12) in which the Enterprise movants and the other defendants participate in committing predicate acts (Complaint 466-681) that have harmed not only the plaintiff but other members of the public as well (Complaint 874, 884, 885, 900-907).

The Enterprise movants also try to raise the standard for pleading RICO allegations by referring to the First Circuit’s proposition that courts should give RICO allegations stricter scrutiny because of “an almost inevitable stigmatizing effect on ... defendants.” Figueru Ruiz v. Alegria, 896 F.2d 645, 650 (1<sup>st</sup> Cir. 1990). This, however, contradicts the Supreme Court, “[a]s for stigma, a civil RICO proceeding leaves no greater stain than do a number of other proceedings.” Sedima at 492.

The most favorite methods, however, used by the Enterprise movants to influence the Court into applying a higher standard of pleading to the plaintiff than is required by law consists of statements such as the Complaint “failed to demonstrate standing.” (Memorandum 14-3) Demonstrate means to prove indubitably, but that is not the role of pleadings, Hickman v. Taylor, 329 U.S. 495, 500-01. Other times, they make conclusory use of various adjectives before the word allege, such as “sufficiently.” (Memorandum p 14-3) The complaint need only allege so that the defendant has fair notice; the proof comes later in the process. Cater Constr. Co. v. Nischwitz, 111 F.2d at 973.

The Complaint alleges all the RICO elements against the Enterprise movants that the Second Circuit requires: (a) defendants (Complaint 16-23, 27-39, 47) (b) through the commission of two or more predicate acts (Complaint 466-547, 556-59) (c) constituting a pattern

(Complaint 875-85) (d) of racketeering activities, those are predicate acts (Complaint 466-547, 556-59) (e) directly or indirectly invests in (Complaint 471, 474, 488, 500, 512, 542, 546), or maintains an interest in (Complaint 471, 474, 477, 480, 483, 500, 512, 542), or participates in (Complaint 471, 474, 477, 480, 500, 512, 542, 546, 558) (f) an enterprise (Complaint 1, 10-15) (g) the activities of which affect interstate or foreign commerce (Complaint 874).

B. Predicate acts, other than those of fraud, need not be pled with Rule 9(b) particularity.

As the Complaint alleges, the Russian mafia's aim is to infiltrate and expand its illegal and ancillary legal operations into markets such as the USA. (Complaint 2) In order to achieve this aim, its strategies include (1) taking money from organized crime activities to get and run more illegal and legal operations; (2) using certain criminal activities to keep what it's already got; and (3) running its illegal and legal operations by using criminal practices. To achieve each of these strategies requires the use of tactics; that is, the commission of various specific criminal acts called predicate acts. *See* 18 USC 1961(1). When these predicate acts are fraudulent in nature, such as wire fraud, then Fed. R. Civ. P. 9(b) applies, and only then.

The Enterprise movants in sections B, B(i) and B(ii) of their Memorandum misstate the law on pleading with particularity in an effort to have Rule 9(b) apply to all the predicate acts alleged rather than only those involving fraud. For example, the title to B(i) states: "Plaintiff's RICO Claims Must Be Plead (sic) With Particularity under Fed. R. Civ. P. 9(b)." (Memorandum p 14) And B(ii) states: "Plaintiff Has Failed to Demonstrate the Particularity That Is Required for Pleading RICO under Fed. R. Civ. P. 9(b)." (Memorandum p 16) Within B(ii) they say, "... Fed. R. Civ. P. 9(b) dictates that the predicate acts alleged in the complaint must be pled with particularity," and, "[A]s discussed more thoroughly below, plaintiff's claims of predicate acts



.... Are clearly lacking in the required factual specificity under Fed. R. Civ. P. 9(b) ....”

(Memorandum p 16-3) These statements of the law are wrong, as are the arguments in those two sections that assume Rule 9(b) applies to all predicate acts.

The Enterprise movants even lump together in Section B(ii) non-fraudulent predicate acts with fraudulent predicate acts in an apparent attempt to have Rule 9(b) particularity apply to the non-fraudulent acts such as white slavery (Memorandum p 17), importing aliens for immoral purposes (Memorandum p 17), tampering with a witness—deceptively labeled by them obstruction of justice (Memorandum p 18), bribery (Memorandum p 30) and money laundering (Memorandum p 32). The “[d]efendants confuse the requirement to plead with particularity RICO acts predicated upon fraud ... with Rule 8’s more general notice pleading ....” Robbins v. Wilkie, 300 F.3d 1208, 1211 (10<sup>th</sup> Cir. 2002).

The Supreme Court’s decision in Leatherman v. Tarrant County Narcotics Intelligence & Coordination Unit, 507 U.S. 163, 168, 122 L.Ed.2d 517, 113 S.Ct. 1160 (1993), has resulted in the federal courts holding to the proposition that, with the exception of actions falling within Rule 9, no special pleading requirements exist. Wright & Miller, Fed. Prac. & Proc.: 2d Civ 1221 p 59. The Supreme Court has declined to extend beyond fraud or mistake the Rule 9(b) requirement of greater particularity in allegations. Swierkiewicz v. Sorema NA, 534 U.S. 506, 513. Since the federal rules do not include among the enumerated actions to which 9(b) applies the predicate acts alleged in the Complaint that do not involve fraud, those non-fraudulent acts, need not satisfy Rule 9(b). Cf. Swierkiewicz v. Sorema NA, 534 U.S. at 513. Only predicate acts involving fraud, such as wire and mail fraud, require Rule 9(b) particularity, not predicate acts like bribery. Abels v. Farmers Commodities Corp., 259 F.3d 910, 919 (8<sup>th</sup> Cir. 2001).

The Enterprise movants make another error that periodically rears its head throughout their Memorandum. They claim “Rule 9(b) pleadings cannot be based upon information and belief.” (Memorandum p 16-2) That is not completely accurate. Rule 9(b) allegations can be pled on information and belief when the matters are peculiarly within the opposing parties’ knowledge. Luce v. Edelstein, 802 F.2d 49, 54 n.1 (2d Cir. 1986). While pleadings of fraud generally cannot be based solely on information and belief, this rule is not rigidly enforced where much of the factual information needed to fill out the plaintiff’s complaint lies within the opposing parties’ knowledge. DeVittorio v. Equidyne Extractive Indus., Inc., 822 F.2d 1242, 1248 (2d Cir. 1987). In such a situation, the plaintiff must still allege the facts on which his belief is founded, which the Complaint does.

i. The Complaint’s allegations of predicate acts involving fraud satisfy Rule 9(b).

The Enterprise movants’ Memorandum at p 14-4 list the goals behind requiring fraudulent predicate acts to be pled with particularity. However, “Rule 9(b) should not be applied in such a way as to exalt these goals above all else.” Berk v. Tradewell, 2003 Lexis 12078 \* 38 (SDNY July 16, 2003, J. Mukasey). “[A] plaintiff need not plead dates, times and places with absolute precision, so long as the complaint ‘gives fair notice and reasonable notice to defendants of the claim and the grounds upon which it is based.’” Int’l Motor Sports Group v. Gordon, 1999 WL 619633, at \*3 (SDNY, Aug. 16, 1999, J. Mukasey)(quoting Spear, Leeds & Kellogg v. Public Service Co., 700 F. Supp. 791, 793 (SDNY 1988). “The Second Circuit and courts in this district frequently have found that exclusive possession of the relevant information by the defendant is a ground for reading Rule 9(b)’s requirements permissively.” Berk, 2003 Lexis 12078 \* 39. Since the details of fraudulent predicate acts by the Russian mafia are not

available in 10K and 10Q Securities and Exchange filings or other public records, Rule 9(b) particularity should be applied permissively to the Complaint's allegations concerning such acts should.

As for those predicate acts of fraud where specific information of conduct is within the plaintiff's knowledge, the Complaint alleges the gist of what the defendants said, the time frame, how the statements were made, how the statements were misleading, and how the Enterprise movants benefited. The plaintiff, however, is not required to recite the precise statement which a specific person in the Enterprise made on a particular date. Vista Co. v. Columbia Pictures Industries, Inc., 725 F.Supp. 1286, 1302 (SDNY 1989). (Complaint 190-93, 201-03, 218-19, 233, 240, 245, 273, 282, 289, 308-09, 318)

Even as to fraudulent predicate acts, the Enterprise movants continue their tactic to apply still a higher pleading standard than the law demands. They argue the goals "that dictate that fraud be pled with particularity exist with even greater urgency in civil RICO actions" because of the "stigmatizing effect" of being named a RICO defendant. (Memorandum p 15-1) Once again, the Supreme Court does not see it that way, "[a]s for stigma, a civil RICO proceeding leaves no greater stain than do a number of other proceedings." Sedima at 492.

The movants also err when they claim that "[w]here multiple defendants are involved, the complaint is required to describe specifically each defendant's alleged participation in the fraud." (Memorandum p 16-1) The actual rule is that defendants can be grouped together as long as there is enough information about the alleged wrongdoings to provide defendants with fair notice. Vista v. Columbia Pictures Indus., 725 F.Supp. 1286, 1301-02. "Rule 9(b) does not require omniscience; rather ... enough specificity to put the defendants on notice ...." Arnold v. Arnold Corp., 920 F.2d 1269, 1279-80 (6<sup>th</sup> Cir. 1990).

If the Court determines that the Complaint's allegations of fraudulent predicate acts do not meet Rule 9(b), the plaintiff requests leave to amend the Complaint, and where the information is peculiarly in the possession of the Enterprise movants, the plaintiff requests limited discovery in order to obtain that information before amending the Complaint.

(ii) Predicate act allegations in the Complaint that do not require particularity, and a couple that do.

In addition to the Enterprise movants' false claim that Rule 9(b) applies to non-fraudulent predicate acts, they also mistakenly claim in section B(ii) of their Memorandum that the non-predicate crimes alleged against them are "merely repetitive" of the predicate acts.

(Memorandum p 16, n. 14) If the crimes were repetitive, they would all be predicate acts, but they are not. Among the non-predicate federal crimes are employing unauthorized aliens, 8 USC 1324a; tax evasion, 26 USC 7201, 7203, 7206-07; use of fraudulent documents, 8 USC 1324c; bribing Russian officials in violation of the foreign corrupt practices act, 15 USC 78dd-2, 3; perjury, 18 USC 1621, and false statements, 18 USC 1001; conspiracies to violate federal law, 18 USC 371; and obstructing federal government proceedings, 18 USC 1505. As for New York State law, the non-predicate act violations include prostitution, Penal 230; reckless endangerment, Penal 120.20 & 120.25; coercion, Penal 135.60 & 135.65; official misconduct, Penal 195; intimidation, Penal 215.15; and conspiracy to violate state law, Penal 105.

(aa) White slavery and fraud and misuse of visas.

For some strange reason the Enterprise movants mix two non-fraudulent predicate crimes, white slavery and importing aliens for immoral purposes, with two fraudulent predicate

crimes, fraud and misuse of visas and procurement of nationality unlawfully. Perhaps they want the Rule 9(b) particularity standard applied to the non-fraudulent crimes.

First, let's dispatch with the Enterprise movants usual litany that the Complaint does not provide evidence or as they say, "a single document, statement or fact" or "support," in order to prove or as they say, "to show," "for the plaintiff's conclusions" and fails to "demonstrate" any of the above predicate crimes. (Memorandum p 17-4) Complaints do not prove or provide evidence. Geisler v. Petrocelli, 616 F.2d 636, 639-40 (2d Cir. 1980).

Second, putting aside the Enterprise movants' monotonous name-calling, the Complaint's allegations of white slavery and importing aliens for immoral purposes need only comply with Rule 8's more general notice pleading, Hickman v. Taylor, 329 U.S. 495, 500-01, 91 L.Ed. 451, 67 S.Ct. 385 (1947), since they are not fraudulent predicate acts. These allegations concerning the Enterprise movants are in the Complaint at 19, 22, 23, 27, 33, 38, 320, 322, 329, 403, 410, 434, 466, 485, 490, 502, 521.

As for fraud concerning visas and procurement of nationality, nearly all of that information is in the possession of the Enterprise movants, and, since the Second Circuit reads Rule 9(b)'s requirements permissively in such situations, Berk v. Tradewell, 2003 Lexis 12078 \* 39, and the plaintiff is not omniscient, Arnold v. Arnold Corp., 920 F.2d 1269, 1279-80 (6<sup>th</sup> Cir. 1990), the Complaint provides enough information to give the Enterprise movants fair notice. (Complaint 28, 29, 32, 33, 223, 225, 324, 325, 327, 328, 408, 409, 467, 468, 491, 493, 503, 505, 514, 522, 524)

(bb) Tampering with a witness, victim or an informant.

The Enterprise movants refer to 18 USC 1512 as "the predicate act of obstruction of justice," (Memorandum 18-2), but the title to that section is "Tampering with a witness, victim or

an informant.” The term “obstruction of justice” includes the many different crimes listed in the eighteen sections of Chapter 73 of Title 18, which is why the chapter is called “Obstruction of Justice.” Not all of the crimes listed in the chapter are predicate acts. Perhaps the Enterprise movants’ juxtaposition of terminology is because the two cases they depend on in their Memorandum at p 19-2, Kashelkar v. Rubin & Rothman, 97 F.Supp.2d 383 (SDNY 2000), and O’Malley v. NYC Transit Auth., 896 F.2d 704 (2d Cir. 1990), use the term “obstruction of justice” in their decisions, but those decisions do not concern 18 USC 1512, tampering with a witness, victim or an informant.

Tampering is alleged against Enterprise movants FlashDancers (Complaint 281-83, 288-90, 317-18, 479, 482); Kuba, Mundy and Petrovich (Complaint 224, 225, 228, 229, 232, 234, 236, 237, 239-41, 243-45, 265-68, 273, 280-83, 286-90, 297-98, 302-04, 306-12, 316-18, 487, 492, 494, 504, 506); Shipilina (Complaint 228, 229, 232, 234, 236, 237, 239-41, 243-45, 265-68, 280-83, 286-90, 293, 297-98, 302-04, 306-12, 316-18, 530, 531); and Henning (Complaint 307-12). The Complaint also alleges violation of another section in Chapter 73, 18 USC 1510, in which movant Shipilina attempted to reward the plaintiff for not communicating with criminal investigators. (Complaint at 233, 529)

In an apparent effort to rewrite 18 USC 1512 to their liking, the Enterprise movants delete the key paragraph, (b)(3), mislabel another paragraph and selectively edit the statute to their benefit. (Memorandum p 18-3)

Here is how the pertinent part of 18 USC 1512 actually reads:

(b) Whoever knowingly uses intimidation, threatens, or corruptly persuades another person, or attempts to do so, or engages in misleading conduct toward another person, with intent to--

(3) hinder, delay, or prevent the communication to a law enforcement officer or judge of the United States of information relating to the commission or possible commission of a Federal offense ....

Besides editing in “physical force” and editing out “corruptly persuades,” the Enterprise movants completely deleted section 1512(b)(3) (Memorandum p 18-3) By doing so, they were able to argue that 18 USC 1512 can only be violated if there is an ongoing “official proceeding” of the federal government. (Memorandum p 19-1) Since the Russian criminal case and the New York divorce case were not federal, the movants conclude there was no official proceeding, so no violation. (Memorandum p 19-2) Section 1512(b)(3), however, does not require an ongoing official federal proceeding because it does not even include the words “official proceeding” as do sections 1512(b)(1) & (2). It specifically concerns communications to a federal law enforcement officer, which usually occur before any proceedings begin.

If the Court concludes that 1512(b)(3) does require an ongoing federal proceeding, the plaintiff argues that when Enterprise movant Shipilina entered the US in July 2000 on a conditional permanent residency an official proceeding began that will not end until she is granted permanent residency or removed from the country. The Enterprise movants even state at Memorandum p 3-1 that “Mundy ... continues to represent Ms. Shipilina in relation to immigration matters pending before the Bureau of Citizenship and Immigration Services.” So an official proceeding has been going on since July 2000.

As the Complaint alleges, there were threats made against the plaintiff and witnesses in Russia concerning the divorce case and the Russian criminal case, also officials in Russia were corruptly persuaded, with bribes, to close the criminal case against one of the defendants. (Complaint 236, 237, 239-41, 243-45, 265-68, 273, 280-83, 286-90, 293, 297-98, 302-04, 306-

12, 316-18, 479, 482, 487, 492, 494, 504, 506, 530, 531) The reason for those threats and bribes was to hinder, delay or prevent information reaching federal law enforcement officials about the Enterprise movants' violations of federal law in furtherance of the Russian mafia's Scheme. (Complaint 224, 225, 228, 232, 234, 236, 237, 241, 243, 244, 265, 281, 287, 288, 290, 304, 306, 307, 317, 318) Whether that information was to come directly from the plaintiff or by way of testimony in a state court and Russian criminal case, it was on its way to federal law enforcement officers until the Enterprise movants' threats and bribes effectively prevented any court testimony and attempted to stop the plaintiff from giving information. The Enterprise movants argue at Memorandum p 19, n. 16; p 23-1 that with respect to the plaintiff, they did not violate 1512(b)(3) because the plaintiff "continued to cooperate with the INS." A violation of the statute specifically includes the attempt to threaten, intimidate or corruptly persuade. 18 USC 1512(b). The effort does not have to succeed to be a violation or to cause harm. In fact, the threats against the plaintiff led to court action, including this RICO case.

The Enterprise movants in their Memorandum at p 20-3 to p 24-3 make four legal errors:

1. They mistakenly apply Rule 9(b) particularity requirements to the pleading of the non-fraudulent predicate act of 18 USC 1512, tampering with a witness, victim or informant. Rule 9(b) does not apply to non-fraudulent predicate acts. Swierkiewicz v. Sorema NA, 534 U.S. 506, 513.

2. Eleven times in this section they object that the tampering allegations do not provide "proof," (Memorandum p 20-3,4, p 21-1,2,3, p 22-1,2,3, p 23-2,3, p 24-2). Pleadings are not required to provide proof. Hickman v. Taylor, 329 U.S. 495, 500-01.

3. The Enterprise movants make statements as though they were facts, and then use those statements to conclude that there were no violations of 18 USC 1512. That is not the purpose of



a memorandum of law for a motion to dismiss. Discovery is the device for ascertaining the facts relative to the issues, Hickman v. Taylor, 329 U.S. 495, 501, and it is the tier of fact who makes inferences from the admissible evidence. For example the movants repeatedly say, “[t]he plaintiff cannot state which witnesses were purportedly threatened.” (Memorandum p 21-2, p 23-2, p 24-3) They do not know that. The witnesses’ names will come out in discovery, unless the Court wants the names now. Or, when the Enterprise movants conclude that medical records and an audiotape actually exist and show the plaintiff assaulted movant Shipilina and tried to extort money. Based on their assumption of the existence of these items, they conclude that movant Mundy’s threats to use the records and audiotape in court were not tampering. (Memorandum p 21-1,3) Whether the records and audiotape exist, which the Complaint alleges at 245, 247 they do not, and whether they are authentic is a discovery issue. Or, when they conclude that getting a US citizen to give up the procedural right of making a motion for a trial by using threats does not constitute damage. (Memorandum p 22-1) Or, when the Enterprise movants conclude at Memorandum p 22-3 to p 23-1 that a call in the night from a man using a false name, who menacingly says the following is not a threat: “...cease and desist with your actions against Alina Shipilina,” “I know everything about you,” “...you disgust me,” “...I’m very much available,” “You better get your act together...,” “... you at this point in time have crossed several boundaries that cause for a lot of red flags to wave in the air...,” “That’s it—leave her alone! Have a nice day.” (Complaint 289, 290) Or, when they conclude that movant Henning’s threat to arrest the plaintiff for “violation of a protective order,” which was not a violation, (Henning Affidavit ¶ 9), was not tampering.

4. The Enterprise movants wrongly claim that allegations of tampering with a witness or informant cannot be made on information and belief. (Memorandum p 20-3, p 21-2, p 22-1, p

22-2, p 23-2, p 24-2) Violation of 18 USC 1512 is a non-fraudulent predicate act, so it can be pled on information and belief, Wright & Miller, Fed. Prac. & Proc.: 2d Civ. 1224, p 205.

If the Court, however, considers tampering fraudulent, the predicate act can still be pled on information and belief and the standard of particularity lessen, since the crucial information is peculiarly in the Enterprise movants possession. Luce v. Edelstein, 802 F.2d 49, 54 n.1 (2d Cir. 1986); Berk v. Tradewell, 2003 Lexis 12078 \* 39. The plaintiff was not a party to Enterprise movants FlashDancers, Kuba, Mundy, Petrovich, Shipilina and Henning's agreements and arrangements for threatening, intimidating or corruptly persuading witnesses, the plaintiff or officials in order to prevent exposure of the Russian mafia's Scheme and its activities. Yet among the movants' objections in their Memorandum at p 21-2 is that the Complaint does not name "exactly which enterprise gangsters carried out [the] threats." Give me a break. Mobsters do not leave calling cards.

The Enterprise movants' Memorandum fails to address other alleged violations of 18 USC 1512, such as Enterprise movants Mundy, Petrovich and Shipilina's use of misleading conduct in the form of suborning perjury and perjury before the INS, the police and a New York court to cover up culpable information concerning an asset of the Russian mafia, Shipilina, so that she might obtain permanent residency. (Complaint 224, 225, 228, 229, 232, 234, 239) The Memorandum also leaves out Enterprise movants Mundy, Petrovich and Shipilina's arrangement to threaten the plaintiff with death at the hands of Russian gangsters. (Complaint 236, 237) In addition, the Memorandum at p 24-2 claims the Complaint did not allege when the third threatening telephone call was made to the plaintiff, but the Complaint states at paragraph 318: "On March 27, 2002, in the evening, a man calling himself John Pierre telephoned the plaintiff and threatened him not to testify before the INS or try to reopen the Krasnodar criminal case."

Further, the Enterprise movants wrongly state in their Memorandum at p 24-3 that other than movant Shipilina and defendant member Inessa Shipilina. "... the plaintiff fails to name a single person for whom these purported illegal activities [tampering under 18 USC 1512] were performed," The Complaint alleges at 243, 244, 304 that the purpose of the threats, intimidations, corrupt persuasions and misleading conduct were to prevent the exposure of the Russian mafia's Scheme and its activities. Since the Enterprise movants and other defendants are, as alleged, members of the Russian mafia, the tampering activities were performed for them.

The Enterprise movants once again use the tactic of claiming the alleged non-predicate acts in the Complaint are "repetitive of the already asserted 'predicate acts.'" (Memorandum at p 18, n 15, and p 24, n 17) And once again that is not the full truth. While some of the Enterprise movants and other defendants' crimes do violate both the RICO predicate acts and, at the same time, New York criminal law, many of their acts include state or federal crimes that do not fall within the list of predicate acts in 18 USC 1961.

The Complaint's allegations of the Enterprise movants' tampering in violation of 18 USC 1512 by using threats, intimidation, corrupt persuasion and misleading conduct provide enough information to give the movants fair and reasonable notice.

#### cc. Mail and Wire Fraud

The Enterprise movants' Memorandum mistakenly states the pleading requirements for mail and wire fraud by claiming "it essential that evidence show," (Memorandum p 25-2), a "showing ... is necessary," (Memorandum p 25-2), the Complaint "fails to provide any facts," (Memorandum p 25-3), the Complaint must "demonstrate," (Memorandum p 25-3), the

Complaint “has not established,” (Memorandum p 26-1), “there is no proof,” (Memorandum p 26-3), “has failed to demonstrate,” (Memorandum p 27-3), “failed to show,” (Memorandum p 27-3), “failed to provide any documentation,” (Memorandum p 29-1), “failed to provide any evidence,” (Memorandum p 29-3). Although the predicate acts of wire fraud, which includes today’s ubiquitous use of the Internet, and mail fraud require pleading with particularity under Rule 9(b), the special nature of fraud does not necessitate anything other than notice of the claim. It does not require proof. It simply necessitates a higher degree of notice, enabling the Enterprise movants to respond specifically, at an early stage. Abels v. Farmers Commodities Corp., 259 F.3d 910, 920 (8<sup>th</sup> Cir. 2001). “While Fed. R. Civ. P. 9(b) proscribes the pleading of fraud by hindsight, we also cannot expect the plaintiffs to plead fraud with complete insight before discovery is complete.” Maldonado v. Dominguez, 137 F.3d 1, 9 (1<sup>st</sup> Cir. 1998).

The Enterprise movants harp on the plaintiff’s failure to “demonstrate” this or “show” that, which means prove this or prove that. Black’s Law Dictionary. For example at Memorandum p 27-3, it’s failure to demonstrate the Scheme exists or that the Enterprise movants were part of the Scheme and failure to show they engaged in mail and wire fraud to keep the Scheme going and protect it. The Complaint doesn’t have to demonstrate, show or prove only allege the mail and wire fraud elements. (Complaint 2, 227, 228, 232, 234, 236, 240, 243, 245, 254, 265, 273, 275, 280-82, 287-89, 293-95, 298, 300-01, 306, 308, 315-318, 473, 493, 505, 515, 516, 557) In Gitterman v. Vitoulis, 564 F.Supp. 46, 49 (SDNY 1982), the Court denied the defendants’ motion to dismiss a RICO action by holding it was not beyond the possibility that the plaintiffs could prove the “use of the mails in furtherance of defendants’ schemes to defraud the plaintiffs, in violation of 18 USC 1341; [and] interstate telephone calls in furtherance of defendants’ scheme to defraud the plaintiffs, in violation of 18 USC 1343.” The

plaintiffs in that case did not have to “demonstrate”, “show” or “prove” as the Enterprise movants claim the plaintiff has to here. Furthermore, a RICO complaint need not be specific as to each allegation of mail or wire fraud when the nature of the RICO Scheme is sufficiently pled so as to give notice to each defendant where, as here, the challenge to the allegations precedes discovery. Ifill v. West, No. 96 Civ. 6308, 1999 WL 690144, at \*4 (SDNY Aug. 24, 1999).

The elements of the predicate acts of mail and wire fraud are similar but not identical: Mail fraud requires (1) existence of a scheme to defraud; (2) defendants participate in the scheme with intent to defraud; (3) defendants use the US Postal Service to further the scheme. US v. Zagari, 111 F.3d 307, 327 (2d Cir. 1997). Wire fraud replaces element (3) with communications that cross state lines to further the scheme. Id.

The Enterprise movants exploit the similarity between mail and wire fraud to foist the false assumption that when a letter is sent or delivered by the US Postal Service, it must cross state lines. “To properly plead mail ... fraud violations, the plaintiff must demonstrate interstate use ....” (Memorandum p 25-4) Not true, whether a letter sent through the US Postal Service travels across town or around the world is irrelevant for mail fraud. 18 USC 1341. Federal jurisdiction over the US Postal Service is sufficient to assert jurisdiction over intrastate postal service mailings under the mail fraud statute. US v. Elliott, 89 F.3d 1360, 1364 (8<sup>th</sup> Cir. 1996). The Complaint alleges at 240, 241 that Enterprise movant Mundy sent a letter through the US Postal Service threatening a “difficult” divorce proceeding in order to intimidate the plaintiff into lying to the INS in furtherance of the Russian mafia’s Scheme. Even though the letter was sent intrastate (Memorandum p 26-2), the mail fraud statute still applies.

The “scheme to defraud” under mail and wire fraud has been interpreted broadly by the courts to include any trickery, deceit, half-truth, concealment of material facts or affirmative misrepresentations. Rakoff and Goldstein, RICO, Civil and Criminal, 2.02(1)(c). A scheme to defraud is measured by a standard of “moral uprightness, of fundamental honesty, fair play and right dealing in the general and business life of members of society.” Gregory v. US, 252 F.2d 104, 109 (5<sup>th</sup> Cir.1958). The Complaint alleges a scheme by the Russian mafia to infiltrate and expand its operations in the US by, in part, tricking American men into bringing mafia managers and prostitutes to America as companions and wives. (Complaint 2, 135-38, 164, 883) The Supreme Court recently added a materiality factor to the scheme that is satisfied when the maker of the representation or omission has reason to know the recipient is likely to regard the matter as important in determining his choice of action. Neder v. US, 527 U.S. 1, 22-23, 144 L.Ed.2d 35, 119 S.Ct. 1827 (1999). The Complaint alleges that the Russian mafia Scheme, which ensnared the plaintiff, falsely depicts its managers and prostitutes as honest, hard-working women who want to raise a family because if the truth were told the mafia knows American men would run the other way. (Complaint 165, 167, 170-72, 174-80, 361-66) \_

As for the element of intent or knowing participation in or aiding and abetting the Scheme, Rule 9(b) specifically states: “Malice, intent, knowledge, and other condition of mind of a person may be averred generally.” The Supreme Court also held that “[m]alice, intent, knowledge, and other condition of mind of a person may be averred generally.” Swierkiewicz v. Sorema NA, 534 U.S. 513 n. 3. The Complaint at 682, 683 generally alleges intent and knowledge.

The Second Circuit requires some minimal basis for conclusory allegations of scienter that give rise to a strong inference of fraudulent intent. Powers v. British Vita PLC, 57 F.3d 176,

184 (2d Cir. 1995). A complaint may give rise to a sufficient inference of fraudulent intent by alleging a motive for committing fraud and an opportunity to do so. Id. citing Beck v. Manufacturers Hanover Trust Co., 820 F.2d 46, 50 (2d Cir. 1987). As alleged in the Complaint, the Enterprise movants' motive for engaging in mail and wire fraud is to protect and further the Enterprise's Scheme, which for them is the Golden Fleece (Complaint 2, 12), and their opportunities are inferred by the allegations of what they did: communications by mail and wire to carry out bribery, threats, intimidation, perjury and lulling in furtherance of the Scheme. They saw their opportunities and they took them. (Complaint 31, 201-205, 218, 219, 227, 228, 234, 236, 243, 245, 254, 265, 273, 275, 280-82, 287-89, 293, 294, 295, 298, 300, 301, 306-08, 315-18, 493, 495, 497, 505, 507, 509, 532, 534, 540, 541, 557, and 742) Furthermore, intent to defraud can be inferred by a pattern of conduct, US v. Reid, 533 F.2d 1255, 1264 (D.C. Cir. 1976), or the nature of the scheme itself, Beck v. Manufacturers Hanover Trust Co., 820 F.2d 46, 49-51 (2d Cir. 1987). The Complaint's allegations cited to directly above illustrate the Enterprise movants' modus operandi of making communications to arrange and execute various crimes to assure the Scheme's ongoing success. A key characteristic of the nature of the Scheme is defrauding and lulling its targets. (Complaint 883) As such, the Enterprise movants' objection that the Complaint's allegations of intent are "not sufficient" (Memorandum p25-3) fails.

The third element "in furtherance of the scheme" means communications by mail or wire need only be "incident to an essential part of the scheme," and even innocent mailings, Schmuck v. US, 489 U.S. 705, 711, 715, 103 L.Ed.2d 734, 109 S.Ct. 2091 (1989), or acts to lull the victim into a false sense of security, United States v. Maze, 414 U.S. 395, 403, 38 L.Ed.2d 603, 94 S.Ct. 645 (1974) may suffice. Nearly any communication—by any person in the racketeering association, whether to the victim, or to any other member of the association, or third party and

whatever its content—can be in furtherance of the scheme. Rakoff and Goldstein, RICO, Civil and Criminal, 2.02(1)(c). The defendant does not have to actually participate in the communication as long as he reasonably foresaw it. Maze, 414 U.S. 395, 399, 38 L.Ed.2d 603, 94 S.Ct. 645 (1974); US v. Blackmon, 839 F.3d 900, 907 (2d Cir. 1988). Further, the communication does not have to be false in any way or inaccurate so long as it is made in furtherance or pursuant to the scheme. US v. Reid, 533 F.2d 1255, 1263 (D.C. Cir. 1976). The Enterprise movants alleged communications by mail and wire to arrange and carry out bribery, threats, intimidation, perjury and lulling were in furtherance of the Scheme. (Complaint 31, 201-205, 218, 219, 227, 228, 234, 236, 243, 245, 254, 265, 273, 275, 280-82, 287-89, 293, 294, 295, 298, 300, 301, 306-08, 315-18, 493, 495, 497, 505, 507, 509, 532, 534, 540, 541, 557, and 742)

In the Second Circuit, there is a fourth element. Mail and wire fraud require reliance by the plaintiff or a third party, Sterling Interiors Group, Inc. v. Haworth, 94 Civ. 9216, 1996 US Dist Lexis 13908, \*10, so the plaintiff has to allege he detrimentally relied on the mail or wire communications, Metromedia Co. v. Fugazy, 983 F.2d 350, 368 (2d Cir. 1992), cert. denied, 508 U.S. 952, 124 L.Ed.2d 662, 113 S.Ct. 2445 (1993). The Enterprise movants failed to include this fourth element, but the Court most likely will. The Complaint’s story (as in news story—not the “imaginary tale of fantasy” used by the Enterprise movants) paints a bleak picture of how the Russian mafia suckered him. He relied on numerous deceptions meant to further and protect the Russian mafia’s Scheme and lull him into believing what was not the truth. (Complaint 200-05, 218-19) As such the Second Circuit’s reliance requirement is alleged.

The plaintiff, however, argues that this reliance requirement is inappropriate for mail and wire fraud in the RICO context. Although common law civil fraud requires reliance, liability under the civil RICO statute is based on criminal fraud, which under the federal statute does not



require reliance by anyone: it only requires that the defendant tried to deceive, whether he succeeded or not. Neder v. United States, 527 U.S. 1, 24. Since the federal criminal fraud statutes, such as mail and wire fraud, do not require reliance, “a literal reading of RICO—the presumptive choice of interpretation—[shows] nothing more than the criminal violation and resulting harm is required.” Systems Management, Inc. v. Loisel, 303 F.3d 100, 104 (1<sup>st</sup> Cir. 2002). “Reliance is doubtless the most obvious way in which fraud can cause harm, but it is not the only way....” Id. So to the extent, if it does, require reliance, the Court is applying a law in conflict with another circuit and the Supreme Court.

Contrary to the Enterprise movants’ statement at Memorandum p 25-4, the Complaint never alleged intrastate wire communications in furtherance of the Scheme as a violation of the wire fraud statute. In addition, the Enterprise movants also wrongly assumed that international wire communications are not covered by the wire fraud act. (Memorandum p 25-4, p 26-2) The act reaches communication via telephone, radio, television, microwave and the Internet, whether interstate or international, if the international communication touches the US, Wentz v US, 244 F.2d 172, 175 (9<sup>th</sup> Cir. 1957); US v. Goldberg, 830 F.2d 459, 468, n.1 (3d Cir. 1987)(dissenting opinion J. Sloviter). The Complaint alleges wire communications between Enterprise movants in the US and member defendants overseas, so those international uses of the wire system obviously touched the US, perhaps foreign would have been a better word to use in the Complaint. (Complaint 31, 227, 294, 295, 300, 301, 315, 493, 495, 497, 505, 507, 509, 532, 534, 540, 541, 557, and 742)

The Enterprise movants cite to McCoy v. Goldberg, 748 F.Supp. 146, 154 (SDNY 1990) for the presumption that wire communications between residents of New York are intrastate. That case is distinguishable from this action. In McCoy, the complaint failed to allege interstate

communications, which is the jurisdictional prerequisite for wire fraud. McCoy at 154. The Complaint in this action specificity alleges interstate wire communications by movants, Mundy, Petrovich, Shipilina and Henning. (Complaint 315, 488, 493, 495, 497, 505, 507, 509, 532, 557) Still, the Enterprise movants claim that this presumption of intrastate wire communication applies to communications among movants Mundy, Petrovich, Shipilina and Henning because “it is apparent [they] all reside in New York.” (Memorandum p 26-3) Apparent is not a fact, and there will not be any admissible facts until discovery. The Complaint, however, does allege that Kuba, Mundy & Associates has an office in New Jersey and that movant Shipilina frequently travels. (Complaint 222, 338, 417, 449) In addition, Mundy, Petrovich and Henning were all served at work, but where they reside or were when they communicated by wire is within their knowledge, so the Complaint need not allege all the specifics the movants demand. Berk v. Tradewell, 2003 Lexis 12078 \* 39.

The Enterprise movants even try to apply their intrastate presumption to the threatening telephone calls (Complaint 282, 289, 318) made by Member Madison, a.k.a. Pierre, by claiming the calls are presumptively intrastate because this unknown defendant is listed in the Complaint as a “domestic” member of the Enterprise. (Memorandum p 27-1) It is obvious from the Complaint’s structure that “domestic” refers to the US, not New York. First, domestic defendants include persons from Wisconsin and California while the residences of others are unknown. Second the non-domestic defendants are divided up by country: Russia, Cyprus and Mexico. Besides, Member Madison’s real name and location are unknown to the plaintiff, but if the Enterprise movants would like to provide such, then whether the threatening calls were intrastate or interstate might be quickly resolved. But once again, that is really discovery, not pleading.

The Enterprise movants further object that the Complaint does not allege these threatening calls were interstate. (Memorandum p 27-1) The plaintiff thanks the Enterprise movants for pointing out this oversight and, if leave to amend is granted, the plaintiff will include allegations that the calls were interstate or foreign.

On another alleged telephone call or calls where Mundy, Petrovich or Shipilina communicated with Enterprise movant Henning to arrange for threatening the plaintiff with a bogus arrest (Complaint 315), the movants argue that because the Complaint pleads in the alternative that the communication was by interstate or international means, it is somehow deficient. (Memorandum p 26-3) The federal rules, however, permit pleading in the alternative: “A party may set forth two or more statements of a claim ... alternately or hypothetically, either in one count ... or in separate counts ....” Rule 8(e)(2). Movants also wrongly claim that the allegation fails because it is made on information and belief. Even fraudulent predicate acts can be pled on information and belief when the information, as here, is within the possession of the defendants. DeVittorio v. Equidyne Extractive Indus., Inc., 822 F.2d 1242, 1248 (2d Cir. 1987).

Another error made by the Enterprise movants is their assertion that each communication by mail or wire must contain a false or misleading statement. With respect to the letter sent to the plaintiff by Enterprise movant Mundy (Complaint 240, 241) and the arrangements made by movants Mundy, Petrovich and Shipilina to threaten Russian witnesses and bribe Russian officials (Complaint 294, 300), the Enterprise movants argue “[t]here is absolutely no identification of the specific statements which were purportedly false or misleading or the manner in which this letter was purportedly fraudulent.” (Memorandum p 28-4, and similar statement at p 29-1 concerning threats and bribes.) The Court in Spira v. Nick, 876 F.Supp. 553, 559 (SDNY 1995) disagrees: “The mailings [and telephone communications] that are elements

of the offense need not themselves contain false or misleading statements.” In fact, a defendant “may have committed mail [wire] fraud even if [the defendant] never used the mails [wire]. [Because] the offense consists of the foreseeable use of the mails [wire] by anyone in furtherance of a scheme.” *Id.* A plaintiff may, but need not, allege that a defendant made misrepresentations of fact. Murr Plumbing, Inc. v. Scherer Brothers Financial, 48 F.3d 1066, 1069 n. 6 (8<sup>th</sup> Cir. 1995).

Since misrepresentations of fact are not necessary to the offense, it follows that no misrepresentations need be transmitted by mail or wire: even routine business communications in these media or one sent for legitimate business purposes may suffice so long as it assists in carrying out the scheme. Atlas Pile Driving Co. v. DiCon Financial Co., 886 F.2d 986, 992 (8<sup>th</sup> Cir. 1989). So even accepting the Enterprise movants spin that the Mundy letter threatening “difficult” divorce proceedings “merely represents communication between parties in connection with litigation” (Memorandum p 28-4), it still furthered the Scheme in violation of the mail fraud statute. As for Enterprise movants’ Mundy, Petrovich and Shipilina’s use of international facilities that touch the US to arrange for threats and bribery, those also do not require misrepresentations to violate the mail and wire fraud statutes. Further, to the extent that the Enterprise movants other criminal conduct as alleged in the Complaint at 684-773, 778-783 used the mail, or interstate or foreign wire communications to advance or protect the Russian mafia’s Scheme, then those communications constitute mail or wire fraud.

The Enterprise movants persist in their false proposition that Rule 9(b) applies to predicate acts when they say, “because the plaintiff alleges mail and wire fraud as predicate acts...” the allegations must be made with particularity. (Memorandum p 28-2) Rule 9(b) applies to mail and wire fraud pleadings, but not because mail and wire fraud are predicate acts,

but because they are fraudulent. Rule 9(b) does not apply to predicate acts that are not in themselves fraudulent. Spira v. Nick, 876 F.Supp. 553, 559-60.

The Enterprise movants miss a number of important considerations in applying the particularity requirement to mail and wire fraud. The flexibility provided by Rule 11(b)(3) allows pleadings based on evidence reasonably anticipated after further investigation or discovery, which relaxes the particularity requirements of Rule 9(b) where the RICO plaintiff lacks access to all facts necessary to detail a claim. Rotella v. Wood, 528 U.S. 549, 560, 145 L.Ed.2d 1047, 120 S.Ct. 1075 (2000). The movants object that the Complaint provides no specific dates, times, places or particulars. (Memorandum p 28-4, p 29-1, p 29-3) But as Chief Judge Mukasey's opinion in Berk v. Tradewell, 2003 Lexis 12078 \* 38, 39, holds: a plaintiff need not plead dates, times and places with absolute precision, so long as the complaint gives fair notice and reasonable notice to defendants of the claim and the grounds upon which it is based.

In addition, Rule 9(b) should be applied with flexibility, and the plaintiff does not have to plead issues that defendants may have concealed. Rolo v. City Investing Co. Liquidating Trust, 155 F.3d 644, 658 (3d Cir. 1998). Most of the Complaint's allegations of mail and wire fraud involve conduct within the knowledge of the Enterprise movants and other member defendants, except for Paulsen. Criminal plans are not publicized, especially to the victim. They are hatched in secret so as to conceal those involved. Communications by electronic means concerning agreements and arrangements made in furtherance of the Scheme (Complaint 228, 234, 236, 243, 245, 254, 265, 273, 275, 293, 294, 298, 300, 306, 307, 308, 315) will cut across state or foreign borders in this age of email, the international reach of the Russian mafia (Complaint 1), movant Shipilina's frequent travels to Russia and Cyprus (Complaint 449), and the interstate nature of Enterprise movant Kuba, Mundy & Associates (Complaint 222) while mailings using the US

Post need not cross any borders. “As to the above uses of the mails and wires, the plaintiff [is] surely correct that a court cannot reasonably expect highly specific allegations before allowing .... [a] discovery period. The facts that would have to be alleged are known to the defendants, but the plaintiff [has] not yet had a chance to find them out. (This is especially true of telephone calls, which may leave little or no paper trail.) Where a plaintiff is not a party to a communication, particularity in pleading may become impractical.” Abels v. Farmers Commodities Corp., 259 F.3d 910, 921 (8<sup>th</sup> Cir. 2001).

As for the threatening telephone calls received by the plaintiff, his caller identification service did not reveal where the calls came from (Complaint 282, 289, 318). In addition, the plaintiff cannot realistically know without discovery how the Enterprise movants reached their agreements or made their arrangements to threaten the plaintiff with physical harm (Complaint 280, 281, 287, 288, 316, 317) in order to keep him from exposing the Russian mafia’s Scheme.

The Complaint provides details on other communications to which the plaintiff was a party. International telephone calls that touched the US and mail delivered by the US Postal Service were used by Enterprise movant Shipilina to further the Russian mafia’s Scheme and lull the plaintiff so as to protect that Scheme. (Complaint 201-205, 218-19, 227) If the Enterprise movants would like the plaintiff’s contemporaneous notes as to the telephone calls and copies of the mail, he will provide them on request, but there is no requirement that these documents be attached to the Complaint, since their production really involves discovery.

In their Memorandum at p 27-2, the Enterprise movants confuse violations of the mail and wire fraud acts, which fall within Rule 9(b) pleading standards, with violations of 18 USC 1952: Interstate and foreign travel or transportation in aid of a racketeering enterprise (Complaint 495, 497, 507, 509, 519, 532, 534, 540, 541), and 18 USC 1956: money laundering (Complaint

496, 498, 508, 510, 533, 535, 536, 538, 539). The predicate acts of interstate and foreign travel or transportation in aid of a racketeering enterprise and money laundering do not require Rule 9(b) particularity pleading, since they are non-fraudulent. On those occasions when Enterprise movants Mundy, Petrovich and Shipilina used or caused to be used the mail or wire in order to further the Scheme by travel or transportation in aid of the Russian mafia or laundering money, they then also violated the mail and wire fraud statutes. So the actual mail or wire communication part of the conduct, not the travel or transportation in aid or money laundering, needs to be pled with particularity. The communication conduct, however, is within their knowledge, so Rule 9(b) is read permissively. Berk v. Tradewell, 2003 Lexis 12078 \* 39. The Court, of course, could also grant limited discovery on the communication conduct involved in aiding the Russian mafia and laundering money.

In their Memorandum at p 29-2 the Enterprise movants misstate the Complaint's allegations to fit their argument, reminiscent of the newspaper reporting motto, "Don't let the facts get in the way of a good story," only here, it's don't let the allegations get in the way of a dissembling argument. The Enterprise movants say the Complaint at 294 "alleges that Mundy and Petrovich [and Shipilina] used the international telephone system to threaten witnesses [in Russia]...." (Memorandum p 29-2) Not accurate. The Complaint at 294 alleges they "arrange[d]" for the threatening of witnesses in Krasnodar, Russia—not that they did the threatening. A big difference, since making the arrangements required using the international telephone system from America to overseas while the threats themselves did not. The threats were most likely made internally within Russia.

The Memorandum at p 29-3 objects that the Complaint did not identify the witnesses threatened or the nature of the threats. The plaintiff knows which witnesses in Krasnodar were

threatened and the manner of the threats, but since those communications were made in Krasnodar, they do not fall under the wire fraud statute. It is the communications used by movants Mundy, Petrovich and Shipilina in arranging the threats that are alleged to violate the wire fraud statute—not the telephone calls and in person threats made by Russian goons on witnesses in Krasnodar. (Complaint 293, 297)

The Enterprise movants repeat their misstatement of the law on using “information and belief” to plead fraud under Rule 9(b) when they claim the plaintiff’s allegations are deficient because some are based “only upon information and belief.” (Memorandum p 30-2) Pleading mail and wire fraud on information and belief is permissible where the facts are peculiarly within the knowledge of the defendants. Gitterman v. Vitoulis, 564 F.Supp. 46, 50 (SDNY 1982). The mere fact that the plaintiff, in a complaint alleging fraud, had pleaded certain matters on information and belief was an insufficient basis for dismissal. Kamerman v. Steinberg, 113 F.R.D. 511, 513 (SDNY 1986).

In their claim that the Complaint is “sadly deficient on all fronts” (Memorandum p 30-2) the Enterprise movants ignore that Rule 8(f) provides “all pleadings shall be so construed as to do substantial justice.” It is inappropriate to focus exclusively, as the Enterprise movants do, on the fact that Rule 9(b) requires particularity in pleading fraud. Wright & Miller, Fed. Prac. & Proc.: Civil 2d 1298, p 621. If the Complaint has not alleged mail and wire fraud with the desired degree of particularity, that defect should not be fatal in light of Rule 8(f). Levenson v. B. & M. Furniture Co., 120 F.2d 1009, 1009(2d Cir. 1941). “Fraud is a matter of such indefinite character that, ordinarily, a charge of it should not be stricken from a pleading unless it is clear that, under no circumstances, could proof, conforming to the strict requirements provided for fraud charges, be introduced under the pleadings, which would probably convince the trier of



fact that fraud had in fact been perpetrated.” Massey-Ferguson, Inc. v. Bent Equip. Co., 283 F.2d 12, 15 (5<sup>th</sup> Cir. 1960). As the Supreme Court said in Glus v. Brooklyn Eastern District Terminal, 359 U.S. 231, 235, 3 L.Ed.2d 770, 79 S.Ct. 760 (1959), “It may well be that petitioner’s complaint as now drawn is too vague, but that is no ground for dismissing his action.... His allegations are sufficient for the present. Whether petitioner can in fact make out a case ... must await trial.”

If the Court, however, decides to dismiss the mail and wire fraud claims because Rule 9(b) is not satisfied, then the plaintiff requests leave to amend the Complaint, since “[a]n insufficient allegation of fraud ... is subject to the liberal amendment provisions of Rule 15, Wright & Miller, Fed. Prac. & Proc.: Civil 2d 1300, p 661, and leave to amend should be freely granted when dismissal is based on Rule 9(b), Koehler v. Bank of Bermuda, 209 F.3d 130, 138 (2d Cir. 2000).

#### (dd) Bribery

The Enterprise movants wrongly claim that pleading the non-fraudulent predicate act of bribery, 18 USC 201, (Complaint 254, 255, 323, 499, 511, 517, 523) requires Rule 9(b) particularity. (Memorandum p 30-3) Only predicate acts involving fraud, such as wire and mail fraud, require Rule 9(b) particularity, not predicate acts like bribery. Abels v. Farmers Commodities Corp., 259 F.3d 910, 919 (8<sup>th</sup> Cir. 2001). If the Court decides to apply Rule 9(b) to bribery, the specifics are within the knowledge of movants Mundy, Petrovich and Shipilina; therefore, Rule 9(b) should be read permissively. Berk v. Tradewell, 2003 Lexis 12078 \* 39.

The “bribery” section of the Enterprise movants’ Memorandum also confuses the predicate act of bribery under 18 USC 201 with the predicate act of interstate and foreign travel

or transportation in aid of racketeering enterprises, 18 USC 1952. Bribery requires paying off a US government official or employee. Russian public officials are not US employees, so bribing them does not violate 18 USC 201. However, using international facilities that touch the US in order to bribe Russian officials to prevent the exposure of Russian mafia activities of prostitution and narcotics trafficking constitutes aiding a racketeering enterprise, 18 USC 1952. (Complaint 298-302)

Aiding a racketeering enterprise is a non-fraudulent predicate act, so only the general notice pleading requirements of Rule 8 applies. See Conley v. Gibson, 355 U.S. 41, 48. But in case the Court decides to apply Rule 9(b) to aiding a racketeering enterprise, the specifics of which international facilities were used, when and where the bribe was paid and who paid it are within the knowledge of movants Mundy, Petrovich and Shipilina; therefore, Rule 9(b) should be read permissively. Berk v. Tradewell, 2003 Lexis 12078 \* 39. And contrary to the Enterprise movants claims of a paucity of details, the Complaint does allege the Russian officials who received the bribes, the time frame and the approximate amount. (Complaint 302, 303)

The alleged conduct of Enterprise movants Mundy, Petrovich and Shipilina in bribing movant Henning did not violate the federal bribery statute because Henning is not a federal employee. Their conduct did, however, violate the predict act of tampering with a witness, victim or informant, 18 USC 1512(b), by corruptly persuading movant Henning to threaten the plaintiff with arrest on a phony charge. (Complaint 306-07, 492, 504, 530) At the time of Henning's threat on March 27, 2001, there was an ongoing INS investigation although it had not reached the level of a case, which is referred to an INS judge. The predicate act of tampering is a non-fraudulent crime, so only the general notice pleading requirements of Rule 8 applies. See Conley, 355 U.S. at 48. But if the Court decides to apply Rule 9(b) to tampering by corruptly

persuading, the specifics as to when, where, how the bribes were paid or who witnessed such are peculiarly within the knowledge of movants Mundy, Petrovich, Shipilina and Henning; therefore, Rule 9(b) should be read permissively. Berk v. Tradewell, 2003 Lexis 12078 \* 39.

There is nothing wrong with pleading on information and belief the predicate acts of bribery, aiding a racketeering enterprise or tampering. *See* Wright & Miller, Fed. Prac. & Proc.: 2d Civ. 1224, p 205. And if the Court does consider these predicate acts fraudulent, they can still be pled on information and belief because they are peculiarly within the opposing parties' knowledge. Luce v. Edelstein, 802 F.2d 49, 54 n.1 (2d Cir. 1986).

Beyond trying to have Rule 9(b) apply to non-fraudulent predicate acts, the Enterprise movants once again object to the Complaint because “[t]here is no proof” or “fails to identify a single document, statement or fact” (Memorandum p 31-1), “fails to offer any proof” (Memorandum p 31-2), “fails to identify a single document, statement or fact ... to show” or “cannot offer any proof” (Memorandum p 32-1). The plaintiff must not be put to the test to prove his allegations at the pleading stage. NOW, Inc v. Scheidler, 510 U.S. 249, 256, 127 L.Ed.2d 99, 114 S.Ct. 798 (1994).

Lastly, Enterprise movants Mundy, Petrovich, Shipilina and Henning object that their non-predicate criminal acts relating to bribery (Complaint 717, 719, 733, 735, 759, 761, 779) are “merely repetitive” of the alleged predicate acts (Memorandum p 32, n 19). Once again, that is not fully true. The underlying conduct of bribing Police Detective Henning violates New York Penal Code 200 or 200.20 (Complaint 719, 735, 761, 779), but it is not a predicate act. The bribing of Russian officials (Complaint 298-302), on the other hand, constitutes the predicate act of aiding a racketeering enterprise, 18 USC 1952, (Complaint 495, 507, 532) and also violates

the foreign corrupt practices act, 15 USC 78dd-2, which is a non-predicate act (Complaint 717, 733, 759).

(ee) Money laundering

The Complaint at 293, 295, 296, 297, 298, 299, 301, 302 alleges Enterprise movants Mundy, Petrovich and Shipilina's joint involvement in the transfer of funds from illegal Russian mafia activities to Russia in order to bribe Russian officials and pay gangsters to threaten witnesses. The Complaint at 321, 335, 446-50 makes additional allegations of movant Shipilina laundering money.

The Enterprise movants Memorandum at p 33-3 mistakenly includes the allegation of aiding a racketeering enterprise by arranging for the threatening of witnesses (Complaint 294) and aiding a racketeering enterprise by arranging for bribing Russian officials (Complaint 300) as money laundering on the part of movants Mundy, Petrovich and Shipilina. These two allegations are violations of 18 USC 1952, aiding a racketeering enterprise. In addition, the Enterprise movants wrongly attribute the bribery allegations of New York City INS agents (Complaint 254, 253) as involving money laundering. They do not.

The Enterprise movants, once again, err in applying Rule 9(b) particularity to the predicate act of money laundering, 18 USC 1956. (Memorandum p 32-3) The Supreme Court has declined to extend beyond fraud or mistake the Rule 9(b) requirement of greater particularity in allegations. Swierkiewicz v. Sorema NA, 534 U.S. 506, 513. Money laundering is a non-fraudulent predicate act; therefore, the general notice pleading requirements of Rule 8 apply. See Conley, 355 U.S. at 48.

If the Court does decide to apply Rule 9(b) to money laundering, the details of the conduct are largely within the knowledge of movants Mundy, Petrovich and Shipilina, so Rule 9(b) should be read permissively. Berk v. Tradewell, 2003 Lexis 12078 \* 39. And, contrary to the Enterprise movants claims of a paucity of details, the Complaint does allege the funds from Russian mafia activities were sent from America to Russia, on or about March 2002 and in the amount of over \$10,000. (Complaint 293, 295, 296, 297, 298, 299, 301, 302)

The Enterprise movants also object that the allegations of money laundering are made on information and belief. Money laundering is a non-fraudulent predicate act, so it can be pled on information and belief. *See* Wright & Miller, Fed. Prac. & Proc.: 2d Civ. 1224, p 205. If the Court does consider money laundering fraudulent, it can still be pled on information and belief because the conduct is peculiarly within the opposing parties' knowledge. Luce v. Edelstein, 802 F.2d 49, 54 n.1 (2d Cir. 1986).

Beyond trying to have Rule 9(b) apply to the non-fraudulent predicate act of money laundering, the Enterprise movants once again object to the Complaint because it “fails to identify a single document, statement or fact” (Memorandum p 32-3), “fails to demonstrate” (Memorandum p 33-1), fails to offer “proof” (Memorandum p 33-3). The function of pleadings is not to provide proof and evidence. Hickman v. Taylor, 329 U.S. 495, 500-01.

#### (ff) Other predicate acts

The Enterprise movants ignored other non-fraudulent predicate acts alleged against them. FlashDancers: failure to report to the INS alien prostitutes employed by them, 18 USC 2424 (Complaint 469); importing, selling and distributing pornography, 18 USC 1462 & 1465 (Complaint 470); acquiring and dispensing narcotics, 21 USC 841, 952 (Complaint 476).

Mundy and Petrovich: aiding a racketeering enterprise, 18 USC 1952 (Complaint 497, 507).

Shipilina: murder-for-hire, 18 USC 1958 (Complaint 518); aiding a racketeering enterprise, 18 USC 1952 (Complaint 519, 532, 534, 540, 541); importing, selling and distributing pornography, 18 USC 1462 & 1465 (Complaint 525); importing and dispensing narcotics, 21 USC 841, 952 (Complaint 526-28); obstruction of a criminal investigation, 18 USC 1510 (Complaint 529); failure to file monetary transfer reports, 31 USC 5316 (Complaint 537).

Paulsen: importing, selling and distributing pornography, 18 USC 1462 & 1465 (Complaint 544-45)

None of the above predicate acts are required to be pled with particularity under Rule 9(b). The Supreme Court has declined to extend beyond fraud or mistake the Rule 9(b) requirement of greater particularity in allegations. Swierkiewicz v. Sorema NA, 534 U.S. 506, 513.

There is one allegation involving fraud by FlashDancers that has not been addressed. FlashDancers concealed from the New York State Liquor Authority the prostitution activities conducted at the club and misrepresented on its 1996 license application that the only type of business conducted at the club was dancing and only Enterprise movant Lepofsky held an interest in the club. (Complaint 437-39) These allegations meet the particularity requirement of Rule 9(b).

The Enterprise movants' strategy in Section B of their Memorandum to falsely paint all the allegations of predicate acts as requiring Rule 9(b) particularity is obvious and mistaken. Only fraudulent predicate acts require particularity in pleading. Subtler, however, is the reason for this mistaken application of Rule 9(b). The movants apparently hope to exploit Rule 9(b)'s

subjective standard that is often used by some courts, which disfavor civil Rico suits, to dismiss them.

To the extent, if any, that the Complaint does not meet the pleading standard of particularity, the plaintiff requests leave to amend the Complaint.

### C. Pattern

The Supreme Court requires the plaintiff allege a pattern—not prove, nor be required to meet some higher standard that the Enterprise movants try to assert with various adverbs preceding the word “allege” or “plead.” See Sedima, 473 U.S. 479, 496; Hickman v. Taylor, 329 U.S. 495, 500-01.

The Enterprise movants continue their mistaken tactic of demanding proof from a complaint—this time, proof of a pattern. Their litany of words, all criticizing the lack of proof or evidence, include the Complaint fails to “establish” (Memorandum p 34-3, p 36-3), “failed to sufficiently establish” (Memorandum p 38-3), fails to “make a showing” (Memorandum p 35-2), “[w]ithout a showing” (Memorandum p 39-3) “must prove” (Memorandum p 35-4), “instead of simply proving” (Memorandum p 39-2), “there has been no demonstration” (Memorandum p 36-3), must “demonstrate” (Memorandum p 38-3, p 39-2), “not one iota of evidence” (Memorandum p 39-2). However, “[i]t is a familiar rule of pleading ... that evidence by which an allegation is sought to be established need not be pleaded. ... Such matters [of evidence] ... are for proof and we doubt the propriety, much less the necessity of their allegation.” Cater Constr. Co. v. Nischwitz, 111 F.2d 971, 973 (7<sup>th</sup> Cir. 1940).

They also demand something akin to Rule 9(b) particularity: “plead [with] sufficiency” (Memorandum p 36-3), cannot be “devoid of any specific allegation” (Memorandum p 39-2).

All that the federal rules require in pleading non-fraudulent conduct is that a party should set forth the averments in general terms. Wright & Miller, Fed. Prac. & Proc.: Civil 2d 1281, p 519. Furthermore, pleading a RICO pattern does not fall within Rule 9(b) particularity requirements. Abels v. Farmers Commodities Corp., 259 F.3d 910, 919 (8<sup>th</sup> Cir. 2001).

The Enterprise movants even claim the Complaint makes “broad and sweeping conclusions such as on information and belief ....” (Memorandum p 39-2) while in the same paragraph they make the broad and sweeping conclusion that “the complaint is totally devoid of any specific allegation” and the allegations are only the plaintiff’s opinion and legal conclusions. Rule 11 permits a pleader, after reasonable inquiry, to set forth allegations that are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery.

Moore’s Fed. Prac. ¶8.04[4]. The liberal notice pleading of Rule 8(a) is the starting point of a simplified pleading system, which was adopted to focus litigation on the merits of the claim. See Conley v. Gibson, 355 U.S. 41, 48. Further, “conclusions” aren’t allegations; they are reached by inference from evidentiary facts. There are no evidentiary facts in this case yet, because there has been no discovery. Once again, the Enterprise movants seem to be arguing that the plaintiff should have conducted discovery before serving the Complaint—not exactly federal civil procedure, or that the Court should apply a summary judgment standard to a motion to dismiss.



The requirements for a pattern under RICO starts with 18 USC 3575(e): “Criminal conduct forms a pattern if it embraces criminal acts that have the same or similar purposes, results, participants, victims or methods of commission, or otherwise are interrelated by distinguishing characteristics and are not isolated events.” Sedima, 473 U.S. 479, 496, n. 14. This has come to be the relatedness requirement for a RICO pattern, and can be thought of as similar means to reach similar ends and similar violators preying on similar victims. In addition to relatedness, a pattern of racketeering activity must also have continuity, which can be closed or open. It is relatedness plus continuity that combines to produce a pattern of racketeering activity. H.J. Inc. v. Northwestern Bell Telephone Co., 492 US 229, 239, 106 L.Ed.2d 195, 109 S.Ct. 2893 (1989). The Enterprise movants object to the Complaint for not “showing” either close-ended or open-ended continuity. (Memorandum p 35-2) Once again, a complaint is not required to “show”; that is “to prove.” It must allege a pattern, which the Complaint does at 875-885.

The Enterprise movants do not object to the Complaint on relatedness grounds, but the Court may. The Complaint alleges criminal activity by the Russian mafia of which the Enterprise movants are members who personally engage in various illegal acts under the Russian mafia banner. (Complaint 1, 15, 16-23, 27-39, 47, 466-547, 556-559) The Enterprise movants are alleged not to be separate and distinct from the Russian mafia but part of it: diligently working to achieve its ends and reap its benefits, as would any member of a large organization. The Enterprise movants, as with the other defendant members of the Russian mafia—similar participants—are alleged to work together for its success by using predicate acts—similar methods—in order to assure the effectiveness of concurrent or successive predicate and non-

predicate criminal acts. (Complaint 879) Often a number of different crimes are necessary for contributing to the successful operation of the Russian mafia and its Scheme—similar results. (Complaint 879)

For example, the flow of Enterprise human capital from the former Soviet Union often requires a combination of visa fraud, bribery, perjury, mail and wire fraud, and travel in aid of a racketeering enterprise in order to bring Russian managers, pimps and prostitutes to the U.S. (Complaint 880) In addition, the drive to maximize profits and minimize expenses of the Russian mafia results in repeated tax evasion that requires money laundering and exporting revenues out of the U.S. without reporting so as to disguise the ownership and source of the revenues. (Complaint 881) Also, in order to protect valuable members threatened with exposure, the Enterprise members engage in criminal acts such as tampering with witnesses, unlawful imprisonment, reckless endangerment, coercion, intimidation, official misconduct and menacing. (Complaint 882)

The Russian mafia's Scheme of continued expansion into hard currency markets targets similar victims—American men looking for Russian wives and companions, and is carried out for similar purposes—to defraud the men into bringing a mob manager or prostitute to America in circumvention of U.S. immigration laws. (Complaint 883) The Russian mafia's predicate acts—similar methods—used in expanding and conducting its U.S. operations enable it to target thousands of additional consumers—similar victims—for sexual services with the similar result of dramatically increasing the health risks, such as exposure to AIDS, to those consumers and their partners (Complaint 885) while making huge profits. The Russian mafia's predicate acts in expanding and conducting its operations also bode ill for many legitimate entertainment companies—similar victims—by unfairly competing for entertainment dollars that would

otherwise flow to the investors and employees of legitimate businesses in the leisure industry—similar results.

While none of the Enterprise movants individually engage in all the predicate acts alleged, that is not what relatedness requires. The importance is some “organizing principle that renders [the predicate acts] ‘ordered’ or ‘arranged’”. H.J. Inc. v. Northwestern Bell Telephone Co., 492 US 229, 237. In this case, the organizing principles are the Russian mafia’s Scheme and its members’ greed.

Continuity exists when ongoing unlawful activities have a scope and persistence that pose a special threat to social well-being. GE Investment Private Placement Partners II v. Parker MLP, 247 F.3d 543, 549 (4<sup>th</sup> Cir. 2001). The Complaint’s allegations concerning “relatedness” also aver a threat to the social fabric of this society.

#### (i) Closed continuity

The Enterprise movants wrongly state: “In determining the duration of a pattern of racketeering activity, Courts focus solely on the predicate acts of racketeering each defendant is alleged to have committed.” (Memorandum p 36-2) They cite De Falco v. Bernas, 244 F.3d 286, 321 (2d Cir. 2001) for support, but that is not what De Falco held. The De Falco Court did not look at the acts of each individual defendant in isolation, but at all the defendants together in determining duration. The De Falco Court said, “[t]he duration of a pattern of racketeering is measured by the RICO predicate acts the defendants [plural]commit.” De Falco at 321. The Enterprise movants quote out of context from De Falco, “Closed-ended continuity is demonstrated by predicate acts that ‘amount to continued criminal activity’ by a particular defendant.” De Falco at 321. The reference “particular defendant” meant all the defendants

taken together, not in isolation. The Supreme Court said in H.J. Inc. v. Northwestern Bell Telephone Co., 492 US 229, 242, the “continuity test looks to the period during which predicate acts were committed,” and “continuity may be established by showing that the predicate acts or offenses are part of an ongoing entity’s regular way of doing business.” The focus for determining duration under the continuity requirement is on the acts all the defendants committed on behalf of the criminal entity, not on each defendant’s conduct viewed in isolation from other members of the enterprise. The whole purpose of enacting RICO was to reach criminal organizations. Beck v. Prupis, 529 U.S. 494, 496.

Closed continuity requires that the alleged predicate acts occur over a substantial period of time, which for the Second Circuit appears to be two or more years. De Falco at 321. In order to come up with a time span of less than two years, the Enterprise movants argue that in determining closed continuity the Court should look only at the alleged predicate acts by each movant and defendant in isolation. The implication of this analysis would make a joke of RICO. Here’s why. If defendant X is alleged to have done two bad deeds within one year of each other, and defendant Y, a fellow gang member of X’s, is alleged to have done two bad things over the period of one week but a year and a half after the last alleged bad deed of X, then there is no closed continuity even though X and Y belong to the same gang and are pursuing the same end. The reason, as the Enterprise movants argue, is that X’s acts were not over two years and Y’s act were only over a week, so neither did bad deeds spanning two years. Nice piece of sophistry, but it would eliminate the entire purpose of RICO, which is to take down continuing criminal organizations. Of course, if X and Y’s bad acts are taken together as the gang’s conduct, they occurred over 2.5 years, which is long enough for the Second Circuit and what the Supreme

Court requires as “a series of related predicates” over a substantial period of time. H.J. Inc. v. Northwestern Bell Telephone Co., 492 US 229, 242.

The Enterprise movants focus only on their individual predicate acts without addressing, as the Complaint makes clear, that their alleged acts, along with those of other defendants, are part of “a series of related predicates.” (Complaint 878-885) The series of predicate acts aimed at the plaintiff began in 1999 when Enterprise movant Shipilina and Member Perlin are alleged to have targeted the plaintiff as part of the Russian mafia’s Scheme to infiltrate and expand its operations in the US. (Complaint 135, 136) The most recent predicate act of which the plaintiff is aware is the threatening telephone call in June 2003 that warned him to stay out of Krasnodar. The acts against the plaintiff are all part, although a tiny part, of keeping the Russian mafia’s Scheme on track, which began soon after the fall of the Soviet Union. (Complaint 10, 13)

(ii) Open continuity

Open continuity means there exists a threat of continuing racketeering activity, such as when the nature of an enterprise’s activities project into the future. H.J. Inc. v. Northwestern Bell Telephone Co., 492 US 229, 242. The threat of continued racketeering activity may be established by showing—or in the case of a pleading by alleging—that the predicate acts or offenses are part of the ongoing entity’s regular way of doing business. H.J. Inc. at 242.

The Complaint at 876-885 alleges the Enterprise, the Russian mafia, continues to do predicate acts again and again which it has done in the past to others. The Russian mafia uses a complex, intertwined web of predicate acts to maintain and continue expanding its activities in an insatiable drive for new targets and more money. (Complaint 879, 884) And as alleged in the Complaint at 2, 13, the Russian mafia’s Scheme is aimed at infiltrating and expanding illegal and

ancillary legal activities into hard currency markets, especially the US, for the personal enrichment of the members of the Enterprise. The Russian mafia's conduct and goal are not a "discrete and relatively short lived scheme" that will end any time soon, as the Enterprise movants claim. (Memorandum p 39-1) It is a scheme that has harmed others and will continue to do so because it richly rewards members of the Russian mob and there are still plenty of potential American targets.

Enterprise movants Kuba, Mundy and Petrovich mistake themselves as the Enterprise in this action—they are not. The Enterprise, or Russian mafia, is defined as consisting of domestic and foreign corporations, partnerships, individuals, government officials, law firms, organized crime gangs (including American, Russian and Chechen) and an Islamic terrorist and crime clan. (Complaint 11) Enterprise movants Kuba, Mundy and Petrovich are alleged members of the Enterprise, the Russian mafia. "[T]he threat of continuity is sufficiently established where the predicates can be attributed to defendant[s] operating as part of a long-term association that exists for criminal purposes." H.J. Inc. at 242-43. "Such associations include, but extend well beyond, those traditionally grouped under the phrase 'organized crime.'" Id. at 243. The Russian mafia is just such an organization, and the Enterprise movants along with other defendants are alleged as members engaged in predicate acts to further its Scheme. (Complaint 876, 877)

The Enterprise movants have engaged in predicate acts against the plaintiff for nearly four years. Just five weeks after the Enterprise movants were mailed on April 20, 2003 by first class US post the Complaint and waiver of summons request, the plaintiff received another threatening telephone call—this time from a thuggish-sounding man speaking in Russian. (June 19, 2003 letter to the Court) The threat was clear, if the plaintiff returned to Krasnodar, Russia

to continue gathering evidence against the Russian mafia defendants in this federal action, then, it was going to be bad for him. This was not only a dramatic increase in the level of threat—since it is well known in Russia that a gang leaves enforcement to their foreign associates unless it is ineffectual, then the Russians ruthlessly intervene—but also makes clear that the Enterprise movants and other defendants are not through with the plaintiff yet. Nor is the Russian mafia through with America yet or about to withdraw any time soon. Even the Enterprise movants’ Memorandum at p 3-1 admits Mundy’s continuing efforts to obtain one of the Russian mafia’s assets, Shipilina, permanent residency and citizenship despite her violation of immigration laws (Complaint 191-93) and committing a felony by claiming US citizenship in registering to vote (Complaint 459, 744).

The Enterprise movants argue that because the Complaint “has never been amended” and describes only “past criminal acts” that there is no threat of future criminal acts by the Russian mafia. (Memorandum p 38-4 to p 39-1) By this Orwellian reasoning, a plaintiff would not only have to continually amend his complaint, but conduct an ongoing investigation at his own expense that would expose subsequent predicate acts while a case was pending and before it reached discovery. Under such a requirement, defendants would have been forewarned by a complaint and might be smart enough to lay low until the heat blew over, which would make it virtually impossible for a plaintiff to ever amend his complaint with additional predicate acts. Moreover, whenever a plaintiff did amend his complaint, it would be to describe predicate acts that had already taken place and, unlike in quantum mechanics, the past is not the future, so there could never be a threat of future RICO violations because all the predicate acts in every amended complaint occurred in the past. Discovery, along with the RICO statute, would disappear into a black hole.

The Complaint should not be dismissed for failing to plead closed or open continuity. The Supreme Court in H.J. Inc. reversed a district court's grant of dismissal because the plaintiff may be able to prove, consistent with the complaint's allegations, that the multiple predicate acts alleged constitute a pattern of racketeering activity that satisfies closed continuity. H.J. Inc. at 250. In the same case, the Supreme Court also held that a threat of continuing predicate acts might be established at trial by showing that the acts were the enterprise's regular way of doing business, or a regular way of conducting or participating in the conduct of the alleged and ongoing RICO enterprise. H.J. Inc. at 250. The Supreme Court's decision in H.J. Inc. applies her as well.

D. Under civil RICO, a "racketeering injury" need not be alleged for a violation of 18 USC 1962(c), but what about violations of 18 USC 1962(a) & (b)?

To begin, the Enterprise movants once again try to create a stricter standard for pleading than required under the law. In the title to their section D (Memorandum p 39) and the text in D(i) (Memorandum p 40-3) they assert the Complaint must "establish"; that is prove, the elements of 18 USC 1962(a). That is incorrect; the Complaint need only allege. See Swierkiewicz v. Sorema NA, 534 U.S. 506, 512. As for the pleading standard for the elements of a 1962(b) violation, the Enterprise movants in section D(ii) say the Complaint's allegations are "insufficient". (Memorandum p 41-3) They don't mention the standard they are using to measure "insufficiency". Perhaps it is their ubiquitous version of Rule 9(b), but that rule only applies to predicate acts of fraud, not 1962(a) & (b). Swierkiewicz v. Sorema NA, 534 U.S. 506, 513.



The main issue in this section, however, is whether a complaint must allege a “racketeering injury.” The Second Circuit has narrowly interpreted the Supreme Court decision in Sedima by requiring that a private citizen using civil RICO, 18 USC 1964(c), must allege damages from some nebulous “racketeering injury” in order to survive dismissal of his complaint for failing to aver 18 USC 1962(a) & (b) injuries.

RICO 1962(a) says money from a pattern of racketeering activities cannot be used to get a stake in, set up or operate an enterprise, and 1962(b) that racketeering activities themselves cannot be used to get or keep a stake in an enterprise. The Enterprise movants refer to the elusive “racketeering injury” requirement as a “use” or “investment injury” for 1962(a) (Memorandum p 40-2) and “acquisition” or “maintenance” injury for 1962(b) (Memorandum p 41-2). The Supreme Court in Sedima criticized as “unhelpfully tautological” the Second Circuit’s attempt to define the “racketeering injury” requirement. Sedima, 473 U.S. 479, 494. “The evident difficulty in discerning just what the racketeering injury requirement consists of would make it rather hard to apply in practice or explain to a jury.” Sedima at 494 n. 12. The Supreme Court in H.J. Inc. v. Northwestern Bell Telephone Co., 492 US 229, 236, reiterated, “In Sedima ... this Court rejected a restrictive interpretation of 1964(c) that would have made it a condition for maintaining a civil RICO action ... that plaintiff show a special racketeering injury.” And again in Holmes v. Sec. Investor Prot. Corp., 503 U.S. 258, 270, n.15, 117 L.Ed.2d 532, 112 S.Ct. 1311 (1992), the concept of an “antitrust injury” has no analogue in the RICO setting as requiring a “racketeering injury.”

The plaintiff in Sedima brought a civil RICO action under 18 USC 1964(c), alleging violations of the substantive RICO section 18 USC 1962(c), which prohibits using racketeering activities to run an enterprise. The Supreme Court stated:

“Section 1964(c) authorizes a private suit by ‘[a]ny person injured in his business or property by reason of a violation of 1962.’ Section 1962 in turn makes it unlawful for ‘any person’—not just mobsters—to use money derived from a pattern of racketeering activity to invest in an enterprise, to acquire control of an enterprise through a pattern of racketeering activity, or to conduct an enterprise through a pattern of racketeering activity. 1962(a)-(c). If the defendant engages in a pattern of racketeering activity in a manner forbidden by these provisions [referring to 1962(a)-(c)], and the racketeering activities injure the plaintiff in his business or property, the plaintiff has a claim under 1964(c). There is no room in the statutory language for an additional, amorphous ‘racketeering injury’ requirement.” Sedima at 495.

A straightforward reading of the Supreme Court’s opinion shows it did not restrict its arguments to 1962(c) alone. There is no room for an amorphous “racketeering injury” requirement in sections 1962(a) & (b) as well. “Given that ‘racketeering activity’ consists no more and no less than the commission of a predicate act ....”, Sedima at 495, it follows there is no other conduct that can be described as a “racketeering injury.” Therefore, any damages will flow from the commission of those predicate acts. Sedima at 497. “RICO is to ‘be liberally construed to effectuate its remedial purposes.’ Pub.L. 91-452, 904(a), 84 Stat. 947. The statute’s ‘remedial purposes’ are nowhere more evident than in the provision of a private action for those injured by racketeering activity. Far from effectuating these purposes, [a] narrow reading ... would in effect eliminate 1964(c) from the statute,” Sedima at 498, in actions alleging violations

of 1962(a) & (b). “In borrowing its ‘racketeering injury’ requirement from antitrust standing principles, the [Second Circuit] created exactly the problems Congress sought to avoid,” Sedima at 498-99: the creating of obstacles for a private litigant, especially when the litigant goes up against the archetypal, intimidating mob.

The cases from the Second Circuit courts that the Enterprise movants rely on for requiring an injury separate and distinct from that caused by the predicate acts in 1962(a) & (b) are inconsistent with the Supreme Court and some other Circuits. The Enterprise movants’ cases say the injury from a 1962(a) violation must come from the investment of money in an enterprise, Update Traffic Systems, Inc v. Gould, 857 F.Supp. 274, 282 (EDNY 1994); NRB Indus., Inc. v. RA Taylor & Assoc., 1998 WL 3638 \*1, and a 1962(b) violation, must come from the acquisition or maintenance of a stake in an enterprise, Medgar Evers Houses Tenants v. Medgar Evers Houses Assoc., 25 F.Supp.2d 116, 124 (SDNY 1998). The Second Circuit considers these injuries as “racketeering injuries”, for which the Supreme Court finds there is no such requirement.

The Supreme Court in Sedima essentially ruled against the Second Circuit’s efforts to create another way for dismissing civil RICO cases: “While we understand the court’s concern over the consequences of an unbridled reading of the statute, we reject both of its holdings.” Sedima at 481. Other circuits have also rejected the unspecified “racketeering injury” element: Potomac Electric Power Co. v. Electric Motor Supply, Inc., 262 F.3d 260, 264 n. 2 (4<sup>th</sup> Cir. 2001)(under 18 USC 1962(a), damages need not flow from the use or investment of racketeering income, only from the predicate acts); Busby v. Crown Supply, Inc., 896 F.2d 833, 837-38 (4<sup>th</sup> Cir. 1990) (In an action for violation of 1962(a), the plaintiff need only allege injury from the predicate acts); Haroco v. American National Bank & Trust Co. of Chicago, 747 F.2d 384, 395-

399 (7<sup>th</sup> Cir. 1984) (“[W]e reject the Second Circuit’s imposition of a racketeering injury requirement. Civil RICO plaintiffs need not allege injury beyond that caused by the predicate acts.”), *aff’d*, 473 U.S. 606, 87 L.Ed.2d 437, 105 S.Ct. 3291.

D(i) Violations of 1962(a) and injury from the use or investment of racketeering income.

If the Court requires allegations of “racketeering injuries” for 18 USC 1962(a), the plaintiff argues the following:

RICO 1962(a) prohibits taking the money from a pattern of racketeering activities and using or investing it to acquire a stake in an enterprise, or set up an enterprise, or operate an enterprise. Quaknine v. MacFarlane, 897 F.2d 75, 82 (2d Cir. 1990).

The Enterprise movants misstate the Complaint and unjustifiably narrow the law’s requirements when they say, “[the] complaint fails to even allege that Mundy and Petrovich received racketeering income from the purported enterprise [Russian mafia] or used or invested [that] income ... to acquire an interest in the alleged enterprise [Russian mafia].” .

(Memorandum p 40-3) First, the Complaint alleges that Enterprise movants Kuba, Mundy and Petrovich engaged in predicate acts as members of the Russian mafia to acquire money to run the interstate law firm of Kuba, Mundy & Associates. (Complaint 488, 500, 512) Second, RICO 1962(a) is violated not only when racketeering money is used to acquire an interest in an organization but also when it is used in the operation of that organization, whether the criminal enterprise or another organization, such as the Kuba, Mundy & Associates law firm. Batista, Civil RICO, 2003 Cumulative Supplement, 4.41, p 133. Kuba, Mundy & Associates is not the Russian mafia alleged in the Complaint at 1, 2. It is, however, an organization—a law firm, that

belongs to the Russian mafia and is alleged to use money from predicate acts to run its operations for the mob. (Complaint 488)

As for Enterprise movants, FlashDancers they are alleged to use racketeering income to run the Flash Dancers Club, the Cybertech Network and other Russian mafia activities and to establish additional mob activities. (Complaint 471, 474) Enterprise movant Shipilina, doing business as Angelina, uses racketeering income to establish and operate Russian mafia activities, such as prostitution, drug trafficking and money laundering. (Complaint 542, 519, 520, 521, 526-28, 536-39) Movant Paulsen, doing business as Wayne Williams, uses racketeering income to set up and run Russian mafia pornography activities in Southern California. (Complaint 546) Movant Henning is not alleged with violating 1962(a).

The money the above movants are alleged to reap from predicate acts has been used to injure the plaintiff. In Berk v. Tradewell, 2003 Lexis 12078, \*35, Chief Judge Mukasey quoted from Quaknine v. MacFarlane, 897 F.2d 75, 83 (2d Cir. 1990), “[b]ecause the conduct constituting a violation of 1962(a) is investment of racketeering income, a plaintiff must allege injury from the defendant’s investment of the racketeering income to recover under 1962(a).” Chief Judge Mukasey dismissed the 1962(a) cause of action because “the plaintiffs allege no such investment injury.” Berk at \*35. Unlike Berk, the Complaint in this case does allege investment injury.

The Complaint at 901 alleges the above movants used proceeds from racketeering activities to build a litigation war chest in order to fund fraudulent legal proceedings against the plaintiff and fraudulently defend against legitimate proceedings in order to whipsaw the plaintiff into submission. (Complaint 901) The District Court in Crowe v. Smith, 848 F.Supp. 1258, 1265 (WD La 1994) found that allegations of defendants using assets from racketeering activities

to fund a litigation war chest that was used for fraudulent legal proceedings constituted injury from the use or investment of racketeering income.

In addition, the Complaint alleges at 902, 903 that racketeering funds were not used for the Enterprise's general operations, as in Vista Co. v. Columbia Pictures Indus., Inc., 725 F.Supp. 1286, 1299 (SDNY 1989), but for specific predicate acts directed against the plaintiff that caused him injury. For example, racketeering income used to bribe public employees into subverting the proper administration of the law in America and Russia and to purchase the intimidation of witnesses prevented the plaintiff from rectifying the harm done to his business by the Russian mafia. (Complaint 902, 903)

D(ii) Violations of 1962(b) and injury from acquiring or maintaining an interest or control.

If the Court requires allegations of "racketeering injuries" for 18 USC 1962(b), the plaintiff argues the following:

RICO 1962(b) "prohibits a person from acquiring or maintaining any interest in or control of any enterprise [organization] through a pattern of racketeering activities." Rakoff and Goldstein, RICO Civil and Criminal, 1.06[2]. "Interest" in 1962(b) includes "all property and interests, as broadly described, which are related to the violations" H.R.Rep. No. 1549, 91<sup>st</sup> Cong., 2d Sess. 57, reprinted in U.S. Code Cong. & Ad.News 4007 (1970).

The Enterprise movants condemn the Complaint's use of the word "maintain" in its allegations. (Memorandum p 41-3) Using words from a statute is one of the most effective ways to provide defendants notice of what they are alleged to have done wrong, which is the purpose of a complaint. "Maintain" is not a difficult word to understand; it means to carry on. The Complaint at 488, 500, 512 alleges that Enterprise movants Kuba, Mundy and Petrovich engaged

in a pattern of racketeering activity to carry on Kuba, Mundy & Associates as part of the Russian mafia. FlashDancers is alleged to use predicate acts to keep control over part of the Russian mafia's activities and acquire additional activities. (Complaint 471, 474, 477, 480) Movant Shipilina is alleged to conduct various predicate acts to carry on and control her interests in the Russian mafia, such as prostitution, money laundering, drug trafficking and intimidation. (Complaint 542, 518, 519, 520, 521, 526-28, 530, 531, 534, 536-39) Movants Paulsen and Henning are not alleged with violating 1962(b).

The racketeering activities engaged in by the above movants to acquire or maintain an interest in or control part of the Russian mafia injured the plaintiff. In Berk v. Tradewell, 2003 Lexis 12078, at \*37, Chief Judge Mukasey dismissed the plaintiffs' 1962(b) action for failing to allege acquisition or maintenance injuries that must be distinct from the predicate acts. Unlike Berk, the Complaint in this case does allege acquisition of interests in and maintaining control of segments of the Russian mafia's functions. The Complaint at 904 & 905 states the above movants used racketeering activities to acquire or preserve influence over some Russian mafia activities that were used to cause the plaintiff harm. In addition, the racketeering activities carried out by them that injured the plaintiff can be considered a continuing effort to acquire further control of or interests in segments of the Russian mafia. The acts of a successful manager not only further his company's goals but also win for him added influence and stakes in the organization.

D(iii) Enterprise movants' violations of 1962(c) and their participation in the Russian mafia.

As elsewhere in the Enterprise movants' Memorandum, section D(iii) objects to the Complaint's allegations for failing to "show" (Memorandum p 42-3) or "satisfy the stringent

standard” (Memorandum p 43-2) for pleading a RICO violation. Once again, a complaint need not show; that is prove, nor are heightened standards of pleading required to allege the Enterprise movants “conduct or participation, directly or indirectly, in the conduct of [an] enterprise’s affairs.” See Robbins v. Wilkie, 300 F.3d 1208, 1211 (10<sup>th</sup> Cir. 2002). No special pleading requirements exist except for fraud or mistake in Rule 9(b). Leatherman v. Tarrant County Narcotics Intelligence & Coordination Unit, 507 U.S. 163, 168, 122 L.Ed.2d 517, 113 S.Ct. 1160 (1993). The plaintiff need only allege each element of a 1962(c) violation. See Sedima, 473 U.S. 479, 496.

The Enterprise movants twist the requirement for a violation of 1962(c) by claiming the plaintiff must have been “injured by the defendants ... conduct ....” (Memorandum p 41-4) The implication is that the discrete, individual acts of the Enterprise movants when viewed in isolation, with nothing more, must allegedly cause harm to the plaintiff. The attempt to focus on individual defendants without any relation to others undercuts RICO’s purpose to eradicate organized crime. Beck v. Prupis, 529 U.S. 494, 496, 146 L.Ed.2d 561, 120 S.Ct. 1608 (2000) (emphasis added).

A 1962(c) violation requires conduct of an enterprise through a pattern of racketeering activity, Sedima at 496, and that racketeering activity, or predicate acts, cause the plaintiff injury, Sedima at 497. The key for alleging the Enterprise movants liable is that they participate in, direct, conduct, manage or knowingly implement the Enterprise’s affairs through a pattern of racketeering activities that cause the plaintiff harm. “[F]or the essence of the violation is the commission of those acts in connection with the conduct of an enterprise.” Sedima at 497 (emphasis added).



In order to participate, directly or indirectly, in the conduct of an enterprise's affairs, a defendant must play some part in directing those affairs. Reves v. Ernst & Young, 507 U.S. 170, 119 S.Ct. 1225, 122 L.Ed.2d 525, 113 S.Ct. 1163 (1992). That does not mean that only primary responsibility for the enterprise's affairs is required. "[T]he phrase 'directly or indirectly' makes clear that RICO liability is not limited to those with a formal position in the enterprise, but some part in directing the enterprise's affairs is required." Reves at 179. What is needed is that a person participates in the operation or management of the enterprise. Reves at 185. But an enterprise is "operated" not just by upper management but also by lower rung participants who are under the direction of upper management or by others associated with the enterprise who exert control; that is, authority. Reves at 184. "[E]ven if a defendant is not acting in a managerial role ... he can still be liable for directing the enterprise's affairs if he 'exercised broad discretion' in carrying out the instructions of his principal." US v. Diaz, 176 F.3d 52, 92 (2d Cir. 1999), citing Napoli v. US, 45 F.3d 680, 683 (2d Cir. 1995). In addition, a defendant may also take part in the conduct of an enterprise by knowingly implementing decisions as well as making them. US v. Oreto, 37 F.3d 739, 750 (1st Cir. 1994).

The Enterprise movants falsely claim the Complaint is devoid of allegations that they play some part in directing the affairs of a segment of the Russian mafia, and that it only alleges they were "merely involved" (what ever that means) or "simply performed tasks necessary or helpful" to the Russian mob. (Memorandum p 43-2) What the Complaint alleges is the Enterprise movants, along with the other defendants, run, operate or direct parts of the Russian mafia—not the entire worldwide criminal enterprise (Complaint 15).

For example, Enterprise movants FlashDancers and member American Organized Crime Gang 1, to which they belong, operates a criminal conglomerate of prostitution, pornography,

intimidation, immigration fraud, drug trafficking and money laundering through its topless clubs and the Internet site [www.flashdancersnyc.com](http://www.flashdancersnyc.com). (Complaint 16-23, 471, 474, 477, 480, 483) Enterprise movants Kuba, Mundy and Petrovich manage a segment of the Russian mafia's immigration of human assets, such as prostitutes, into New York; direct the fraudulent acquisition of visas; suborn perjury before the INS, IRS and the courts; decide on the use of coercion and intimidation; and make decisions concerning money laundering and the use of international facilities to carry out their responsibilities in bringing in some of the Russian mafia's assets—not all. (Complaint 27-24, 485, 488, 490, 492, 494, 495, 496, 497, 498, 499, 500, 512, more than the “only two paragraphs” that the Memorandum p 43-2 claims as alleging Kuba, Mundy and Petrovich's role in the mafia.) Enterprise movant Shipilina is a middle level manager for the Russian mafia handling under her discretion a relatively small part of its prostitution, pornography, money laundering, drug smuggling and relationship building with Russian, Chechen and American organized crime groups. (Complaint 36, 542) Enterprise movant Paulsen, operating under the pseudonym, Wayne Williams, manages the production and importing of a portion of the Russian mafia's pornography for Southern California. (Complaint 37-39, 546) Enterprise movant Henning knowingly implements decisions by higher ups in the Russian mafia to use his police powers for tampering with government informants. (Complaint 47, 558)

Enterprise movants Kuba, Mundy and Petrovich cite to Morin v. Trupin, 835 F.Supp. 126, 134-36 (SDNY 1993) and Strong & Fisher v. Maxima, 1993 WL 277205, at \*1, for support of the argument that their involvement with the Russian mafia does not amount to participation in its management or operation. (Memorandum p 42-3 to p 43-1) Morin, in citing to Strong, says, “even though the complaint alleged that defendants had substantial power to induce the

alleged enterprise to take actions, it did not allege sufficient power to conduct or participate in conducting the alleged enterprise ....” Morin at 135 (emphasis added). Unlike in those two cases, the Complaint in this action not only alleges sufficient power but also the actual activities by the Kuba, Mundy & Associates law firm along with Mundy and Petrovich in conducting or participating in conducting part of the Russian mafia’s affairs. (Complaint 27-33, 488, 490, 492, 494, 495, 496, 497, 498, 499, 500, 512) As the Complaint alleges, Enterprise movants Kuba, Mundy and Petrovich’s actions are not limited to providing legal advice and legal services to the Russian mafia, but constitute a direct and independent role in its affairs that satisfies the operation or management requirement. Turkish v. Kasenetz, 964 F.Supp. 689, 694-95 (EDNY 1997).

“An attorney’s license is not an invitation to engage in racketeering, and a lawyer no less than anyone else is bound by generally applicable legislative enactments. Neither Reves nor RICO itself exempts professionals ... from the law’s proscriptions, and the fact that a defendant has the good fortune to possess the title ‘attorney at law’ is, standing alone, completely irrelevant to the analysis dictated by the Supreme Court [in Reves].” Handeem v. Lemaire, 112 F.3d 1339, 1349 (8<sup>th</sup> Cir. 1997). In the situation where a firm, its employee and an attorney are alleged, as here, for misusing the judicial system, allegations that support a 1962(c) violation may aver: (1) joining in a collaborative undertaken with other Russian mafia members to illegally provide immigration papers for mafia prostitutes and managers (Complaint 485, 486, 490, 491, 502, 503), to silence witnesses and informants (Complaint 265-68, 280, 282, 287, 289, 293-97, 316, 318), to bribe government officials (Complaint 254, 255, 298-303, 306-08); (2) navigating Russian mafia members through court and administrative proceedings by suborning perjury before the INS (Complaint 224, 225, 236, 237), by suborning perjury before law enforcement

officers (Complaint 229, 230), by directing and preparing court filings with erroneous information (Complaint 234, 239, 275-77), by coercing opponents of the mafia with non-existent or falsified evidence in court proceedings (Complaint 245, 273); and (3) taking the lead with their legal acuity in making important decisions concerning the operation of part of the Russian mafia, such as obtaining visas and naturalization for mafia assets (Complaint 485, 486, 490, 491, 502, 503) or money laundering (Complaint 294). *See Handeem v. Lemaire*, 112 F.3d 1339, 1349-50.

The compensable injury under 1962(c) is the harm suffered from the predicate acts; that is, any recoverable damages will flow from the commission of those predicate acts. *Sedima*, 473 U.S. at 497.

#### E. The Enterprise, a.k.a. Russian mafia, exists.

The Enterprise movants once again confuse their motion to dismiss with a summary judgment motion or a trial by objecting that the Complaint's allegations do not prove the existence of the Russian mafia. For instance, they objections include "there is no showing" (Memorandum p 46-2), "failed to proffer any evidence" (Memorandum p 46-3), has "a complete paucity of evidence" (Memorandum p 47-1) and "failed to establish the existence of an enterprise" (Memorandum p 47-1). Even the quote they use from the Supreme Court saying an enterprise is "proved by evidence" comes from a Supreme Court case concerned with a conviction after trial—not a motion to dismiss a RICO complaint. *US v. Turkette*, 452 U.S. 576, 583, 69 L.Ed.2d 246, 101 S.Ct. 2524 (1981). "The pleading of additional evidence is not only unnecessary, but in contravention of proper pleading procedure." *Geisler v. Petrocelli*, 616 F.2d 636, 640 (2d Cir. 1980).

The movants also try to heighten the pleading standard for alleging the existence of the Russian mafia beyond the requirement that “[a] party should set forth the averments in his pleadings in general terms ... that are sufficient to provide the necessary notice to the adversary.” Wright & Miller, Fed. Prac. & Proc.: Civil 2d 1281, p 519. They object the Complaint fails to “allege specific facts” (Memorandum p 46-2), “has not pled any details” (Memorandum p 46-3), “is clearly insufficient” (Memorandum p 46, n. 21). Their objections are unfounded, since an enterprise can be pled generally. Azurite Corp. Ltd. v. Amster & Co., 730 F.Supp. 571, 577 (SDNY 1991).

In addition, the Enterprise movants wrongly draw inferences from statements they make in their Memorandum as though those statements were part of an evidentiary record, but no such record exists because discovery has not yet occur. They boot strap these inferences into conclusions that the Russian mafia does not exist, or the Enterprise movants are not part of it, or they do not swing any weight within it. (Memorandum p 46-2, p 46 n. 22, p 47-1)

Further, the Enterprise movants resort to name-calling to convince the Court that the Russian mafia does not exist: “preposterous allegations”, “frivolous nature” or “stretching the bounds and limits of the most delusional imagination.” (Memorandum p 47-2) Of course, vituperative words can often be successful when used against unpopular causes.

The enterprise in this action is the Russian mafia or as the Complaint at 1 states, “[t]he Russian International Crime Organization [which] generates profits worldwide from numerous criminal activities that include without limitation drug trafficking, money laundering, tax evasion, immigration fraud, prostitution, pornography, white slavery, bribery, mail and wire fraud, murder, extortion, coercion and terror.” The Enterprise movants and the other defendants

in this action are not the entire Enterprise but members of it; that is, they are members of the Russian mafia. (Complaint 11, 15, 16-127) They work together for the mafia's goals and their own enrichment. (Complaint 12, 13) Taken together, they are a segment of the Russian mafia, a relatively few pieces in a jigsaw puzzle that is the Russian mafia in the 21<sup>st</sup> century.

“[A]n enterprise includes any union or group of individuals associated in fact.” NOW v. Scheidler, 510 U.S. 249, 260, 127 L.Ed.2d 99, 114 S.Ct. 798 (1994)(quoting United States v. Turkette, 452 U.S. 576, 580, 69 L.Ed.2d 246, 101 S.Ct. 2524(1981)). An enterprise is a group of persons associated together for a common purpose of engaging in a course of conduct. United States v. Turkette, 452 U.S. 576, 583.

The Complaint alleges the Russian mafia is an ongoing organization in which its members associate together for the purpose of engaging in illegal and legal activities in order to earn substantial profits. (Complaint 12) That a key aim of the Enterprise is to infiltrate and expand its activities in hard currency markets where profits are not threatened by inconvertibility of the local currency or drastic depreciations. (Complaint 13) And the relationships among the Russian mafia's members are both formal, including agreements and chain of command authority, and informal in which the common objectives of the mafia, to infiltrate and grow in hard currency markets, controls decision-making. (Complaint 14) The last part of that allegation of common objectives controlling decision-making is nothing more than modern day management principles for running non-hierarchically structured organizations.

In Commercial Cleaning Servs. LLC v. Colin Serv. Sys., Inc., 271 F.3d 374, 379 (2d Cir.2001), the Second Circuit, taking as true the plaintiff's allegations, did not dismiss for failure to plead an enterprise composed of entities associated-in-fact that included the defendant company, which hired illegal aliens to provided cleaning services; employment services; labor

contractors; newspapers in which the defendant advertised; and immigrant networks that assisted fellow illegal immigrants in getting work, housing and illegal work permits. The enterprise alleged in this action is a more cohesive organization. Given the notoriety of the Russian mafia, the Court could actually take judicial notice of its existence. Whether the defendants are members of it is another matter, which must await discovery, for the Complaint only does what it is suppose to: allege they are members. (Complaint 16-127)

The Enterprise movants' argument that an enterprise must have a "structural continuity" or "distinctness" extending beyond the performance of the pattern of racketeering acts (Memorandum p 44-3, 45-2) or a "hierarchy" (Memorandum p 44-3) has been expressly disavowed by the Second Circuit. Moss v. Morgan Stanley, Inc., 719 F.2d 5, 22 (2d Cir. 1983); United States v. Bargaric, 706 F.2d 42, 55 (2d Cir. 1983); United States v. Mazzei, 700 F.2d 85, 88 (2d Cir. 1983). The Enterprise movants base their position on a couple of decisions by district courts in the Second Circuit that hold a plaintiff does not adequately plead a RICO enterprise if he fails to plead racketeering acts distinct from the enterprise and fails to plead an enterprise with a centralized hierarchy. (Memorandum p 45-2) The cases, Goldfine v. Sichenzia, 118 F.Supp.2d 392, 400 (SDNY 2000), and Black Radio Network, Inc. v. NYNEX Corp., 44 F.Supp.2d 565, 580 (SDNY 1999), derive these requirements exclusively from Schmidt v. Fleet Bank, 16 F.Supp.2d 340, 349-50 (SDNY 1998), which in turn based its holding on cases from the Eight Circuit. The Second Circuit disagreed with Schmidt on precisely the points for which the Enterprise movants cite Goldfine and Black Radio. See Pavlov v. Bank of New York Co., Inc., 25 Fed.App. 70, 2002 WL 63576 (2d Cir. Jan. 14, 2002)(unpublished decision). In reversing the district court's dismissal of a RICO claim in Pavlov, the Second Circuit reiterated its position, "[o]ur Circuit has rejected the Eighth Circuit's restrictive approach

to the enterprise element .... The enterprise need not necessarily have a continuity extending beyond the performance of the pattern of racketeering acts alleged, or a structural hierarchy, so long as it is in fact an enterprise defined in the statute. We have repeatedly found a sufficient enterprise where the complaint alleges a group without centralized hierarchy formed for the sole purpose of carrying out a pattern of racketeering acts.” Id. at \*71.

The Second Circuit long before Pavlov dismissed the reasoning of the Eight Circuit on which Schmidt, Goldfine and Black Radio are based. Hansel’n Gretel Brand, Inc. v. Savitsky, 1997 WL 543088, \*2 (SDNY Sept. 3, 1997). In Hansel the defendants argued, as the Enterprise movants do here, that a complaint must allege a common link among them other than the racketeering activity (Memorandum p 45-2) or, alternatively stated, that the defendants played roles in the enterprise distinct from the racketeering activity. The Enterprise movants err when they claim support for this argument comes from Turkette at 583, which states the enterprise is separate and apart from the pattern of racketeering activity. The Second Circuit in United States v. Mazzei, 700 F.2d 85, 88 (2d Cir. 1983), considered the impact of Turkette, and rejected the movants notion. Hansel at \*2 (quoting Mazzei at 89). Further, in Colony Holbrook, Inc. v. Strata, G.C., Inc., 928 F.Supp. 1224, 1235-36 (EDNY 1996), the court rejected the view that an enterprise encompasses only an association with an ascertainable structure having an existence apart from the commission of the predicate acts.

Operating under their misunderstanding of the law, the Enterprise movants object the Complaint does not provide a flow chart of the command and control as well as the interrelationship of all the members of the Russian mafia, or at least the defendants. (Memorandum p 46-1, 2) Even discovery will not finalize a flow chart for the Russian mafia, but will show connections among the defendants, who the Enterprise movants inaccurately



contend make up the entire alleged Enterprise, Russian mafia. (Memorandum p 45-3) The Complaint specifically states the defendants comprise only “a portion of the Enterprise’s activities in America, Russia, Cyprus and Mexico.”

The Enterprise movants claim that a small law firm, Kuba, Mundy & Associates, could not hold together part of the Russian mafia and conduct legal work for all the defendants in this action across the world. (Memorandum p 46-2) The problem with this objection is the Complaint does not allege that. The Complaint alleges, “Kuba, Mundy & Associates act as consiliari and manager of US immigration issues in New York for the Enterprise.” (Complaint 27, emphasis added) New York is not the world, although some may think so. Further, the Complaint alleges that the law firm “operates a green card and visa mill that fraudulently obtains visas...for Russians” (Complaint 28), and “uses coercion and intimidation against” against some parties (Complaint 30). While such operations do further the Russian mafia’s aims in New York; they don’t hold that worldwide organization together, or even the US Chapter. Kuba, Mundy & Associates just runs a department, although an important one, of the Russian mafia’s operations.

They also object “[t]here is absolutely no other connection....” among them and the other defendants other than the encounters, travels and work of Enterprise movant Shipilina. The Court does not know that. The evidence of the full extent of the connections is within the Enterprise movants knowledge and will come out in discovery.

There is, however, a thread that leads through the Complaint’s allegations, just as the thread of money led reporters Woodward and Bernstein through the maze of Watergate. In this case the thread is a person: movant Shipilina. One of the few ways of exposing underworld organizations from the outside is by tracking one of its members, noting that member’s interactions with other members and the events that subsequently ensue. As the Complaint

alleges, the plaintiff followed that thread to pimps, prostitutes, pornographers, pushers, brothels, well known gangsters, Islamic Mafiosi, corrupt public officials, a green card mill, money launderers, crooked lawyers, lap-dancing clubs, killers, goons, bribers, intimidators and perjurers. As Humphrey Bogart said in the Maltese Falcon, “All those on one side. Maybe some of them are unimportant, I won’t argue about that. But look at the number of them.”

The “number of them” paints a picture of part of the Russian mafia. When the control of the Communist Party fell apart, some enterprising Russian men and women started recruiting willing young females to sell sexual services overseas for hard currency. (Complaint 10, 13, 41, 42, 61, 69, 80, 85) In order to get those nubile bodies to the lucrative markets required circumventing immigration laws. (Complaint 27-29, 32, 33) How? By sneaking in assets across borders, bribing immigration officials, tricking stupid Americans into marriage, engagements or relationships. (Complaint 423, 426, 427, 254, 255, 323, 367, 368, 361, 363, 365, 883) Once the flow of willing bodies ramped up, managers were needed in the hard currency markets to keep track of the cash flow in order to mitigate the tendency of these young ladies to maximize their income and minimize the commissions they paid. Managers were also needed to find new outlets, increase the flow of assets from Russia, branch off into related areas—such as drugs, protect the growing operations with threats and intimidation, build relationships with other organized crime groups and bring in lawyers, law enforcement officials, accountants, Internet companies and every other type of professional needed to successfully manage and run a business. (Complaint 11, 15)

Even if Schmidt, Goldfine and Black Radio were still the law in the Second Circuit, the plaintiff argues the Complaint has pled that the Russian mafia, and along with it the defendants’ segment of it, “would exist despite the alleged pattern of racketeering activity,” (Memorandum p

45-2). The pattern of racketeering activity, as opposed to an enterprise, is a series of criminal acts defined by 18 USC 1961(1). Turkette at 583. The latter is pled by allegations of “the requisite number of acts of racketeering committed by the participants in the enterprise,” Turkette at 583. The Complaint alleges a pattern of predicate acts by the Enterprise movants and other defendants to assist and carry out Russian mafia activities. (Complaint 466-683) The Russian mafia also engages in other criminal acts and racketeering activities in other parts of the world not alleged in the Complaint. (Complaint 1) In addition, some of the Russian mafia’s activities, although sorted, are legitimate. For example, employing young females to take off all their clothes and jiggle their bodies close to the faces of strangers paying \$20 a “dance” is not a predicate act. However, the income from such lap-dancing does help support the mob’s infrastructure. So even deleting all the alleged predicate acts in the Complaint still leaves a distinct association of fellow travelers seeking fortune and, for some, glory by way of the Russian mafia.

#### F. Standing.

The Enterprise movants continue their effort to heighten civil RICO pleading requirements—this time for standing. At Memorandum p 48-1, they assert the Complaint “must show”, which means to prove, Black’s Law Dictionary. But the purpose of a complaint under the federal rules is to give notice, not prove. Hickman v. Taylor, 329 U.S. 495, 500-01, 91 L.Ed. 451, 67 S.Ct. 385 (1947).

In their Memorandum at p 48-4, the movants claim the plaintiff “cannot demonstrate with any specificity in what manner” injuries were sustained to his business or property. Demonstrate means “to prove indubitably”, Black’s Law Dictionary, complaints do not prove. In addition, the Enterprise movants’ reference to a “specificity” requirement for “demonstrating

injury” fails to mention where this standard comes from. Perhaps it is their ubiquitous version of Rule 9(b), but both the Supreme Court and the federal rules foreclose the adoption of that position. *See* Michael Goldsmith, Judicial Immunity for White Collar Crime: The Ironic Demise of Civil RICO, 30 Harv. J. on Legis. 1, 18-22 (1993) (criticizing several attempts at RICO reform through judicial revisionism including improper heightened pleading requirements). The Enterprise movants objection to a lack of “specificity” in injury is more appropriate for a summary judgment motion after discovery has been conducted. But, even at that stage, if the plaintiff cannot prove the exact amount of harm, a nominal amount of damage is adequate to support liability. Potomac Elec. Power v. Electric Motor & Supply, 262 F.3d 260, 266 (4<sup>th</sup> Cir. 2001).

More importantly, the Complaint at 900-907 provides the movants enough specifics for fair notice of the harm done to the plaintiff. But even had the Complaint failed to specify the manner of injury and only made what the Memorandum at p 48-4 objects to as “conclusory allegations [of injury that]... are not definite or ascertainable ...,” the Supreme Court has held that “[a]t the pleading stage, general factual allegations of injury resulting from the defendant’s conduct may suffice, for on a motion to dismiss we presume that general allegations embrace those specific facts that are necessary to support the claim.” NOW v. Scheidler, 510 U.S. 249, 256 (quoting Lujan v. Defenders of Wildlife, 504 U.S. 555, 561, 119 L.Ed.2d 351, 112 S.Ct. 2130 (1992)).

Civil RICO provides standing to sue to “[a]ny person injured in his business or property by reason of a violation of [18 USC 1962].” 18 USC 1964(c). In order to bring suit, a plaintiff must allege: (1) defendants’ violation of 1962, (2) injury to the plaintiff’s business and property

and (3) causation of injury by defendants violation. Commercial Cleaning Servs., 271 F.3d 374, 379 (2d Cir. 2001). The “by reason of” clause in 18 USC 1964(c) limits standing to plaintiffs who allege the RICO violation was both the factual and proximate causes of the averred injuries. Commercial Cleaning Servs., 271 F.3d 374, 379 (citing Holmes v. Sec. Investor Prot. Corp., 503 U.S. 258, 268, 117 L.Ed.2d 532, 112 S.Ct. 1311 (1992)).

The Enterprise movants mistakenly claim the Second Circuit “has made clear that liability ... does not ‘depend on whether there is proximate causation as that term is used at common law.’” (Memorandum p 48-1, citing Abrahams v. Young & Rubican Inc., 79 F.3d 234, 237 (2d Cir. 1996). The current law in the Second Circuit on RICO proximate causation is not so clear. The Circuit has moved away from the Enterprise movants’ assertion that proximate causation is determined by a zone of interest test in which the plaintiff must be “in the category the statute meant to protect.” (Memorandum p 48-1) Rather common law principles for determining proximate cause seem favored. “Central to the notion of proximate cause is the idea that a person is not liable to all those who may have been injured by his conduct, but only to those with respect to whom his acts were ‘a substantial factor in the sequence of responsible causation,’ and whose injury was ‘reasonably foreseeable or anticipated as a natural consequence.’” Lerner v. Fleet Bank, 318 F.3d 113, 123 (2d Cir. 2003)(citing First Nationwide Bank v. Gelt Funding Corp., 27 F.3d 763, 769 (2d Cir, 1994) (quoting Hecht v. Commerce Clearing House, Inc., 897 F.2d 21, 23-24). In Lerner, the Second Circuit found that racketeering activities, or predicate acts, were not a substantial factor in the chain of causation, nor were the losses reasonably foreseeable, Lerner at 123, which sounds a lot like common law proximate causation. The Lerner court, however, took a circuitous route to get here and, to a degree, left its options open for defining proximate causation.

In Lerner, the Second Circuit backtracked and maneuvered away from the “zone of interest” test. Id. at 120. “We have previously implied that there might be an additional standing component—that the plaintiff must fall within the zone of interests RICO seeks to protect. Id. (citing *see Laborers Local 17 v. Philip Morris, Inc.* 191 F.3d 229, 239 (2d Cir. 1999). “[T]he zone of interests test ... is an inquiry into whether ... the plaintiff is within the class of persons sought to be benefited by the provision at issue.” Id. (quoting Holmes v. Securities Investor Protection Corp., 503 U.S. 258, 287, 117 L.Ed.2d 532, 112 S.Ct. 1311 (1992)(Scalia, J., concurring).” The Second Circuit concluded “it wiser to resolve [such] cases on grounds of proximate causality.” Lerner at 120. The Lerner court further stated that in Abrahams v. Young & Rubican Inc., 79 F.3d 234, 237, relied upon by the Enterprise movants, it “resolved the [standing] issue on the grounds of proximate causation,” Lerner at 121, and explained that in Abrahams the Court should have used the term “proximate causality” instead of zone of interests, but that both are pretty much the same, Lerner at 121 n. 6. “[T]he reasonably foreseeable victim of a RICO enterprise will often be ... the type of victim the RICO statute seeks to protect.” Lerner at 122.

The Second Circuit in Lerner finally held the better approach to resolving causation was that adopted by the Supreme Court in Holmes, Lerner at 121-122, which indicates the Second Circuit is moving away from the “zone of interest test” relied on by the Enterprise movants. The plaintiff, therefore, suggests following the holding of Holmes and other circuits that the proximate cause required for RICO standing is a common law concept. *See e.g.* Systems Management, Inc. v. Loisel, 303 F.3d 100, 104 (1<sup>st</sup> Cir. 2002); Perry v. American Tobacco Co., 324 F.3d 845, 848 (6<sup>th</sup> Cir. 2003).

In Holmes, the Supreme Court reasoned that standing under civil RICO concerns only the injury to a person, not the legal right of that person to sue for violations of predicate acts. Holmes, 503 U.S. 258, 280. In reaching its decision, the Court analogized to the Sherman Act which federal courts have held as requiring common law proximate causation to determine standing. Lerner at 120-121. The reason for applying common law proximate causation under the Sherman Act applies just as readily to civil RICO suits under 1964(c). Holmes at 267-69. Holmes, therefore, opts for common law causation principles under RICO, Perry v. American Tobacco Co., 324 F.3d 845, 848 (6<sup>th</sup> Cir. 2003), in which the traditional rule requiring that the defendant's acts substantially caused an injury that was foreseeable includes the traditional requirement that the injury was "direct", in that the defendant did not injure some intermediary who in turn harmed the plaintiff. Laborer's Local 17 Health & Benefit Fund v. Philip Morris, Inc., 191 F.3d 229, 235-36 (2d 1999); *see* Holmes at 268.

As the Complaint alleges, there was no one standing between the plaintiff and the defendants, so the harm was direct. (Complaint 900-907) In addition, the predicate acts and RICO violations committed in furtherance of the Russian mafia's Scheme factually harmed the plaintiff's business and financial interests, and the injuries from those predicate acts and RICO violations were foreseeable. Id.

In their advocating a "zone of interest" test for proximate cause, the Enterprise movants claim a plaintiff must be "the intended target." (Memorandum p 48-1) On the target issue, the Second Circuit has repeatedly emphasized that the targets, competitors and intended victims of a racketeering enterprise are those that are the reasonably foreseeable victims of a RICO violation. Lerner at 124. The targets do not have to be specifically named by the criminal entity when it concocts its scheme; they only need to fall within the group of reasonably foreseeable victims.

The Enterprise movants falsely claim that the Complaint asserts all the defendants in this action, banded together, looked up the plaintiff's name while he was working in Moscow and decided to target him for exploitation (Memorandum p 48-3). The Russian mafia and its Scheme of targeting American businessmen as unwitting accomplices in bringing the mafia's assets and managers to the new world existed well before the plaintiff landed in Moscow on July 4, 1999. (Complaint 10, 360-63, 883) The plaintiff had the unfortunate luck of stepping into the cross hairs of the Russian mafia's Scheme when he accepted an invitation to a party in his apartment building. (Complaint 128-38) If the plaintiff had been loan sharked by the Italian mafia, the Enterprise movants would not make the ludicrous claim that to satisfy standing the Italian mafia had to create a loan sharking enterprise solely targeting the plaintiff. Here it is not the Italian but the Russian mafia, a large criminal entity that the plaintiff will prove exists if given the opportunity for discovery. "No precedent suggests that a racketeering enterprise may have only one "target," or that only a primary target has standing ... there is a broad class of plaintiffs under RICO." Baisch v. Galina, 346 F.3d 366, 375 (2<sup>nd</sup> Cir. 2003).

Some courts do not even require that the plaintiff be the target or intended victim of predicate acts so long as the plaintiff's business or property was directly injured as a proximate result of the violation. Rakoff and Goldstein, RICO Civil and Criminal, 4.02[7]. The Complaint alleges such injuries at 900-907.

If this Court does decide to follow the "zone of interest test," or at least add it to the common law proximate cause requirement, the plaintiff argues that at this stage of the proceedings there is a set of facts that can be proved that will satisfy the "zone of interest test," so dismissal on those grounds would be inappropriate. See Swierkiewicz v. Sorema N.A., 534 U.S. 506, 513-14, 152 L.Ed.2d 1, 122 S.Ct. 992 (2002). Furthermore, disputed claims of



causation and injury cannot be decided on a Rule 12(b)(6) motion. *See Knevelbaard Diaries v. Kraft Foods, Inc.*, 232 F.3d 979, 989 (9<sup>th</sup> Cir. 2000).

Further, in *NOW v. Scheidler*, the plaintiffs alleged that a RICO conspiracy had injured them in their business or property, and the Supreme Court concluded that nothing more was needed to confer standing at the pleading stage. *NOW v. Scheidler*, 510 U.S. 249, 256 (quoting *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 561, 119 L.Ed.2d 351, 112 S.Ct. 2130 (1992)). This action alleges damages to “business and financial interests.” (Complaint 900-907) The Enterprise movants apparently try to narrow the damages recoverable under RICO to exclude harm to financial interests. (Memorandum p 48-4) Whether an interest is property depends on state law. *Oscar v. University Student Coop Ass’n*, 939 F.2d 808, 810-11 (9<sup>th</sup> Cir. 1991). Under New York law, property includes anything that may be subject to ownership and includes obligations, rights and other intangibles. *New York Jur2d, Prop 1*. Financial interests clearly fall within the definition of property, so this Complaint alleges damage to the plaintiff’s business and property interests, which is enough to confer standing.

Nevertheless, the Enterprise movants object to the damages alleged in the Complaint even though such types of harm have been held recoverable under RICO. When a commercial business loses money, it has suffered injury to both business and property. Rakoff and Goldstein, *RICO Civil and Criminal*, 4.03[2]. The Complaint at 907(a) alleges loss of profits from the plaintiff’s law and consulting business as a result of halting normal work and investigating and seeking to rectify harm from the Scheme. *Philatelic Foundation v. Kaplan*, No. 85 Civ.8571, slip op. (SDNY May 9, 1986), dismissed in part 647 F.Supp. 1344. Lost profits are considered an injury to business. *Terminate Control Corp. v. Horowitz*, 28 F.3d 1335, 1343 (2d Cir. 1994). Business interruptions and expenses resulting from the Russian mafia’s Scheme,

alleged in the Complaint at 907(b), are recoverable and sufficient to stand a motion to dismiss. R.A.G. S. Couture, Inc. v. Hyatt, 774 F.2d 1350, 1353 (1985). The values of business opportunities lost due to RICO predicate acts, alleged in the Complaint at 907(c), are compensable. Terminate Control Corp. v. Horowitz, 28 F.3d 1335, 1343. Expenses from the investigation of the tampering with and intimidation of witnesses and subordination of perjury and bribery in order to avoid and rectify injury, alleged at Complaint 907(d), are recoverable. Malley-Duff & Associates v. Crown Life Ins. Co., 792 F.2d 341, 355 (3d Cir. 1986). Harm to business reputation and goodwill, alleged at Complaint 907(e), constitutes a RICO injury. Lewis v. LHU, 696 F.Supp. 723, 727 (DDC 1988).

The Enterprise movants also mistakenly use a case to argue this RICO action has not accrued because the alleged damages have not become “clear and definite.” (Memorandum p 48-2) The facts in the case they cite, Bankers Trust Co. v. Rhodes, 859 F.2d 1096, 1106 (2d Cir. 1988), cert denied, 490 U.S. 1007 (1989), are diametrically different from this action. Bankers Trust deals with a RICO claim by a creditor against its debtor. Since the damages claimed under RICO by the creditor were also subject to a bankruptcy proceeding, the Second Circuit decided the damages would not become definite until the bankruptcy action made clear how much of those damages the creditor would recover in bankruptcy. Once that happened, the amount not recovered through the bankruptcy action could be recovered under RICO. That is, the damages claimed under RICO would become “clear and definite.”

Two more recent cases not cited by the Enterprise movants, but which use the exact words quoted in their Memorandum at p 48-2: “a cause of action under RICO does not accrue until the amount of damages becomes clear and definite,” more clearly show that the reason for those RICO actions not accruing was that the creditors might still recover on their loans through

other pending actions. Strangely the words quoted by the Enterprise movants in their Memorandum do not appear anywhere in the case they do cite, Bankers Trust.

The two cases in which those exact words do appear: First Nationwide Bank v. Gelt Funding Corp., 27 F.3d 763, 768 (2d Cir. 1994) and Motorola Credit Corp. v. Uzan, 322 F.3d 130, 135 (2d Cir. 2003) hold that “[t]he ‘clear and definite’ amount of damages suffered by a secured creditor who is fraudulently induced to make a loan and seeks to recover the value of the loan itself, ‘cannot be established until it is finally determined whether the collateral is insufficient to make the plaintiff whole, and if so, by how much.’” Motorola at 135 (quoting First Nationwide at 768). So until the creditor recovered on the collateral, the amount remaining to recover under RICO was uncertain “because the RICO damages are netted against recovery obtained from collateral and other sources....” Id. The plaintiff in this action is not a creditor; therefore, the reasoning of those cases does not apply and damages have accrued.

The Enterprise movants then try to absolve themselves of any harm they may have legally caused the plaintiff by stating such harm was the result of the plaintiff’s “own careless actions.” (Memorandum p 49-1) Perhaps not having employed a “taster” to test meals prepared by his wife for drugs or following his heart into a trap the Buddhists refer to as “idiot compassion” made the plaintiff contributory negligent. But contributory negligence applies to negligence actions—not criminal conduct by the Russian mafia. The Enterprise movants may, however, be taking a page from George Orwell’s depiction of the former Soviet Union where the victim is the violator and the violator the victim.

### G. Conspiracy.

Again the Enterprise movants try to wrongly heighten the standard for pleading RICO, this time for averring conspiracy under 18 USC 1962(d). They mistakenly claim that the Complaint “must show” (Memorandum at p 49-2), which means to prove, and object to a “paucity of facts” (Memorandum p 50-1). But the plaintiff must not be put to the test to prove his allegations at the pleading stage. NOW, Inc v. Scheidler, 510 U.S. 249, 256.

The movants also object the Complaint fails “to adequately plead when or where such purported agreements occurred, the nature of the agreements or what the terms of the agreements to conspire were,” (Memorandum p 50-1). This sounds very much like their ubiquitous “particularity” requirement adopted from Rule 9(b). However, the Supreme Court has declined to extend beyond fraud or mistake the Rule 9(b) requirement of greater particularity in allegations. Swierkiewicz v. Sorema NA, 534 U.S. 506, 513. The heighten standard of particularity the movants demand by requiring the pleading of “when”, “where” and the “terms of the agreements to conspire” does not apply. But even if it did, such information is peculiarly within the possession of the Enterprise movants, so their new standard for pleading RICO conspiracy should be permissively applied. Berk v. Tradewell, 2003 Lexis 12078 \* 39.

A plaintiff is not required to be omniscience, but provide enough information to put the defendants on notice. Arnold v. Arnold Corp., 920 F.2d 1269, 1279-80 (6<sup>th</sup> Cir. 1990). The Complaint’s conspiracy allegations not only provide enough information to put the movants on notice but also a fair amount of information as to “when”, “where” and the “terms” of the agreements. For example: the conspiracy to trick the plaintiff by using lies and drugs so that he would bring an asset of the Russian mafia to America began in July 1999 (Complaint 135, 136),

the conspiracy to force the plaintiff to lie to the INS in order to protect the Russian mafia's Scheme began around November 2000 (Complaint 228), the agreement to obtain an order of protection based on perjury in order to pressure the plaintiff into lying to the INS occurred in December 2000 or January 2001 (Complaint 234), the agreement to have the plaintiff threatened with death at the hands of Russian gangsters occurred around January 2001 (Complaint 236), the conspiracy to prevent the plaintiff from going to trial in order to avoid exposure of some of the Russian mafia's activities began around February or March 2001 (Complaint 243), the agreement to bribe an INS official occurred in the Spring of 2001 (Complaint 254), the conspiracy to use Russian or Islamic Mafiosi to silence witnesses began around April 2001 (Complaint 265), the agreement to hide movant Shipilina's true net worth from the New York Supreme Court occurred probably in the Summer of 2001 (Complaint 275), the conspiracy to use hoodlums to threaten the plaintiff so as to avoid a public trial that would expose part of the Russian mafia and to keep him from providing information to law enforcement agencies started in October 2001 with the first of four threats made over twenty months (Complaint 280, 287, 316), the conspiracy to use Russian gangsters or Islamic Mafiosi to force witnesses in a criminal case in Russia to change their testimony or refuse to testify began around March 2002 (Complaint 293), the agreement to bribe a New York City detective occurred around March 2001 (Complaint 306), the murder-for-hire agreement occurred in July or August 2002 (Complaint 319), and agreements to import prostitutes, pornography, drugs or launder money occurred in March 2000 (Complaint 321), Fall of 2000 (Complaint 326) and September 2000 (Complaint 401).

In addition, the Enterprise movants object that the allegations of conspiracy are "conclusory" (Memorandum p 49-2) and "bare conclusory" (Memorandum p 50-1). Conclusory

means expressing a factual inference without stating the underlying facts. Black's Law Dictionary. Well, most of the underlying facts for the Enterprise movants' conspiracies are within their possession and won't come out until discovery.

They use Morin v. Trupin, 747 F.Supp. 1051, 1067 (SDNY 1990), for holding that conclusory and bare allegations of conspiracy are insufficient to plead RICO conspiracy. (Memorandum p 49-2) That is what Morin holds, but it does so because in that case the “[p]laintiffs’ entire allegation of a RICO conspiracy consist[ed] of the following: ‘The defendants conspired with each other to violate 18 USC Sec. 1962(a), (b) and (c).’” Morin at 1067 (emphasis added). Now there’s a bare allegation. The Enterprise movants, however, do not even mention that lone, short allegation in their Memorandum as the reason the Morin court dismissed the conspiracy claims. Nor do the movants compare that allegation with the numerous allegations of conspiracy in the Complaint in this action.

A RICO conspiracy violation occurs when any person conspires to violate 18 USC 1962(a), (b) or (c). 18 USC 1962(d).

The Enterprise movants’ implication that a necessary element of a RICO conspiracy is the conspirators “agreed to form” a RICO enterprise makes no sense if a RICO enterprise already exists, such as the Russian mafia. (Memorandum p 49-2) In such a case, and where the conspirators are members of the enterprise, a complaint only needs to allege the existence of an agreement to violate 1962(a), (b) or (c). See Cofacredit v. Windsor Plumbing Supply Co., 187 F.3d 229, 244 (2d Cir. 1999). The Complaint alleges such agreements by the Enterprise movants at 472, 475, 478, 481, 484, 489, 501, 513, 543, 547, 559, and these conspirators are alleged to be members of the Russian mafia (Complaint 16-23, 27-39, 44-50).

The plaintiff must also allege that the conspirators intended to further the criminal endeavor, which can be met by merely adopting the goal of advancing or facilitating the violation of RICO 1962(a)(b) or (c). *See Salinas v. U.S.*, 522 U.S. 52, 65, 139 L.Ed.2d 352, 118 S.Ct. 469 (1997). The Complaint does so at 472, 475, 478, 481, 484, 489, 501, 513, 543, 547, 559. A conspirator need not agree to undertake all of the acts necessary to commit an offense. *Salinas* at 65. He can be a conspirator by agreeing to facilitate only some of the acts leading to the offense. *Salinas* at 65. The Supreme Court's standard appears less stringent than the one advocated by the Enterprise movants that conspirators "understood the scope of the enterprise and knowingly agreed to further its affairs through the commission of various offenses." (Memorandum p 49-2)

In their Memorandum at p 50-2, the movants claim, "there can be no RICO conspiracy without a substantive RICO violation," and, they, the Enterprise movants, did not violate any of the provisions of 18 USC 1962. Co-conspirators who might not themselves have violated one of the substantive provisions of 1962 can still be sued providing others were alleged to have done so. *Beck v. Prupis*, 529 U.S. 494, 507, 146 L.Ed.2d 561, 120 S.Ct. 1608 (2000). In addition, conspiracy is not an independent cause of action but a mechanism for subjecting co-conspirators to liability for the tortious acts of one of their members, and a tortious act is a 1962(a), (b), or (c) violation or may even be the commission of one predicate act. *Beck* at 506 n. 10. The Complaint alleges numerous violations of 18 USC 1962 and predicate acts committed by the Enterprise movants in furtherance of the Russian mafia's Scheme. (Complaint 466-547, 556-559)

The Enterprise movants claim that a defendant cannot be liable for conspiracy "unless it has some part in directing the RICO enterprise's affairs." (Memorandum p 50-3) The Enterprise

movants do not provide the page cite from Reves v. Ernst & Young, 507 U.S. 170, 122 L.Ed.2d 525, 113 S.Ct. 1163 (1992), that they use to support their statement. They just provide the title page for the case. Since Reves concerned a violation of 1962(c), the plaintiff assumes the movants limit this alleged rule only to conspiracies to violate 1962(c). But even with that limitation, the alleged rule is wrong. A defendant can be liable for conspiring to violate a law, even if he is not among the class of persons who could commit the crime directly. US v. Viola, 35 F.3d 37, 43 (2d Cir. 1994). And a defendant can conspire to violate 1962(c) even though he is not an operator or manager; that is, does not have “some part in directing the RICO enterprise’s affairs,” so long as he knowingly agreed to facilitate the activities of those who run the enterprise. Brouwer v. Raffensperger, Hughes Co., 199 F.3d 961, 966-97 (7<sup>th</sup> Cir. 2000). The Complaint alleges the Enterprise movants play a part in directing some of the activities of the Russian mafia, but if the Court chooses to overlook those allegations, the Complaint at the very least alleges the movants agreed to perform services of a kind that facilitated the activities of other operators and managers. (Complaint 466-70, 472, 473, 475, 476, 478, 479, 481, 482, 484, 485-87, 489, 490-99, 501, 502-11, 513, 514-41, 543, 544, 545, 547, 556, 557, 559)

As for conspiring to violate 1962(a) & (b), the Supreme Court in Reves made clear that both insiders and outsiders could violate those two sections, Reves, 507 U.S. 184-85; therefore, a conspirator under 1962(a) & (b) need not have any say in the running of the enterprise.

Injury under 1962(d) requires harm from an overt act that is a predicate act or otherwise wrongful under RICO. Beck, 529 U.S. at 505. The Complaint alleges agreements among the Enterprise movants to violate 1962(a)(b) or (c), overt acts that are wrongful under RICO and injuries to the plaintiff. (Complaint 472, 475, 478, 481, 484, 489, 501, 513, 543, 547, 559, 900-907) In Berk v. Tradewell, 2003 Lexis 12078, \*42, Chief Judge Mukasey found that the



plaintiffs' action for 1962(d) conspiracy would not be dismissed because the complaint had alleged the defendants formed an agreement and acted in concert to commit predicate acts. So the Complaint, as it pertains to RICO conspiracies, should not be dismissed.

#### H. Aid and abet.

The Complaint does not allege that the Enterprise movants aided and abetted the violation of 18 USC 1962, the substantive RICO statute. It alleges the movants are liable as principals for the violation of predicate acts under 18 USC 1961(1) when they willfully commit the offense, aid, abet, counsel, command, induce, or procure or cause its commission. 18 USC 2. So when they engaged in such conduct, they were committing racketeering activities. (Complaint 466-70, 473, 476, 479, 482, 485-87, 490-99, 502-511, 514-541, 544, 545, 556, 557) Liability for racketeering activities is the basis on which the other RICO elements build to reach a violation of substantive RICO, 18 USC 1962. Therefore, a defendant who aids and abets a predicate act is considered a principal for that act and can in the end be liable for violating 18 USC 1962, providing the other elements of RICO are satisfied, such as pattern, injury, enterprise and standing.

#### Point III: State claims.

##### A. Supplemental jurisdiction.

The Enterprise movants continue their efforts to have this Court apply a higher standard than required to the plaintiff's RICO pleading in order to gain a dismissal. Previously they attempted to apply Rule 9(b) to predicate acts that were not fraudulent, carried on as though Rule 9(b) applied to pleading violations of 18 USC 1962 and demanded the Complaint provide

evidence that proved its allegations. In their Memorandum at p 52-3 and p 53-1, they try to wrongly heighten the standard for pleading subject matter jurisdiction. The movants cite to United Mine Workers v. Gibbs, 383 U.S. 715, 725, 16 L.Ed.2d 218, 86 S.Ct. 1130 (1966), for holding that “[t]o withstand a motion to dismiss, a federal claim must be stated with substance sufficient to confer subject matter jurisdiction.” (Memorandum p 52-3, emphasis added) What the Supreme Court said was “[t]he federal claim must have substance...,” Id. at 725, which meant there was a federal question on which to base subject matter jurisdiction. The Supreme Court did not say that allegations of subject matter jurisdiction had to be “stated with substance,” which implies a heightened pleading standard for jurisdiction.

The movants also refer to a “specificity” pleading requirement (Memorandum p 52-3) that they take from a case alleging a governmental conspiracy to deprive a person of his constitutional rights, Hughes v. PBA of NYC, 850 F.2d 876, 880 (2d Cir. 1988), which found support from another case, Oster v. Aronwald, 567 F.2d 551, 553 (2d Cir. 1977), also averring a governmental conspiracy. Pleading a governmental conspiracy to violate constitutional rights is not pleading subject matter jurisdiction.

The pleading standard for subject matter jurisdiction is whether a complaint asserts a claim under the US Constitution or federal statute as ascertained by looking at the whole complaint. Wright & Miller, Fed. Prac. & Proc.: Civil 2d 1206, p 89-90. Or, as Rule 8(a)(1) requires: a short and plain statement of the grounds on which the court’s jurisdiction depends. In this action, the Complaint at 6, 7 provides such statements. If the Court finds that subject matter jurisdiction has not been properly pled, the plaintiff requests leave to re-plead it.

Other than the Enterprise movants attempt to raise the bar for pleading jurisdiction, it is unclear exactly what they are asking for in this section. The movants titled the section: “This

Court Lacks Jurisdiction Over Plaintiff's Pendant State Law Claims" and state that if the RICO claims are dismissed, then the "pendent state law claims must be dismissed," (Memorandum, p 53-1). However, in the following paragraph (Memorandum, p 53-2), they argue that the Court should keep jurisdiction and "address the instant state law claims ...." So which is it—dismiss everything or keep the state claims.

If the Court dismisses the RICO claims, then whether to keep the state law claims is within its discretion as guided by the factors in 28 USC 1367(c). Those factors are considered in light of judicial economy, convenience, fairness and comity. United Mine Workers of America v. Gibbs, 383 U.S. 715, 726. If the Court declines jurisdiction over the state law claims, it should dismiss them without prejudice so that they may be brought in state court. Gold v. Local 7 United Food & Commercial Workers Union, 159 F.3d 1307, 1311 (10<sup>th</sup> Cir. 1998).

#### B. Pendent state law claims.

The Enterprise movants are back to their old tricks of claiming the Complaint must prove rather than allege and plead at a stricter standard than Rule 8's general notice requirement. Under Rule 8, a complaint need not state with precision all elements that give rise to a legal basis for recovery as long as fair notice of the nature of the action is provided. Wright & Miller, Fed. Prac. & Proc.: Civil 2d 1216, p 154.

The Enterprise movants assert the Complaint "must demonstrate," which means to prove indubitably, Black's Law Dictionary, various elements of the state claims of intentional infliction of emotional distress (Memorandum p 53-4, p 54-2) and abuse of process (Memorandum p 56-1). They also object the abuse of process allegations do not "establish" (Memorandum p 56-3), which also means prove by evidence, Black's Law Dictionary. However "[i]t is a familiar rule

of pleading ... that evidence by which an allegation is sought to be established need not be pleaded. ... Such matters [of evidence], however, are for proof and we doubt the propriety, much less the necessity of their allegation.” Cater Constr. Co. v. Nischwitz, 111 F.2d 971, 973 (7<sup>th</sup> Cir. 1940).

In their argument for a higher standard than called for in Rule 8, the movants make conclusory statements that the emotional distress claim “is bare and conclusory, with uncorroborated injuries.” (Memorandum p 54-2) Corroborate means to add weight by additional evidence, Black’s Law Dictionary, but the plaintiff must not be put to the test to prove his allegations at the pleading stage. NOW, Inc v. Scheidler, 510 U.S. 249, 256. The Enterprise movants do not even cite to the allegations they claim are “bare and conclusory.” Perhaps they hope a busy court will not take the time to look them up, and accept their conclusions as accurate. Well, here are the cites to the emotional distress allegations that harmed the plaintiff, so the Court can decide for itself: Complaint at 137, 168, 171, 172, 175-81, 185, 216, 228-30, 234, 236-37, 239-41, 243, 245, 257-59, 273, 280-84, 287-92, 306-09, 316-18.

The Enterprise movants claim, without more, that the Complaint fails “to sufficiently plead the elements” for abuse of process. (Memorandum p 57-2) They do not even cite the allegations to which they refer, so here are the abuse of process allegations that harmed the plaintiff: Complaint 228, 234, 239-41, 306-13. Nor do they cite the malicious prosecution allegations that they claim are “conclusory” (Memorandum p 58 –3), so here are the Complaint’s malicious prosecution allegations for the Court 228, 234, 239, 306-10.

(i) Intentional infliction of emotional distress on the plaintiff.

In order to allege the intentional infliction of emotional distress, a complaint need aver that the defendants by extreme and outrageous conduct intentionally or recklessly caused severe emotional distress to the plaintiff. Lish v. Harper's Magazine Foundation, 807 F.Supp. 1090, 1109 (SDNY 1992).

The Complaint alleges that the Russian mafia, through its members Flash Dancers Topless Club; Jay-Jay Cabaret; Flash Dancers Managers Barry, 3, 4 or 5; Madison a.k.a. Pierre; Kuba; Mundy; Petrovich; Shipilina; and Henning, engaged in acts to intentionally or recklessly cause the plaintiff emotional distress. The act or acts attributable to each depended on whether the immediate aim was to use the plaintiff for bringing a valuable asset of the Russian mafia, Shipilina, to America, to intimidate him into going along with the mafia's illegal efforts or to threaten him into silence concerning the mob's activities.

Among the acts were secretly slipping the plaintiff drugs to assure he would bring movant Shipilina to America and remain in the dark as to the Russian mafia's Scheme (Complaint 137, 168, 171, 172, 175-81, 185, 216); filing false reports about the plaintiff with the New York City police to intimidate him into lying to the INS and keeping quiet about the Russian mafia's activities (Complaint 228-30, 234, 239-41); threatening the plaintiff with death at the hands of Russian mobsters if he did not play along (Complaint 236-37); threatening the plaintiff through four telephone calls with what can only be described as physical harm if he does not stop his search for justice (Complaint 280-84, 287-92, 316-18); and using corrupt police power to threaten the plaintiff with jail to chill him from exercising his constitutional rights (Complaint 306-09).

Whether the above alleged acts are extreme and outrageous is susceptible to determination as a matter of law, and, obviously peculiar to the particular situation given the

limitless human capacity for cruelty. Howell v. New York Post Co., Inc., 81 N.Y.2d 115, 122, 612 N.E.2d 699, 702, 596 N.Y.S.2d 350, 353 (1993). Guidance can be found in the Restatement (Second) of Torts that describes the required conduct as going “beyond all possible bounds of decency, and to be regarded as atrocious and utterly intolerable in a civilized community.” Murphy v. American Home Products Corp. 58 N.Y.2d 293, 303, 448 N.E.2d 86, 96, 461 N.Y.S.2d 232, 242 (1983). A viable claim also exists when severe pain and anguish are inflicted through a deliberate campaign of intimidation as opposed to just one instance of alleged aggravating conduct. Nader v. General Motors Corp., 25 N.Y.2d 560, 569, 255 N.E.2d 765, 770, 307 N.Y.S.2d 647, 654 (1970).

Secretly feeding a person drugs, threatening injury and death and corruptly using the police and legal system may, when considered separately, be tolerable under the community standards of present day Russia or even modern day New York City. But when these acts are part of an ongoing campaign to keep in America a Russian mafia asset, who entered the country illegally, and to protect the Russian mafia from exposure, then even by New York City standards the alleged conduct went beyond the bounds of decency.

Enterprise movants Kuba, Mundy and Petrovich claim the plaintiff alleges them liable because they represented movant Shipilina in divorce and immigration proceedings. (Memorandum p 54-2) The accuracy or inaccuracy of that statement depends on how they define “represent.” If represent means arranging for threats, corruptly using the police and judiciary and coercion against the plaintiff, then their statement is accurate. (Complaint 228-30, 232, 234, 236-41, 243, 245, 273, 280-84, 287-92, 306-09, 316-18) If it means representation according to ethical standards, then it is not accurate.

The plaintiff has the right to be free from the mental disturbance intentionally or recklessly caused by the above cited acts. Mitran v. Williamson, 21 Misc.2d 106, 197 N.Y.S.2d 689, 692 (Sup.Ct., Kings County, 1960). And the Complaint at 284, 292, 905 alleges the harm caused the plaintiff by the Russian mafia's infliction of emotional distress. If that is not enough at this stage, then the plaintiff requests leave to amend the Complaint.

Where the acts of inflicting emotional distress are continuing, the plaintiff may bring suit within one year of the conduct terminating. Drury v. Tucker, 210 A.D.2d 891, 621 N.Y.S.2d 822, 823 (4<sup>th</sup> Dep't 1994). And when at least some of the defendants' actionable conduct takes place within one year of suit, recovery can be had for the entire course of conduct. Neufeld v. Neufeld, 910 F.Supp. 977, 982-83 (SDNY 1996). The acts alleged in the Complaint began in 1999 and continued up until at least June 2003 when the plaintiff received a fourth telephone threat. This occurred after the Complaint was filed, but was made known to the Court and the Enterprise movants in a June 19, 2003 letter from the plaintiff. This call not only added to the emotional distress to which the Russian mafia had subjected the plaintiff, but infers an Enterprise conspiracy to deter, intimidate and threaten the plaintiff from freely pursuing this case in a federal court. Such an act violates 42 USC 1985(2) by constituting a conspiracy to interfere with the plaintiff's civil rights. That allegation is not now part of the Complaint, but the plaintiff intends to include it in amending the Complaint as a matter of right or by leave of the Court if the Enterprise movants' motions to dismiss are granted in whole or in part.

Also, there has been no indication that the efforts to silence the plaintiff have ended. There may just be a lull. But even assuming they have ended, and disregarding the June 2003 threatening call, the wrongs earliest possible termination was not until the plaintiff became aware of the unwillingness of movant Henning to go forward with the arrest of the plaintiff. This

occurred on April 23, 2002 when the plaintiff's attorney told him the matter had been referred to the Queens District Attorney for a decision on whether to arrest the plaintiff. The RICO Complaint was filed on April 18, 2003, which is within the one-year limit measured from April 23, 2002.

In addition, even after April 23, 2002, there was continuing uncertainty caused by the threat of the future outrageous act of arresting the plaintiff for exercising his rights that was as effective in causing emotional distress as acts continuously committed. In fact, the plaintiff's uncertainty continued until October 11, 2003 when he finally learned that he was not going to be arrested after reading movant Henning's affidavit in this action, which said the district attorney had concluded there was no reason for an arrest. (Henning Affidavit ¶ 9) So, the statute of limitations did not start running until October 11, 2003.

Moreover, the one-year statute of limitations for emotional distress was tolled when the plaintiff served Enterprise movants Flash Dancers Topless Club; Jay-Jay Cabaret; Flash Dancers Managers Barry, 3, 4 or 5; Kuba; Mundy; Petrovich; Shipilina; and Henning with a summons and notice under New York CPLR 305(b) on March 27, 2003. Exhibit B. Service of a summons and notice within one year from when an action for emotional distress accrues tolls the statute of limitations. *See* CPLR 305, Practice Commentary C305:3. Summons and Notice, p 422. The Enterprise movants say the emotional distress claim "could not have accrued any later than March 2002 ...." (Memorandum p 55-2) They actually mean March 27, 2002, which is the date that movant Henning threatened the plaintiff with arrest and member defendant Madison, a.k.a. Pierre, threatened the plaintiff not to testify before the INS or try to reopen the Krasnodar criminal case. (Complaint 308, 318) Since service of the summons and notice was made on March 27, 2003, within the one-year period, and the Enterprise movants failed to respond by



serving a demand for a complaint, id. CPLR 305 Practice Commentary, the filing of the RICO Complaint on April 18, 2003 was timely because the emotional distress statute of limitations had been tolled.

(ii) Abuse of process.

Abuse of process is the misuse or perversion of regularly issued court process for an improper collateral purpose not justified by the nature of the action. Board of Education of Farmingdale v. Farmingdale Classroom Teachers Assoc., 38 N.Y.2d 397, 400, 343 N.E.2d 278, 280, 380 N.Y.S.2d 635, 639, (1975).

To state a claim under abuse of process, the plaintiff does not have to allege, as Enterprise movants Mundy and Petrovich contend (Memorandum p 57-2), that defendants issued process. Defendants need only initiate a legal process against the plaintiff. See Williams v. Williams, 23 N.Y.2d 592, 596, 246 N.E.2d 333, 335, 298 N.Y.S.2d 473, 476 (1969). Legal process is a direction or demand, issued from or filed in court that interferes with the plaintiff's person or property. Id. Obtaining a temporary restraining order can constitute use of legal process capable of being abused. Cf. Andersen v. Pegalis, 150 A.D.2d 315, 540 N.Y.S.2d 843, 845 (2d Dep't 1989).

The Complaint alleges Enterprise movants Mundy, Petrovich and Shipilina caused the Queens Family Court to issue a temporary order of protection against the plaintiff that was obtained based on perjured testimony and for the illegitimate purpose of forcing the plaintiff to lie to the INS and protect some of the Russian mafia's activities. (Complaint 228, 234, 239-41)

After issuance of the temporary order of protection, Enterprise movants Mundy, Petrovich and Shipilina improperly used it by initiating the criminal process, executed by movant

Henning, which threatened the plaintiff with arrest for allegedly violating the restraining order. (Complaint 306-13) Enterprise movant Henning even calls the matter a “case” that he referred to the Queens District Attorney, which was subsequently closed because the plaintiff did not violate the protection order. (Henning Affidavit ¶s 9, 10)

The purposes of movants Mundy, Petrovich, Shipilina and Henning’s acts were to intimidate the plaintiff into lying to the INS, keeping quiet about the Russian mafia’s activities, ceasing his cooperation with the INS in Moscow and preventing him from trying to reopen the Krasnodar criminal case that would expose a number of the Russian mafia’s activities (Complaint 228, 306), all clearly improper, and all without justification.

Both the temporary order of protection and the threatened arrest from the alleged violation cost the plaintiff legal fees, interfered with the plaintiff’s person by restraining his freedom of movement, forced him to make the difficult preparations for an impending arrest, resulted in loss of business and damaged his reputation. (Complaint 3, 313, 905, 907) These damage allegations satisfy the requirement to plead actual or special damages, Board of Education of Farmingdale v. Farmingdale Classroom Teachers Assoc., 38 N.Y.2d 397, 405, 343 N.E.2d 278, 284, 380 N.Y.S.2d 635, 644, (1975), and show that the Enterprise movants once again misstated the Complaint by claiming it “fails to allege special damages at all....” (Memorandum p 57-2)

Since the bogus case against the plaintiff for allegedly violating the temporary order of protection was not closed until June 19, 2002 (Henning Affidavit ¶ 10), the abuse of process wrong did not terminated until then. The RICO complaint was filed on April 18, 2003, well within the one-year statute of limitations. Further, under the general application of the continuing tort theory under New York law where actionable conduct that takes place within one

year of suit will toll the statute for the entire course of conduct, Neufeld v. Neufeld, 910 F.Supp. 977, 982-83, the issuance of the order of protection by the Queens Family Court, which began the abuse of process conduct, is tolled to fall within the one year limitations period.

(iii) Malicious prosecution

“A malicious prosecution is one that is begun in malice, without probable cause to believe it can succeed, and which finally ends in failure.” Burt v. Smith, 181 N.Y. 1, 5, 73 N.E. 495, 496 (1905). The purpose of the cause of action is to protect the personal interest of freedom from unjustifiable litigation. Broughton v. State of NY, 37 N.Y.2d 451, 457 (1975).

Malicious prosecution requires a judicial proceeding, which means that judicial action of some sort will occur. See Rosario v. Amalgamated Ladies Garment Union, 605 F.2d 1228, 1249-50 (2d Cir. 1979), cert. denied, 446 U.S. 919, 64 L.Ed.2d 273, 100 S.Ct. 1853. An injunction satisfies the prior judicial proceeding element. Diamond v. Strassberg, 751 F. Supp. 1152, 1153 (SDNY 1990). As the Complaint alleges, Enterprise movants Mundy, Petrovich and Shipilina initiated a proceeding in the Queens Family Court. (Complaint 228, 234, 239) As a result, the plaintiff was enjoined and required to appear in court or be arrested. Movants Mundy, Petrovich and Shipilina, with the crucial assistance of movant Henning, then used that injunction, the order of protection, to cause the New York City Police and Queens District Attorney to officially act against the plaintiff by opening a case and notifying him of arrest. (Complaint 306-10, Henning Affidavit 8-10)

Enterprise movants Mundy, Petrovich, Shipilina and Henning correctly note that another element of malicious prosecution is the termination of the judicial proceeding in favor the plaintiff. (Memorandum p 58-4) But they are wrong in defining “termination ... in favor of the

plaintiff” as meaning only that the proceeding “has been tried on the merits and the outcome was a finding of innocence.” (Memorandum p 58-4) Termination in favor of the plaintiff includes the accuser abandoning the proceeding, Russo v. State of NY, 672 F.2d 1014, 1019 (2d Cir. 1982), failure to prosecute, Reit v. Meyer, 160 App.Div. 752, 146 N.Y.S. 75, 79 (1<sup>st</sup> Dep’t 1914), and circumstances that were not inconsistent with the plaintiff’s innocence, Smith-Hunter v. Harvey, 95 N.Y.2d 191, 196, 734 N.E.2d 750, 755, 712 N.Y.S.2d 438 (2000). Enterprise movants Mundy, Petrovich and Shipilina abandoned and failed to prosecute the temporary order of protection when they did not appear at a court hearing, which caused dismissal of the petition. (Complaint 311) And the police department’s efforts to arrest the plaintiff for violating the order of protection prior to its dismissal were terminated in favor of the plaintiff when the Queens District Attorney concluded there was no violation of the order. (Henning Affidavit ¶ 9)

Enterprise movants Mundy, Petrovich and Shipilina’s conduct in obtaining the temporary order of protection based on perjured testimony by Shipilina and suborned by Mundy and Petrovich infers a lack of probable cause. (Complaint 234, 239) In addition, movants Mundy, Petrovich and Shipilina’s bribing or rewarding Henning for instituting proceedings to arrest the plaintiff also infers lack of probable cause. (Complaint 306, 307)

In order to allege malice, a complaint must aver the defendants commenced prior actions for a wrong or improper motive, for something other than the ends of justice. Nardelli v. Stamberg, 44 N.Y.2d 500, 502-03, 377 N.E.2d 975, 976, 406 N.Y.S.2d 443, 445 (1978). Allegations of ill will, spite or hatred are not needed. Id. The Complaint alleges that the motives behind the temporary order of protection and subsequent cases opened by the police and district attorney were to force the plaintiff to lie to the INS in order to protect the Russian mafia’s Scheme to gain Shipilina residency and citizenship, prevent the plaintiff from exposing some of

the mafia's activities, stop his cooperation with the INS in Moscow and avoid the reopening of the Krasnodar criminal case. (Complaint 228, 234, 306, 307) In addition, malice can be inferred from the lack of probable cause, Loeb v. Teitelbaum, 77 A.D.2d 92, 432 N.Y.S.2d 487, 495 (2d Dep't 1980), which the Complaint alleges as stated in the preceding paragraph.

Enterprise movants Mundy, Petrovich, Shipilina and Henning claim malicious prosecution requires allegation of "special injuries," but do not specify what they mean by that phrase, nor refer to any cases. The injuries for which malicious prosecution compensates includes harm to reputation and character, inconvenience and anxiety, Rosario v. Amalgamated Ladies Garment Union, 605 F.2d 1228, 1249-50 (2d Cir. 1979), cert. denied, 446 U.S. 919, 64 L.Ed.2d 273, 100 S.Ct. 1853, injury to feelings, counsel fees and expenses, Loeb v. Teitelbaum, 77 A.D.2d 92, 432 N.Y.S.2d 487, 496 (2d Dep't 1980), and economic losses, Miller v. City of NY, 90 A.D.2d 483, 454 N.Y.S.2d 551 (2d Dep't 1982). The Complaint alleges damages for counsel fees, anxiety, economic losses and harm to the plaintiff's reputation. (Complaint 313, 908, 909, 913, 907) Punitive damages are also recoverable. Nardelli v. Stamberg, 44 N.Y.2d 500, 503, 377 N.E.2d 975, 976, 406 N.Y.S.2d 443, 445 (1978).

The statute of limitations is one year from the termination of the judicial proceeding. CPLR 215(3). The proceeding that began with the issuance of a temporary order of protection followed by an investigation into the alleged violation of that order did not finally end until the Queens District Attorney determined there had been no violation and movant Henning "marked the case closed" on June 19, 2002. (Henning Affidavit ¶s 9, 10) This RICO complaint was filed on April 18, 2003, well within the one-year period.

To correct a misstatement by Enterprise movants Mundy and Petrovich, the Complaint does not allege March 2002 as the last month for them being members of the Russian mafia.

(Memorandum p 59-3) Movants Mundy and Petrovich are alleged to be continuing members of the mafia. (Complaint 32, 33) Besides, the Memorandum admits that Mundy continues his efforts to obtain residency for a mafia asset, movant Shipilina, who illegally entered the country and continues to violate US law. (Memorandum p 3-1)

(iv) Prima facie tort.

The plaintiff withdraws the prima facie tort cause of action.

Point IV: Short and plain statement

The Enterprise movants claim they cannot make heads or tails out of the Complaint because it is too long-winded and confusing. (Memorandum p 63-1) Yet they were able to file a 66 page, detailed memorandum in support of their motion to dismiss. That Memorandum shows they have done a pretty good job of understanding the allegations against them, which means the Complaint did its job of apprising them of the nature of the litigation and claims against them. Cater Constr. Co. v. Nischwitz, 111 F.2d at 973.

The movants reliance on Brown v. Califano, 75 F.R.D. 497 (D.D.C. 1977), is misplaced because, unlike in Brown v. Califano, the RICO Complaint in this action was not filed after seven nearly identical complaints had been brought over a period of seven years with each one having been dismissed by the district court and the dismissals affirmed by the Court of Appeals. See Brown v. District Unemployment Compensation Board, 411 F.Supp. 1001, 1002 (D.D.C. 1975)(this was the prior case in the series of nearly identical cases brought by the plaintiff Brown).

The plaintiff in this RICO action brought a prior divorce/annulment suit on advice of counsel and in response to movant Shipilina's obtaining an order of protection against the plaintiff and movant Mundy's threat of "difficult" divorce proceedings. (Complaint 239-42) In the divorce/annulment action the plaintiff made a motion to set the settlement aside based on duress and coercion. The plaintiff also petitioned the New York Family courts twice for an order of protection. The first in response to threats arranged by Mundy and Petrovich and made by Shipilina to the plaintiff that he faced death or physically injured at the hands of Russian mobsters if he did not lie to the INS in order to assure her obtaining residency and citizenship. (Complaint 236, 237, 247, 854) The judge handling the first petition essentially told the plaintiff to get lost on the order of protection, but issued a summons based on the petition that was merged into the divorce/annulment action. (Complaint 855, 247, 248) The second petition was in response to two telephone calls from Madison a.k.a. Pierre threatening harm to the plaintiff if he did not stop cooperating with the INS in Moscow and the prosecutor in Krasnodar. (Complaint 289, 318, 868) The New York state emotional distress action was filed for the procedural purpose of tolling the statute of limitations. That adds up to around three and a half lawsuits that are markedly different from the present RICO action.

Further, the allegations in this RICO suit are not comparable to those in Brown v. Califano. Here, members of the Russian mafia are alleged to have violated 18 USC 1962, inflicted emotional distress and engaged in abuse of process and malicious prosecution. The Complaint in Brown v. Califano included "nearly all theories of recovery known to the common law ... educational repressions ... tortures ... political surveillances ... wrongful death ... attempted homicide by euthanasia ... reverse discrimination ... and so on, and so forth." Brown v. Califano, 75 F.R.D. 497, 498. Now that sounds like a helter-skelter stream of consciousness,

which is not the comprehensive, organized allegations of the Complaint in this RICO action.

The probable reason the accusations in this action seem overwhelming to the movants is because they have violated so many predicate acts, and it is these predicate acts that are the building blocks of RICO violations.

Moreover, the Complaint in this RICO action, unlike in Brown v. Califano, provides enough information as to places and dates to assist in serving the Complaint's function of apprising the defendants of the claims against them. For example, see the Complaint at 128, 130, 139, 141, 147, 150, 153, 155, 159, 165, 168, 169, 173, 174, 182, 187, 192, 197, 202, 205, 213, 214, 217, 218, 220, 223, 226, 227, 229, 233, 234, 235, 239, 240, 243, 245, 247, 256, 273, 275, 277, 278, 280, 282, 285, 286, 289, 293, 298, 306, 308, 318.

The court in Brown v. Califano also refused to allow the plaintiff leave to amend the complaint because "the plaintiff has shown that he is no stranger to the courts...." Id. at 499. The Enterprise movants argue that since the plaintiff in this RICO action is an attorney, he is "no stranger to the courts," and that fact, along with the length of the RICO Complaint, means it should be dismissed with prejudice. (Memorandum p 63-3, p 64-1) The reason the court in Brown v. Califano stated the plaintiff was "no stranger to the courts" was because that plaintiff had filed seven nearly identical suits in that same court. Brown v. District Unemployment Compensation Board, 411 F.Supp. 1001, 1002 (D.D.C. 1975). The repeat filing of similar actions in the same court finally led the Brown v. Califano court to forgo the ordinary remedy for noncompliance with Rule 8(a), which is dismissal with leave to amend. That is not even near the situation in this RICO action. The RICO complaint is not similar to the prior divorce/annulment or protective order actions, and it is the only action the plaintiff has brought against all the defendant members of the Russian mafia in any court. Therefore, if the Court finds the RICO



complaint in noncompliance with Rule 8, the ordinary remedies of striking any portions that are redundant or immaterial, or dismissing the Complaint with leave to amend should apply.

Salahuddin v. Cuomo, 861 F.2d 40, 42 (2d Cir. 1988). Either remedy would serve the basic policy of the federal rules of having disputes settled on their merits rather than on procedural formalities. Wright & Miller, Fed. Prac. & Proc.: Civ 2d 1281, p 524-25.

The application of Rules 8(a)(2) and 8(e)(1), which requires simple, concise and direct allegations, is to be made in light of the nature of the action. The degree of simplicity and conciseness depends on the subject matter, the type of claims presented and the number of the parties involved. Dublin Distribs. Inc. v. Edward & John Burke, Ltd., 109 F.Supp. 125, 126 n.1 (SDNY 1952). The more complex the litigation becomes, the greater the amount of detail that will appear in the pleadings. Wright & Miller, Fed. Prac. & Proc.: Civ 2d 1281, p 521. A complaint charging RICO violations by a mafia will obviously recite numerous acts and circumstances. It will not be a short statement of a claim as the word “short” is used in pleading on a contract or in negligence. Rivioli Operating Corp. v. Loew’s Inc., 7 F.R.D. 219, 223 (WDNY 1947). The Complaint with its 915 paragraphs and 91 pages was necessary to plead the complex and intertwined workings of a segment of the Russian mafia, which is the type of organization RICO was meant to be used against.

Point V: The Enterprise movants are not entitled to have the plaintiff enjoined from access to the courts for harm done by the Russian mafia.

The three cases on which the Enterprise movants rely in their argument for an injunction against the plaintiff bear no factual resemblance to the circumstances surrounding this RICO action. In Lipin v. Nat’l Union Fire Ins. of Pittsburg, the plaintiff began with a case in state

court, Lipin I, and during the appeal of its dismissal, moved on to the district court with three more successive suits asserting the same claims: Lipin II, Lipin III, and Lipin IV. Lipin v. Nat'l Union Fire Ins. of Pittsburg, 202 F.Supp.2d 126, 130-31 (SDNY 2002). In Becker v. Dunkin' Donuts, the plaintiff brought 15 age discrimination suits in the Eastern District of New York and 17 in the Southern District. Becker v. Dunkin' Donuts, 665 F.Supp. 211, 216 (SDNY 1987). The plaintiff, Becker, was found to have made a business of filing job applications by the score and using a company's rejections to bring strike suits for age discrimination in which Becker extorted money from companies to settle the actions. Becker at 216. The third case, In Re Martin-Trigona, involved a law school graduate who had been denied admission to the Illinois bar on character grounds. In Re Martin-Trigona, 737 F.2d 1254, 1256 (2d Cir. 1984). The plaintiff Martin-Trigona had brought "literally hundreds of lawsuits, motions and miscellaneous pleadings, all but a small fraction of which lack any merit whatsoever." In Re Martin-Trigona at 1256.

In this RICO action, there has been only one complaint pending before the Court alleging criminal violations by a segment of the Russian mafia. There have been no other RICO or similar suits filed by the plaintiff. The plaintiff's divorce/annulment suit involved different legal issues and was brought on advice of counsel in response to a temporary order of protection against the plaintiff and the threat by movant Mundy to institute "difficult" divorce proceedings. (Complaint 239-42). The two requests for protection orders in the state courts occurred before the plaintiff, with the assistance of an attorney friend, Jeffrey N. Drummond, discovered he had actually been the victim of RICO violations by the Russian mafia. The first request for an order of protection was also brought on advice of counsel and in response to threats of death and injury. (Complaint 236, 237, 854) The second request for a protection order was brought in

response to two telephone threats. (Complaint 289, 318, 868) Only the state emotional distress case is redundant of the pendant emotional distress claim in this RICO action. And, as mentioned above, that state emotional distress action was filed to toll the statute of limitations.

In their Memorandum at p 65-2, the Enterprise movants say the plaintiff “is not represented by counsel and has caused needless expense to over sixty-three defendants across the world ....” Two of the three cases cited by the Enterprise movants involved pro se plaintiffs, so the movants’ not-so-subtle argument is that because the plaintiff is pro se, he is wasting everyone’s time just like the other pro se plaintiffs in Lipin and Becker. But on the other hand, at Memorandum p 64-1, the Enterprise movants object that “[g]iven ... the plaintiff is an attorney, his poor pleading practice is even more egregious,” which castigates the plaintiff for being an attorney. The plaintiff is willing to abide by either the lawyer or the pro se classification, but not by one and then the other whenever it serves the Enterprise movants’ ends. The plaintiff requests the Enterprise movants make up their collective mind.

The statement that the plaintiff has “caused needless expense to over sixty-three defendants across the world ...,” (Memorandum p 65-2) can only mean that the Enterprise movants are in touch with all the other member defendants; otherwise, how would they know about the other defendants’ expenses. And know this they do, since their lead lawyer signed the Memorandum, and by signing, the attorney certified that to the best of his knowledge or after reasonable inquiry, evidence will show that over sixty-three defendants have suffered expenses from the plaintiff bringing this action. *See In re Frontier Ins. Sec. Litig.*, 172 F.R.D. 31, 44 (EDNY 1997). Included in those over sixty-three defendants, are those that the movants criticized the plaintiff for listing as unidentified defendants. (Memorandum p 2-2) Apparently these defendants are unidentified only to the plaintiff but not the Enterprise movants, or how else

could the movants know of those defendants' expenses. In effect, the Enterprise movants affirmation of defendants' expenses is an admission that the worldwide defendants are at least in communication with the Enterprise movants. Discovery will be able to flesh out this admission that contradicts the Enterprise movants claims of disparate and unconnected defendants.

(Memorandum p 2-2, p 7-3, p 45-3 to p 47-2)

Finally, by enjoining the plaintiff from acting as a private attorney general under RICO, which is one of the statute's goals, Rotella v. Wood, 528 U.S. 549, 557, 145 L.Ed.2d 1047, 120 S.Ct. 1075 (2000), would not only deprive him of a judicial remedy against Russian mafia members but deprive other American men as well. The Enterprise movants' injunction would bar the plaintiff, a lawyer, from moving ahead with a class action RICO against the Russian mafia. At present, the plaintiff is using the web site been-scammed.com to locate 40 American men who have been harmed by the Russian mafia's effort to infiltrate and expand its operations in the US. These men will be the basis for a class action RICO suit against the Russian mob in which the plaintiff will be the lead attorney.

Point VI: Enterprise movant Petrovich was served in accordance with New York CPLR 308(2).

Filing proof of service is prima facie evidence that service was proper, and shifts to the defendant the burden of proving that service was defective. See Nolan v. City of Yonkers, 168 F.R.D. 140, 144 (SDNY 1995). The affidavit of service on Enterprise movant Petrovich was filed with the Court's clerk and is attached as Exhibit D. Enterprise movants Kuba, Mundy and Petrovich claim that Petrovich is an independent contractor who does work for Kuba, Mundy & Associates (Memorandum p 3 n 5) but has never "maintained his place of business" at that law firm's address (Memorandum p 66-2). Petrovich's attorney has provided no proof that Petrovich was only an independent contractor—1099's would suffice, nor that Petrovich never maintained a place of business at the Kuba law firm. In fact, the attached affidavit of Alan Flacks, Exhibit E, states that when Mr. Flacks called the law firm on November 17, 2003 and ask for Petrovich, a female with the first name of Stephanie, told Mr. Flacks that Petrovich was no longer working at the office but from his home. Obviously, Petrovich had worked in the Kuba offices at some point in time.

Under New York CPLR 308(2), process can be served by delivering the papers to a person of suitable age at the defendant's "actual place of business" and followed with a mailing of the papers by first class US post to that address. Under New York State CPLR 308(6) a defendant's "actual place of business" is any location that the defendant publicly holds out as his place of business. Such a location includes the place where the defendant receives business correspondence although it need not be the same place where the defendant conducts business activities. See 1994 Report of the Adv.Comm. on Civ.Prac., reprinted in 2 McKinney's N.Y. Session Laws, 1994, at 3027, 3032.

The process server delivered and mailed the Complaint and summons to Petrovich at the Kuba, Mundy & Associates law firm at 321 Broadway, New York, NY. Exhibit D. On December 5, 2003, Mr. Flacks telephoned the Kuba, Mundy & Associates law firm and was told first by a gentlemen named Yi Feng and then by a female with the first name Stephanie that business correspondence for Petrovich should be sent to the law firm at 321 Broadway, New York, NY. Exhibit E, Flack's Affidavit ¶s 5-8. In addition, the envelope containing the papers that was mailed to Petrovich by the process server was not returned as undeliverable. Further, an envelope mailed to Petrovich at the law firm by first class US post on April 20, 2003, which contained the request for a waiver of summons and the Complaint, Exhibit A, was also not returned as undeliverable. Seems clear that Petrovich is receiving business correspondence at the Kuba, Mundy & Associates law firm; therefore, he has been served.

The plaintiff did not learn of the challenge to the service of Petrovich until receipt of the Enterprise movants' motion on Tuesday, Sept 23, 2003. As a precautionary measure, for the next two and a half months, the plaintiff and his process server, Gotham Process Service, have tried to physically locate movant Petrovich at his listed home address, 233 East 60<sup>th</sup> Street, New York, NY, but without success. Apparently, movant Petrovich is ducking service. Petrovich's home address was obtained from Verizon's reverse listing of the current telephone number provided for Petrovich by the Kuba, Mundy law firm and the current Manhattan White Pages. Since efforts to personally serve Petrovich have been thwarted, substitute service under CPLR 308(4) was made on Petrovich at his 60<sup>th</sup> street address.

The RICO statute at 18 USC 1965(b) states that the Court may summon a party when the "ends of justice require." As alleged in the Complaint, Petrovich is a perpetrator and co-conspirator along with other Enterprise movants in numerous predicate acts and RICO violations

who should not be allowed to escape the ends of justice by ducking the plaintiff's efforts to serve him process. Therefore, if the Court concludes that Petrovich has not been served, the plaintiff requests the Court to provide a method that it deems sufficient for serving Petrovich.

**2. Plaintiff's opposition to the motion to dismiss declaration by Enterprise movants Flash Dancers Topless Club, Jay-Jay Cabaret, Inc., Lepofsky-CEO Jay-Jay Cabaret, Inc., Barry-Night Manager Flash Dancers, and Flash Dancers Managers 1 to 5.**

Enterprise movants Flash Dancers Topless Club, Jay-Jay Cabaret, Inc., Lepofsky-CEO Jay-Jay Cabaret, Inc., Barry-Night Manager Flash Dancers, and Flash Dancers Managers 1 to 5, are collectively referred to as "FlashDancers."

In addition to the plaintiff's memorandum in Section 1 above, this Section 2 addresses matters peculiar to the FlashDancers' Declaration. The Declaration cites to some but not all of the allegations concerning FlashDancers' criminal conduct. (FlashDancers Declaration ¶ 3) These allegations, which follow, include call-girl operations (Complaint 24, 25, 214), dispensing narcotics (Complaint 48), intimidation (Complaint 49, 250, 251), and threatening the plaintiff (Complaint 281, 282, 283, 284, 288-91, 318):

24. Cybertech Internet Strip Club Network ("Cybertech") operates a call girl and pornographic web sight that can be accessed through various addresses, including [www.flashdancersnyc.com](http://www.flashdancersnyc.com).

25. On information and belief, Cybertech is the Internet outlet used to sell sexual services for a number of topless lap-dancing clubs in New York.

48. On information and belief, Flash Dancers Managers 1 and 2 organize and assist in secretly slipping narcotics to unsuspecting customers at that club.

49. On information and belief, Flash Dancers Managers 3 to 5 supervise John Madison or Pierre's intimidation, tampering with government informants and use of physical force.

214. On or about August 2000, the plaintiff became suspicious of Member Alina Shipilina's involvement in prostitution when she began secretly contacting Flash Dancer customers over the plaintiff's telephone.

247. On March 14, 2001, the plaintiff had a complaint and summons, issued by a Queens, New York court, served on Member Alina Shipilina while giving lap-dances at Flash Dancers.

250. Member Alina Shipilina, joined by Flash Dancers Gangster 1, both physically barred the process server from leaving the club.

251. Members Alina Shipilina and Flash Dancers Gangster 1 tried to intimidate the process server into taking back the papers.

252. The process server refused and he was finally allowed to leave.

281. On information and belief, Member Alina Shipilina and Member Barry, Flash Dancers' Night Manager, or Flash Dancers Manager 3 arranged for Member Madison to make a threatening telephone call to the plaintiff.

282. On October 19<sup>th</sup> in the evening, a man using the name John Madison called the plaintiff's mobile telephone and in a threatening tone of voice left a message that warned the plaintiff against pursuing the legal proceedings against Member Alina Shipilina.

283. Under the circumstances, the plaintiff interpreted the threat as referring to the motion for a trial and that if he went ahead with the motion, Member Madison would cause the plaintiff physical harm.

284. The threatening telephone call made the plaintiff fearful for his physical safety, so he decided against making a motion for a trial and settled the case in November 2001.

288. On information and belief, Member Alina Shipilina and Member Barry, Flash Dancers' Night Manager, or Flash Dancers Manager 4 arranged for Member John Pierre, to make a threatening telephone call to the plaintiff.

289. On February 6, 2002, in the evening, a man using the name John Pierre called the plaintiff's mobile and left a threatening message warning the plaintiff: "...cease and desist with your actions against Alina Shipilina," "I know everything about you," "...you disgust me," "...I'm very much available," "You better get your act together...", "... you at this point in time have crossed several boundaries that cause for a lot of red flags to wave in the air...", and, "That's it —leave her alone! Have a nice day."

290. Under the circumstances, the exceedingly menacing tone of voice and text of the call made clear to the plaintiff that if he did not cease and desist cooperating with the INS in Moscow and the Krasnodar prosecutor, then serious physical harm would befall him.

291. On information and belief, Member Madison and Member Pierre are the same person whose real name is unknown to the plaintiff.



318. On March 27, 2002, in the evening, a man calling himself John Pierre telephoned the plaintiff and threatened him not to testify before the INS or try to reopen the Krasnodar criminal case.

Enterprise movants FlashDancers also fail to accurately summarize a number of the allegations concerning them. The Complaint at 471, 472, 474, 475, 477, 478 480, 481 contains the allegations of violations of RICO 1962(a)(b)(c) & (d) that FlashDancers avoids mentioning. In addition, they describe in their Declaration at ¶ 3 that the following allegations only identify domestic members of the Enterprise when the allegations do much more by tying FlashDancers to American Organized Crime Gang 1 and aver additional FlashDancers' crimes:

18. On information and belief, Jay-Jay Cabaret is a front for American Organized Crime Gang 1, the real owner and operator of the three topless clubs.

19. On information and belief, American Organized Crime Gang 1 operates a criminal conglomerate of prostitution, pornography, intimidation, immigration fraud, drug trafficking and money laundering through its topless clubs and the Internet site [www.flashdancersnyc.com](http://www.flashdancersnyc.com).

21. On information and belief, Lepofsky [CEO of Jay-Jay Cabaret] carries out the orders of American Organized Crime Gang 1 and acts as its front in order to obtain liquor licenses from the New York State Liquor Authority.

22. On information and belief, Flash Dancers is used by American Organized Crime Gang 1 for funding its criminal operations, laundering money, recruiting prostitutes, promoting prostitution, recruiting pornography starlets, dispensing narcotics and immigration fraud.

23. Barry is the night manager of Flash Dancers from Monday to Friday and, on information and belief, hires illegal aliens, promotes prostitution, arranges the use of physical force for intimidation, recruits lap-dancers for pornography distributed on [www.flashdancersnyc.com](http://www.flashdancersnyc.com) and oversees money laundering, immigration fraud and the distribution and surreptitious administering of narcotics to customers.

FlashDancers also mistakenly say in ¶ 3 of their Declaration that allegations 402, 408-410 of the Complaint deal only with immigration fraud when they also allege white slavery and the importation of pornography.

FlashDancers object in their Declaration at ¶ 4 that the Complaint's allegations are "outrageous and scandalous," but those allegations only seek to describe FlashDancers' activities. They also object that their liability, if any, is limited to threatening telephone calls made to the plaintiff. (FlashDancers Declaration ¶ 6) RICO liability, however, is joint and several. Fleischhauer v. Feltner, 879 F.2d 1290, 1301 (6<sup>th</sup> Cir. 1989). If RICO plaintiffs were required to allege and subsequently prove the quantifiable amount of harm flowing from each member of a mafia organization, then the civil RICO statute would be superfluous.

### **3. Plaintiff's opposition to Enterprise movant Shipilina's motion to dismiss.**

Enterprise movant Shipilina's motion papers contain nothing in addition to Enterprise movants Kuba, Mundy and Petrovich's memorandum of law. All she does is ride the general arguments put forth by them without specifically addressing any of the allegations citing the criminal statutes she violated either under RICO (Complaint 514-543) or other federal and state laws (Complaint 740-770). Nor does Enterprise movant Shipilina refer to any of the underlying factual allegations, probably as concessions to the proper standard that in a motion to dismiss the allegations are deemed true.

### **4. Plaintiff's opposition to Enterprise movant Paulsen's motion to dismiss.**

In addition to the plaintiff's memorandum in Section 1 above, this Section 4 addresses matters peculiar to Enterprise movant Paulsen's motion papers.

Movant Paulsen's papers falsely state he "has never had any dealings with the other defendants." (Paulsen Motion to Dismiss Introductory paragraph) In a fifteen-minute telephone conversation with the plaintiff that began at 8:38pm on June 23, 2001, Enterprise movant

Paulsen admitted that in October 1998, member defendant Perlin introduced him to movant Shipilina as a person interested in marrying a foreigner. Paulsen further stated that he paid Shipilina for sex and to star in the pornography video he shot at Phodes Studio in Moscow (Complaint 377), that he imported the video into America (Complaint 378), that he switched to using Red Star models instead of Member Perlin's girls for such videos (Complaint 376), and that US Customs "gave him a hard time" about bringing in his videos (Complaint 380). Paulsen also omitted in his papers that he operates his business under the pseudonym of Wayne Williams. (Complaint 39)

Enterprise movant Paulsen does not specifically address any of the allegations citing the criminal statutes, including RICO, violated by him (Complaint 544-547). Nor does Enterprise movant Paulsen refer to any of the underlying factual allegations about him (Complaint 37, 38, 376-80), probably as a concession to the proper standard that in a motion to dismiss the allegations are deemed true.

#### **5. Plaintiff's opposition to Enterprise movant Detective Henning's affidavit and memorandum of law.**

In addition to the plaintiff's memorandum in Section 1 above, this Section 5 addresses matters peculiar to Enterprise movant Henning's affidavit and memorandum of law.

Enterprise movant Henning's affidavit is an interesting piece of misstatement and error. Henning says that the only time he talked with Enterprise movant Shipilina was on June 27, 2001 when she filed a complaint concerning the web site used to gather evidence in Russia for the plaintiff's divorce/annulment proceedings. (Henning Affidavit ¶s 2, 3) This is contradicted by Detective Henning's statement in a telephone call nine months later on March 27, 2002 when he

told the plaintiff that he was going to be arrested because of a “recent” complaint made by Enterprise movant Shipilina. (Complaint 308, 309) “Recent” is not nine months earlier.

Henning goes on in his affidavit to say, “I contacted Roy Den Hollander and asked that he have his attorney contact me regarding the pending allegation by Ms. Shipilina.” (Henning Affidavit ¶ 5) Like a modern day reporter, Henning adeptly creates a false impression that hides the full truth. When Henning contacted the plaintiff, he told the plaintiff in no uncertain terms that the plaintiff was going to be arrested and to have his attorney contact Henning in order to arrange for the plaintiff’s surrender. That is a lot different than Henning’s euphemistic description.

Henning also says in ¶ 6 of his affidavit that after the telephone call to the plaintiff, he “never again heard from Mr. Hollander or his attorney.” That is false. The plaintiff’s initial attorney contacted Henning in late March to arrange for the surrender a month later. Then at a cost of \$3500, the plaintiff hired the firm of Schuman, Abramson, Morak and Wolk. (Complaint 313) They contacted Enterprise movant Henning on April 22, 2002, a few days before the scheduled date for the arrest.

When Schuman, Abramson, Morak and Wolk contacted Henning, he did not even know what crime the plaintiff was going to be charged with when he surrendered in a few days. (Complaint 313) After the plaintiff’s attorneys enlightened Enterprise movant Henning on the law, Henning said he would refer the matter to the Queens District Attorney’s Computer Crimes Division, which he did on April 23, 2002. (Complaint 314, Henning Affidavit ¶ 8) This infers that Henning is disingenuous when he claims that he was unable to contact the Queens District Attorney’s office between June 27, 2001 and April 23, 2002 because of 9/11 and translation problems (Henning Affidavit ¶ 7). More likely, the call from the plaintiff’s lawyers on April 22

caused movant Henning to punt the case into the District Attorney's office. But to nail down the truth on this suspicious conduct requires discovery.

Enterprise movant Henning's affidavit further states the web site did not violate the previously dismissed order of protection, so he closed the case on June 19, 2002. (Henning Affidavit ¶s 9, 10) Did he call the plaintiff's attorneys with that information—no. Did he call the plaintiff in the early morning hours to tell him that—no. Why not? Probably because the threat of arrest would no longer be the club, the Russian mafia thought it was in order to keep the plaintiff quiet. But once again, that's an area for discovery. As an aside, the first time I heard that the case had been closed was when I read Henning's affidavit on October 11, 2003.

Enterprise movant Henning's memorandum of law argues two new points with respect to the pendant state claims against him: intentional infliction of emotional distress, abuse of process and malicious prosecution.

First, movant Henning argues that injury claims brought against New York City—assuming Detective Henning's alleged criminal conduct falls within his duties as an employee of New York City—have a statute of limitations of one year and 90 days after the occurrence of the event. New York's General Municipal law 50-I states the limitations period runs from “the happening of the event upon which the claim is based....” Movant Henning puts the date of the event of wrong doing at June 27, 2001 because that was, according to Henning, the detective's only interaction with Enterprise movant Shipilina, (Henning Affidavit ¶s 2, 3). The problem with this is that the plaintiff, not defendant Shipilina, is suing for tortious injury. Detective Henning's interaction with the plaintiff—not with defendant Shipilina—is what matters. As stated in the Complaint, Detective Henning called the plaintiff in the early morning hours of

March 27, 2002 to inform him of his pending arrest (Complaint 308, 309). Detective Henning's affidavit states at ¶ 5 that he contacted the plaintiff, but does not state when. Interestingly, Henning recalls when he interacted with fellow Enterprise movant Shipilina, but not when he told the plaintiff he would have to surrender for arrest. Why is that? Maybe because the statute of limitations for New York City would not apply. If the wrong occurred when Detective Henning contacted the plaintiff on March 27, 2002, the filing of the Complaint on April 18, 2003 was well within the one year and 90 day deadline.

Movant Henning's second argument is that the pendant state actions against him should be dismissed because of failure to make a timely notice of claim, under N.Y. Gen. Mun. Law 50-e, that the plaintiff was going to sue Henning's employer, New York City. The plaintiff is not suing the City of New York, he is suing detective Henning. Henning is an employee of the City, but his alleged illegal actions of receiving bribes or rewards that led to the intentional torts are not within the scope of his employment, so the City is not the real party in interest—Henning is. *See Longin v. Kelly*, 875 F.Supp. 196, 201-03 (SDNY 1995).

Enterprise movant Henning does not specifically address the Complaint's allegations against him for the predicate acts of tampering with a witness and wire fraud and the substantive RICO violations (Complaint 556-559). Nor does movant Henning specifically address the allegations of official misconduct, accepting a bribe or reward, aggravated harassment, coercion, intimidation, obstructing an INS proceeding and various conspiracies (Complaint 778-783).

## Conclusion

The plaintiff requests the Enterprise movants' motion to dismiss and their request for an injunction be denied so that the plaintiff who is among "[t]hose who have been wronged by organized crime should at least be given access to a legal remedy." Sedima, 473 U.S. at 487.

Dated: New York, NY  
December 19, 2003

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Roy Den Hollander, Esq.  
Plaintiff pro se  
545 East 14<sup>th</sup> St.  
New York, NY 10009  
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Phone: 212-619-2323  
E-Mail

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21-25 years old

26-30 years old

Over 30

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Plus we make the hotel reservation and Russian visa support.

So when you come to Moscow you are well prepared.

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The tour includes:

1. Introduction to unlimited number of women. Usually up to 20-25. To meet more women you need more time.

2. Lodging. A very good 3-stars hotel (single room, breakfast included).

3. Transfers from airport to hotel and from hotel to airport.

4. Visa support.

Package 2:

10 days/9 nights

The price is \$3395.

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This is not an additional charge.

After you sent this money we give you access (direct mail addresses and home phone numbers) to unlimited number of ladies you choose.

And you'll be able to communicate to the ladies before you come to Moscow.

Plus we make the hotel reservation and Russian visa support.

So when you come to Moscow you are well prepared.

Please read how to send money

The tour includes:

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12/14/3

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Roy Den Hollander

Plaintiff,

v.

Flash Dancers Topless Club, et al.,

Defendants.

Docket No. 03 CV 2717(MBM)

**AFFIDAVIT OF ALAN FLACKS  
IN OPPOSITION TO  
DEFENDANTS MOTION TO  
DISMISS**

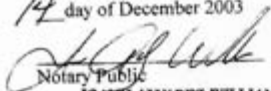
STATE OF NEW YORK )  
 ) ss.:  
COUNTY OF NEW YORK )

Alan Flacks, being duly sworn, deposes and says:

1. On November 17, 2003, I telephoned the law offices of Kuba, Mundy & Associates at the number 212 732 5050, listed on the firm's letterhead for its office at 321 Broadway, New York, NY 10007.
2. I spoke with a paralegal whose first name was Svetlana, which she said translates as Stephanie into English.
3. Svetlana told me that Peter Petrovich was no longer working at the office because he now did his work out of his home.
4. Svetlana told me I could contact Petrovich at 212 829 1105.
5. On December 5, 2003, at 11:40am, I once again telephoned Kuba, Mundy & Associates at 212 732 5050 the number listed for their office at 321 Broadway, New York, NY.
6. I first spoke with a man named Yi Feng.

7. I told Mr. Feng that I had some documents for Peter Petrovich, and asked where to send them to which Mr. Feng responded they should be sent to the law firm at 321 Broadway, New York, NY.
8. I next talked to a female paralegal named Stephanie, who confirmed that business correspondence for Peter Petrovich should be sent to Kuba, Mundy & Associates at 321 Broadway, New York, NY.

Sworn to before me on the  
14 day of December 2003

  
Notary Public  
JOANN ALVAREZ-WILLIAMS  
Notary Public, State of New York  
No. 01AL6012037  
Qualified in Bronx County  
Commission Expires 05/17/06

  
Alan Flacks

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
Roy Den Hollander

Plaintiff,

Docket No. 03 CV 2717 (MBM)

-against-

Flash Dancers Topless Club, et al.,

Defendants.

-----X

**Addendum to Plaintiff's Memorandum of Law In Opposition to Certain Defendants'  
Motions to Dismiss for the purpose of Addressing Additional Issues Belatedly Raised by Defendant Cybertech  
Internet Solutions**

6. (Number continuation from main memorandum) Plaintiff's addendum memorandum in opposition to Enterprise movant Cybertech Internet Solutions' letter to the Court in which Cybertech joined the Kuba, Mundy & Associates motion to dismiss but also raised additional issues specific to Cybertech.

Preliminary Statement

-

On March 29, 2004, defendant Cybertech Internet Solutions ("Cybertech"), through its attorney David L. Feinberg, finally responded to the complaint by requesting dismissal of this RICO action in a letter to the Court. The letter came more than eight months after Cybertech was served on June 16, 2003, Exhibit A, and three months after being prodded into action by the plaintiff's application for default in December 2003.

Cybertech was initially listed in the complaint as "Cybertech Internet Strip Club Network," which Mr. Feinberg gratuitously commented in his letter was an "absurdity," apparently meaning the name Cybertech Internet Strip Club Network did not accurately identify his client. Feinberg Letter, March 29, 2004, ¶ 1, Exhibit B. But Cybertech Internet Strip Club Network is the name under which Cybertech operates web sites for selling prostitutes and providing pornography. For example, Enterprise movant Cybertech runs the FlashDancers web site at [www.flashdancers.com](http://www.flashdancers.com). At the bottom of FlashDancers introduction window it states, "Web design and hosting by Cybertech Internet

Solutions.” Exhibit C, p. 2. Entering the FlashDancers site as a member reveals the options offered by Enterprise movant Cybertech. Exhibit D. Included in the sorted services is “Cybertech Internet Strip Club Escorts” through which prostitutes can be hired for what are euphemistically called “consultations.” Exhibit E. Enterprise movant Cybertech even recruits prostitutes through the Cybertech Internet Strip Club Network. Exhibit F. For customers to choose a girl, Enterprise movant Cybertech uses its VIP Escort web site that provides pictures of the ladies—some with their faces blurred out, Exhibit G, and prices “very comparable to other agencies in this industry ... designed to attract clients of a higher caliber....” Exhibit H.

By Mr. Feinberg’s letter to the Court, Enterprise movant Cybertech joined the motion to dismiss submitted on September 19, 2003 by Kuba, Mundy & Associates, Nicholas J. Mundy and Peter Petrovich. Mr. Feinberg’s letter came three months after the plaintiff had already served his answering memorandum of law on December 19, 2003. Mr. Feinberg’s delayed response and his raising of additional issues “[w]ith respect to specific allegations made against” Cybertech made this addendum memorandum necessary. Feinberg Letter Exhibit B, ¶ 3.

### Argument

In addition to Section 1 of the plaintiff’s memorandum of law filed December 19, 2003, this argument addresses matters peculiar to Mr. Feinberg’s March 29, 2004 letter to this Court, Exhibit B.

Mr. Feinberg makes an inaccurate statement in paragraph two of his letter where he says the complaint “has made no allegations against Defendant Cybertech that fall outside of RICO....” RICO violations require the commission of predicate acts that are specified in 18 USC 1961. The complaint cites the predicate acts allegedly engaged in by all the defendants in ¶s 466 to 683. But the complaint also alleges other criminal acts that are not predicate acts in ¶s 684 to 853 and, therefore, in Mr. Feinberg’s words, “fall outside of RICO.” The complaint in ¶s 684-690 makes allegations of non-predicate criminal acts by Enterprise movant Cybertech that include promoting prostitution, see Exhibits E, F, G, and H, making material misstatements to obtain visas for alien prostitutes, employing prostitutes not lawfully admitted to work in the U.S., violating Federal and State tax laws and conspiring to violate Federal and State laws. Perhaps Mr. Feinberg confused allegations of non-predicate acts with pendent state law causes of action in the complaint at ¶s 894-899. There are no pendant state law claims against Enterprise movant Cybertech at the present.

The predicate acts alleged against Enterprise movant Cybertech include:

- White slavery in violation of 18 U.S.C. 2421 and importing aliens for immoral purposes in violation of 8 U.S.C. 1328. (Complaint 466)



Fraud and the misuse of visas in violation of 18 U.S.C. 1546 by intentionally making material misrepresentations in order to maintain their supply of Russian prostitutes. (Complaint 467)

- Aiding and abetting fraud and the misuse of visas in violation of 18 U.S.C. 1546 by assisting Russian females to intentionally make material misrepresentations. (Complaint 468)
- Failure to report to the INS alien prostitutes working through the Internet violates 18 U.S.C. 2424. (Complaint 469)
- Importation by mail or otherwise for sale and distribution of pornography violates 18 U.S.C. 1461, 1462 & 1465. (Complaint 470)

In the third paragraph of Mr. Feinberg's letter he wrongly says, "I would like to stress to this Court that Cybertech has no employment relationship with any of the other Defendants...." If that were true, then why is Cybertech listed as the host of FlashDancers web site. Exhibit C. Sounds like an "employment relationship" to me. Even so, such a rebuttal of Mr. Feinberg's statement of purported fact really belongs at trial or following discovery in a summary judgment motion—not in a motion to dismiss. It is not the Court's function at this stage of the proceedings to weight the evidence that might be presented at trial; instead, the Court should merely determine whether the complaint is legally sufficient. Geisler v. Petrocelli, 616 F.2d 636, 639 (2d Cir. 1980). And legally sufficient means, "[a] complaint should not be dismissed for failure to state a claim 'unless it appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief.'" Berk v. Tradewell, 2003 Lexis 12078, \*15, 16 (SDNY July 16, 2003, J. Mukasey)(citing Conley v. Gibson, 355 U.S. 41, 45-46, 2 L.Ed.2d 80, 78 S.Ct. 99 (1957)).

Mr. Feinberg goes on in paragraph three making other purportedly factual statements that he asks the Court to take as evidence just because he is making the assertions. That is a unique basis for deciding a motion to dismiss: if the defendant's attorney says in a letter that his client did not do the acts alleged, then the complaint should be dismissed. Such a rule would have the benefit of quickly clearing a court's docket, but the impact on justice would be pretty dismal.

Although he does not say such, Mr. Feinberg may also be requesting summary judgment based on his assertions in paragraph three. This would call for the application of a standard that when a defendant's attorney says his client did not do what is alleged, that is enough to show there are no genuine issues of material facts and the defendant should prevail on the law. Exhibits C, D, E, F, G and H alone create the basis for a reasonable inference that Enterprise movant Cybertech peddles pornography and prostitutes and is associated with Enterprise movant FlashDancers in providing such. I doubt the word of an attorney would be good enough to rebut that evidence in the minds of jurors. But even if it

would, discovery still has not occurred, and it is that procedure along with subsequent summary judgment motions that define disputed facts and issues and dispose of unmeritorious claims, Sweirkiewicz v. Sorema NA, 534 U.S. 506, 512, 152 L.Ed.2d 1, 122 S.Ct. 992 (2002).

For the above reasons and those contained in the plaintiff's December 19, 2003 memorandum of law, the plaintiff requests that the Court deny Cybertech's request for dismissal.

Dated: New York, NY  
April 30, 2004

---

Roy Den Hollander, Esq.  
Plaintiff pro se  
545 East 14<sup>th</sup> Street  
New York, NY 10009  
(212) 995 5201

ROY DEN HOLLANDER

Index #: 03 CV 2717 (MUKASEY)

Plaintiff(s)

- against -

Purchased: April 18, 2003  
Date Filed:

FLASH DANCERS TOPLESS CLUB, ETAL

Defendant(s)

AFFIDAVIT OF SERVICE

STATE OF NEW YORK: COUNTY OF NEW YORK ss:

BYRAN E. MCELDERRY BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION, OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

That on June 16, 2003 at 03:17 PM at

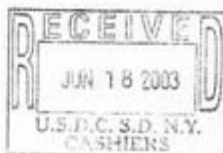
50 WEST 33RD STREET  
3RD FLOOR  
NEW YORK, NY 10001

deponent served the within true copy of the SUMMONS & COMPLAINT, CONSENT TO PROCEED WITH MAGISTRATE AND NOTICE OF RIGHT TO PROCEED WITH MAGISTRATE on CYBERTECH INTERNET STRIP CLUB NETWORK, the defendant/respondent therein named,

CORPORATION by delivering thereof a true copy of each to MS. TARA KOLIN, AUTHORIZED TO ACCEPT SERVICE personally, deponent knew said corporation so served to be the corporation described in said SUMMONS & COMPLAINT, CONSENT TO PROCEED WITH MAGISTRATE AND NOTICE OF RIGHT TO PROCEED WITH MAGISTRATE as said defendant/respondent and knew said individual to be the GENERAL AGENT thereof.

Deponent further states that he describes the person actually served as follows:

Sex	Skin Color	Hair Color	Age (Approx.)	Height (Approx.)	Weight (Approx.)
FEMALE	BROWN	BROWN	26	5'4	160



Sworn to me on: June 17, 2003

Stuart J. Forman  
Notary Public State of New York  
No. 31-4828240  
Qualified in New York County  
Commission Expires June 30, 2007

Eugene Forman  
Notary Public, State of New York  
No. 01F04640587  
Qualified in New York County  
Commission Expires Oct 31, 2006

Jordan M. Forman  
Notary Public, State of New York  
No. 01F08024348  
Qualified in New York County  
Commission Expires May 10, 2007

BYRAN E. MCELDERRY

Docket #: 211334

Cybertech Internet StripClubNetwork



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- SCN CLASSIFIEDS
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March 2004

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SAGINAW, MI

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Larry Flynt's Hustler Ch  
Washington Park, IL

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Deja Vu of Lake Station  
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Lake Station, IN



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StripClubNetwork



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## Contact Information

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Home Phone:  
Work Phone:  
Cellular Phone:  
Pager:  
Fax:  
Other:

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Date(s) you would like to secure a consultation:

Type of consultation you are interested in:

Hourly

Describe the detailed scenario for your consultation: Please type the name of the girls you would like to meet below.

First Choice:

Second Choice:

Third Choice:

Describe the type of lady that most appeals to you:

Additional Comments:

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If you would like an all inclusive fee please check the appropriate box if any of the following apply to your request:

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Middle Initial:   
Last Name:   
City:  State:  Country:

Contact Information

E-mail:   
Home Phone:   
Work Phone:   
Cellular Phone:   
Pager:   
Fax:   
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Measurements:   
Complexion:

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Hair Color:   
Eye Color:   
Nationality:

Additional Information:

Professional Credits:

Website Address:

Marital Status:  Languages Spoken:

Describe yourself: any piercings, tattoos, scars etc...

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Submit Bio

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

Roy Den Hollander

Plaintiff,

Docket No. 03 CV 2717 (PKC)

-against-

Flash Dancers Topless Club, et al.,

Defendants.

-----X

**Memorandum of Law In Opposition to Defendant Bank of Cyprus'  
Motion to Dismiss**

Roy Den Hollander  
Attorney at Law  
545 East 14 Street  
New York, New York 10009

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## **I. Preliminary Statement**

### **A. Litigation of Personal Destruction**

Throughout its memorandum, the Bank of Cyprus arrogantly and insultingly interjects ad hominem remarks that have no bearing on the issues of a motion to dismiss by foisting advice and criticism it has no right to make. For example, “He [the plaintiff] must look else where for the cause of his misfortune, including to himself.” (Defendant Bank Memo. p 2-1); “The match seems not to have been made in heaven...” (*id.* p 1-2); the calculated use of the word “believe” in place of “allege” (*id.* p 1-2); and “Plaintiff’s beliefs are unbelievable,” (*id.* p 2-1). Such subjective and snide remarks are meant to taint the plaintiff. It’s a subtle form of litigation by personal destruction, but just as malicious in its attempt to mock a party and distract the Court. The plaintiff, therefore, requests the Court admonish the Bank of Cyprus and other Enterprise movants who engage in the same, shared strategy.

### **B. Nomenclature**

This memorandum of law (Plaintiff Opposition Bank) answers the Bank of Cyprus’ memorandum in support of its separate motion to dismiss (Defendant Bank Memo.). Other defendants, who have appeared in this case, except for Anastasia and Nicolay Vasilyeva, have joined in a joint memorandum in support of dismissal (Defendants Joint Memo.) and a joint reply memorandum (Defendants Joint Reply). Those defendants are Flash Dancers Topless Club; Jay-Jay Cabaret, Inc.; Lepofsky-CEO Jay-Jay Cabaret, Inc.; Barry-Night Manager Flash Dancers; Flash Dancers Managers 1 to 5 (collectively “FlashDancers”); Cybertech Internet Solutions; Kuba, Mundy & Associates; Mundy; Petrovich; Shipilina; Paulsen; and Henning. The defendants FlashDancers, Cybertech, Shipilina, Paulsen and Henning have also submitted short papers concerning issues specific to them in their motions to dismiss and replies; Cybertech did not submit a separate reply. The plaintiff submitted an opposition memorandum (Plaintiff Opposition Memo.)

to defendants' joint memorandum and the short papers submitted by FlashDancers, Cybertech, Shipilina, Paulsen and Henning. The plaintiff has also served a motion to strike extraneous material from defendants' motions to dismiss papers (Plaintiff Strike Motion) and defendants have submitted an opposition memorandum.

In this memorandum, the term "Enterprise movants" or "movants" refers to all the defendants that are moving for a motion to dismiss. When this memorandum refers to fewer than all the Enterprise movants, the term "Enterprise movant" is followed by the person or persons' names, such as Enterprise movant Bank of Cyprus, or the memorandum only states the movants name, such as Bank of Cyprus or Bank. Other defendants in this action who are not presently moving to dismiss are collectively referred to as "other mafia defendants" or individually as "mafia defendant" followed by the person or persons' names.

Cites to the Bank of Cyprus' memorandum of law are in parentheses stating "Defendant Bank Memo." followed by the page number and a hyphen that indicates the paragraph on that page whether a full paragraph or not. For example, (Defendant Bank Memo. p 4-1) refers to page 4, the first group of lines on that page. Cites to the Complaint are in parentheses stating "Complaint" followed by the paragraph number. For example, (Complaint ¶ 633) refers to the numbered allegation 633, which deals with the Bank of Cyprus laundering money.

The numbers and letters used for denoting sections in this memorandum follow those used in the Bank of Cyprus memorandum to make it easier for comparison.

The plaintiff uses the term "Russian mafia" to mean the Russian International Crime Organization or the "Enterprise" as stated in paragraph one of the Complaint. The "Russian mafia" includes those identified as Russian Mafiosi in the media and by law enforcement agencies; the targets of the Federal Bureau of Investigation's unit on Russian organized crime; various Russian, Chechen, American, Cypriot and Mexican gangsters along with those of other nationalities; assorted



Chechen Islamic terrorists; and the more than thirty Russian gangs now operating in the US, most notably New York, Miami, San Francisco, Los Angeles and Denver, Robert I. Friedman, Red Mafiya: How the Russian Mob Has Invaded America, p. xix-xx, Little Brown & Company (2002).

The defendants in this action comprise part of the Russian mafia. (Complaint 15)

C. “We don’t drink your Kool-Aid here.”

The Bank of Cyprus has joined with other Enterprise movants in a strategy that is as clear as it is improper for a Fed. R. Civ. P. 12(b)(6) motion to dismiss. Under the guise of motions to dismiss, they present in their memoranda of law and exhibits allegations of fact that belong in answers, or allege findings of facts that belong in summary judgment motions. In doing so, the Bank and other Enterprise movants hope to obtain a Rule 12(b)(6) dismissal by having the Court consider extraneous material as part of the Complaint even though the plaintiff did not rely on such. Such a ploy circumvents the plaintiff’s opportunity to refute the movants’ assertions and claims that motions for a judgment on the pleadings or summary judgment provide. Very tricky, this Star Chamber type of procedure that eviscerates the plaintiff’s due process rights to reply to counterclaims, or move to reply to answers and amend the complaint, or to a reasonable opportunity to make his record before the Court.

The Bank of Cyprus and other movants use a two-pronged assault to achieve their aim of circumventing the plaintiff’s rights. On one flank, they try to impeach the credibility of the plaintiff with character assassination. Throw enough mud and maybe some will stick, which, as in the Spanish Inquisition, includes claims the plaintiff is guilty of alleged misdeeds because he has not proven his innocence through his Complaint or memorandum of law. That’s a bizarre function for the papers in a motion to dismiss, not to mention a judicial proceeding in a non-feudal country.

On the other flank, movants try to impeach the Complaints’ allegations and the plaintiff’s memorandum of law by using numerous misrepresentations, mischaracterizations, prevarications,

half-truths, edited quotes, dissembling and transposing quotes concerning one issue to a different issue.<sup>1</sup>

For instance, the Enterprise movants claim—over and over—that with the following statement: “... Kuba, Mundy and Petrovich claim their only connection with the defendants in this case is with Enterprise movant Shipilina. I don’t know that and neither does this Court because there has been no discovery,” (Plaintiff Opposition Memo. p 29-2) I withdrew the Complaint’s allegations against those defendants as being members of the Enterprise. I did not. The movants say these sentences are admissions that no connection exists between Kuba, Mundy, Petrovich and the Enterprise—they are not. Enterprise movants will twist my words, as they do frequently, and exploit any unskillfully composed turn of a phrase. They make overly much of an inartfully drafted paragraph in their apparent adherence to the adage that by making a misrepresentation often enough, it may be believed. But by those quoted sentences; I was not withdrawing my allegations against Kuba, Mundy and Petrovich as members of the Enterprise (Complaint 27-34), which is evident by a later paragraph (Plaintiff Opposition Memo. p 102-2) the movants ignore, “The evidence of the full extent of the connections is within the Enterprise movants knowledge and will come out in discovery.” My Complaint’s RICO allegations stand. It’s not the defendants’ version of the facts that are assumed true in a motion to dismiss but those alleged in the Complaint.

The Bank of Cyprus and other movants are simply trying to detour the Court away from Rule 12(b)(6)’s question of law into a landscape of conflicting fact allegations where only alleged members of the Russian mafia are to be believed even though their statements lack evidentiary foundation or are untested by cross examination. For example, the Bank flatly claims an ultimate

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<sup>1</sup> The willingness of Enterprise movants’ counsel to hide the truth was demonstrated just before the July 13, 2004 conference before your Honor. Vikrant Pawar, attorney for movant Henning, approached Roy Den Hollander, attorney and pro se plaintiff, in the hallway outside the courtroom and said with a grin, “I hope you survive this motion to dismiss.” The plaintiff responded, “That’s an inappropriate remark.” Pawar smilingly retorted, “I’ll just deny it.”

fact: “Plaintiff’s beliefs are unbelievable.” (Defendant Bank Memo. p 2-1) With such pronouncements of so-called facts, the Enterprise movants hope to slip by under the cloak of a motion to dismiss to their goal of obtaining a ruling that would really be either (1) a judgment on the pleadings without the plaintiff having the opportunity to respond to movants’ answers simply because there are no formal answers, although there are before the Court the allegations that the movants would have included in their answers only those are now found in movants’ memoranda of law. Or (2) a summary judgment in which the Court views movants’ memoranda’s assertions as findings of fact that the plaintiff had no opportunity to rebut because the movants brought motions to dismiss. The Bank and other movants appear to have adopted the old Russian folk saying, “the law is like a wagon axle, it goes in any direction you want to pull it.” That might have been true under the Communists and Tsars but not under the Federal Rules of Civil Procedure. “Whether a complaint states a cause of action on which relief could be granted is a question of law....” Bell v. Hood, 327 U.S. 678, 682, 90 L.Ed. 939, 66 S.Ct. 773, 776 (1946).

The plaintiff requests the Court not accept or consider any extraneous material in deciding the motions to dismiss. Extraneous material is information that the plaintiff did not rely on in bringing suit. As the Second Circuit stated, “[W]e reiterate here that a plaintiff’s reliance on the terms and effect of a document in drafting the complaint is a necessary prerequisite to the court’s consideration of the document on a dismissal motion; mere notice or possession is not enough.” Chambers v. Time Warner, Inc., 282 F.3d 147, 153 (2d Cir. 2002). If the Court, however, decides to go the route of conversion, then the plaintiff requests notice and a reasonable opportunity to show that genuine issues of material facts do exist. Davis v. Bryan, 810 F.2d 42, 45 (2d Cir. 1987) (citations omitted). In such event, the plaintiff preserves his right to appeal any possible conversion decision at the appropriate time.

#### D. RICO—Not Domestic Relations

The allegations against the Bank of Cyprus are for violating RICO through its conduct of engaging in financial transactions involving money from illegal Enterprise activities in order to hide the origin and ownership of the funds and avoid U.S. reporting requirements in violation of 18 U.S.C. 1956(a)(1)(B)(i) & (ii); transferring funds from illegal Enterprise activities in order to hide the origin and ownership of the money and avoid U.S. reporting requirements in violation of 18 U.S.C. 1956(a)(2)(B)(i) & (ii); and using international facilities to distribute the proceeds from unlawful Enterprise activities in aid of a racketeering enterprise under 18 U.S.C. 1952. (Complaint ¶¶ 633-37)

The Complaint does not allege the Bank culpable for errant matchmaking as the Bank's memorandum infers with "Defendants did not marry Ms. Shipilina. Plaintiff did. Defendants did not divorce her. Plaintiff did." (Defendant Bank Memo. p 2-1) True, it would have been better them than me, but that's not what the Bank is accused of doing. The Complaint alleges the Bank furthers the Russian mafia's Scheme of infiltrating and expanding the mob's activities in America by laundering the illegal funds made by mafia prostitutes, pimps, pornographers and pushers. (See Complaint ¶¶ 2, 13, 15) The Bank's marriage to the underworld of the former Soviet Union clearly produces heavenly benefits in the form of lucrative profits. A divorce between these powerful entities seems unlikely unless the purpose of RICO is fulfilled in eradicating organized crime, which is a "highly sophisticated, diversified, and widespread activity that annually drains billions of dollars from America's economy by unlawful conduct ... ," Beck v. Prupis, 529 U.S. 494, 496, 146 L.Ed.2d 561, 120 S.Ct. 1608, 1611(2000)(citing Organized Crime and Control Act of 1970, Pub.L. 91-452, 84 Stat. 922). Such a parting of the ways would be fortunate, not just for the plaintiff, but others victimized by the Russian mob. (Complaint ¶ 874(b, d, j, k))

The Bank of Cyprus complains that a RICO suit with over sixty defendants residing on three continents in this age of a global economy and the crime that preys on it requires dismissal because it is not plausible. (Defendant Bank Memo. p 2-2) If anything, the suit responds to the business acumen of modern day organized crime and how far and deep it reaches. The Enterprise in this case consists of domestic and foreign corporations, partnerships, individuals, government officials, law firms, organized crime gangs (including American, Russian and Chechen) and an Islamic terrorist and crime clan, (Complaint ¶ 11), working together as one big extended family to maximize and protect profits. The defendants in this RICO action comprise relatively few in the overall web of the Russian mafia.

In seeking a dismissal, the Bank even belittles the harm allegedly done to the plaintiff by the Russian mob, calling it a “personal misfortune common to half of the population....” (Defendant Bank Memo. p 2-1) I would not put the number anywhere that high, but the statement does indicate the Bank possesses information concerning other victims of the Russian mafia. Regardless of the Bank’s effort at denigration, the Complaint alleges harm to the plaintiff’s business and financial interests, (Complaint ¶¶ 900-907), which does “pertain to a particular individual,” the definition for “personal” in the American Heritage Dictionary, Second College Edition, p 925, definition 1. The Bank, however, might be using “personal” in the sense of “personal injury,” Black’s Law Dictionary, 8th Ed., p 1179. The complaint does not request recovery for personal injuries. Still, the Bank seems compelled to provide legal advice to the plaintiff on just that issue when it states, “he must seek a personal recovery.” The Bank then goes on to provide legal advice to the Court by stating it “should facilitate this recovery by dismissing the within Complaint with prejudice.” I am unaware of such a legal standard that calls for the dismissal of a RICO suit because it will in some mysterious fashion aid in the recovery for personal injury, especially when the Complaint clearly states the harm to the plaintiff from the Russian mafia’s Scheme was to his business and financial

interests. Perhaps the Bank's real intent was to personally belittle the plaintiff for seeking from the Court redress of the harm caused by the Enterprise.

The Bank's tactics copycat other Enterprise movants in their continuing and pervasive ploy to create a heightened standard for the plaintiff's allegations when the Bank states the plaintiff "has not and can not (sic) **show** that the Bank caused his loss," (Defendant Bank Memo. p 2-1, emphasis added). "Show" means to make clear by evidence or to prove, Black's Law Dictionary, 8<sup>th</sup> Ed. p 1413, but the purpose of a motion to dismiss is not to assay the weight of the evidence that might be offered, Geisler v. Petrocelli, 616 F.2d 636, 639-40 (2d Cir. 1980).

By allowing the case to proceed, the Court can prevent more than a measure of injustice to the plaintiff.

## **II. Statement of Facts**

The Bank of Cyprus has picked up on the objection, often repeated by other Enterprise movants, that the plaintiff has filed papers that are too long.<sup>2</sup> (Defendant Bank Memo. p 2-2) The Complaint is only so long as necessary to provide fair notice of the claims against the movants. The more complex the litigation becomes, the greater the amount of information that will appear in the pleadings. Wright & Miller, Fed. Prac. & Proc.: Civ 2d 1281, p 521.

Complaining about length is just one of the movants many ploys. The Bank's characterization of the Complaint as alleging the defendants "combined to cause the marriage of Plaintiff to Alina Shipilina and their subsequent divorce" (Defendant Bank Memo. p 2-2) is reminiscent of and just as misleading as the other movants asserting the Complaint alleges they all banded together in order to specifically target the plaintiff for exploitation (Defendants Joint Memo. p 48-3). "Where a racketeering enterprise intends no specific harms to any particular individual, but

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<sup>2</sup> The Complaint was filed April 18, 2003, not April 13, and it was served on the Bank of Cyprus on February 25, 2004, not one year later as stated by the Bank. The foreseen delay was explained to Chief Judge Mukasey at the initial conference on July 23, 2003. Transcript p 5 ln 7-14.

causes harm by the creation of substantial risk of harm, the victim injured by that enterprise's harm may have standing....” Baisch v. Gallina, 346 F.3d 366, 376 (2d Cir. 2003). Each defendant has its place in furthering the Russian mafia's Scheme to infiltrate its assets into hard currency markets, keep them there and make lots of money doing so. (Complaint ¶¶ 2, 13, 14) Some use narcotics and prostitutes to create fraudulent marriages; some engage in immigration fraud, white slavery, importing pornography, bribery; some traffic in drugs; some use coercion, intimidation, murder-for-hire, perjury and official misconduct to protect the Enterprise; and others maximize profits with tax evasion and, as alleged, launder money with the Bank of Cyprus while some engage in various combinations of those criminal acts. (Complaint ¶¶ 19, 21-38, 40-42, 46-52, 54-57, 59-62, 64-69, 71, 73-78, 80-89, 91-104, 106-110, 112-115, 117-120, 122-127) But all the defendants further the Enterprise's Scheme.

The Bank dismisses such criminal conduct as merely “colorful.” (Defendant Bank Memo. p 2-2) Perhaps the Bank does not consider the Russian mafia or organized criminals in general as a threat to civilized societies, but Congress does. The impact of organized crime is to “weaken the stability of the Nation's economic system...threaten the domestic security, and undermine the general welfare of the Nation and its citizen.” Beck, 529 U.S. at 496 (quoting the Organized Crime Control Act of 1970, Pub.L. 91-452, 84 Stat. 922, 923).

Another Bank ploy is the use of misrepresentations, such as claiming the service of the Complaint was defective. (Defendant Bank Memo. p 2 n 1) The Bank was served in accordance with the Hague Convention on Service of Judicial and Extra Judicial Documents and as directed by the Cypriot Consul General. Exhibit A The Bank gives no specifics for its claim of defective service. All it offers the Court is a haughty statement that “the Bank seeks decision on the merits to vindicate its professional and commercial reputation ... not a dismissal on mere procedural grounds.” (Defendant Bank Memo. p 2, n 1, p 3-3) Since “merits” means “the substantive

consideration to be taken into account in deciding a case, as opposed to ... procedure,” Black’s Law Dictionary, 8<sup>th</sup> Ed. p 1010, and a Rule 12(b)(6) motion is procedural: “Federal Rules of Civil Procedure ... cover the procedural aspects of civil litigation in the United States district courts...,” Fed. R. Civ. P. 18 U.S.C. 1 to 11, Explanation, p v., then the Bank must agree with the plaintiff that its motion to dismiss should be denied; otherwise, there will be no decision on the merits and no vindication for the Bank.

Keeping cadence with other Enterprise movants, the Bank objects the Complaint is “nonspecific.” (Defendant Bank Memo. p 2-3, p 3-2) The Complaint alleges the Bank is intricately involved with Russian mafia activities by knowingly transferring some of the mob’s revenues from illegal activities in order to facilitate tax evasion, conducting financial transactions with mob money in order to disguise the source and ownership of the funds and aid in avoidance of U.S. reporting requirements, using Bank transactions to promote illegal activities and employing the international telephone and wiring system to distribute Russian mafia revenues into other overseas accounts. (Complaint 101-103, 456-458, 633-637, 682, 683 and 827-830). Sounds pretty specific, and a lot more harmful than the “unfortunate affair” such activities make up, which is how the Bank of Cyprus patronizingly considers them. (Defendant Bank Memo. p 2-3)

Furthermore, allegations should be set forth in the pleadings in general terms. Wright & Miller, Fed. Prac. & Proc.: 2d Civ 1281 p 519. Allegations are restricted to the task of general notice giving while the deposition-discovery process serves the “vital role in the preparation for trial.... for ascertaining information as to the existence or whereabouts of facts, relative to [the] issues.” Hickman v. Taylor, 329 U.S. 495, 501, 91 L.Ed. 451, 67 S.Ct. 385, 388 (1947). A claimant is not required to set out in detail the facts on which he bases his claims.” Conley v. Gibson, 355 U.S. 41, 47, 2 L.Ed.2d 80, 78 S.Ct. 99, 103 (1957). In Conley, the Supreme Court rejected the defendants’ argument that dismissal was proper because “the complaint failed to set



forth specific facts to support its general allegations....” Conley at 47. Besides, lack of specific detail should be handled by a motion for a more definite statement. Swierkiewiz v. Sorema N.A., 534 U.S. 514, 152 L.Ed.2d 1, 122 S.Ct. 992, 998 (2002); Porter v. Karavas, 157 F.2d 984, 986 (10<sup>th</sup> Cir. 1946).

Still, the Bank insists on detail and allegedly provides some of its own. It’s affidavits claim it does not engage in any “financial transactions” at its 80 Broad Street office. (Defendant Bank Memo. p 3 n 2) But makes no mention that at least one public hotel in the Wall Street area advertises its proximity to the Bank’s Broad Street office as a plus for its hotels guests, Exhibit B, which raises the question of just what type of business is none there. Moreover, the Bank is again invoking the Enterprise movants’ strategy to use a Rule 12(b)(6) motion to effectively obtain a judgment on the pleadings or a summary judgment by submitting extraneous material, which is also disingenuous. The Sofianou affidavit at ¶ 3 creates the false impression the Bank is a minor international player even though it provides global Internet and telephone banking services that include financial transactions, such as money transfers, and, through a wholly owned subsidiary, CISCO, operates a brokerage and manages investment funds. Exhibit C Such an electronic global reach must make it difficult for the Bank to “know its clients” as Sofianou declares at ¶ 3. The affidavits of Kypri and Hadjimitis at ¶ 3 claim a search of “all relevant Bank [of Cyprus, Ltd.] records.” The Bank of Cyprus, Ltd is just part of the Bank of Cyprus Group, which also includes Bank of Cyprus Mutual Funds Ltd, CISCO and other legal entities. Exhibit D Did the search also include those since movant Shipilina has a Global Equity Fund account. (Complaint ¶ 450) The Bank’s affidavits also omit it is the leading financial institution in the banking and tax haven of Cyprus, has procedures for keeping secret the real owners of an enterprise, maintains a branch in the offshore center of the Channel Islands, runs an office of “intense activity” in Moscow, and has over 2300 correspondent relationships mostly with international banking institutions. Exhibit E

Cyprus’ “banking and corporate secrecy, little or no taxes, and simplified incorporation procedures have made it easy for ... terrorist groups, and organized crime groups to ... launder funds.” U.S. International Crime Threat Assessment. But all this is extraneous material for a Rule 12(b)(6) motion and more appropriately addressed in discovery, Hickman, 329 U.S. 495, 501.

In addition to mixing up pleading with discovery, the Bank confuses an allegation against movant Shipilina as one against the Bank. (Complaint ¶ 450) The Bank’s chivalrous act of spending time, money and effort to aid movant Shipilina with two affidavits must be greatly appreciated by her, but raises the question as to why the Bank would try to help a person it considers is just one of many “disparate” defendants. (Defendant Bank Memo. p 1-2) Actually, it looks more like a family member helping out one to whom it is joined at the pocketbook. The Bank’s affidavits that refute the allegations against movant Shipilina in the Complaint at ¶¶ 450, 451, 452, 540 and 767 raise more questions than they answer, which can only be resolved in discovery.

After magnanimously assisting a fellow “disparate” movant, the Bank states, “Nor has the Bank ever done business in New York with the plaintiff or any defendant.” (Defendant Bank Memo. p 3-2) The plaintiff never alleged he did any business with the Bank. But the real purpose behind the Bank’s statement is to improperly interject this so-called fact into a motion to dismiss. A motion to dismiss raises only an issue of law, Wright & Miller, Fed. Prac. & Proc.: 2d Civ 1357 p 303, not of facts. Other Enterprise movants do the same thing as though they were in the principal’s office or state court trying to argue the factual righteousness of their cause whenever they open their mouths rather than following the proper procedure. There’s a time and place for everything. Trying to three card monte so-called facts before the Court on a motion to dismiss is procedurally incorrect. The facts will be determined through discovery. Hickman at 501.

I am not sure what Counsel for the Bank means by saying the Complaint is “structurally flawed, fatally so.” Sounds more relevant to a building construction action.

### **III. Argument**

#### **A. The Complaint States a RICO Cause of Action Against the Bank of Cyprus**

The Bank of Cyprus asserts knowledge that only the Russian mafia and movant Shipilina could possess: “The dispute, if there is one, is between Plaintiff and his ex-wife. Organized Crime did not cause Plaintiff’s misfortune.” How is it that the Bank knows the Russian mafia did not cause the plaintiff’s alleged harm? Is the Bank omnipresent or perhaps, more tellingly, on intimate terms with the Russian mafia.

The Bank further objects to allegations in the Complaint as “stigmatizing,” “unsupported” and “conclusory.” (Defendant Bank Memo. p 3-3) The Bank, just as other Enterprise movants so often do, fails to state the specific allegations to which it refers. Perhaps the movants want the Court to do their work for them. Anyway, “[a]s for stigma, a civil RICO proceeding leaves no greater stain than do a number of other proceedings.” Sedima, S.P.R.L. v. Imrex Co., Inc., 473 U.S. 479, 492, 87 L.Ed.2d 346, 105 S.Ct. 3275, 3283 (1985). And as for “unsupported,” the operative definition for the word “support” is “to furnish corroborating evidence,” American Heritage Dictionary, Second College Edition, p 1222. “It is a familiar rule of pleading ... that evidence by which an allegation is sought to be established need not be pleaded.... Such matters [of evidence], however, are for proof and we doubt the propriety, much less the necessity of their allegation.” Cater Constr. Co. v. Nischwitz, 111 F.2d 971, 973 (7<sup>th</sup> Cir. 1940).

Under the “conclusory” opprobrium, the Bank falls into step with the other movants by objecting that the Complaint’s allegations provide “[n]o factual detail,” are “factually groundless” and therefore “conclusory.” (Defendant Bank Memo. p 3-1, 2, 3; p 7-3) But “[w]hether these charges [in the complaint] be called ‘allegations of fact’ or ‘mere conclusions of the pleader,’ we

hold that they must be taken into account in deciding whether the [plaintiff] is entitled to have its case tried.” U.S. v. Employing Plasterer’s Ass’n, 347 U.S. 186, 188, 98 L.Ed. 618, 74 S.Ct. 452, 454 (1954). For “the ancient distinction between “facts” and “conclusions” is no longer significant.” Oil, Chem. & Atomic Workers Int’l Union v. Delta Ref. Co., 277 F.2d 694, 697 (6<sup>th</sup> Cir. 1960)(citing U.S. v. Employing Plasterer’s Ass’n, 347 U.S. 186, 188). The plaintiff need only give the defendants notice of the claims. See Leatherman v. Tarrant County Narcotics Intel. & Coordination Unit, 507 U.S. 163, 168, 122 L.Ed.2d 517, 113 S.Ct. 1160, 1163 (1993). “A complaint that complies with the federal rules of civil procedure cannot be dismissed on the ground that it is conclusory or fails to allege facts. The federal rules require (with irrelevant exceptions) only that the complaint state a claim not that it plead the facts if true would establish ... that the claim was valid.” Higgs v. Carver, 286 F.3d 437, 439 (7<sup>th</sup> Cir. 2002)(Posner, J.)(citation omitted). And “what may be insufficient in New York courts need not necessarily be insufficient” in Federal court. Mueller v. Rayon Consultants, 170 F.Supp 555, 558 (S.D.N.Y. 1959). The pleader need only “disclose adequate information as the basis of his claim for relief as distinguished from a bare averment that he wants relief and is entitled to it.” Wright & Miller, Fed. Prac. & Proc.: Civ 2d 1216, p 165 (citing October 1955 Report of the Judicial Conference of the United States).

The U.S. Supreme Court disagrees with the Bank and other movants efforts to do away with the modern Federal standard of notice pleading:

“The Federal Rules of Civil Procedure do not require a claimant to set out in detail the facts upon which he bases his claim. To the contrary, all the Rules require is a short and plain statement of the claim that will give the defendant fair notice of what the plaintiff’s claim is and the grounds upon which it rests. Such simplified ‘notice pleading’ is made possible by the liberal opportunity for discovery and the other pretrial procedures established by the Rules to disclose more precisely the basis of

both claim and defense and to define more narrowly the disputed facts and issues.

The Federal Rules reject the approach that pleading is a game of skill in which one misstep by counsel may be decisive to the outcome and accept the principle that the purpose of pleading is to facilitate a proper decision on the merits.” Conley v. Gibson, 355 U.S. 41, 47-48, 2 L.Ed.2d 80, 78 S.Ct. 99, 102-03 (1957).

The archaic pleading practice relied on by the Bank and other movants once existed under the codes and common law in which pleadings served four functions (1) provided notice of the claim; (2) stated the facts that each party believed existed; (3) narrowed the issues; and (4) supplied a means for speedy disposition of sham claims. Wright & Miller, Fed. Prac. & Proc.: Civ 2d 1202, p 68. As a result, many cases were disposed of on a pleading defect unrelated to the merits. Id. at p 69. In olden days, the complaint was required to state only facts, not conclusions, a distinction of degree only that placed the pleader at a disadvantage:

“A pleader who complied with the spirit and command of the code pleading system was obliged to walk defenseless while a hidden enemy sniped at him; he committed himself unreservedly to a course of action and a factual statement from which he could not deviate because of [the] rules ....” Id. at p 71 (citation omitted).

The Bank of Cyprus and other movants are effectively saying to the Court, “Let’s do the time warp again.” and dismiss the Complaint for not stating facts as required under the old codes, number (2) above, even though by today’s standards, the pleadings function to give notice of the plaintiff’s position. Conley at pp 47-48. A notice the Bank and other movants’ will be hard press to deny after including many answer type allegations in their memoranda. They clearly are aware of the claims against them. They may not be pleased, but that’s no excuse to resort to yesteryear to short circuit modern federal procedure.

The Bank and other movants, however, may be using “conclusory” to mean legal conclusion, another prohibitive act under the old codes. The absurdity of objecting to a complaint for making legal conclusions was stated by Professor James, “If one sought to describe a situation having legal significance entirely in words which were devoid of all legal evaluation, the result would be a series of prolix circumlocutions which would serve neither elegance of style nor ease of understanding.” The Objective and Function of the Complaint: Common Law—Codes—Federal Rules, 1961, 14 Vand.L.Rev. 899, 912-918.

The Bank of Cyprus’ legal argument also sarcastically labels the Complaint as “tome-like in length.” At 91 pages, it may be a large book for the Bank, but that is not a reason to dismiss the case. Federal Rule 8(a)(2) requires a short and plain statement for each claim, not a short complaint. Multiparty litigation with multi-claims will inevitably result in long and complicated complaints. Wright & Miller, Fed. Prac. & Proc.: Civ 2d 1217, p 169.

#### 1. Standard for a Motion to Dismiss

The Bank affirmatively states only part of the standard for deciding a motion to dismiss (Defendant Bank Memo. p 4-2) while conveniently leaving off the part that courts take a complaint’s allegations as true, California Motor Transport Co. v. Trucking Unlimited, 404 U.S. 508, 515, 30 L.Ed.2d 642, 92 S.Ct. 609, 614 (1972); Bernheim v. Litt, 79 F.3d 318, 321 (2d Cir. 1996)(citation omitted). The Second Circuit case relied on by the Bank states, “the well pleaded material allegations of the complaint are taken as admitted; but ... unwarranted deductions of fact are not admitted.” First Nationwide Bank v. Gelt Funding Corp., 27 F.3d 763, 771 (2d Cir. 1994). The Bank artfully included the “unwarranted deductions” part of that quote but not the “allegations ... taken as admitted” part. It also failed to distinguish First Nationwide Bank from the present case against it.

The Second Circuit applied the “unwarranted deductions” principle with “greater force” because the issue was whether the defendants fraudulently overstated the value of rental properties as loan collateral. *Id.* Fraud requires more stringent pleading requirements under Rule 9(b), but there are no predicate act allegations of fraud against the Bank. A further distinction is that First Nationwide found the complaint’s method used for estimating the amount of overstated value involved so many variables and estimates that no reasonable inference other than an “unwarranted deduction” from the allegations could be drawn to come up with a certain amount of damages. *Id.* at 770-72. The predicate act allegations against the Bank of Cyprus are not so complex—simply money laundering and using international facilities to aid a racketeering enterprise. (Complaint ¶¶ 633-635)

“The issue is not whether a plaintiff will ultimately prevail but whether the claimant is entitled to offer evidence to support the claims. Indeed it may appear on the face of the pleadings that a recovery is very remote and unlikely but that is not the test.” Scheuer v. Rhodes, 416 U.S. 232, 236, 40 L.Ed.2d 90, 94 S.Ct. 1683, 1686 (1974).

## 2. Standard for Pleading RICO

First the Bank of Cyprus misstates what the Supreme Court in Sedima, S.P.R.L. v. Imrex Co., Inc., 473 U.S. 479, 496, 87 L.Ed.2d 346, 105 S.Ct. 3275, 3285 (1985), requires for alleging a civil RICO violation, then claims the Complaint does not comply to the Bank’s misstatement.

The Complaint alleges all the RICO elements against the Bank that the Second Circuit requires: (1) defendant (Complaint ¶¶ 101-103) (2) through the commission of two or more predicate acts (Complaint ¶¶ 633-635) (3) constituting a pattern (Complaint ¶¶ 875-85) (4) of racketeering activities [those are predicate acts] (Complaint ¶¶ 633-635) (5) directly or indirectly invests in, or maintains an interest in, or participates in (Complaint ¶ 636) (6) an enterprise (Complaint 1, 10-15) [allegations as to the existence of a RICO enterprise must meet only the notice

pleading requirements of Fed. R. Civ. P. 8. In Re Sumitomo Copper Litigation, 995 F.Supp. 451, 454 (S.D.N.Y. 1998)(J. Pollack)] (7) the activities of which affect interstate or foreign commerce (Complaint 874) and, in addition, the plaintiff was injured in his business or property by reason of violations of 18 U.S.C. 1962 (Complaint ¶¶ 900-907).

The Bank continues misstating the law and misrepresenting the Complaint when it claims, “Plaintff also fails to plead adequately certain predicate acts alleged in the Complaint as a basis for his RICO claims. These acts include violations of 18 U.S.C. 371 (conspiracy), 26 U.S.C. 7201 (tax evasion), Sections 1801 and 1804 of the New York State Income, Earnings and Corporate Taxes Law (failure to file tax returns and filing of false returns, respectively), and Sections 105 and 470 of the New York Penal Code (conspiracy and money laundering, respectively).” (Defendant Bank Memo. p 4, n 4) The Complaint does not claim any of the acts cited in that footnote are predicate acts. The Complaint contains one section listing predicate acts that starts at ¶ 466 and is titled Defendants Predicate Acts and a separate section beginning at ¶ 684 called Other Criminal Acts by Defendants. The titles are in bold print and the word “other” means of a different character or quality. I just can’t see how the Bank missed that unless it is trying to sneak something passed, but I cannot figure out what it is.

a. Use of Income from Racketeering Activities, 1962(a)

The plaintiff incorporates his argument from Plaintiff Opposition Memo. pp 85-88 that a violation of 18 U.S.C. 1962(a) or (b) does not require a “racketeering injury”; that is, injury flowing from the investment of income produced by a pattern of racketeering, Busby v. Crown Supply, Inc., 896 F.2d 833, 837-38 (4<sup>th</sup> Cir. 1990); Goold Electronics Corp. v. Galaxy Electronics, Inc., 1993 WL 427727 (N.D.Ill.), or from racketeering activity used to keep a stake in an enterprise, see Haroco v. American National Bank & Trust Co. of Chicago, 747 F.2d 384, 395-399 (7<sup>th</sup> Cir. 1984).



If the Court concludes that RICO 1962(a) requires a racketeering injury, the Complaint, contrary to the Bank's false statement that it "makes no such allegation" (Defendant Bank Memo. p 5-1), alleges injury from the investment of racketeering income. The Bank engages in predicate acts constituting a pattern of racketeering activity that makes money (Complaint ¶¶ 633-636, 875, 881); the income from that racketeering activity goes into the Bank's operations, including the facilities for laundering money, that affect interstate commerce (Complaint ¶¶ 636, 874); and the plaintiff suffered damages as a result (Complaint 900-908).

The Bank wrongly objects that the money from racketeering activities must be invested in the criminal enterprise. RICO 1962(a) is violated when racketeering money is used in the operation of an organization whether the criminal enterprise or another organization. Batista, Civil RICO, 2003 Cumulative Supplement, 4.41, p 133; *see* 18 U.S.C. 1961(4). The Bank is an organization that is alleged to use money from predicate acts to run its operations (Complaint ¶ 636), so RICO 1962(a) is violated.

b. Racketeering to Maintain an Interest in the Money Laundering Business, 1962(b)

The Bank of Cyprus' cite to Dubai Islamic Bank v. Citibank, N.A., 126 F.Supp.2d 659, 670 (S.D.N.Y. 2000), which found persuasive the argument that a plaintiff must allege the defendant "acquired or maintained control over the alleged RICO enterprise...", shows the Bank continues its misguided claim that the only enterprise to which 1962(a) & (b) apply is the RICO enterprise. Congress did not confine the reach of RICO "to only narrow aspects of organized crime." U.S. v. Turkette, 452 U.S. 576, 590, 69 L.Ed.2d 246, 101 S.Ct. 2524, 2532 (1981). The use of racketeering activity to acquire or maintain, directly or indirectly, any interest in or control of any enterprise, whether the RICO enterprise or another business, violates 1962(b).

Contrary to the Bank's assertions in its memorandum at p 5-2, the Complaint alleges the Bank operates a money laundering business for the Russian mafia (Complaint ¶¶ 15, 101-103, 456-

58), that the Bank engages in the predicate acts necessary to launder and hide Russian mafia money (Complaint at ¶¶ 633-635) in order to maintain its money laundering business in which it has a property interest (Complaint at ¶ 636), and the plaintiff suffered damages as a result (Complaint 900-908). An “interest” in 1962(b) includes “all property and interests, as broadly described, which are related to the violations” H.R.Rep. No. 1549, 91<sup>st</sup> Cong., 2d Sess. 57, reprinted in U.S. Code Cong. & Ad.News 4007 (1970).

c. Participating in the Conduct of the Russian Mafia’s Affairs, 1962(c)

In order to participate, directly or indirectly, in the conduct of an enterprise’s affairs, a defendant must play some part in directing those affairs. Reves v. Ernst & Young, 507 U.S. 170, 179, 122 L.Ed.2d 525, 113 S.Ct. 1163, 1170 (1992). The Bank artfully omitted “directly or indirectly” from its statement of the law. (Defendant Bank Memo. p 6-1) “[T]he phrase ‘directly or indirectly’ makes clear that RICO liability is not limited to those with a formal position in the enterprise....” Reves at 179, or that only primary responsibility for the enterprise’s affairs is required. What is needed is that a person participates in the operation or management of the enterprise. Reves at 185. But an enterprise is “operated” not just by upper management but also by lower rung participants who are under the direction of upper management or by others associated with the enterprise who exert control; that is, authority. Reves at 184. “One is liable under RICO if he ... has ‘discretionary authority in carrying out the instructions of the principals.’” Baisch v. Gallina, 346 F.3d at 376 (2d Cir. 2003)(citing US v. Diaz, 176 F.3d 52, 93 (2d Cir. 1999)). In addition, a defendant may also take part in the conduct of an enterprise by knowingly implementing decisions as well as making them. US v. Oretto, 37 F.3d 739, 750 (1st Cir. 1994).

In order to launder money for the Russian mafia, the Bank exerts control over that aspect of the mob’s activities by making and knowingly implementing decisions in which it exercises broad

discretion in carrying out the laundering and hiding of illegal funds. (Complaint ¶¶ 15, 101-03, 456-58, 633-636, 874(b), (d), (j), (k), 881)

d. Conspiracy, 1962(d)

The Bank pulls an interesting slide-of-hand when it states that a RICO conspiracy claim “must plead facts alleging that each defendant ‘knowingly agreed to participate in the conspiracy.’” The Bank’s memorandum at p 6-2 cites Schmidt v. Fleet Bank, 16 F.Supp.2d 340, 347[correct page is 354] (S.D.N.Y. 1998) as authority for this proposition but wrongly claims the Schmidt Court relied on Industrial Bank of Latvia v. Baltic Fin. Corp., 1994 U.S. Dist. Lexis, \*8, 93 Civ. 9032, 1994 WL 286162 at \*3 (S.D.N.Y.). The Schmidt Court relied on Colony at Holbrook, Inc. v. Strata G.C., Inc., 928 F.Supp. 1224 (E.D.N.Y. 1996), and Colony relied on the Second Circuit’s Hecht v. Commerce Clearing House, Inc., 897 F.2d 21, 25 (2d Cir. 1990). “[T]he Second Circuit established that the core requirement of a RICO conspiracy claim is an agreement to commit the predicate act.... [T]he Second Circuit held that a complaint must, at a minimum, specifically plead such an agreement... ‘to commit at least two predicate acts.’” Colony at 1238. So in the Second Circuit, a complaint must allege the defendants concurred, consented, settled upon, assented or agreed to the committing of two predicate acts. It is the agreement to commit predicate acts in furtherance of the common purpose of the RICO enterprise that infers a RICO conspiracy. *See* Colony at 1238. And furthering a RICO’s purpose can be met by merely adopting the goal of advancing or facilitating violations of RICO 1962(a-c). *See* Salinas v. U.S., 522 U.S. 52, 65, 139 L.Ed.2d 352, 118 S.Ct. 469, 477 (1997). By agreeing to launder and hide money from Russian mafia activities, the Bank, at the very least, advanced and facilitated the Enterprise’s criminal endeavors that include violations of 18 U.S.C. 1962(a-c).

The Complaint meets the conspiracy pleading requirements by alleging the Bank “agreed to commit the predicate acts in ¶¶ 633-35....” (Complaint ¶ 637) with the requisite mens rea

(Complaint ¶ 682) and such acts furthered the Enterprise's purpose (Complaint ¶¶ 12, 13, 15, 456, 635).

The Bank also objects the Complaint's conspiracy allegations are "conclusory" and therefore "insufficient." (Defendant Bank Memo. p 6-2) So what is insufficient? Statements claiming only that the defendants engaged in "conspiratorial acts," conspiratorial manner," "conspiratorial method" and "conspiratorial pattern." Colony at 1238 (citation omitted). What is sufficient? A complaint that states the defendants knowingly entered into an agreement, arrangement, concord or compact to commit predicate acts. Dietrich v. Bauer, 76 F.Supp. 2d 312, 349 (S.D.N.Y. 1999). The Complaint does just that for all the Enterprise movants. (Complaint ¶¶ 682-83) The problem with all the movants' memoranda is that they cite legal propositions declaring what allegations can't be, but omit the specifics that give the rules understanding. The movants spit out words, such as "conclusory," "bare," "insufficient" and the like without defining what the courts mean by these terms because if the movants did, then these objections would vanish like the morning haze.

Another vanishing objection by the Bank is that the Complaint did not answer its deposition questions: "Into what agreement did the Bank enter? With whom did the Bank agree? What was the conspiracy?" (Defendant Bank Memo. p 6-2) The federal rules, however, restrict pleadings to the task of general notice giving and invest the deposition-discovery process with the vital role of preparing for trial. Conley v. Gibson, 355 U.S. 41, 47-48; Hickman, 329 U.S. 495, 501. The Complaint's conspiracy allegations provide enough information to put the Bank on notice. Moreover, the nature of conspiracies often makes it impossible to provide details in a complaint, Breuer v. Rockwell, 40 F.3d 1119, 1128 (10<sup>th</sup> Cir. 1994)

The Bank follows along with the other Enterprise movants by presumptuously stating there can be no RICO conspiracy, "because Plaintiff has failed to plead any substantive [1962 (a-c)]

RICO violation....” I thought that determination was for the Court rather than the defendants. Apparently, in the movants’ “Simon says” view of the law, whenever a defendant simply claims a plaintiff’s allegations fail to plead a substantive RICO violation, the conspiracy cause of action must be dismissed. But even adopting the movants “Simon says” ploy, co-conspirators who might not themselves have violated one of the substantive provisions of 1962 can still be sued providing others in the Enterprise were alleged to have done so. Beck v. Prupis, 529 U.S. 494, 506-07, 120 S.Ct. 1608, 1617 (2000). Conspiracy is a mechanism for subjecting co-conspirators to liability for the tortious acts of one of their members, and a tortious act is a 1962(a), (b), or (c) violation or may even be the commission of one predicate act. Beck at 506 n. 10. The Complaint alleges numerous violations of 18 USC 1962 and predicate acts committed by the movants in furtherance of the Enterprise’s Scheme. (Complaint 466-547, 556-559)

e. Standing in the Shadows with Gangsters

The Bank of Cyprus once again wrongly imagines what the Complaint and the law state—this time about proximate cause or, more accurately, standing. The Bank claims, “Plaintiff has pleaded no proximate cause. In fact, Plaintiff has pleaded no cause at all.” (Defendant Bank Memo. p 7-2) The Complaint at ¶¶ 900-907 alleges the direct injuries to the plaintiff’s business and property were caused by a pattern of racketeering activity violating 18 U.S.C. 1962 or by predicate acts, and at ¶ 683 states “[e]ach predicate act was committed on behalf of every Member of the Enterprise, since each act was committed with the knowledge of, or was reasonably foreseeable to, each of the Members.” The U.S. Supreme Court held that on a motion to dismiss general factual allegations of injury resulting from defendant’s conduct embrace those specific facts necessary to support the claim. NOW v. Scheidler, 510 U.S. 249, 256, 127 L.Ed.2d 99, 114 S.Ct. 798, 803 (citing Lujan v. Defenders of Wildlife, 504 U.S. 555, 561, 119 L.Ed.2d 351, 112 S.Ct. 2130, 2137 (1992)). The Bank also tries to heighten the pleading requirements for standing to one that tends to

“show” injury. (Defendant Bank Memo. p 7-2) “Show” means to prove, Black’s Law Dictionary, 8<sup>th</sup> Ed., p 1413, but the purpose of the complaint under the federal rules is to give notice, not prove. *See Hickman*, 329 U.S. 495, 501.

In addition, liability for injuries from RICO violations is joint and several among the members of the criminal enterprise. Fleischhauer v. Feltner, 879 F.2d 1290, 1301 (6<sup>th</sup> Cir. 1989). “Although there is little direct law on this point, there are numerous RICO criminal forfeiture cases which indicate that the nature of the RICO offense mandates joint and several liability.” *Id.* (citing *see also Beneficial Standard Life Ins. Co. v. Madariaga*, 851 F.2d 271, 272 (9<sup>th</sup> Cir. 1988)(civil RICO liability assessed joint and severally). Fleischhauer was not a forfeiture nor a contribution case. A determination of joint and several liability is distinct from a determination of contribution. Texas Industries, Inc. v. Radcliff Materials, 451 U.S. 630, 646, 68 L.Ed.2d 500, 101 S.Ct. 2061, 2069 (1981). Further, the allegation of conspiracy to violate 18 U.S.C. 1962(d) includes the allegation of defendants being joint and severally liable, since they are co-conspirators. Oki Semiconductor Co. v. Wells Fargo Bank, 298 F.2d 768, 775 (9<sup>th</sup> Cir. 2002)(Citations omitted); *See Pinkerton v. U.S.*, 328 U.S. 640, 646, 90 L.Ed. 1489, 66 S.Ct. 1180, 1183 (1946). Moreover, there is no reason why persons who actively and knowingly work for an organization that engages in criminal activity should not be liable for the criminal acts of other members. Scales v. U.S., 367 U.S. 203, 226-27, 6 L.Ed.2d 782, 81 S.Ct. 1469, 1485 (1960). The Complaint alleges the Bank is a member of the Russian mafia and furthers the mob’s illegal activities with money laundering as a co-conspirator in violating RICO (Complaint ¶¶ 101-03, 456-58, 633-37), so it is joint and severally liable.

The Bank of Cyprus also requests a dismissal because it has “more productive uses for [its] resources.” (Defendant Bank Memo. p 7-2) Perhaps it is referring to the lucrative business it conducts with the Russian mafia. The plaintiff, however, can think of no more productive use of

government resources than, as the U.S. Supreme Court stated, “bring[ing] to bear the pressure of private attorneys general on a serious national problem for which public prosecutorial resources are deemed inadequate....” Agency Holding Corp. v. Malley-Duff & Associates, 483 U.S. 143, 151; 97 L.Ed.2d 121; 107 S.Ct. 2759, 2764 (1987).

f. Case or no case

The Bank of Cyprus, patterning other Enterprise movants, again repeats the liturgy that the allegations against them are not “sufficient.” Sufficient means that which is necessary for a given purpose. Black’s Law Dictionary, 8<sup>th</sup> Ed., p 1474. So what’s the purpose of allegations in a complaint? “[T]o provide the necessary notice to [the] adversary. The evidentiary material supporting these general statements normally should not be set out in the pleadings but rather should be left to be brought to light during the discovery process.” Wright & Miller, Fed. Prac. & Proc.: Civil 2d 1281, p 519. The Bank’s memorandum and the detailed papers of the other movants belie that they do not have “fair notice of what the plaintiff’s claim is and the grounds upon which it rests,” Conley, 355 U.S. 41, 47-48.

Finally, the Bank omnipotently concludes that any amendment of the Complaint would have to consist of “conclusory allegations.” They don’t know that.

**IV. Conclusion**

The plaintiff requests that the Bank of Cyprus’ motion to dismiss be denied, but if granted, then leave be allowed to the plaintiff to amend the Complaint.

Dated: New York, New York  
August 12, 2004

Respectfully submitted  
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## **Congressional Statement Federal Bureau of Investigation**

December 13, 2000

Statement for the Record of  
Steven C. McCraw, Deputy Assistant Director  
Investigative Services Division  
Federal Bureau of Investigation

on  
**Organized Crime, Drug Trafficking, and Terrorist Acts**

Before the  
House Judiciary Committee,  
Subcommittee on Crime  
Washington, D.C.

Mr. Chairman, members of the subcommittee, thank you for the opportunity to speak with you on this important issue. The threat posed by the convergence of organized crime, drug trafficking and terrorism is significant. Worldwide economic, political, social and technological changes over the last decade have resulted in a more dispersed, complex, asymmetric threat to our nation. Criminals and terrorists have significantly benefitted from these rapid changes which have permanently shrunk the world, made it more open and created new methods for interacting and communicating.

Organized crime, drug trafficking, and terrorist acts are no longer insular, distinct activities that can be contained and eradicated through traditional enforcement. Instead, they are integrated activities which through their very commission have a reverberating impact on our national interests.

To meet these new challenges, we can not focus on singular criminal activities. Rather, the law enforcement and intelligence communities must understand and develop strategies to address all aspects of criminal and terrorist enterprises. Thus, my testimony today will illustrate the diversity of crime within criminal enterprises and the interrelationships between gangs, drug trafficking organizations, organized crime and terrorist groups. We must understand all aspects of the threat to address the threat.

Drug trafficking organizations engage in other criminal activities to support their operations. Similarly, organized crime groups, street gangs and some terrorist organizations are involved in drug related activities. For example, drug trafficking organizations are engaged in the corruption of U.S. law enforcement officials, kidnappings, tortures and murder to further their drug trafficking operations. Mexican drug trafficking organizations use street gangs to murder rivals and to distribute drugs throughout the United States. Russian organized crime groups, which distribute drugs in the United States, are also involved with the American La Cosa Nostra in sophisticated financial fraud, money laundering and other white collar crime schemes. And, Colombian drug trafficking organizations interact with terrorist organizations.

El Paso, Texas, which is contiguous with Juarez, Mexico, has long been a gateway for drugs controlled by the Carrillo Fuentes Drug Trafficking Organization (CFO) and illustrates how violence is an integral part of drug trafficking. During the past few years, there have been approximately 300 drug related disappearances in Juarez, Mexico, including 27 U.S. citizens. In El Paso, there have been 120 drug related homicides and 73 drug related disappearances.

In "Operation Plaza Sweep", a joint FBI and Republic of Mexico investigation, 17 murders and 24 kidnappings were documented and eventually led to the discovery of three burial sites used by the CFO in Mexico. The positive identification of seven victims buried at these sites resulted in a superceding indictment adding murder charges to a 46 count indictment against Vicente Carrillo Fuentes.

When major drug trafficking organizations lose a load of drugs they kidnap, torture and often execute those involved. If the individual responsible for the loss flees, a close family member is kidnapped and threatened until the individual turns himself into the organization.

Drug traffickers also employ violence to escape detection and arrest. For example, on June 3, 1998, U.S. Border Patrol Agent Alexander Kirpnick confronted three drug smugglers along the Arizona/Mexico border and was shot to death. The shooter fled to Mexico and was eventually captured in Mexico and convicted in the United States for the first degree murder of a federal officer.

Drug trafficking organizations systematically engage in corruption to support their drug operations. This is particularly problematic along the southwest border of the United States. U.S. law enforcement officials along the southwest border have been convicted of participating actively in drug-related crimes, including waving drug-laden vehicles through Ports of Entry in exchange for money, coordinating the movement of drugs across the border, using their official positions to transport drugs past checkpoints without being suspected, and disclosing drug intelligence information. In an 18 month period, an FBI-led public corruption task force in Southern Arizona conducted a series of drug corruption investigations which resulted in the conviction of 10 federal officers, two deputy sheriffs, three local police officers and one local judge.

The "Operation Ghostload" investigation illustrates the impact of drug related corruption in the United States. In January 1999, four Immigration Naturalization Service Inspectors who were assigned to the Nogales, Arizona, Port of Entry, and seven drug traffickers, were arrested. These inspectors were responsible for passing over 20 tons of cocaine into the United States for which they received over \$800,000 in bribes. Clearly, international organized crime groups constitute a significant threat because of the scope and magnitude of their criminal activity. Furthermore, despite tremendous successes against the LCN, vigilance is required to minimize their impact on our financial markets. All organized crime groups are using the increased ease of international travel and the latest advances in telecommunications and technology to move large segments of their criminal enterprises into the United States market. For example, Oleg Kirillov, the leader of a Russian organized crime group based in Russia, established an operation in Miami, Florida, to launch a cocaine smuggling route between Peru and Russia. An investigation by FBI Miami determined that the network of this group stretched from various locations in the United States to Russia, Europe and South America. In addition to drug trafficking, group members were also actively engaged in a variety of criminal offenses, including stock manipulation, credit card fraud and motor vehicle thefts. Kirillov and several of his associates were indicted and later convicted for their involvement in these criminal activities.

Similarly, the inter-relation of drug traffickers and violent street gangs poses a challenge to law enforcement. Street gangs continue to expand their illicit activities and build strategic ties to domestic and international criminal organizations. While gangs are involved in a broad range of criminal activity, drug trafficking remains the principal source of their revenue. These criminal organizations are firmly entrenched in regions near major trans-shipment points, freight terminals or bulk warehouses. They are also responsible for moving stolen cargo and high technology commodities into other countries. These high tech shipments are then available for exploitation by major criminal organizations.

The impact of the violence these groups have in the U.S. is significant. For example, here in the Nation's Capital, neighborhood drug-based gangs have been responsible for

substantial levels of violent criminal acts. Just last month, a District of Columbia Federal Grand Jury returned a 158 count indictment with 31 charges of murder and multiple violations of drug trafficking and weapons offenses against local gang members. These indictments stemmed from an FBI-led Safe Streets Task Force investigation targeting the entire criminal enterprise.

In January 1997, an FBI-led violent crime task force was initiated in Gary, Indiana, to target pervasive gang-related violence and gang controlled, street level drug trafficking. A series of criminal enterprise investigations freed the community from gang related terror, reducing the assaults with firearms by 62 percent and homicides by 24 percent.

The threat of terrorism to America continues worldwide. The increasingly prominent U.S. role in international peacekeeping, diplomacy and business has increased America's visibility and vulnerability and encouraged the increased levels of activities by terrorist groups. While there is no evidence of narco-terrorism within the United States, intelligence has revealed that some terrorist organizations, such as Columbia's FARC, and to a lesser extent the National Liberation Army (ELN), support their activities through funds acquired as the result of their protection of drug traffickers or the distribution of drugs in Columbia. These terrorists also target U.S. interests in their country. For example, in January 1993, three U.S. missionaries were kidnapped from a village in Panama by members of the FARC and remain missing. In February of last year, three U.S. citizens who were working in Colombia were kidnapped by suspected members of the FARC. These Americans were later executed in Venezuela.

Regardless of the source of funding, the threat of terrorism is very real here and abroad. As an example, the World Trade Center bombing in February 1993, killed six Americans, injured over 1,000 and caused property damages amounting to over half a billion dollars. Most recently, the U.S.S. Cole was attacked while in the Port of Aden, Yemen. This act of terrorism took the lives of 17 young American servicemen and women and resulted in the injury of 39 others.

I can assure you that the FBI is prepared for the substantial challenges posed by these evolving threats to our national security. As this subcommittee is aware, the FBI is a member of both the law enforcement and intelligence communities, hence we are uniquely positioned to work closely with our law enforcement and community partners to identify and neutralize the threats to our nation.

The character of these threats, increasingly an integrated conglomerate of activities inimical to our national interests, have resulted in the FBI's pro-active posture which is designed to deter and prevent rather than react to criminal and terrorist activities. This proactive approach requires that the FBI have an intelligence capability far different from what has supported us in the past. In fact, to apply the FBI's enterprise theory of investigation to these increasingly compound threats requires an intelligence capability that can disaggregate these patterns of complex, intertwined behaviors and, at all times, provide an accurate understanding of the present and future threat.

The foundation of the FBI's strategy to address these activities is a preeminent intelligence capability. In November 1999, as part of our Strategic Plan, the FBI realigned its intelligence resources and placed a new emphasis on developing a strategic analytical capability. As you are aware, at that time, we placed all personnel dedicated to criminal, terrorist, and foreign intelligence analysis into a new Division and charged them with developing a comprehensive understanding of the threats faced by our Nation. Through this realignment we are working toward exploiting all information, regardless of where it is collected, developing national crime and intelligence threat assessments in order to react effectively to current problems, and establishing the intelligence base from which we can project future threats.

Again, thank you for the opportunity to testify before the subcommittee today. I would be happy to respond to any questions you have at this time.



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**\*\*LEAD STORY\*\***

## **CIA AND FBI DIRECTORS DESCRIBE RUSSIAN ORGANIZED CRIME...**

By Steve Macko

On Tuesday, the directors of the United States Central Intelligence Agency (CIA) and the Federal Bureau of Investigation (FBI) met with House International Relations Committee on Capital Hill. CIA Director John Deutch said that organized crime represents a growing threat to democracy in Russia and has spread to 50 countries around the world, including the United States.

Director Deutch said, "Organized crime and corruption pose an increasing threat to political and economic reform in Russia. Russia's criminal groups reach across international borders, including our own. Russian criminal groups have the potential to support terrorism and contribute to the proliferation of materials, technology and weapons of mass destruction."

This is the first time that Director Deutch has testified before a Congressional Committee on the subject of Russian organized crime. Deutch tried to be optimistic on the issue by saying, "The facts do not support the important judgement that this criminal issue in Russia has gotten to such an extent that they are going to be unable to proceed with their ... slow but hopeful moves towards a more democratic society."

Even though he said that Russian organized crime groups have the potential to contribute to the proliferation of weapons of mass destruction, Deutch stressed, "We have no data indicating that a nuclear weapon or a significant quantity of fissile material has ever been stolen from Russia. We also have no information that Russian criminal organizations are cooperating with terrorist groups or rogue states."

The reason that criminal groups have flourished is because the groups got their start in widespread government corruption even before the Soviet era ended. Deutch said, "The rapid collapse of the Soviet system and central planning offered opportunities for this underlying corruption to bloom, for criminals to reap much higher profits and for crime to become much more visible to the average citizen."

Overall, both directors, Deutch and Freeh of the FBI, gave what could be considered a gloomy assessment of the crime problem in Russia. FBI Director Louis Freeh said that when freedom was established in Russia, it helped spread the existing criminal network to expand abroad. Freeh said, "Evidence that organized crime activity from these areas is expanding and will continue to expand to the United States is well-documented."

The FBI director said that he was not going to make the same mistake that legendary FBI Director J. Edgar Hoover made by ignoring the Mafia for 50 years. Freeh said, "We are not about to make the same mistake with Eurasian crime."

Freeh told the Congressional Committee that Russian crime groups are operating in New York City. The FBI is investigating several cases that involve everything from murder to a massive fraud scheme aimed at trying to steal \$2 billion in fuel tax revenues.

The main point where it seemed to Deutch and Freeh differed was on their assessments of the anti-crime efforts by the Russians. Deutch said about the Russian law enforcement authorities, "Law enforcement agencies continue to be understaffed, under-funded and plagued by corruption."

FBI Director Freeh said that in its dealings with the Russians, the FBI has found that its Russian counterpart, the NVD,

has proven to be a reliable partner in investigating cases and in making arrests.

Currently, the FBI has two Special Agents stationed in Moscow. They are handling about 300 cases and have requested a third agent to be assigned there.

Also speaking before the Committee on Tuesday was California Attorney General Dan Lungren, who spoke about the growth of Russian organized crime in his state and was the focus of an ENN report on 19 March 1996.

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

\_\_\_\_\_  
ROY DEN HOLLANDER

X

Plaintiff,

Docket No. 03 CV 2717

- against -

*Domestic*  
Flash Dancers Topless Club, et al.

Defendants.  
\_\_\_\_\_

X

REPLY MEMORANDUM OF LAW

*Criticism*

*False to RDH : Implt of Memo*  
*False to Sub Law*  
*False to Proc Law*

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<i>Howell v. New York Post Company, Inc.</i> , 81 N.Y.2d 115, 612 N.E.2d 699, 596 N.Y.S.2d 350 (1993) .....	62
<i>Martin v. Adler</i> , 135 Misc. 2d 383, 515 N.Y.S.2d 400 (Rockland County Ct. 1987) .....	73
<i>Nadeau v. La Paine</i> , 272 A.D.2d 769, 707 N.Y.S.2d 704 (3d Dep't ) .....	74

<i>Raved v. Raved</i> , 105 A.D.2d 735, 481 N.Y.S.2d 170 (2d Dep't 1984) . . . . .	69
<i>Reinhart v. Jakubowski</i> , 139 A.D.2d 765, 657 N.Y.S.2d 802 (3d Dep't 1997) .	74
<i>Sokol v. Sofokles</i> , 136 A.D.2d 535, 523 N.Y.S.2d 155 (2d Dep't 1988) . . . . .	74



### PRELIMINARY STATEMENT

Defendants, Kuba, Mundy & Associates, Nicholas J. Mundy (collectively referred herein as "Mundy") and Peter Petrovich ("Petrovich"), by their attorneys, McManus, Collura & Richter, P.C., respectfully submit this Reply Memorandum of Law in further support of the instant motion for an Order: (1) dismissing the first, second, third and fourth causes of action contained in plaintiff's complaint with prejudice as against Mundy and Petrovich alleging violations of the Racketeer Influenced and Corrupt Organizations Act ("RICO"), 18 U.S.C. §1962(a)-(d), for failure to state a claim upon which relief can be granted pursuant to Fed. R. Civ. P. 12(b)(6) and for failure to plead predicate acts with sufficient particularity pursuant to Fed. R. Civ. P. 9(b); (2) dismissing the fifth, sixth and seventh causes of action contained in plaintiff's complaint with prejudice as against Mundy and Petrovich alleging pendant state law claims for failure to state a claim upon which relief can be granted pursuant to Fed. R. Civ. P. 12(b)(6); (3) dismissing plaintiff's complaint and each cause of action therein with prejudice as against Mundy and Petrovich on the grounds that the complaint does not contain a short and plain statement of the claim showing that the pleader is entitled to relief pursuant to Fed. R. Civ. P. 8(a)(2); (4) for an injunction prohibiting plaintiff from filing any further related claims against Mundy and Petrovich; and (5) for such other and further relief as this Court deems just and proper<sup>1</sup>.

Plaintiff has again seized the opportunity to burden the parties and the Court by submitting a mountain of paper representing his opposition, nearly two hundred pages in

*length  
not  
necessary  
to dismiss*

<sup>1</sup>The numbers, letters and headings used for denoting sections in this Reply Memorandum of Law are similar, if not identical, to those used by these defendants in their initial Memorandum of Law and as plaintiff in his opposition in order to make it easier for the Court to compare the memorandums in this motion to dismiss. If a section is not addressed in this Reply Memorandum of Law but was addressed in the defendants' initial Memorandum of Law, the arguments have not been abandoned. Rather, the arguments contained in the defendants' initial Memorandum of Law are sufficient despite plaintiff's opposition and will not be repeated.

*Wrong  
B(A)(ii)  
(bb)*

length, reiterating the same general, speculation and insufficient and flawed allegations contained in his nine hundred and fifteen paragraph complaint. This is nothing more than an attempt to use this forum to re-live the consequences of his marriage to and divorce from Ms. Shipilina while at the same time attempting to punish Ms. Shipilina and anyone who has ever come into contact with her or assisted her in preventing him from harassing her. While the plaintiff's opposition has certainly been successful in continuing to try to humiliate such persons as well as educate the reader as to the details and dangers of organized crime in general (Hollander 6-2, 6-3, 7-1, 10-1, 11-1<sup>2</sup>) and the recitations of famous historians, novelists and actors (Hollander 6-3, 8-1, 42-1 102-3, 112-1) in an obvious effort to obfuscate the actual issues pertaining to this matter, he has been unsuccessful in opposing the defendants' motion to dismiss and demonstrating that he has sufficiently pled RICO and pendent state law claims against Mundy and Petrovich<sup>3</sup>. *not noted*

The plaintiff's opposition is almost accurate for one proposition: the question before this Court is only whether the complaint alleges that the moving defendants violated the RICO statute and state laws (Hollander 1-1). However, as much as the plaintiff would like this Court to believe that is all he has to do to move forward on such claims is simply allege them, plaintiff conveniently fails to acknowledge that he must sufficiently set forth well pleaded

*2. The phrase "Hollander \_\_\_" followed by numbers respectively refers to the page number and paragraph number contained in the plaintiff's Memorandum of Law dated December 19, 2003 submitted in opposition to the defendants' motions to dismiss. The first full paragraph of each page governs how the paragraph numbers are referenced. For example, 25-2 represents page 25 and the second full paragraph on page 25. If a quote is taken from the top of page 26, however, that quote is not taken from a full paragraph on page 26, then the last paragraph on page 25 will be referenced. For example, a quote at the top of page 26 may be referenced as 25-3, which would be the last full paragraph on page 25 assuming page 25 has three full paragraphs.*

*3. While plaintiff's opposition is correct in suggesting that his motive for commencing this action is not dispositive in determining the legal arguments contained in this application and plaintiff's motives for commencing the instant lawsuit should be better addressed in discovery, there is enough documentary evidence before this Court, comprised of the plaintiff's own words in his complaint, opposition and exhibits, which should be considered by this Court in conjunction with the legal arguments contained herein.*

factual allegations contained in the complaint, not bald conclusory statements, and that legal conclusions, deductions, opinions couched as factual allegations as well as unwarranted deductions of fact are not given a presumption of truthfulness. *cases for examples*

*offer* The fact remains that the plaintiff's complaint, in the context of his RICO claims, must properly allege the existence of seven constituent elements to withstand this motion to dismiss: (1) that the defendants (2) through the commission of two or more acts (3) constituting a "pattern" (4) of "racketeering activity" (5) directly or indirectly invests in, or maintains an interest in, or participates in (6) an "enterprise" (7) the activities of which affect interstate or foreign commerce. *Burrell v. State Farm and Cas. Co.*, 226 F. Supp.2d 427, 443 (S.D.N.Y. 2002); *Citadel Mgmt., Inc. v. Telesis Trust Inc.*, 123 F. Supp.2d 133, 154 (S.D.N.Y. 2000). Further, "the plaintiff only has standing if, and can only recover to the extent that, he has been injured in his business or property by the conduct constituting the violation" of section 1962. *Sedima S.P.R.L. v. Imrex Co., Inc.*, 473 U.S. 479, 496, 105 S.Ct. 3275, 3285 (1985). If one element is lacking, a Court will refuse to allow a party to add a RICO claim. *LaSalle Nat'l Bank v. Duff & Phelps Credit Rating Co.*, 951 F. Supp. 1071, 1091 & n. 16 (S.D.N.Y. 1996). This Court mandates the sufficient pleading of these elements because it is "mindful of the potential abuse of the RICO statute." *Berk v. Tradewell*, 2003 WL 21664679 (S.D.N.Y. 2003). In addition, the plaintiff must sufficiently allege certain elements, which are discussed below, to move forward on his state law claims for intentional infliction of emotional distress, abuse of process and malicious prosecution. Plaintiff's opposition has made clear that his claim for prima facie tort has been withdrawn.

While the plaintiff's opposition certainly makes clear that he fully understands what the elements of RICO and his state law claims are, the Court needs to look no further than such papers to realize that plaintiff has still not sufficiently pled these elements as they pertain to

Mundy and Petrovich. Instead, the plaintiff has spent countless pages in his opposition attempting to obscure such deficiencies and diverting the Court's attention away from such failures by citing inaccuracies, referencing inadmissible evidence, harping on mundane details completely irrelevant to proving his claims, providing bare generalizations about organized crime and RICO, and exhibiting knowledge as to matters, which although interesting, are not pertinent to the relevant issues in this matter.

Specifically, plaintiff's opposition continually defines terms used by the defendant in their initial papers (and the Courts as cited by the defendants) and criticizes the use of such words (Hollander 1-1, 3-2, 5-1, 8-2, 26-3, 44-2, 50-1, 53-3, 56-3, 57-1, 72-1, 76-2, 76-3, 77-1, 97-2, 104-1,2, 112-2, 120-1,2,3); provides a history lesson as to Federal pleading practice (Hollander 3-2, 39-3, 77-1); inaccurately attempts to portray defendants' tactics (Hollander 5-1, 6-1 6-2, 8-1, 14-1, 23-2, 24-2, 39-1, 77-1, 98-2, 118-1, 130-3); refers to the reported dangers and intricacies surrounding organized crime and the Russian mafia in general (Hollander 6-2, 6-3, 7-1, 9-3, 10-1); attempts to analogize this matter to Watergate (Hollander 9-2, 102-3); attempts to entice the reader by providing an allegory (Hollander 10-3); cites his own education and that of his assistant in an obvious effort to lend some sort credibility to his allegations (Hollander 9-2, 37-1, 41-2); details his prior professional experience in an apparent attempt to impress this Court (Hollander 10-3, 30-1); applies his perspective as an MBA graduate to educate the Court as to the RICO statute, while inferring that the Court may have some difficulty understanding this "complex" statute and the "seemingly confusing law that have given courts many problems"; (Hollander pp. 41-43<sup>4</sup>); references inadmissible hearsay (Hollander 20-3, 21-1); blames purported bureaucrats for denying his applications

<sup>4</sup>The phrase "Hollander p. or pp. \_\_\_" followed by a number or numbers refers to the page number or page numbers contained in the plaintiff's memorandum of law dated December 19, 2003 submitted in opposition to the defendants' motions to dismiss.

*necessarily  
to make  
a law  
not law  
a fact*

*to a lesson  
from  
Hogate  
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As old  
homework*

*Some  
isolation  
providing  
advice and  
insight*

*So I have OC going to Hollander As, As can't raise the same here H/L. Besides party  
opponent admission of John Harrison*

*only these danced*  
*has refused to*  
 for orders of protection (the Judge, Courts, police officers and FBI agents) as well as everyone else who has, as subjectively determined by him, coerced his actions (Hollander 22-2,3); and cites generalizations about RICO and the defendants (Hollander 13-2, 31-4, 43-4).  
*facts not here subject about it*

To further side-step his deficiencies in establishing his claims against Mundy and Petrovich, plaintiff's opposition attempts to appeal to emotion for an unfortunate domestic outcome and uses buzz words such as "prostitution," "narcotics," "bribery," "money laundering," "extortion," "threats," "murder for hire," and "fraud" to somehow create the impression that Mundy and Petrovich are involved with the Russian mafia. Plaintiffs' entire case against Mundy and Petrovich, however, is based upon improper assumptions, conjecture, suspicion and innuendo designed to lull this Court into believing that the Russian mafia presently exists and that Mundy and Petrovich are somehow performing legal services for the New York segment of such a group. Nonetheless, there continues with be a paucity of facts to support this far-fetched bald assertion<sup>5</sup>. At the end of the day, all the plaintiff can sufficiently allege is that Mundy and Petrovich merely represented Ms. Shpilina in her divorce (and achieved a settlement with which plaintiff is now unhappy) as well as isolated immigration matters.  
*There is not what is sufficiently allege. Re: allegations*

<sup>5</sup>An interesting side-note is that the plaintiff spends a litany of paragraphs in his opposition citing news stories about the FBI, CIA and other governmental agencies' involvement in dealing with and fighting off the Russian mafia as defined by plaintiff. In fact, plaintiff indicates that "The U.S. Department of Justice has established task forces to deal with the Russian Mafia in New York, Los Angeles, and Miami." (Hollander 7-1); "Blending financial sophistication with bone-crunching violence, the Russian mob has become the FBI's most formidable criminal adversary..." (Hollander 7-1). However, despite all of these task forces, investigations, inquiries etc. by the FBI, CIA and other U.S. governmental agencies, presumably the agencies with the most resources to deal with such a group if they exist, notably, neither Mundy nor Petrovich have ever been suggested to be a part of the Russian mafia, nor have these persons ever been investigated as being affiliated with the Russian mafia by our governmental agencies. In fact, plaintiff's opposition does not even suggest that Mundy or Petrovich have ever been investigated or alleged to have been part of the Russian mafia by our government. Plaintiff's opposition is as important for what it states as for what it does not state. It is ironic that plaintiff, on the one hand, has credited our government for its awareness of the Russian mafia and cited their efforts to deal with such persons in an effort to detail the dangers of such a group, while, on the other hand, failed to explain why such investigations have not included or targeted Mundy and Petrovich, if they are as involved as the plaintiff now imagines. The reason is simple. The extent of Mundy's and Petrovich's involvement in organized crime, and the Russian mafia in particular, only exists in the plaintiff's delusions.

Order on Advice by Bonds  
Have all names  
come into our list  
into their members  
of church. Books  
every body  
Glad to  
to place cards  
that are  
sent in  
to the library

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*exists based on RICO claim*

enterprise exists based upon the plaintiff's fictitious assessment that Ms. Shipilina, the purported "thread that weaves through" sixty-three separate domestic and foreign defendants, located in the United States, Russia, Cyprus and Mexico, *did not say that* and that she holds them together, where he can allege no other connection between the defendants, is simply insufficient to sustain the instant RICO claim. In addition to failing to adequately plead an enterprise and that Mundy and Petrovich are members, plaintiff has also failed to sufficiently allege other elements of his RICO claim. Without being able to sufficiently plead a RICO claim against Mundy and Petrovich, plaintiff's state law claims, which are also barred by the statute of *not so* limitations, premised only upon the notion that a RICO claim is viable, must also be dismissed.

*Re: SIC Memo*

Thus, without the plaintiff's conclusory statements, assumptions, conjecture, gigantic leaps of logic, editorialized characterization of the facts surrounding his marriage and divorce, misleading phrases and attempted diversions to overcome his lack of proper pleading, the complaint continues to remain insufficient to overcome the instant motion to dismiss as this matter pertains to Mundy and Petrovich.

#### STATEMENT OF FACTS

*If anything it makes clear I may issues of fact*

Although a statement of the facts relevant to this claim has already been set forth by the defendants' in their initial Memorandum of Law, the defendants have been compelled to elaborate on such facts and address misstatements set forth by plaintiff's opposition. *Note* Each and every fact contained in this section has either been acknowledged by plaintiff or *SIC motion* confirmed by documentary evidence. *ie* The facts sets forth are provided in chronological order for clarity.

*"The substantive defenses to the merits of a complaint may not be raised on a motion to dismiss."*

*Skala 301 F.2 304 (PaDC 1969)*

*As stated of facts misrepresentation and a calculated narrative of lies, half truths & omissions that are inadmissible until determined truthfully via discovery. No place in motion testimony*

**A. Facts Underlying Plaintiff's Complaint as Admitted by Plaintiff or Shown by Documentary Evidence** *not authenticated*

**I. Plaintiff Meets Ms. Shipilina; Marries Her; and Investigates Her**

The plaintiff is a middle-aged American lawyer who arrived in Russia in July of 1999 and then lived and worked in Russia throughout 1999 and 2000. (Ex. A ¶128,<sup>6</sup> Hollander 10-3, 12-1). While living in Russia, the plaintiff met "a tall, blue-eyed, bleached blonde" woman, Ms. Shipilina, sometime in the late summer of 1999. (Ex. A ¶130, Hollander 10-3, 12-1).

Despite plaintiff's general allegations that he was lured and "duped" by Ms. Shipilina after meeting her (Hollander 10-3), *which, untruth* documentary evidence reveals otherwise. Numerous letters and cards from plaintiff to Ms. Shipilina reveal that he pursued her and planned trips to visit her throughout Russia after meeting her. Ms. Shipilina is referred to as "Angel" throughout plaintiff's letters and cards, and the various adjectives preceding her pseudonym such as "special," "far," "insatiable," "lovely," "dark" and "fallen" refer to his mood toward her at that particular point of time. (Ex. Q<sup>7</sup>). The plaintiff proposed to Ms. Shipilina on January 31, 2000. (Ex. A ¶239). Other cards from plaintiff to Ms. Shipilina show that plaintiff took an active role in, and pursued Ms. Shipilina. (Ex. R). In February 2000, plaintiff and Ms. Shipilina set March of 2000 as a date for their wedding. (Ex. A ¶173).

*False May*  
In or around March, 2000, plaintiff alleges that he first became aware that his soon to be wife was not being honest with him, and that Ms. Shipilina secretly slipped narcotics into his meals and pretended to be something she was not, in order to marry him so that she could

<sup>6</sup>The phrase "Ex. \_\_, ¶\_\_" followed by letters A-P in the first blank and a number in the second blank respectively refers to the exhibit and paragraph number contained in that exhibit appended to the Declaration of Bradley E. Dubin, Esq., dated September 19, 2003, which was submitted in support of the initial motion papers in support of this application.

<sup>7</sup>The phrase "Ex. \_\_" followed by letters Q-Z refers to the corresponding exhibit appended to the Reply Declaration of Bradley E. Dubin, Esq., dated May 14, 2004, submitted in reply to plaintiff's opposition and in further support of this motion.



enter the United State (Ex. A ¶174, Hollander 12-1). Plaintiff maintains, however, that he was unaware of the nature of his soon to be wife's profession before he married her. This is belied by plaintiff's own words and cards to Ms. Shipilina where he indicates in February 2000 that he was searching for jobs for her in a gentlemen's club. (Ex. S). In addition, his diary of

thoughts from August 30, 1999 through September 10, 1999, which was sent to Ms. Shipilina, indicates that the plaintiff was not only aware of Ms. Shipilina's profession but advocated it and advised her to pursue it. On August 31, plaintiff wrote, "Probably it is not easy to be a night club dancer, to like your occupation and feel a lot of criticism around related to that, one must have much more strength than fault-finders have...World is full of people gave up their

dreams and hopes because some did not support it." (Ex. Q). Further, plaintiff makes such statements that he was allegedly drugged by Ms. Shipilina during this time with "salts and sugars" which he alleges were actually narcotics, notwithstanding the fact that Ms. Shipilina

and he were living in separate cities prior to their wedding. (Ex. T). *Week of late 7/99*

Despite allegedly being drugged, plaintiff prepared a marriage contract in anticipation of his marriage to Ms. Shipilina. (Ex. U). Ultimately, the plaintiff and Ms. Shipilina were married in March 2000 in Russia (Ex. A ¶182 Hollander 10-3, 12-1). *Dec 99 visits, trip to Kras, Jan trip US, are wedding 3/00*  
*Falsely prepared by atty in Moscow & reviewed by notary in Kras*

In June 2000, the plaintiff and Ms. Shipilina broke-up for a period of time after he learned of her alleged adultery. The plaintiff returned to New York from Russia without her.

(Ex. A ¶¶198-199). Despite plaintiff's contentions that Ms. Shipilina repeatedly contacted plaintiff at that time in an effort to "salvage the Enterprise's Scheme against the plaintiff" and to "lull the plaintiff" (Ex. A ¶¶200-203), it appears that plaintiff made contact with Ms. Shipilina

in the hope that she would return to him. (Ex. V). Nonetheless, they thereafter reunited (Ex.

A ¶204), but, according to plaintiff, he still did not know her true profession. (Ex. A ¶198). This

is again belied by the documentation. An agreement (incorporating an earlier June 18, 2000

*makeover telephone to which she agreed as part of effort to lull him into fulfilling male scheme to bring ship to U.S.*

*Misleading*

*Innocent  
Ex Young  
Good by  
Does not  
call to call  
Shipilina*

agreement) was prepared by plaintiff suggesting that he was suspect of his wife's behavior and profession as he vividly contracted for how his wife should behave and what activities his wife could not perform. (Ex. W). *only not to adultery*  
*no mention of prostitution in doc*  
*consistent w marriage vows*

The plaintiff thereafter brought his wife to America in July 2000. (Ex. A ¶205, Hollander Ex W dated 3/1/00 so ship already in U.S.)

10-3, 15-2). Contemporaneous with bringing his "wife of a few months to America" (Ex. A ¶205, Hollander 11-1, 15-2), plaintiff prepared a "Personal and Business Management

Agreement" which not only allowed him to exercise control over her career and salary but again appears to indicate that he was fully familiar with the nature of her profession at that time, or, at the very least, that she was involved in "stripping." Although the word was

ultimately crossed out, the plaintiff included this word in many paragraphs of the Agreement that he drafted. (Ex. X ¶1, ¶6(a)(e)). *Forgery*  
*no reference to prostitution*  
*How can a word be included that is crossed out*

Plaintiff alleges that Ms. Shipilina then began working as a lap-dancer, joined her

cohorts in prostitution and continued to drug his food to deter him from seeking an annulment or divorce throughout July and August of 2000. (Ex. A ¶¶213-216, Hollander 15-2). Plaintiff

suggests that it was then that he became aware of the nature of his wife's profession, and that he was being used for immigration purposes. (Ex. A ¶¶213-220, Hollander 15-2, 16-1). *did not know about prostitution*  
*Omitted: tried to engage her in criminal activity, threatened w/ death & injury*  
*different events spanned July to Dec 1999*  
*wrong date 9/00*

For the next year, the plaintiff thereafter conducted an extensive investigation into his wife's affairs in both the United States and abroad. His fascination took him as far as Krasnodar, Russia to investigate his wife. (Ex. A ¶217, ¶¶256-260). Like this complaint, the

investigation was conducted for no other reason than to explore his wife's whereabouts and purported infidelities, in an effort to punish her or satisfy his own presumptions. (Ex Y).<sup>8</sup> The *Investigate for divorce*  
*Palce, to another extraordinary leads for ct proceedings*

<sup>8</sup>Exhibit Y best evidences plaintiff's fascination with his wife's infidelities. This document shows that the plaintiff engaged in the examination of the outgoing mobile numbers of his wife who he refers to as "Dark Angel," that he then called such numbers and inquired into who certain persons were, while at the same time, asking appalling questions as noted on the bottom of the document (Ex. Y). *wrong word, revelation*

plaintiff continues to improperly use this Court as a means to continue his investigation and efforts.

*what exactly is Dubin saying here that investigation not cases are improper.*  
The plaintiff subsequently commenced a defamation action in Russia against Ms. Shipilina's mother, Inessa Shipilina, which was later closed. (Ex. A ¶¶285, ¶298, ¶303, Ex. Z).

*Dubin even failed to read own Ex. Z which clearly says "criminal case"*  
Consistent with his inappropriate behavior in the United States, the papers/affidavits submitted in connection with this litigation by Ms. Shipilina's mother, suggests that the plaintiff engaged in similar unsuitable behavior abroad directed at both Ms. Shipilina and her mother. (Ex. Z).<sup>9</sup>

*Said by Dubin in detail*  
In late October 2000, plaintiff alleges to have met with Mundy, Petrovich and Ms. Shipilina to arrange for a separation. (Ex. A, ¶¶222-223, Hollander 20-1). Significantly, Mundy's representation of Ms. Shipilina in this divorce proceeding is the very first time that Mundy and Petrovich are alleged to have had any interaction with Ms. Shipilina, or any other defendants in this action. (Ex. A). Further, plaintiff's opposition acknowledges that Mundy and Petrovich were merely representing Ms. Shipilina in her separation and ultimate divorce, his later conclusory and unsupported allegations of various criminal activity notwithstanding. (Ex. A ¶223, Hollander 20-1)

*He does not acknowledge that criminal activity began at meeting in suborning perjury*  
Interestingly, in December 2000, Ms. Shipilina filed a report against her husband indicating that he attempted to "extort" money from her otherwise he would have her deported back to Russia. (Ex. D). Although the plaintiff's opposition is correct that this matter was not investigated, the reason noted on the report is that Ms. Shipilina "does not want to press charges at this time." (Ex. D). The investigation was not closed, as plaintiff suggests in his opposition, because "no violation occurred." (Hollander 18-3). Plaintiff's opposition can only

*refers to the alleged violation of protection order not extortion*  
<sup>9</sup>Plaintiff's complaint indicates that the matter was closed in March, 2001 (Ex. A ¶ 303). This appears to be a typographical error since the surrounding allegations appear to indicate that it was closed in March, 2002.

*Indicates report perjured was ship calling IT to wish Happy New Year on Dec 31, 99*  
 explain the reporting of this incident by making self-serving accusations that it was a "perjured report" and retaliation for his refusal to lie to the INS and assist Ms. Shipilina in obtaining her green card. This justification is offered against a set of facts which demonstrates that plaintiff made no effort to document this purported attempt to coerce plaintiff into lying to the INS.<sup>10</sup>

Sometime in December 2000, plaintiff and Ms. Shipilina formally separated. (Ex. A ¶221). Around that time, it became necessary for Ms. Shipilina to seek an order of protection against her husband due to his conduct. (Ex. A ¶234, ¶239). *Order not sought to end of Tan*

## ii The Attempted Annulment; Divorce; And Litigation that Followed

The plaintiff, in response to the order of protection, subsequently commenced an annulment proceeding against Ms. Shipilina in or around February, 2001. (Ex. A ¶242). The complaint alleged prostitution, drug use and fraud against Ms. Shipilina and sought to annul their marriage on the basis of fraud. (Ex. B). The attempted annulment was unsuccessful and plaintiff, instead, pursued divorce. *Letter from Mundy threatening "difficult divorce proceedings"*  
*There was no annulment trial, the case never went to trial, IT pursued both annul & divorce*

Mundy defended Ms. Shipilina in the divorce/annulment proceedings as well as the relentless course of harassment that followed by the plaintiff once the divorce proceedings were resolved. (Ex. A ¶222-223).<sup>11</sup> Ms. Shipilina's answer contained a counterclaim which provided a drastically different version of events surrounding their marriage and plaintiff's behavior. The counterclaim alleged that the plaintiff improperly created a public website in Ms.

<sup>10</sup>Plaintiff concludes that this report must have been made for improper purposes such as to create a false record to pressure plaintiff into lying or to use as an advantage in the divorce proceeding otherwise "why file a report on which charges are not pressed..." (Hollander 20-2). Judging by the plaintiff's tactics in this litigation and past litigation, his efforts to twist facts, his allegations and his attempt to abuse the legal system, it made logical sense for Ms. Shipilina to make a record of events that unfolded. The better question is why didn't the plaintiff create some sort of record if such wrongdoing had occurred. Nonetheless, the filing of this report bears no impact on the merits of this application.

<sup>11</sup>Mundy also continues to represent Ms. Shipilina in relation to immigration matters pending before the Bureau of Citizenship and Immigration Services.

*Therapy did  
up on them  
as no 1.  
It shows  
de ke.*

*IT didn't know about report until  
Mundy response to disciplinary report*  
*IT must doc has no evidence  
this is not an in question*

Shipilina's name on which he posted a copy of her personal diary and nude photographs without her knowledge or consent. (Ex. C, ¶5, Hollander 16-2).

In response to the creation of the offensive public website, Ms. Shipilina filed another report on June 27, 2001 with the New York City Police Department. (Ex. D). Plaintiff admits that this website was created, and cannot deny that he was then investigated for such impropriety. (Hollander 16-2).

The divorce action settled pursuant to Stipulation of Settlement dated November 2, 2001. (Ex. E). Plaintiff consented to the divorce settlement at that time and never indicated that he was coerced. (Ex. E). In fact, on the record before Judge Lobis, the plaintiff was

specifically asked whether he believed that his divorce settlement was a fair resolution and whether he had been forced or coerced in any manner. Plaintiff answered that the settlement was fair and not coerced. (Ex. E). The Stipulation of Settlement along with the Findings of Fact and Conclusions of Law and Divorce Judgment were drafted by plaintiff's retained attorney. (Ex. E).

Plaintiff does not deny that he also continued to harass those associated with Ms.

Shipilina (other than her mother), by filing a disciplinary complaint against Nicholas J. Mundy

in December of 2001, which was dismissed in October 2002. (Exs. J, K).

The plaintiff's opposition then continues with self-serving allegations that he received

threatening telephone calls in February and March of 2002. (Ex. A ¶¶289-291, Hollander 21-

2, 3). Even assuming that such telephone calls were made, which is denied, there is no sufficient reason to believe that they were made in connection with a RICO conspiracy, or that the words used constituted a threat as opposed to plaintiff's subjective interpretation as to the

intention of the call. (Ex. A ¶¶289-291). Nevertheless, there is no allegation that they were made by Mundy or Petrovich or at their behest.<sup>12</sup> (Hollander 21-2, 21-3).

In March, 2002, the plaintiff, *pro se*, instituted a proceeding in the New York County Family Court against Ms. Shipilina seeking an order of protection arising out of these purported threats ironically claiming that he was the victim of harassment. (Ex. H). The plaintiff does not deny that this petition was dismissed after trial on August 12, 2002. This was just one of many frivolous applications made by plaintiff. *Judge refused discovery.*

In May of 2002, the plaintiff, *pro se*, moved to vacate and set aside the Stipulation of Settlement arising out of his divorce action, which was denied by Hon. Justice Joan B. Lobis on August 1, 2002. (Ex. F). In plaintiff's affidavit in support of his motion to vacate, he indicated that Ms. Shipilina engaged in a "methodical, cold-blooded cabal that has trampled [his] rights as a human being and driven him into a state of deep emotional despair, depression and anxiety...and necessitates the daily use of prescribed psychotropic medication, Paroxetine HCL at 40 mg a day." (Ex. F ¶3). His admitted emotional distress appears to have been created by what he perceives to be alleged improper actions on the part of his wife, as opposed to this RICO claim. *Did not connect the dots until dissection of Taff's memo*

Further, as much as the plaintiff would like this Court to now to believe that "there is a fact dispute here that can be resolved through discovery" as to whether he was under "duress, coercion and fraud" when he entered into the divorce, this issue has already been resolved by a competent Court and the plaintiff is collaterally estopped from asserting otherwise in this action. (Hollander 20-3). The plaintiff acknowledges that he already had a

<sup>12</sup> Plaintiff's opposition remarks that after the February 2002 telephone call, he filed a complaint with the FBI. (Hollander 21-2). Apparently the plaintiff's complaint was dismissed by the FBI. This is best evidenced by plaintiff's lack of information here. Rather than state that the person was arrested or prosecuted as would be expected if his complaint was legitimate, the plaintiff only remarks that the FBI agent, after conducting an investigation, "refused to tell me his name" and "decided not to interview the man for fear he might cause me harm." (Hollander 21-2).

chance to litigate this issue in his motion to vacate.<sup>13</sup> In fact, Justice Lobis' dedicated a large portion of her decision highlighting the facts which negate the proposition that the divorce settlement was coerced. (Ex. F). Justice Lobis cited to plaintiff's allocution on the record and the questions asked and answered in connection with that allocution, the provisions contained in the settlement agreement which undermine his claim of duress, *duress isn't duress under the law* the fact that intensive *successful* negotiation occurred over an extended period of time, the fact that he initialed every portion of the agreement, the fact that his own counsel prepared the documents, and his education as an attorney and MBA graduate to show that he should have been aware that he was entering into a binding agreement. (Ex. F). Lastly, plaintiff's opposition alleges that the divorce settlement was made by his attorneys without his knowledge or approval (Hollander 34-5). However, again, *was it* this issue was addressed by Justice Lobis. Nonetheless, the proper remedy is perhaps an action against his attorneys in that matter, not this RICO claim.

On March 25, 2003, the plaintiff commenced an action in the Supreme Court of the State of New York, County of New York, bearing Index No. 03/105646, against nine of the defendants named in the instant action, including Mundy and Petrovich alleging intentional infliction of emotional distress. (Ex. L). Despite the plaintiff's contentions that Mundy and Petrovich introduced such evidence to "create another false impression" that plaintiff "meant to harass," such information was provided to inform the Court as to the procedural history of

<sup>13</sup>Plaintiff did not appeal this decision to the Appellate Division and this Court is not the proper forum to now appeal. The plaintiff cannot address this issue herein at this late date simply because he is now unhappy with Justice Lobis' decision and failed to perfect his appeal.

→ *Prevaricator. Meant to tell SIC*  
 this action. (Hollander 24-2). Further, a complaint has never been served in the State Court  
 action.<sup>14</sup> *Notice to tell SIC*

*Shows As  
Fool in Motion!*  
 Mundy filed disciplinary complaint against plaintiff on April 23, 2003. Plaintiff's  
 opposition highlights his hysteria when he states that this was "just another effort by the  
*out of control*  
 Russian mafia" to harm him. (Hollander 24-1). Rather, the complaint was filed due to plaintiff's  
 past abuse of the legal system.

## B. Plaintiff's Allegations

The plaintiff commenced the instant Federal action by serving his complaint upon  
 Mundy on or about June 10, 2003. (Ex. A). Petrovich has still never been properly served  
 with a copy of the plaintiff's complaint.

### i. The Purported Enterprise

Plaintiff's opposition clarifies that the enterprise he has named in this action is the  
 Russian mafia. (Hollander pp. 26-31). Plaintiff further alleges that the defendants, including  
 Mundy and Petrovich, are members of the Russian mafia. (Hollander 26-3, 27-1). As shown  
 in the defendant's initial motion papers and more fully below, the plaintiff has not sufficiently  
*highly  
not a  
method*  
 alleged that this enterprise exists and that Mundy and Petrovich are members of the  
 enterprise. This perhaps is the most deficient part of his complaint.

### ii. Plaintiff's Allegations Against Mundy and Petrovich

The defendants' initial Memorandum of Law laboriously sorted through plaintiff's nearly  
 one hundred page chaotic complaint and carefully set forth all allegations asserted against  
*misunderstood!*

*Mundy  
call  
Telling  
response  
to him*  
<sup>14</sup>Although it is unimportant for the purposes of this motion and notwithstanding plaintiff's opposition  
 and purported affidavit of service attesting to the fact that the Summons with Notice in the emotional distress  
 action was served upon Mundy and Petrovich, no such document was ever served upon them. (Hollander 24-  
 2, 25-1). In any event, the purported service of the Summons with Notice upon Petrovich at Mundy's office  
 was also procedurally improper as that was not Petrovich's place of business.



Mundy and Petrovich. (Dubin pp. 8-10).<sup>15</sup> Although virtually every allegation set forth in plaintiff's extensive complaint was referenced in the defendants' initial Memorandum of Law as they pertained to Mundy and Petrovich, pages 33 through 37 of plaintiff's opposition finds a reason to nit-pick and asserts that certain trivial allegations were left out (Hollander pp.33-34) and others contained incidental misstatements (Hollander pp. 34-37). Therefore, for the convenience of this Court and to appease plaintiff, the defendants have again summarized the allegations against Mundy and Petrovich below incorporating the purported omissions and misstatements addressed by plaintiff's opposition.<sup>16</sup>

Mundy and Petrovich are alleged to be three of nineteen domestic members of the enterprise, in addition to the countless foreign members. In particular, Mundy is alleged, in conclusory fashion, to (1) act as consiliari and manager of United States immigration issues in New York for the enterprise; (2) operate a green card and visa mill that fraudulently obtains United States visas, residency status and naturalization for Russian aliens (Hollander 34-1); (3) advise its clients to commit perjury before the INS, IRS, Customs Service and the New York State Courts; (4) use coercion and intimidation against parties, witnesses and informants in proceedings; (5) participate in money laundering and the use of international facilities to aid a racketeering enterprise; and (6) mastermind and direct illegal activities to acquire United

<sup>15</sup>The phrase "Dubin p. or pp. \_\_" followed by a number refers to the page number of the defendants' initial Memorandum of Law dated September 19, 2003 submitted in support of this application.

<sup>16</sup>The summary of allegations against Mundy and Petrovich set forth below are identical to the allegations set forth in the defendants' initial Memorandum of Law. However, the reference "(Hollander \_\_)" followed by numbers representing the page and paragraph number of plaintiff's opposition in this section of the Reply Memorandum, means that the allegations purportedly omitted or misstated in the defendant's initial Memorandum of Law have been amended to incorporate plaintiff's complaints in his opposition. Every one of the alleged omissions or misstatements alleged to have been made by the defendants in their initial Memorandum of Law have now been incorporated or amended into this section so that the plaintiff's allegations against Mundy and Petrovich are fully summarized in the light most favorable to plaintiff. As shown infra, plaintiff's complaint still fails.

States visas, residency status and naturalization for the members of the enterprise. (Ex. A, ¶¶27-32).

Petrovich is alleged to (1) assist Mundy in executing illegal activities necessary to import and keep in members of the enterprise in the United States and (2) be an attorney licensed in Russia, acting as an attorney in the United States, although not admitted, under the supervision of Mundy. (Ex. A, ¶33, ¶34) (Hollander 34-2).

The complaint avers that Mundy and Petrovich, as members of the enterprise, engaged in illegal activities against the plaintiff by: (1) using fraudulent and/or illegal means to assist Ms. Shipilina in obtaining immigration benefits (Ex. A, ¶207, ¶¶222-225, ¶229, ¶230, ¶232, ¶234, ¶¶236-237, ¶¶239-241) (Hollander 33-1, 33-2); (2) using illegal means to protect the enterprise and prevent plaintiff from exposing the activities of the enterprise (Ex. A, ¶228, ¶243, ¶¶275-277, ¶¶316-318) (Hollander 33-4); (3) intimidating plaintiff to settle divorce proceedings that he instituted against Ms. Shipilina (Ex. A, ¶¶243-245, ¶273) (Hollander 33-3); (4) intimidating witnesses from providing testimony to any United States authorities/Courts including the plaintiff's divorce proceedings and any other U.S investigation such as the INS (Ex. A, ¶¶265-268) (Hollander 34-4); (5) intimidating plaintiff to dissuade him from trying to set aside the agreed upon divorce settlement (Ex. A, ¶¶280-284); (6) participating in tampering and bribery to prevent the deportation of Ms. Shipilina (Ex. A, ¶¶254-255, ¶¶286-290, ¶306, ¶307); and (7) using illegal means of bribery in violation of the foreign corrupt practices act (money which came from illegal Russian mafia activities) including the bribing of a New York City Detective, intimidating plaintiff and witnesses through Chechen Islamic Mafiosi in order to obstruct the criminal indictment against Inessa Shipilina in Russia for defaming plaintiff (which was closed as a result) and preventing plaintiff from cooperating with the INS, and laundering money through the international systems to carry out such

intimidation and bribery (Ex. A, ¶¶286-290, ¶¶293-295, ¶298, ¶300, ¶301, ¶306, ¶307, ¶318) (Hollander 35-1, 35-2).

*check  
of A  
allegations*

Through the use of these outlandish, extremely broad and incredible allegations, the plaintiff alleges that Mundy and Petrovich engaged in predicate criminal acts in furtherance of an alleged RICO conspiracy as follows: (1) white slave trade and importing aliens for immoral purposes; (2) fraud and misuse of visas and the procurement of nationality unlawfully; (3) witness and informant tampering (Hollander 35-3); (4) use of United States mail and interstate and international telephone systems to further mail and wire frauds; (5) bribery using international facilities (Hollander 36-1); and (6) money laundering. Plaintiff's opposition indicates that aiding in racketeering activity is also being alleged as a predicate act committed by Mundy and Petrovich. (Hollander 74-4).

*check  
Prosecution  
& witnesses*

In addition, it is alleged that Mundy and Petrovich committed other criminal acts including (1) suborning perjury before the INS, IRS, Customs Service, New York State Courts and New York City Police Department (Ex. A, ¶701, ¶703, ¶707, ¶708, ¶724, ¶725); (2) obstructing INS proceedings and aiding and abetting such proceedings with coercion and intimidation to obtain permanent residency for Ms. Shipilina (Ex. A, ¶702, ¶709, ¶710, ¶715, ¶721, ¶726, ¶727, ¶731, ¶737) (Hollander 36-2); (3) tampering with witnesses or victims including threats of injury, intimidation and coercion and aiding and abetting such tampering in connection with the plaintiff's divorce/annulment proceedings, the criminal defamation case in Russia and the INS investigation against Ms. Shipilina (Ex. A, ¶704, ¶¶711-714, ¶716, ¶¶728-730, ¶732) (Hollander 36-3); (4) aiding and abetting bribery in violation of the foreign corrupt practices act by bribing New York City Detective Henning (Ex. A, ¶717, ¶719, ¶733, ¶735) (Hollander 36-4); (5) aiding and abetting the laundering of money received from the Russian mafia and used to threaten witnesses and bribe Russian officials (Ex. A, ¶718, ¶734)

(Hollander 36-5); (6) aiding and abetting the harassment of plaintiff (Ex. A, ¶¶720, ¶736); and (7) conspiring to violate federal law, commit predicate acts and break New York criminal laws. (Ex. A ¶¶705-706, ¶¶722-723, ¶¶738-739) (Hollander 33-5).

Accordingly, the plaintiff has alleged seven causes of action against Mundy and Petrovich. The first, second, third and fourth causes of action allege violations of sections 18 U.S.C. 1962(a), (b), (c) and (d) respectively. (Ex. A., ¶¶886-893). The fifth cause of action alleges intentional infliction of emotional distress (Ex. A., ¶894, ¶895). The sixth cause of action alleges abuse of process (Ex. A. ¶898, ¶899) and the seventh cause of action alleges malicious prosecution (Ex. A, ¶¶896-899)<sup>17</sup>.

Plaintiff claims that "the Enterprise movants, however, have seized on my complaint's length, not just to imply that the length itself is wrong, but to omit, misrepresent and twist allegations of out of their common sense meaning in the probable hope that the time pressured court will miss what the Complaint actually alleges." (Hollander 37-2). Each and every purported exclusion or misstatement that the plaintiff highlighted throughout pages 33 through 37 of his opposition has now been incorporated above to provide a complete summary of the allegations against Mundy and Petrovich. These additional allegations do not alter the fact that the plaintiff has failed to adequately plead his RICO and state law claims against Mundy and Petrovich.

### iii. How These Facts Turn Into A RICO Claim Is Ludicrous

How this becomes a RICO action spanning the world is absurd. Despite plaintiff's attempts to make this matter complex and turn it into a RICO action spanning the globe, the facts, if summarized, are very simple.

<sup>17</sup> Plaintiff's sixth and seventh causes of action which alternatively alleged prima facie tort have been withdrawn. (Ex. A, ¶¶ 896-899) (Hollander p. 130).

*makarenko* The plaintiff met a woman in Russia. He pursued her, lived with her and fell in love with her. He was aware at all times as to the nature of her profession, or at least to a certain degree. In fact, he assisted her in locating work in a gentlemen's club and told her to pursue her work as a night club dancer regardless if other people judged her. He suspected dishonesty on her part, yet married her in Russia nonetheless. He then took her back to New York as his wife. When he further suspected infidelities at her work, he oddly contracted for how she should behave and what she could and could not do. He was even willing to accept her alleged infidelities and her line of work. The way he justifies being lured by his wife is that he was allegedly drugged for over two years, a statement so far-fetched it is uncertain how this obvious well-educated plaintiff can even believe it, let alone allege it. Ironically, by his very own definition, the plaintiff himself was a part of and pursued the alleged underworld he now alleges exists. In any event, the plaintiff and his wife eventually separated. His wife was forced to seek protection from the court due to plaintiff's conduct. Plaintiff then sought an annulment. After being unsuccessful in procuring an annulment, a settlement was reached and the divorce finalized. Unable to let go and in an effort to re-live the marriage and divorce, he pursued an onslaught of frivolous litigation such as a disciplinary action against his former wife's attorneys, a motion to set aside the divorce settlement, a Family Court proceeding seeking protection, a defamation case against Ms. Shipilina's mother, many other applications for protection with the courts, police department and FBI (all of which turned out to be unsuccessful), a state court action and the instant RICO action. His motive in pursuing such a cause of action is best described by plaintiff himself: "could anything demonstrate...pain more effectively than a man discovering that the woman he loved and cherished was, and continued to be, a porn star who had deceived him into marriage..." (Hollander 17-1).

The only time Mundy's or Petrovich's names are even mentioned in a specific context  
*emerging coercion bribery, intimidation, uses for child slavery*  
 in all these events, is in defending Ms. Shipilina in the divorce and assisting her in certain  
*suborning attorney before govt agencies*  
 immigration matters. In fact, upon even a cursory review of the complaint, the only thing that

is clear, as this matter pertains to Mundy and Petrovich, is that they advocated zealously on  
*by very cursory*  
*if intimidation, bribery etc can be considered zealous*  
 Ms. Shipilina's behalf in connection with her divorce. Nowhere in plaintiff's rendition of the

facts is it alleged that Mundy or Petrovich were involved with any other defendants, other than  
*20120 Complaint 485 et al. Re this memo on abgahr p 17-21*  
 Ms. Shipilina, or performed such alleged illegal activities for anyone other than Ms. Shipilina.

In fact, plaintiff has admitted that he knows of no connection between Mundy and Petrovich  
*Mundy with Gladat was said*  
 and any of the other defendants. (Hollander 29-1). *Never said that*

To cloud plaintiff's inability to sufficiently allege that Mundy and Petrovich are among  
*Temporary doesn't reflect*  
 this purported enterprise or engaged in wrongdoing, the plaintiff grasps for straws and asserts  
 "if [sic] seems a little ludicrous that I, a sole practitioner lawyer, eking out a living could  
 'harass, intimidate and persecute' an entire law firm that advertises on the Internet in Russian  
 on the very same page as an agency marketing Russian girls for marriage and linked to  
 pornography, [www.russianday.com](http://www.russianday.com), Exhibit C, and has offices in New Jersey, New York City  
 and Rockland County." (Hollander 25-2). This perhaps best demonstrates the ends to which  
 he will go to manipulate facts to manufacture his baseless claims. Plaintiff has attached some  
 sort of printout from the internet site, [www.russianday.com](http://www.russianday.com), as Exhibit C to his declaration,  
 allegedly demonstrating that Mundy advertises on this website, which purportedly markets  
 Russian girls for marriage and is linked to pornography.

First, it is completely suspect where this printout, with no foundation, bearing Mundy's  
*Debby checked it while miff called it technical have done*  
 name (although not Mundy's address or any other information) has come from. This alleged  
 advertisement appears to simply be a copy of the law firm's letterhead onto this web-site.  
 Mundy does not advertise on this website and this document could have been created by

*Website since taken down*

anyone, including the plaintiff. Nevertheless, Exhibit C lends absolutely no credibility to the plaintiff's claims. Plaintiff's attempt to mislead the Court into believing that this document impacts this matter is only his most recent effort to desperately hold on to this meritless claim.

If one actually goes to this website at different times and looks at the advertisement space at top center of the page where Mundy allegedly advertised, one will see many different types of advertisements from food to eyeglasses to cruise ship companies. If one hits the "refresh" button, a different advertisement will appear. If one continues to perform this activity on the following day, many other different advertisements will appear.

Thus, under the plaintiff's reasoning, since these advertisements also appear on the same internet page as advertisements which allegedly market Russian girls for marriage and are linked to pornography, these eyeglass, cruise ship and food companies must also be engaged in wrongdoing and be considered part of the Russian mafia. In fact, every other advertiser that can be found on this page such as florists, hotels, mortgage brokers, telephone companies, insurance agencies, banks, electronic companies, etc. must also be engaged in wrongdoing or be part of the Russian mafia under plaintiff's analysis. It is significant that the most heavily relied upon piece of documentary evidence that the plaintiff can even conjure up to support his RICO claim or allegation that Mundy and Petrovich are somehow connected to Russian woman, pornography and improper immigration matters is this innocuous advertisement. At the very least, the introduction of this meaningless document evidences that if the plaintiff truly had any real evidence, other than his creative imagination, purporting to demonstrate Mundy and Petrovich's involvement with the Russian mafia, he surely would have alerted the Court to it by attaching it to his declaration.

At best, the plaintiff's investigation and allegations have uncovered that the plaintiff may have been used by Ms. Shipilina for immigration purposes, that Ms. Shipilina may have

been engaged in stripping or prostitution, that Ms. Shipilina may have been unfaithful to him,

that Ms. Shipilina may have used drugs, that plaintiff may have been threatened by a friend

of Ms. Shipilina to curb his harassment, that Ms. Shipilina may never have cared about

plaintiff, that she may have misled him, caused him embarrassment, humiliated him. There

are a lot of possibilities. What is perfectly clear, however, is that these isolated alleged

incidents of wrongdoing set forth by plaintiff do not establish a claim for RICO or his other

state law claims. Plaintiff's opposition indicates that Mundy and Petrovich "seek to have the

Court view the allegations against them in isolation... That would mean missing the forest for

the trees.... If defendants are permitted to narrow the focus of individual defendants in a

vacuum, then there is no RICO statute..." (Hollander 31-4). Precisely. All the plaintiff has set

forth, at most, are allegations of isolated acts, some criminal, some not. If anything, the proper

authorities to deal with plaintiff's allegations were the divorce court or possibly a criminal

investigation by the New York Police Department, INS or the federal government, not this

Court. In fact, plaintiff's opposition concedes this and asserts that INS, FBI, New York City

Board of Elections, U.S. Attorney and District Attorney investigations are being held.

(Hollander 38-1). The RICO statute was not designed to allow private citizens to redress the

wrongs that the plaintiff claims here.

In addition to vague allegations of wrongdoing, the best the plaintiff can do to

tangentially tie Mundy and Petrovich to these isolated incidents of alleged wrongdoing on the

part of Ms. Shipilina is to set forth a purported advertisement which was found at some

unspecified time and which found its way to this website in some unspecified manner, among

thousands of other advertisers. It is unclear how this information benefits plaintiff's claims.



## ARGUMENT

## POINT I

**PLAINTIFF HAS STILL FAILED TO SATISFY THE STANDARD OF REVIEW ON A MOTION TO DISMISS PURSUANT TO FED. R. CIV. P. 12(b)(6) AS PLAINTIFF CAN PROVE NO SET OF FACTS WHICH WOULD ENTITLE HIM TO RELIEF**

Plaintiff's opposition sets forth his abridged version of the standard of review on a motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(6) and concludes that dismissal is appropriate only when it is clear that plaintiff can prove no set of facts in support of claim which would entitle him to relief when all inferences are read in favor of plaintiff. (Hollander pp 38-39). Plaintiff's opposition further asserts that the issue on a motion to dismiss is not whether he will prevail but whether the plaintiff is entitled to offer evidence to support his claims. (Hollander p. 39). The defendants do not dispute these legal statements. However, as demonstrated *infra* and in the defendants' initial motion papers, the plaintiff has still not pled sufficient claims. *Sufficiency determined by giving fact notice Conley 335US 47*

Conveniently absent from plaintiff's characterization of the legal standard is the fact that the plaintiff must sufficiently set forth well pleaded factual allegations not bald conclusory statements and allegations, and that legal conclusions, deductions, opinions couched as factual allegations and unwarranted deductions of fact are not given a presumption of truthfulness. See *Friedman v. U.S.*, 2003 WL 1460525 (S.D.N.Y. 2003); *Goldfine v. Sichenzia*, 118 F. Supp.2d 392, 396-97 (S.D.N.Y. 2000); *Lakonia Mgmt. Ltd. v. Meriwether*, 106 F. Supp.2d 540, 543 (S.D.N.Y. 2000); *De Jesus v. Sears, Roebuck & Co.*, 87 F.3d 65, 70 (2d Cir. 1996); *L'Europeenne de Banque v. La Republica de Venezuela*, 700 F. Supp 114, 122 (S.D.N.Y. 1988). *bold = bare = 77 saying lawsuit related non-Held to*  
*it*  
*WdM*  
*1202*  
*p 73*  
*where the facts*  
*concerned fraud*  
*where to hide require narrow*  
*that outlines basic of claims*  
*Fernandez - conclusory allegations or legal conclusions masquerading as factual conclusions do not suffice*

It is no wonder that plaintiff interestingly fails to address this case law, although cited in the defendants' initial motion papers, given that his entire complaint, and now his

opposition, is based upon nothing more than bald conclusory allegations, conjecture and suspicion. While virtually every other line of the defendants' motion was addressed by plaintiff, it is noteworthy that this line of cases was ignored by plaintiff. Instead, plaintiff has inaccurately suggested, against the case law above, that conclusory allegations are acceptable as long as he provides "fair notice of the claims against" the defendants. (Hollander 31-2). Alternatively, plaintiff's opposition inaccurately suggests that if his complaint is comprised of bald conclusory statements, deduction and opinions, then the defendants should have moved for a more definite statement as opposed to dismissal. (Hollander 39-2). Unfortunately for the plaintiff, the line of cases cited above is contrary to his view of the law. Knowing this, the only support plaintiff can muster up to support of this statement is the case *Swierkiewicz v. Sorema NA*, 534 U.S. 506, 156 L.E.2d 1, 122 S.Ct 992 (2002), which merely indicates that a defendant *can move* for a more definite statement if the pleading fails to specify allegations in a manner that provides sufficient notice. (Hollander 39-2).

In reviewing this motion to dismiss pursuant Fed. R. Civ. P. 12(b)(6), the Court can look not to only the complaint, but the documents attached or incorporated by reference thereto. *International Broth. of Teamsters v. Carey*, 163 F. Supp.2d 271, 279 (S.D.N.Y. 2001); *Kramer v. Time Warner Inc.* 937 F.2d 767, 773 (2d Cir. 1991). In this context, the Second Circuit has held that a complaint is deemed to "include...documents that the plaintiff either possessed or knew about and upon which they relied in bringing the suit." *Rothman v. Gregor*, 220 F.3d 81, 88 (2d Cir. 2000). In fact, plaintiff admits that the documents attached to the defendants' initial motion papers can be considered by this Court. (Hollander 40-1). Plaintiff further admits that knowledge not enough, requires reliance, IT only argued against that not he had knowledge of such documents. (Hollander 40-1). Plaintiff also cannot deny that he has knowledge of the documents appended to the attached Reply Declaration since he drafted each and every letter, card and agreement appended thereto. Thus, the defendants

*False did not draft any docs in Ex 2, did not draft Petrick off. did not draft marriage K, & Buro K appears to be forgery*

*not with that bridge goes*  
*check the inclusion in complaint rule*  
 assert that the plaintiff had possession and full knowledge of each and every exhibit attached to the instant motion, that the exhibits go to the heart of the complaint and the veracity of the statements made by the plaintiff therein, and it is therefore appropriate for this Court to consider the same in deciding the instant motion.<sup>18</sup>

## POINT II

### PLAINTIFF'S FIRST, SECOND, THIRD AND FOURTH CAUSES OF ACTION FOR RICO VIOLATIONS SHOULD BE DISMISSED

#### A. The Threshold Requirements to Sustain RICO Claims

Plaintiff's complaint alleges civil RICO violations under 18 U.S.C. §1962(a), (b), (c) and (d). (Ex. A, ¶¶886-893). To prevail on a claim for damages under RICO, this Court has consistently employed the standard set for by the United States Supreme Court, the elements of which are set forth in the defendants' initial motion papers as well as above. Plaintiff's opposition concedes that these elements are necessary to plead RICO. (Hollander 44-3).

Despite the fact that the plaintiff is aware of these elements and has simply alleged that they have been satisfied, the plaintiff has clearly failed to sufficiently allege (1) the existence of two or more predicate acts against Mundy and Petrovich, (2) a pattern, (3) that Mundy and Petrovich invests, maintains or participates in an enterprise, (4) or that an enterprise even exists. Further, the plaintiff does not have standing to maintain this action. Lastly, the plaintiff's claim of conspiracy to commit RICO violations similarly fails.

<sup>18</sup>Despite plaintiff's protestations to the contrary, the defendants are not attempting to argue facts, are not attempting to turn this motion into one for summary judgment, and are not attempting to compel the Court to apply a higher standard than required for pleadings. (Hollander 3-2, 6-1, 77-1). To the contrary, the defendants' assert that the plaintiff has been unable to properly allege his RICO and state law claims as required under the Federal pleading standard and pursuant to Fed. R. Civ. P. 12(b)(6), Fed. R. Civ. P. 8(a)(2) and Fed. R. Civ. P. 9(b) based upon a reading of the complaint itself and the documents attached to this motion which the plaintiff has knowledge of. In fact, even the plaintiffs' opposition acknowledges, albeit unintentionally, while citing to *Gitterman v. Vitouis*, 564 F. Supp. 46, 49 (S.D.N.Y. 1982) that the legal feasibility of the complaint must be tested, as opposed to merely accepting all allegations as true. (Hollander 4-1). Further, plaintiff cites to *Villager Pond, Inc. v. Town of Darien*, 56 F.3d 375, 378 (2d Cir. 1995) for the proposition that the Court should determine whether the complaint itself is legally sufficient." (Hollander 39-1).

**B. Plaintiff's Complaint Fails To Adequately  
Allege Predicate Acts and Is Dismissable**

**i. Predicate Acts Based Upon Fraud Must Be Pled  
With Particularity under Fed. R. Civ. P. 9(b)**

As demonstrated in the defendants' initial Memorandum of Law, allegations of fraud that are pled as predicate acts in a RICO claim must satisfy Fed. R. Civ. P. 9(b). See *Mills v. Polar Molecular Corp.*, 12 F. 3d 1170, 1176 (2d Cir. 1993); *Economic Opportunity Comm'n of Nassau County v. County of Nassau, Inc.*, 47 F. Supp.2d 353, 361 (E.D.N.Y. 1999). In fact, the plaintiff acknowledges that when the "...predicate acts are fraudulent in nature, then Fed. R. Civ. P. 9(b) applies..." (Hollander 45-1). The plaintiff even cites to Supreme Court cases *Leatherman v. Tarrant County Narcotics Intelligence & Coordination Unit*, 507 U.S. 163, 168, 122 L.Ed.2d 517, 113 S.Ct. 1160 (1993) and *Swierkiewicz v. Sorema N.A.* 534 U.S. at 513 for the proposition that allegations and predicate acts based upon fraud require greater particularity under Fed. R. Civ. P. 9(b). (Hollander 46-2).

*(misquote. left out "such as" word "and only this")*

The Second Circuit has made clear that "[i]n the RICO context, Rule 9(b) calls for the complaint to specify the statements it claims were false or misleading, give particulars as to the respect in which plaintiffs contend the statements were fraudulent, state when and where the statements were made, and identify those responsible for the statements." *Moore v. Paine Webber, Inc.*, 189 F.3d 165, 173 (2d Cir. 1999) (citations omitted) (quoting *McLaughlin v. Anderson*, 962 F.2d 187, 191 (1992)). This rule is clear and has been followed by many courts. See *Economic Opportunity Comm'n of Nassau County v. County of Nassau, Inc.* 47 F. Supp.2d at 361-362; *Spoto v. Herkimer County Trust*, 2000 WL 533293 \*6 (N.D.N.Y. April 27, 2000); *Official Publications, Inc. v. Kable News Co. Inc.*, 692 F. Supp. 239, 245 (S.D.N.Y. 1988), *rev'd on other grounds*, 884 F.2d 664 (2d Cir. 1989). Allegations that do not specify the time, place, speaker or content of the allegedly fraudulent statements do not satisfy the

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particularity requirement of Fed. R. Civ. P. 9(b). *Denny v. Barber*, 576 F.2d 465, 469, (2d Cir. 1978).

Unable to dispute these line of cases, plaintiff instead, can only cite to *Int'l Motor Sports Group v. Gordon*, 1999 WL 619633 at \*3 (S.D.N.Y 1999) for the proposition that this Court decided, in the circumstances of that particular case, that "[a] plaintiff need not plead dates, times and places with absolute precision, so long as the complaint 'gives fair notice and reasonable notice to defendants for the claim and the grounds upon which it is based.'" (Hollander 47-2). However, plaintiff conveniently fails to mention that this Court quoted the Second Circuit and stated "to plead fraud with sufficient particularity, a complaint 'must (1) detail the statements (or omissions) that the plaintiff contends are fraudulent, (2) identify the speaker, (3) state where and when the statements (or omissions) were made, and (4) explain why the statements (or omissions) are fraudulent.'" *Int'l Motor Sports Group v. Gordon*, 1999 WL 619633 at \*3 (quoting *Harsco Corp. v. Segui*, 91 F.3d 337, 347 (2d Cir. 1996)). This Court even acknowledged the use of the word "must" by *Harsco*. *Id.* The decision went on to acknowledge that "[t]he purpose of the rule is (1) to provide a defendant with fair notice of plaintiff's claim, (2) to safeguard a defendant's reputation from 'improvident charges of wrongdoing and (3) to protect against the institution of a strike suit.'" *Id.* (quotations omitted) (citing *Harsco* 91 F.3d at 347 quoting *Acito v. IMCERA Group, Inc.* 47 F.3d 47, 52 (2d Cir. 1995)). Plaintiff's attempt to convince this Court to ignore the line of cases cited above requiring specificity, in favor of a decision determined in a different context but which still acknowledged the specificity requirement under Fed. R. Civ. P. 9(b) and the important purpose for doing so, should not be countenanced.

Alternatively, plaintiff attempts to overshadow the cases cited above and Rule 9(b) by continuously citing to *Berk v. Tradewell*, 2003 WL 216664679 \*13 (S.D.N.Y. 2003) and

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suggesting that since information is within the defendant's knowledge, Rule 9(b)'s requirements should be read permissively. (Hollander 47-2). Unlike that case where the defendant was a corporate insider who possessed certain documents and the Court acknowledged that Rule 9(b) applies more leniently to complaints against corporate insiders, these defendants here are not corporate insiders and plaintiff has not shown what information is exclusively within the possession of the defendants, other than his general statement that details of predicate acts by the Russian mafia are not public. (Hollander 47-2). Further, plaintiff overlooks the fact that this Court acknowledged the importance of pleading fraud with particularity under Rule 9(b) and the policy goals behind this rule in its decision. *Id.* at \*12.

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Finally, where multiple defendants are involved, the complaint must inform each defendant of the nature of his alleged participation in the fraud. *DiVittorio v. Equidyne Extractive Indus., Inc.*, 822 F.2d 1242, 1247 (2d Cir. 1987). This is not disputed by plaintiff. (Hollander 48-3).

Plus it is

As shown in the defendants' initial Memorandum of Law and below, the defendants predicate acts based upon fraud have not been alleged with sufficient particularity under Fed. R. Civ. P. 9(b). Despite plaintiff's suggestions to the contrary and in light of the case law cited *infra* above and in the defendants' initial Memorandum of Law, merely alleging the "gist" of was said, some unspecified time period of when it was said and how the statements were generally made and misleading, is insufficient to plead predicate acts based upon fraud. (Hollander 48-1). In addition, the complaint has not informed Mundy and Petrovich specifically of their alleged participation in the fraud. Likewise, the plaintiff has not sufficiently alleged other non-fraudulent predicate acts.

Enplnd 486, 491, 493, 503, 505  
224, 225, 228, 235, 276, 277, 294,  
360, 315

ii. **Predicate Acts Based Upon Fraud Have Not Been Pled with Particularity by Plaintiff under Fed. R. Civ. P. 9(b)**

aa. **Fraud Misuse of Visas and Procurement of Nationality Unlawfully**

Plaintiff acknowledges that these alleged predicate acts are susceptible to the particularity requirement under Fed. R. Civ. P. 9(b). (Hollander 49-3).

In respect to the plaintiff's allegations that Mundy and Petrovich participated in the predicate criminal acts of fraud, misuse of visas and procurement of nationality unlawfully, nothing is set forth in the plaintiff's complaint other than vague conclusions. Plaintiff's opposition highlights the sections of the complaint which reference these predicate acts. (Ex. *Inform perusal* *Ad*

A. ¶¶19, ¶¶28-29, ¶¶32-33, ¶¶223-225, ¶¶324-325, ¶¶327-328, ¶¶408-409, ¶¶467-468, ¶491, ¶493, ¶503 ¶505, ¶514, ¶522, ¶524). (Hollander 50-3). As indicated in the defendants' initial motion papers, the plaintiff merely concludes that Mundy and Petrovich participated in the predicate criminal acts of fraud and misuse of visas and procurement of nationality unlawfully by running an alien registration and visa mill operation. There is absolutely no other support, or particularity, for the plaintiff's conclusory allegations that Mundy and Petrovich participated in such illegal activity. (Ex. A. *not included in H&M* *not 224 in H&M* ¶¶19, ¶¶28-29, ¶¶32-33, ¶¶223-225, ¶¶324-325, ¶¶327-328, ¶¶408-409, ¶¶467-468, ¶491, ¶493, ¶503 ¶505, ¶514, ¶522, ¶524). (Hollander 50-3).

The defendants highlighted this fact in their initial motion papers and noted that with the exception of his ex-wife, Ms. Shipilina, the plaintiff failed to name a single person for whom or with whom these purported illegal activities were performed. The plaintiff has provided absolutely no specifics whatsoever. No specific dates, times, names or places have been furnished. Plaintiff fails to identify a single document or statement that purports to show such conduct on the part of Mundy and Petrovich. In essence, the plaintiff's complaint does not demonstrate by any stretch of the imagination that Mundy and Petrovich participated in fraud, misuse of visas, or procurement of nationality unlawfully. Rather, the only thing that is

clear upon a review of these paragraphs of the plaintiff's complaint is that Mundy and Petrovich assisted Ms. Shipilina with immigration matters and advocated on her behalf in connection with her divorce proceedings.

*ie HM 50-3*  
 Plaintiff's silence in addressing these failures constitutes an admission that they he has not pled such acts with the requisite particularity as they pertain to Mundy and Petrovich. *check law*  
 (Hollander pp. 49-50). Plaintiff has not addressed any of the concerns noted above, and he continues to cling to this bare allegation in the complaint. Rather, plaintiff only states that such information is in the possession of the defendant and *ie* asks this Court to ignore the cases cited above requiring particularity in favor of reading Rule 9(b) permissively. (Hollander 50-3). *It states categories but hasn't provided details of A know*  
 However plaintiff fails to state what information is in the defendants' knowledge and why the pleading of fraud as required under the Federal Rules should be ignored. In addition, despite plaintiff's contentions that the complaint in general provides fair notice (Hollander 50-3), *Failed to law* the complaint must inform each defendant, including Mundy and Petrovich, of the nature of his alleged participation in this fraud, where multiple defendants are involved. See *DiVittorio v. Equidyne Extractive Indus., Inc.*, 822 F.2d 1242, 1247 (2d Cir. 1987). The allegations in this regard, cited above, which reference Mundy and Petrovich in particular, do not accomplish this. (Hollander 50-3) The other conclusory allegations cited by plaintiff in his opposition that reference the other defendants' engagement in such activities also do not provide adequate notice to Mundy and Petrovich, or sufficiently demonstrate their involvement. (Hollander 50-3).

**bb. Mail and Wire Fraud as Predicate Acts** *ie HM p 58*

The plaintiff has still not pled the requisite elements of mail and wire fraud, nor has he pled these acts with particularity as required under the Federal Rules.

The defendants' Initial Memorandum of Law properly set for the elements that must be satisfied for a complaint alleging mail and wire fraud: (1) the existence of a scheme to



defraud, (2) defendant's knowing or intentional participation in the scheme, and (3) the use of interstate mails or transmission facilities in furtherance of the scheme. *S.Q.K.F.C., Inc. v. Bell Atlantic Tricon Leasing Corp.*, 84 F.3d 629, 633 (2d Cir. 1996). See also *Browning Avenue Realty Corp. v. Rosenheim*, 774 F.Supp. 129, 137 (S.D.N.Y. 1991) (to plead mail and wire fraud, plaintiff must allege participation in a scheme to defraud and knowing use of interstate mails or interstate wires to further the scheme). These cases are clear and the plaintiff's opposition has not indicated that they have been overruled or distinguished.

Nevertheless, in a blatant attempt to mislead this Court into believing that the defendants have provided the incorrect elements necessary to allege such claims, plaintiff asserts that "[t]he Enterprise movants exploit the similarity between mail and wire fraud to foist the false assumption that when a letter is sent or delivered by the US Postal Service, it must cross state lines...Not true, whether a letter sent through US Postal Service travels across town or around the world is irrelevant for mail fraud." (Hollander 58-2). Essentially, the plaintiff argues against the cases cited above, and asserts that, in respect to element three above, interstate use is only required under the wire fraud statute, not the mail fraud statute. (Hollander 58-2). Although plaintiff cites to *U.S v. Zagari*, 111 F.3d 307, 327 (2d Cir. 1997) for this contention, this case does not stand for this proposition, no matter how badly plaintiff would like it to. (Hollander 58-1)<sup>19</sup>.

Plaintiff's opposition cannot satisfactorily dispute that he has not alleged any facts to support the allegations that there was a scheme to defraud the plaintiff by interstate mails or wires or that these defendants knowingly participated in such a scheme, even if all allegations of the complaint pertaining to Mundy and Petrovich as referenced by plaintiff in his opposition

<sup>19</sup>*U.S v. Zagari*, 111 F.3d 307, 327 (2d Cir. 1997) only states that the essential elements of a mail or wire fraud violation are (1) scheme to defraud, (2) money or property as the object of the scheme, and (3) use of mails or wires to further the scheme. This is far different than what plaintiff has set forth. (Hollander 58-1).

*Different allegations for different p's*

are read. (Ex. A ¶¶31, ¶¶227-228, ¶232, ¶234, ¶236, ¶240, ¶241, ¶243, ¶245, ¶254, ¶265, ¶273, ¶275, ¶¶280-282, ¶¶287-289, ¶¶293-295, ¶298, ¶¶300-301, ¶¶306-308, ¶¶315-318, ¶488, ¶493, ¶¶495-498, ¶505, ¶¶507-510) (Hollander 57-1, 59-3). Plaintiff's mere conclusion that Mundy and Petrovich acted with the intent to defraud is still not sufficient. In fact, plaintiff's opposition only highlights that Mundy and Petrovich did not participate in any scheme to defraud. Plaintiff asserts, in his opposition, that the scheme was that the Russian mafia tricked American men into bringing mafia managers and prostitutes to America as companions and wives (Hollander 59-1) and that the scheme falsely depicted "its managers and prostitutes as honest, hard-working women who want to raise a family because if the truth were told the mafia knows American men would run the other way" (Hollander 59-1). Even assuming that these are "schemes to defraud" as contemplated by the statute, there is no allegation that Mundy and Petrovich knowingly participated in these schemes.

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Moreover, the crux of the plaintiff's allegations is that Mundy and Petrovich used only

intrastate and international mail and wire systems, not interstate systems. (Ex. A ¶31, ¶¶227-228, ¶232, ¶234, ¶236, ¶240, ¶241, ¶243, ¶245, ¶254, ¶265, ¶273, ¶275, ¶¶280-282, ¶¶287-289, ¶¶293-295, ¶298, ¶¶300-301, ¶¶306-308, ¶¶315-318, ¶488, ¶493, ¶¶495-498, ¶505, ¶¶507-510). Despite plaintiff's protestations to the contrary, to properly plead mail and wire fraud violations, the plaintiff must demonstrate interstate use as cited in the cases above and in the defendants' initial motion papers. Although plaintiff asserts that intrastate mail communications are covered by the mail fraud statute, he can only cite to the Eighth Circuit (*US v. Elliot* 89 F.3d 1360, 1364 (8th Cir. 1996)), which is contrary to this Circuit. (Hollander 58-2).

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Although plaintiff asserts that international wire communications are covered by the

wire fraud act, he can only cite to a dissenting opinion in the Third Circuit (*US v. Goldberg*,

*Re: US v. Zagari III F3d 307, 327*

*Need more notes*

830 F.2d 459 (3d Cir. 1987)) and the Ninth Circuit (*Wentz v. US*, 244 F.2d 172, 175 (9th Cir. 1957)) for this proposition, which, in any event, is contrary to the Second Circuit and Southern District decisions cited above. (Hollander 62-1). The defendants' initial Memorandum of Law has sufficiently demonstrated that plaintiff has not alleged such interstate use on the part of Mundy and Petrovich, and these arguments will not be rehashed herein. (Dubin pp. 25-28). Plaintiff's opposition does not alter this fact. (Hollander pp. 62-64). *check*

Given that the plaintiff has failed to demonstrate a scheme to defraud or that Mundy and Petrovich knowingly participated in the scheme, and has further failed to show that they used interstate mail or wire communications in furtherance of the scheme, the plaintiff cannot state a claim for mail or wire fraud.

Additionally, plaintiff acknowledges that these alleged predicate acts, based upon fraud, are susceptible to the particularity requirement under Fed. R. Civ. P. 9(b). (Hollander 57-2). Despite admitting this, they try to lessen the standard apparently recognizing that they have not properly plead such predicate acts. (Hollander 57-2, 58-1, pp. 64-66). In fact, plaintiff suggests that he is unaware of any specifics, and, instead, asks this Court to allow them to embark on a fishing expedition at the expense of over sixty defendants to determine whether such predicate acts were committed. (Hollander 67-1). Examining all of the paragraphs, as cited by plaintiffs' opposition, which purportedly allege the predicate acts of mail and wire fraud as they pertain to Mundy and Petrovich, (Ex. A ¶31, ¶¶227-228, ¶232, ¶234, ¶236, ¶240, ¶241, ¶243, ¶245, ¶254, ¶265, ¶273, ¶275, ¶¶280-282, ¶¶287-289, ¶¶293-295, ¶298, ¶¶300-301, ¶¶306-308, ¶¶315-318, ¶488, ¶493, ¶¶495-498, ¶505, ¶¶507-510), it is clear that the requisite specificity is not provided. Again, the deficiencies of the plaintiff's pleading of these allegations are addressed fully in the defendants' initial motion papers and will not be repeated herein. (Dubin pp. 28-30). Further, the plaintiff's opposition provides no further

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details than what has already been deficiently alleged in the complaint, despite his best efforts to make it appear as though he has done so. (Hollander pp. 67-69)

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#### cc. Bribery as a Predicate Act

Despite plaintiff's citation to the Eighth Circuit case of *Abel v. Farmers Commodities Corp.*, 259 F.3d 910, 919 (8th Cir. 2001) for the proposition that Fed. R. Civ. P. 9(b) does not apply to the predicate act of bribery (Hollander 70-2), this Circuit has stated that when an allegation of bribery is a predicate act for a RICO claim, it must meet Fed. R. Civ. P. 9(b) particularity requirements. *Mayatextil v. Liztex*, 1993 WL 51094 (S.D.N.Y. 1993) (citing *Gregoris Motors v. Nissian Motor Corp.*, 630 F. Supp. 902, 912 (S.D.N.Y. 1986)).

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Plaintiff's opposition identifies those paragraphs which relate to his allegations of bribery. Specifically, the plaintiff references ¶¶254-255, ¶323, ¶499, ¶511, 517 and ¶523. (Hollander 70-2). A reading of these paragraphs, however, reveals that only ¶¶254-255, ¶499 and ¶511 are alleged against Mundy and Petrovich. <sup>without stated liability</sup> The plaintiff's conclusions that Mundy and Petrovich participated in the predicate act of bribery are still insufficient under Fed. R. Civ. P. 9(b). (Ex. A., ¶¶499, ¶511). Even affording the rest of the plaintiff's complaint a liberal reading it is again clear that the plaintiff's allegations do not meet the heightened pleading requirements of Fed. R. Civ. P. 9(b). (Ex. A., ¶¶254-255). This lack of particularity is fully addressed in the defendants' initial motion papers and plaintiff's opposition has not cured his deficiencies nor addressed any of the issues raised by the defendants. (Dubin pp. 30-32). Rather, plaintiff essentially concedes that he has not pled this predicate act with any particularity, and, therefore, begs this Court to merely apply Rule 9(b) permissively in contradiction of the case law cited above. (Hollander 70-2).

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iii. **Non-Fraudulent Predicate Acts Have Still Not Been Pled Properly**

aa. **White Slave Trade and Importing Aliens for Immoral Purposes as Predicate Acts**

Even if the predicate act of white slave trade and importing aliens for immoral purposes must only comply with general notice requirements as opposed to Rule 9(b) specificity such allegation still must be sufficiently pled. (Hollander 50-2). Conclusions and inferences of wrongdoing are simply not sufficient. *Alleg to law*

In respect to the plaintiff's allegations that Mundy and Petrovich participated in the predicate criminal acts of white slave trade and importing aliens for immoral purposes, nothing is set forth in the plaintiff's complaint other than vague conclusions. Plaintiff's opposition highlights the sections of the complaint which reference these predicate acts. (Ex. A. ¶19, ¶¶22-23 ¶27, ¶33, ¶38, ¶320, ¶322, ¶329, ¶403, ¶410, ¶434, ¶466, ¶485, ¶490, ¶502, ¶521). (Hollander 50-2) *False*

A careful review of these sections, however, reveals that only ¶27, ¶33, ¶485 and ¶490 reference Mundy and Petrovich. These paragraphs do nothing more than simply conclude that Mundy and Petrovich participated in the predicate criminal acts of white slavery trade and importing aliens for immoral purposes by running an alien registration and visa mill operation. Even without a Rule 9(b) specificity analysis, the pleading of these conclusions is simply insufficient as a matter of law. Plaintiff has not indicated one person with or for whom these activities have been carried out, except for Ms. Shipilina. Plaintiff's allegations are simply inadequate, especially where plaintiff cannot allege, with the exception of his ex-wife Ms. Shipilina, a single person for whom or with whom these purported illegal activities were performed, or any dates, times, names or places where such activities took place. *Find several liable false to law*  
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#### bb. Witness and Informant Tampering As Predicate a Act

The plaintiff alleges that Mundy and Petrovich tampered with witnesses and informants in connection with the Russian criminal defamation case, the plaintiff's divorce proceeding and the INS' investigation into the deportation of Ms. Shipilina. (Ex. A, ¶¶224-225, ¶¶228-229, ¶¶232, ¶¶234, ¶¶236-237, ¶¶239-241, ¶¶243-245, ¶¶265-268, ¶¶273, ¶¶280-284, ¶¶286-290, ¶¶293, ¶¶297-298, ¶¶302-304, ¶¶306-312, ¶¶316-318, ¶¶487, ¶¶492, ¶¶504, ¶¶506, ¶¶509) *even not employed* (Hollander 51-1, 52-3). Even if the Court determines that the particularity requirement under Rule 9(b) does not apply to the predicate acts alleged in these contexts, it is still clear that the plaintiff's conclusion that Mundy and Petrovich engaged in witness and informant tampering is insufficient. The defendants' initial Memorandum of Law fully demonstrated how the plaintiff's vague and conclusory allegations, at this pleading stage, are insufficient to allege the predicate act of tampering. (Dubin pp. 18-25).<sup>20</sup> As such, this portion of the defendants' initial Memorandum of Law will not be repeated herein. Notably, other than criticizing the defendants, the plaintiff has not attempted to sufficiently plead his claims of tampering beyond the general allegation already contained in the complaint, nor has plaintiff addressed any of the arguments set forth in the defendants' initial Memorandum of Law. (Hollander pp. 53-55). *As to how could the plaintiff justify* *As to how could the plaintiff justify*

#### cc. Money Laundering as a Predicate Act

Even if the predicate act of money laundering must only comply with general notice requirements as opposed to Rule 9(b) specificity as plaintiff's opposition suggests (Hollander 73-3), such allegations must still be pled with sufficient particularity to withstand a motion to

<sup>20</sup> Although there are certain paragraphs of the plaintiff's complaint that were not addressed specifically in this section of the defendants' initial memorandum of law, but which the plaintiff has now included in his opposition to constitute tampering, including ¶¶224-225, ¶¶228-229, ¶¶232-234, ¶¶236-237, ¶¶239-241, ¶¶297-298, ¶¶302-304, ¶¶308-312, ¶¶317-318, ¶¶487, ¶¶492, ¶¶504-506, ¶¶509, these paragraphs similarly fail for the reasons detailed in the defendants' initial motion papers.

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dismiss. *Casio Computer Co. v. Sayo*, 2000 WL 1877516 (S.D.N.Y. 2000). Conclusions and *also to law*  
inferences of wrongdoing are simply not sufficient.

The plaintiff's conclusions that Mundy and Petrovich participated in the predicate act of money laundering remain insufficient. The plaintiff's opposition has highlighted those paragraphs of the complaint which allege that Mundy and Petrovich engaged in the laundering of money. (Ex. ¶¶293, ¶¶295-299, ¶¶301-302). A reading of these paragraphs, however, *also to law*  
reveals they have not been sufficiently pled.

**dd. Aiding in Racketeering Activity as a Predicate Act**

Lastly, plaintiff's opposition makes clear that he is alleging aiding in racketeering activity as a predicate act. (Hollander 70-3, 71-1, 72-3, 73-2, 74-4, 117-2). Plaintiff's opposition references paragraphs ¶294, ¶¶298-302, ¶495, ¶497, ¶507, ¶532, however such *check on statute*  
allegations are not sufficient to plead this predicate act. As outlined below, plaintiff has been *also to law*  
unable to sufficiently allege any sort of link between Mundy, Petrovich and the other  
defendants to adequately plead that Mundy and Petrovich aided and abetted racketeering.

Indeed, the plaintiff has set forth nothing more than legal conclusions, deductions and opinions in support of his allegations of not only aiding in racketeering activity by Mundy and Petrovich, but white slave trade and importing aliens for improper purposes, misuse of visas, procurement of nationality unlawfully, witness tampering, mail and wire fraud, bribery and money laundering. The Court must not give such conclusory statements a presumption of *also to law*  
truthfulness in determining this motion to dismiss.

Thus, Mundy and Petrovich respectfully submit that since the plaintiff's complaint fails to adequately allege predicate acts in support of his RICO claims, the first, second, third and fourth causes of action must be dismissed as a matter of law.

**C. Plaintiff's Complaint Fails to Adequately Allege a Pattern of Racketeering Activity**

To sufficiently plead a pattern of racketeering activity, a plaintiff must allege "(1) at least two predicate acts of racketeering occurring within a ten-year period; (2) that the predicate acts are related to each other; and (3) that the predicate acts amount to or pose a threat of continuing criminal activity." *Price v. Gast*, 2000 WL 36981 \*6 (S.D.N.Y. Apr. 11, 2000). "It is this factor of continuity plus relationship which combines to constitute a pattern." *H.J. Inc. v. Northwestern Bell Telephone Co.*, 492 U.S. at 238-39, 109 S.Ct. at 290 (citations omitted). To satisfy the "continued criminal activity" prong in alleging a pattern of racketeering activity under a RICO cause of action, the plaintiff must make a showing of either "closed-ended continuity" or "open-ended continuity." *Id.* The plaintiff's opposition concedes that this is the standard for alleging a pattern of racketeering activity. (Hollander 77-2).

Plaintiff's complaint fails to sufficiently allege a pattern of racketeering activity since the plaintiff has not properly plead closed-ended continuity or open-ended continuity. (Hollander pp. 76-85).

**i. Closed-ended Continuity**

As addressed more fully in the defendants' initial Memorandum of Law, in order to measure whether closed-ended continuity exists, several factors may be considered including the length of time over which the alleged predicate acts took place, the number and variety of acts, the number of participants, the number of victims, and the presence of separate schemes. *GICC Capital Corp. v. Tech. Finance Group, Inc.*, 67 F.3d 463, 467 (2d Cir. 1995).

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However, the plaintiff must prove a series of related predicates extending over a substantial period of time. *H.J. Inc. v. Northwestern Bell Telephone Co.*, 492 U.S. at 242, 109 S.Ct. at 2902. Predicate acts extending over a few weeks or months and threatening no



future criminal conduct do not satisfy this requirement. *Id.* "Since the Supreme Court decided *H.J. Inc.*, this Court [Second Circuit] has never held a period of less than two years to constitute a 'substantial period of time,' for the purposes of the closed-ended continuity test. *De Falco v. Bernas*, 244 F.3d 286, 321 (2d Cir. 2001). The plaintiff does not dispute this case law. (Hollander 81-1).

Under this line of cases, and despite plaintiff's opposition, the plaintiff's complaint fails to properly plead a pattern of racketeering since closed-ended continuity is not sufficiently alleged. Specifically, the plaintiff alleges that Mundy and Petrovich first met with Ms. Shipilina at the "end of October, 2000" (Ex. A, ¶223) even though they did not appear on her behalf until after the plaintiff commenced the annulment/divorce proceedings in February, 2001. (Ex. B). Therefore, no predicate act is even alleged to have been committed by Mundy or Petrovich prior to October, 2000. The allegations in the complaint also reveal that neither Mundy nor Petrovich ever met with any other members of the purported enterprise prior to October, 2000 or participated with them in predicate acts. (Ex. A). The last predicate act alleged to have been committed by Mundy or Petrovich was in March, 2002. (Ex. A, ¶293, ¶298, ¶¶315-318, ¶715). The allegations in the complaint reveal that neither Mundy nor Petrovich ever committed any other predicate or criminal acts after March, 2002 or had any connection with other members of the enterprise after that date. (Ex. A). Hence, the period of time between the predicate acts purportedly committed by Mundy and Petrovich amounts to, at most, merely one year and five months. It is well settled that closed-ended continuity cannot exist over such an abbreviated period of time. *See De Falco v. Bernas*, 244 F.3d at 321 (Court held that approximately one year and a half is too short of a period of time and does not satisfy the closed-ended continuity requirement). *See also Cofacredit, S.A. v. Windsor Plumbing Supply Co. Inc.*, 187 F.3d 229, 242 (2d Cir. 1999).

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Significantly, plaintiff does not dispute that he has only alleged predicate acts on behalf of Mundy and Petrovich for a period of one year and a half, at most. Plaintiff does not even attempt to now allege that predicate acts were committed by them extending over a longer period of time. (Hollander pp. 80-82). Thus, plaintiff admits that he has not alleged that Mundy and Petrovich committed predicate acts over a "substantial period of time." Instead, his entire opposition in this regard focuses on the predicate acts of other defendants. (Hollander pp. 80-82). Plaintiff cites to *De Falco v. Bernas*, 244 F.3d at 321 and asserts that this Court must look at the predicate acts of the defendants together in determining duration. (Hollander 80-2, 81-1). Under this theory, the plaintiff alleges that the predicate acts began in 1999, when Ms. Shipilina and member Perlin targeted plaintiff, and continued until June, 2003 when plaintiff received a threatening telephone call (Hollander pp. 81-82). Plaintiff makes this argument, however, against a back-drop of facts which undoubtedly shows no relation whatsoever between Mundy and Petrovich and any of the other defendants in this action (other than that they represented Ms. Shipilina in her divorce). As discussed *infra*, the plaintiff even admits that he knows of no connection between the defendants. (Hollander 29-1). To therefore assert that he has satisfied the prong of closed-ended continuity based upon acts committed by other defendants, where plaintiff admittedly cannot allege a connection between Mundy, Petrovich and these other defendants, is insufficient.

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## ii. Open-ended Continuity

As addressed more fully in the defendants' initial Memorandum of Law, to satisfy open-ended continuity, "the plaintiff need not show that the predicates extended over a substantial period of time but must show that there was a threat of continuing criminal activity beyond the period during which the predicate acts were performed." *Cofacredit, S.A. v. Windsor Plumbing Supply Co. Inc.*, 187 F.3d at 242; *The Jordan (Bermuda) Inv. Co. v. Hunter Green Inv. Ltd.*,

154 F. Supp.2d 682, 694 (S.D.N.Y. 2001). Plaintiff acknowledges that if he cannot plead closed-ended continuity, then he must allege a threat of continuing racketeering activity which is ongoing and that will project into the future. (Hollander 82-1).

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Despite plaintiff's opposition, however, the plaintiff's complaint fails to properly plead a pattern of racketeering since open-ended continuity is also not sufficiently alleged. As indicated, the predicate acts alleged to have been committed by Mundy and Petrovich occurred from October, 2000 through March, 2002, at best. (Ex. A). There is no allegation that Mundy and Petrovich committed predicate acts after March, 2002 or until the complaint was filed and served in April, 2003. (Ex. A). Even taking the plaintiff's allegations as true, they go no further than describing past criminal acts by Mundy and Petrovich with finite goals, which were completed. The plaintiff's allegations, taken at their face value, if proved, would establish, at most, that there was a "discrete and relatively short-lived scheme" to defraud the plaintiff, which is insufficient to establish a claim of open-continuity. *Cofacredit, S.A. v. Windsor Plumbing Supply Co. Inc.*, 187 F.3d at 244. The plaintiff has not sufficiently alleged that the past alleged wrongdoing on the part of Mundy and Petrovich in representing Ms. Shipilina in her divorce and immigration matters now implies a threat of continued criminal activity. *De Falco v. Bernas*, 244 F.3d at 323.<sup>21</sup>

Certainly recognizing that there is no sufficient continuing threat by Mundy and Petrovich alleged, plaintiff's opposition, instead, again relies upon acts committed by other defendants and alleges that the Russian mafia will continue to commit predicate acts upon him and other American targets in the future. (Hollander 82-2, 83-2). Plaintiff further suggests that because Mundy and Petrovich are members of this Russian mafia, the requirement of

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<sup>21</sup>Although the plaintiff's opposition highlights that Mundy continues to represent Ms. Shipilina merely in connection with regular immigration matters, there is no allegation at all that such representation threatens continued criminal activity. (Hollander 83-2).

open-ended continuity has been satisfied as it pertains to them. (Hollander 83-1). Again, the plaintiff improperly relies upon the acts of other defendants in this context to establish the requirement of open-ended continuity despite the fact that he is unable to show any connection between Mundy, Petrovich and the other defendants and despite the fact that he cannot show that Mundy and Petrovich are part of this purported enterprise, as discussed below. To therefore assert that he has satisfied the prong of open-ended continuity based upon acts allegedly committed by other defendants, where plaintiff admittedly cannot allege a connection between Mundy, Petrovich and these other defendants, is insufficient.

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Thus, without sufficiently alleging closed-ended or open-ended continuity, the plaintiff has failed to plead a "pattern" of racketeering activity, and, thus plaintiff's RICO claims must fail as a matter of law.

#### D. Plaintiff's Complaint Fails to Adequately Allege The Existence of a RICO Enterprise

As detailed fully in the defendants' initial Memorandum of Law, a RICO plaintiff must plead each defendant's participation in the "operation or management" of an "enterprise" as those terms are defined by the statute. *Dietrich v. Bauer*, 76 F. Supp.2d 312, 347 (S.D.N.Y. 1999). This is not disputed by plaintiff. (Hollander pp. 97-104).

Failed to RDH

A RICO enterprise is a "group of persons associated together for a common purpose or engaging in a common course of conduct...[It is] proved by evidence of an ongoing organization, formal or informal, and by any evidence that the various associates function as a continuing unit." *United States v. Turkette*, 452 U.S. 576, 583, 101 S.Ct. 2524, 2528 (1981).

Falsely prove since complaint doesn't prove

See also *Kashekar v. Rubin & Rothman*, 97 F. Supp.2d at 391; *First Nationwide Bank v. Gelt Funding Corp.* 820 F. Supp., 89 (S.D.N.Y. 1993). Plaintiff acknowledges that this standard must be satisfied to allege an enterprise. (Hollander 99-1).

Failed to RDH

The purported enterprise alleged by plaintiff is the Russian mafia, which is identified as the "Russian Mafiosi in the media and by law enforcement agencies; the targets of the...FBI unit on Russian organized crime; various Russian, Chechen, American, Cypriot and Mexican gangsters along with those of other nationalities; assorted Chechen Islamic terrorists; and the more than thirty Russian gangs now operating in the U.S, most notably New York, Miami, San Francisco, Los Angeles and Denver..." (Hollander 2-4, 82-2, 83-1, 98-2, pp.26-31). Mundy and Petrovich are alleged by plaintiff to be some of the members of the Russian mafia. (Hollander 27-2, 28-2, 83-1, 98-2).

The plaintiff spends various paragraphs in his preliminary statement, five pages in his statement of facts and over seven pages in section E of the argument section of his opposition using every trick imaginable to obscure the case law cited above and one simple concept, namely that his complaint has not alleged an enterprise within the meaning of the statute as defined by this Circuit, and, more importantly, that Mundy and Petrovich are part of this purported enterprise. (Hollander pp. 26-31, 97-104). One trick utilized by plaintiff is his request that the Court simply "take judicial notice of the Russian mafia" from various news sources to demonstrate that he has adequately pled the existence of an enterprise and that Mundy and Petrovich are part of it, despite the fact that the law in this Circuit certainly demands much more. (Hollander 6-2, 27-1). Another trick employed by the plaintiff is his assertion that the existence of an enterprise and its members does not have to be sufficiently alleged at this pleading stage, but, rather, at the end of the discovery phase. (Hollander 27-1). As much as the plaintiff would like to use discovery, at the expense of over sixty defendants all over the world, as a fishing expedition to ascertain whether the enterprise, as he has alleged it, even exists, and who its members are, the cases interpreting the RICO statute requires more.

method to prove  
existence of enterprise  
alleged on brief  
under Fed R/C

Taking a step back from the nearly three hundred pages of documents that the plaintiff has set before this Court (consisting of plaintiff's complaint, declaration with exhibits and memorandum of law in opposition), it becomes clear that the plaintiff's failure to properly plead the existence of an enterprise, and that Mundy and Petrovich are part of it, is perhaps the most deficient part of his complaint.

Regardless of the plethora of cases and creative arguments set forth by plaintiff in his opposition, he still cannot change the fact that a reading of the complaint makes clear that the entire foundation and configuration of the alleged enterprise centers around Ms. Shipilina and the people she purportedly encountered and places to which she purportedly traveled. Based upon the tracking of Ms. Shipilina's purported dealings and travels, the plaintiff alleges that the Russian mafia exists and these sixty-three domestic and foreign persons and entities are members of this enterprise.<sup>22</sup> In fact, plaintiff admits that Ms. Shipilina is the only link: "[a]ll the RICO defendants do have some connection with Enterprise movant Shipilina because she's the thread that weaves through this section of the Russian mafia..." (Hollander 9-2). Even Mundy and Petrovich's association with Ms. Shipilina is tenuous as they have only been alleged to have represented her in the divorce/annulment proceedings commenced by the plaintiff and in isolated immigration matters.

<sup>22</sup>This same argument was elaborated upon in the defendants' initial motion papers. The plaintiff has been unable to discredit this argument. Although the plaintiff suggests that this is not true, he cannot offer any valid argument in support. In particular, the plaintiff states: "The Enterprise movant also try to discredit the existence of the Russian mafia by claiming 'the configuration of the alleged [E]nterprise centers around Ms. Shipilina and the people she purportedly encountered and places to which she purportedly traveled.' (Memorandum p 7-2). The Russian mafia does not center around Shipilina although the defendants in this case do have connections to her. Enterprise movant Shipilina is a mid-level manager and asset of the Russian mafia, who works with, works for, cooperates with or directs other members of the criminal enterprise. When I walked into the cross hairs of the Russian mob...Shipilina was the one dispatched by defendant Perlin to sucker me into unknowingly helping the mob infiltrate another of its members into the U.S.," (Hollander 28-1). Although plaintiff states that the enterprise does not center around her, he cannot adequately state why not, and, in fact, appears to admit unintentionally that it does center around her.

However, there is still absolutely no other connection offered by plaintiff among any of the defendants comprising this purported enterprise, or at least between Mundy, Petrovich and the other defendants, other than that they have had some form of contact with Ms. Shipilina. The plaintiff has been provided with an opportunity to show a connection, but still has not done so. In fact, the plaintiff's opposition explicitly admits that he knows of no other connection between the defendants other than the fact they have some connection with Ms. Shipilina. In the plaintiff's own words: "The Enterprise movant object, 'there is absolutely no connection offered by plaintiff among any of the defendants comprising the purported enterprise'...The Enterprise movant Kuba, Mundy and Petrovich claim their only connection with the defendants in this case is with Enterprise movant Shipilina...I don't know that and neither does this Court because there has been no discovery." (Hollander 29-1 emphasis added).<sup>23</sup>

What we are left, with when taking a step back, is not an enterprise, at least not one that includes Mundy and Petrovich. The complaint has failed to allege any sensible, logical, or coherent explanation as to how Mundy and Petrovich are joined to all these other defendants together as a group of the Russian mafia to perpetrate the acts and frauds alleged in the complaint. Indeed, there can be no such explanation, because no "association" exists. The complaint clearly fails to allege any sufficient facts revealing a continuous structure of the enterprise, interrelationship of alleged actions or coordinated roles played by the members of the purported enterprise which include Mundy and Petrovich. There is no other connection among Mundy and Petrovich and the other defendants, other than that Mundy and Petrovich represented Ms. Shipilina in isolated matters. Conclusory allegations that Mundy and

<sup>23</sup>Even though plaintiff has not pled any connection between Mundy, Petrovich and any of the defendants, other than Ms. Shipilina, and admits to be unaware of any such connection, the plaintiff later attempts to divert this Court's attention away from this defect by painting the defendants' emphasis of this defect as "absurd" and providing an analogy which is unconvincing. (Hollander 30-1).

Petrovich and disparate parties are associated in fact by virtue of their involvement with Ms. Shipilina are insufficient to sustain a RICO claim, absent specific allegations as to how the members were associated together in an enterprise. *First Nationwide Bank v. Gelf Funding Corp.*, 820 F. Supp. at 98. Thus, the plaintiff's allegations do not plead as a matter of law an enterprise known as the Russian mafia, and certainly do not sufficiently allege that Mundy and Petrovich are a part of it.<sup>24</sup>

To deal with the fact that plaintiff has neither sufficiently alleged an enterprise or that Mundy and Petrovich are members, the plaintiff makes the most ridiculous argument yet. He states that "[g]iven the notoriety of the Russian mafia, the Court could actually take judicial notice of its existence. Whether the defendants are members of it is another matter, which must await discovery, for the Complaint only does what it is suppose to: allege they are members..." (Hollander 99-3).

This is flawed in so many ways. First, the law cited in the defendants' initial Memorandum of Law and below reveals that plaintiff must sufficiently allege the existence of an enterprise, including its members, at this pleading stage, not at some later time as plaintiff suggests. Plaintiff is not entitled to conduct discovery to discover facts that would establish a RICO enterprise. *Black Radio Network, Inc. v. NYNEX Corp.*, 44 F. Supp.2d 565, 580 (S.D.N.Y. 1999) (citing *Giannacopoulos v. Credit Suisse*, 965 F. Supp. 549, 552-53 (S.D.N.Y. 1997)). Moreover, the parade of horrible would be endless, if not devastating, if this illogical

<sup>24</sup>Besides the fact that the plaintiff has not sufficiently alleged the existence of an enterprise and its members under New York law, a common sense approach also dictates that plaintiff's allegations are highly deficient. In other words, all that has been alleged is that Mundy and Petrovich came into contact with and represented Ms. Shipilina, an alleged member of the enterprise, in isolated matters. If no further connection is required to be alleged among the defendants, by plaintiff's reasoning, anyone can be deemed to be a member of this enterprise and susceptible to a RICO claim merely by coming into contact with Ms. Shipilina, at least at this stage of the action. Outside the context of this matter, by plaintiff's reasoning, any person or attorney who comes into contact with or represents someone alleged to be affiliated with organized crime could also then be named as a member of the RICO enterprise if that person is a member of the enterprise, even if no association to the enterprise exists other than that they came into contact with or performed legal work for an alleged member on an occasion.



reasoning by plaintiff was the law. Under the plaintiff's theory, any person or entity alleged to be part of the "Mafia" (which the Court would take judicial notice of as constituting an enterprise) would be susceptible to a RICO claim simply because they are alleged to be part of this group, and these alleged members could not succeed on a motion to dismiss (even if they had no involvement in the "mafia" and their involvement was not shown other than the conclusion that they were a member) because discovery would be the correct forum to determine whether they are or are not a member. This is preposterous. To show how ridiculous this argument really is, this Court, under plaintiff's reasoning, could be deemed to be a member of the Russian mafia in this RICO claim if it has had some association with Ms. Shipilina since judicial notice could be taken of the Russian mafia's existence as an enterprise, and a determination as to whether this Court was a member would have to await the conclusion of discovery.

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given RICO also alleged.*

Thus, even if this Court does take judicial notice that the Russian mafia presently exists and that it constitutes an enterprise, there still must be a sufficient showing that the defendants plaintiff has named, like Mundy and Petrovich, are actually members of the enterprise. The allegations that they are connected to Ms. Shipilina, whereby they merely represented her in a divorce proceeding and certain immigration matters, remains insufficient as a matter of law.

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Lastly, it is clear that the plaintiff has not sufficiently alleged the existence of an enterprise under another line of cases recognized by the United States Supreme Court and this Court. "It is firmly established that, to state a claim under RICO, a Plaintiff must allege and prove the existence of an enterprise which is 'separate and distinct from the alleged pattern of racketeering activity.'" *Goldfine v. Sichenzia*, 118 F. Supp.2d at 400 (quoting *Black Radio Network, Inc. v. NYNEX Corp.*, 44 F. Supp.2d 565, 580 S.D.N.Y. 1999). In *Goldfine*, since the

alleged enterprise would not have existed but for the alleged pattern of racketeering activity, the RICO claims were dismissed against the defendants. *Id.*

The United State Supreme Court held in *United States v. Turkette*, 452 U.S. at 583, 101 S.Ct. at 2524 that the "enterprise" is not the 'pattern of racketeering activity'; it is an entity separate and apart from the pattern of activity in which it engages."

In *Black Radio Network, Inc. v. NYNEX Corp.*, the RICO claims were dismissed because the plaintiff did not allege an enterprise separate and apart from its pattern of racketeering activity. The Court found that even assuming that the defendants were part of a continuing enterprise, it was part of that enterprise only by virtue of the alleged racketeering activity. Therefore, plaintiff had not alleged an ascertainable structure distinct from that inherent in the alleged pattern of racketeering activity, and the alleged enterprise including the defendants would not have existed were the predicate acts removed from the equation.

*Black Radio Network, Inc. v. NYNEX Corp.*, 44 F. Supp. at 581.

Despite plaintiff's best efforts to prove otherwise, each of these cases cited above are still valid law and have never been overturned. (Hollander pp. 100-101). In fact, many other Courts including Courts in this Circuit have agreed and followed their reasoning. See *Brewer v. Village of Old Field*, 2004 WL 691715 (E.D.N.Y. 2004) (to survive a Rule 12(b)(6) motion in a civil RICO case, the plaintiff must allege the existence of an enterprise which is separate and distinct from the alleged pattern of racketeering activity); *G-I Holdings Inc. v. Baron & Budd*, 238 F. Supp.2d 521 (2002) (plaintiff adequately alleged an enterprise that was sufficiently distinct from defendant's law firm to support claim alleging racketeering activity); *Anatian v. Coutts Bank Switzerland Ltd*, 193 F.3d 85 (2d. Cir. 1999) (affirm the District Court's ruling that the enterprise must be sufficiently distinct from the pattern of racketeering activity); *Mark v. J.I. Racing Inc.*, 1997 WL 403179 \*4 (E.D.N.Y. 1997) (the enterprise must have some

sort of existence independent of the commission of the predicate acts); *Department of Economic Development v. Arthur Andersen & Co.*, 924 F. Supp. 449 (S.D.N.Y. 1996) (must allege a distinct person and enterprise to state a RICO claim).<sup>25</sup>

In light of the cases cited above, plaintiff's RICO claims further fail since the plaintiff has not plead an enterprise which would exist as a continuous structure, separate and distinct from the alleged pattern of racketeering activity. To the contrary, plaintiff's allegations reveal that the defendants are only part of the purported enterprise by virtue of the alleged racketeering activity. The plaintiff has not alleged that the this purported segment of the Russian mafia would still exist if the predicate acts alleged were removed from the equation. The plaintiff's attempt, with nothing more than conclusions and gigantic inferences, to claim that the Russian mafia, or at least this segment, would exist separate from the predicate acts alleged by running strip clubs is unpersuasive, unfounded, speculative and simply insufficient. (Hollander 103-2).

#### E. Plaintiff Lacks Standing to Assert a RICO Claim

Plaintiff acknowledges that he must satisfy three requirements to have standing to assert a RICO violation: (i) violation of section 1962; (ii) injury to business or property; and (iii) causation of the injury by the violation. *First Nationwide Bank v. Gelt Funding Corp.*, 27 F.3d

<sup>25</sup> Plaintiff's opposition most heavily relies upon *Pavlov v. Bank of New York Co., Inc.*, 25 Fed. App. 70, 2002 WL 63576 (2d Cir. 2002) for the proposition that the Second Circuit disagreed with the line of cases cited above. (Hollander p. 100). Plaintiff's opposition is misplaced. First, all of the cases cited above by the defendants are still valid law despite plaintiff's efforts to mislead the Court into believing they are not. Further, there are cases, which are cited above, that came down during the same year as *Pavlov* and after *Pavlov* which held differently than *Pavlov*. Nonetheless, even if this Court ignored all the cases cited above by the defendants and adopted *Pavlov*, the plaintiff's allegation that an enterprise exists would still be deficient. In other words, the plaintiff cites to *Pavlov* for the contention that "The enterprise need not necessarily have a continuity extending beyond the performance of the pattern of racketeering acts alleged, or a structural hierarchy, so long as it is in fact an enterprise defined in the statute." (Hollander 100-1 emphasis added). The *Pavlov* Court may not have required distinctness of the enterprise and racketeering activity in that context, but that conclusion was based upon the assumption that the enterprise satisfied the definition contemplated by the statute. As fully detailed above, plaintiff has not satisfied the statute and sufficiently alleged the existence of an enterprise among the defendants. Therefore, if the facts of this matter were presented to the Court in *Pavlov*, that Court may have reached a different conclusion.

763, 767 (2d Cir. 1994) *cert denied* 513 U.S. 1079 (1995); *Hecht v. Commerce Clearing House, Inc.*, 897 F.2d 21, 23 (2d Cir. 1990). Plaintiff further acknowledges that this third requirement is satisfied if his injuries are both factually and proximately caused by the alleged RICO violation. *Holmes v. Securities Investor Protection Corp.*, 503 U.S. 258, 268, 112 S.Ct. 1311, 1316-1318 (1992); *Lerner v. Fleet Bank, N.A.*, 318 F.3d 113 (2d Cir. 2003). (Hollander 105-2).

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While the term proximate cause is utilized, the Second Circuit has held that liability under statutes such as RICO does not "depend on whether there is proximate causation as that term is used at common law." *Abrahams v. Young & Rubicam Inc.*, 79 F.3d 234, 237 (2d Cir. 1996). The *Abrahams* Court went on to state that with statutory claims, the issue is one of statutory intent: "was the plaintiff...in the category the statute meant to protect, and was the harm that occurred...the 'mischief' the statute sought to avoid." *Id* at 237. Despite plaintiff's attempts to portray otherwise, this law is still valid in this Circuit. Two years later *In re American Express Co. S'holders Litig. v. Robinson*, 39 F.3d 395, 400 (2d Cir. 1994), the Court determined that to have standing, the plaintiff must show that he was "the intended target" of the RICO violation, and that any alleged RICO injury must have been the "preconceived purpose" of the RICO activities. Again, despite plaintiff's attempts to distinguish this case and its holding as an antiquated concept, this case and the law contained therein is still valid in this Circuit.

Stop Pre Lerner

The plaintiff's assertion that this Circuit has moved away from the body of law embraced by the defendants is inaccurate and disingenuous since those cases are still valid later and many Courts in this Circuit have held consistently since then. (Hollander 106-1). In fact, this very Court in *Bona v. Barasch*, 2003 WL 1395932 \*24 (S.D.N.Y. 2003) cited to *In re American Express Co. S'holders Litig. v. Robinson* for the proposition that the plaintiff did

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not have standing because injury to shareholders was neither the "preconceived purpose" nor the "specifically intended consequence" of a scheme to discredit an American Express competitor. *Bona v. Barasch*, 2003 WL 1395932 \*24. This Court also cited to *Hecht v. Commerce Clearing House Ins.*, 897 F.2d 21, 23-24 (2d Cir. 1990) for the proposition that there was no proximate cause because the plaintiff was not "the target of the racketeering activity." *Bona v. Barasch*, 2003 WL 1395932 \*24.

In *G-I Holdings v. Baron & Budd*, 238 F. Supp. at 548, the Court held that while the term proximate cause is used, the Second Circuit has made clear that liability under the RICO statute does not depend on whether there is proximate causation as that term is defined in common law. Rather, the question is whether the plaintiff was in the category the statute meant to protect and whether the harm that occurred was the mischief the statute sought to avoid. Thus, the Court held that to have standing the plaintiff must show that he was the intended target of the RICO violation and that any RICO injury must have been the preconceived purpose of the RICO activities. *Id.* See also *Information Resources, Inc. v. The Dun & Bradstreet Corp.*, 260 F. Supp.2d 659 (S.D.N.Y. 2003) (plaintiff must show that he is within the class the statute sought to protect and that the harm done was one that the statute wants to prevent; with statutory claims, the issue is one of statutory intent: was the plaintiff in the category the statute meant to protect and was the harm that occurred the mischief the statute sought to avoid); *Giro v. Banco Espanol De Credito*, 208 F.3d 203, 2000 WL 287694 (2d Cir. 2000) (plaintiff must show that he is within the class the statute sought to protect and the harm done was one the statute sought to prevent); *BCCI Holdings (Luxembourg) Societe Anonyme v. Pharon*, 43 F. Supp.2d 359 (S.D.N.Y. 1999) (plaintiff must show that he was the intended target of the RICO violations and that any injury was the preconceived purpose of the RICO activities); *Laborers Local 17 Health & Benefit Fund v. Phillip Morris, Inc.*, 191 F.3d

229, 236 (2d Cir. 1999) (the zone of interest test is an inquiry into whether the plaintiff is within the class of persons sought to benefit by the provision at issue).

The plaintiff does not have standing to allege RICO against the defendants under this line of cases. Plaintiff's allegations do not sufficiently demonstrate that the plaintiff, or people like plaintiff in this situation, were within the class of people that the RICO statute meant to protect. Further, the harm claimed by plaintiff here was not the mischief the statute intended to protect. In fact, the injuries claimed by plaintiff would be better dealt with by governmental agencies like the FBI, INS or District Attorneys' office in the event they occurred. The injuries claimed by plaintiff here were not the preconceived purpose nor the specifically intended consequence of the scheme to carry out the predicate acts and RICO activity alleged. Most telling is the plaintiff's inability to explain how a reasonable person could conclude that the sixty-three named defendants, located throughout the world, are engaged in a RICO enterprise with the preconceived purpose of intentionally targeting him in order to injure his business or property.

Knowing that the law cited above is still valid and severely detrimental to his RICO claim as applied to the facts of this matter, plaintiff spends two pages discussing *Lerner v. Fleet Bank*, 318 F.3d 113 and suggests that *Lerner* demonstrates that the Court has moved away from the holdings of *Abrahams* and *In re American Express Co. S'holder Litig.*, discussed above. (Hollander pp. 106-107). However, *Lerner* does not overrule these cases or the other cases cited above, which came after them. Further, despite plaintiff's suggestions to the contrary, *Lerner* did not indicate that common law principles for determining proximate cause seems favored, and this Circuit is moving away from the zone-of-interest test detailed above. (Hollander 106-1, 107-1). Rather, the *Lerner* Court suggested that in light of the complexity of applying the zone-of-interest test to the RICO statute, it appeared wiser and

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more prudent to resolve that case on grounds of proximate causation, and, therefore, they limited their discussion to that concept. Since the action was dismissable for lack of standing under the lesser proximate cause standard, the Court indicated that they would not "delve deeply into the implications" of the zone-of-interest test to determine standing in the RICO context. *Id.* at 121-122. In fact, plaintiff acknowledges that "[t]he Lerner court, however, took a circuitous route to get here and, to a degree, left its options open for defining proximate causation." (Hollander 106-1).<sup>26</sup>

Nonetheless, even if this Court adopts *Lerner* and a more relaxed proximate cause standard, the plaintiff still has no standing to allege his RICO claim because he has not adequately alleged that he was injured "by reason of" the RICO predicate acts. *Bona v. Barasch*, 2003 WL 1395932 \*24. The Court in *Baisch v. Gallina*, 346 F.3d 366 discussed *Lerner's* two-part test for proximate causation. Even when applying this *Lerner* two-part test, the plaintiff still does not have standing to assert this RICO claim.

"First, the plaintiff's injury must have been 'proximately caused by a pattern of racketeering activity violating [18 U.S.C. § 1962 or by individual RICO predicate acts.'" *Baisch v. Gallina*, 346 F.3d at 373 (quoting *Lerner v. Fleet Bank*, 318 F.3d at 122-23). The *Baisch* Court clarified this to mean that "plaintiff does not have standing if he suffered an injury that was indirectly (and hence not proximately) caused by the racketeering activity or RICO predicate acts, even though the injury was proximately caused by some non-RICO violations committed by the defendants." *Baisch v. Gallina*, 346 F.3d at 373. In *Lerner*, the

<sup>26</sup>In fact, in *Baisch v. Gallina*, 346 F.3d 366, 372 (2d Cir. 2003) the Court discussed the *Lerner* case. The *Baisch* Court confirmed the interpretation above. Namely, "In *Lerner*, we concluded that 'if the standing issue may be resolved on proximate cause grounds, the question whether the plaintiff must also satisfy the standing requirements of the underlying statutes whose violations constitute the predicate acts...need not be reached.'" *Id.* Thus, *Lerner* did not indicate that the Court was moving from the zone of interest test as plaintiff suggests. Rather, he merely indicated that they would not address that higher, more complex, standard if the case could resolve under the lesser proximate cause standard.

plaintiff's injuries were proximately caused not by the racketeering activity itself, but by the defendant's violation of the state reporting requirements, which were not RICO predicate acts...Thus plaintiff therein lacked standing. *Id.*

In applying this first part of the *Lerner* test, the Court in *Bona v. Barasch* referenced three policy reasons for RICO's directness requirement outlined in the Supreme Court Case of *Holmes v. Securities Investor Protection Corp.*, 503 U.S. 258, 112 S.Ct. 1311, 117 L.E.2d 532. First, the less direct an injury is, the more difficult it becomes to ascertain the amount of a plaintiff's damages attributable to the violations as distinct from other independent factors. Second, recognizing claims for the indirectly injured would force Courts to adopt complicated rules apportioning damages among plaintiff's removed at different levels of injury from the violative acts to obviate the risks of multiple recoveries. Third, the need to grapple with these problem is simply unjustified by the general interest in deterring injurious conduct since the directly injured victims can generally be counted on to vindicate the law as private attorneys general, without any of the problems attendant upon suits by plaintiffs injured more remotely. *Bona v. Barasch*, 2003 WL 1395932 \*24 (citing *Holmes v. Securities Investor Protection Corp.*, 503 U.S. at 269).

Thus, a plaintiff, who complained of harm flowing merely from the misfortunes visited upon a third person by the defendant's acts, was generally said to stand at too remote a distance to recover. *Bona v. Barasch*, 2003 WL 1395932 \*24; *Commercial Cleaning Services, L.L.C. v. Colin*, 271 F.3d 374, 381 (2d. Cir. 2001).

With these legal considerations in mind, the plaintiff here has not demonstrated that his purported injuries were proximately/directly caused by a pattern of racketeering activity violating section 1962 or by individual predicate acts on the part of Mundy and Petrovich and or any other defendants. If plaintiff sustained any injuries to his business or property, which

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is denied, they were caused by his own acts, or at worst, by Ms. Shipilina and her infidelities, which is not a RICO predicate act. Alternatively, they were caused by other non-predicate state law violations. Despite plaintiff conclusions that his injuries were direct, unfortunately for plaintiff, the facts detailed *infra* reveal otherwise, and his conclusions are not enough. (Hollander 108-1).

"Second, the plaintiff must have suffered a direct injury that was foreseeable: Central to the notion of proximate cause [under RICO] is the idea that a person is not liable to all those who may have been injured by his conduct, but only those with respect to whom his acts were a substantial factor in the sequence of responsible causation, and whose injury was reasonably foreseeable or anticipated as a natural consequence." *Baisch v. Gallina*, 346 F.3d at 374 (quoting *Lerner v. Fleet Bank*, 318 F.3d at 123). Elaborating on the second prong, "Lerner notes that 'the reasonably foreseeable victims of a RICO violation are the targets, competitors and intended victims of the racketeering activity.'" *Id* (quoting *Lerner v. Fleet Bank*, 318 F.3d at 124). The connection between the alleged RICO violation here and the injury to the plaintiff's business and property alleged to have been caused by Mundy and Petrovich is too attenuated to satisfy this prong of the proximate cause requirement. The alleged acts by Mundy, Petrovich or the other defendants cannot be deemed to have been a substantial cause of the injuries alleged, and, further, plaintiff's claimed injuries here were certainly not reasonably foreseeable or anticipated as a natural consequence. The plaintiff is not a reasonably foreseeable victim of the RICO violation because he is not a target, competitor or intended victim of the racketeering activity.

**F. Plaintiff Has Failed to Plead Conspiracy to Violate RICO within 18 U.S.C. §1962(d)**

As plaintiff acknowledges, a claim under 18 U.S.C. §1962(d) requires that the defendants conspire to commit a substantive RICO violation under 18 U.S.C. §1962(a)(b)(c).

To state a claim under 18 U.S.C. §1962(d), plaintiff must adequately allege that the defendants agreed to form and associate themselves with a RICO enterprise and agreed to commit two predicate acts in furtherance of a pattern of racketeering activity in connection with that enterprise. *Cofacredit, S.A. v. Windsor Plumbing Supply Co. Inc.*, 187 F.3d 229, 244 (2d Cir. 1999).<sup>27</sup>

In any event, this Court has been clear that "[i]n order to allege a conspiracy under §1962(d), the plaintiff must assert that 'each defendant by words or actions manifested an agreement to commit two predicate acts in furtherance of the common purpose of a RICO enterprise. *United States Fire Ins. Co. v. United Limousine Service Inc.*, 303 F. Supp.2d 432 (S.D.N.Y. 2004) (quoting *Colony at Holbrook, Inc. v. Strata Inc.*, 928 F. Supp. 1224, 1238 (E.D.N.Y. 1996)).<sup>28</sup>

However, a conspiracy claim under 18 U.S.C. §1962(d) will not survive if the complaint contains nothing more than "conclusory statements" of a conspiracy. *Morin v. Trupin*, 747 F. Supp. 1051, 1067 (S.D.N.Y. 1990) Case law is unequivocal that "[b]are allegations of 'conspiracy'...are insufficient to support of a civil RICO claim". *Id.* at 1067 (quoting *Crunwald v. Bornfreund*, 668 F. Supp. 128, 133 (E.D.N.Y. 1987)). "Indeed, even a 'mere [allegation of an] agreement to commit the predicate acts is not sufficient to support a charge of conspiracy under §1962(d)." *Morin v. Trupin*, 747 F. Supp. at 1067 (quoting *Seville Indus. Machinery*

<sup>27</sup> Plaintiff's opposition states "[t]he Enterprise movants' implication that a necessary element of a RICO conspiracy is the [sic] conspirators 'agreed to form' a RICO enterprise makes no sense if a RICO enterprise already exists, such as the Russian Mafia." (Hollander 115-1). Plaintiff cites *Cofacredit, S.A. v. Windsor Plumbing Supply Co. Inc.*, 187 F.3d at 244 for the proposition that the "complaint only needs to allege the existence of an agreement to violate 1962(a), (b) or (c)." (Hollander 115-1). As shown *infra*, however, this statement does make logical sense given that plaintiff has failed to allege that an enterprise exists which includes Mundy and Petrovich. Plaintiff's entire case is premised upon the inaccurate notion that he has alleged an enterprise.

<sup>28</sup> Plaintiff's opposition fails to address this and instead tries to hold Mundy and Petrovich liable for purported agreements made between others. (Hollander 115-2,3)

*Corp. v. Southmost Machinery Corp.*, 742 F.2d 786, 792 N. 8 (3d Cir. 1984), *cert. denied*, 469 U.S. 1211, 105 S.Ct. 1179 (1985).

Knowing that his conspiracy claim is premised upon nothing but conclusions, the plaintiff again attempts to divert this Court's attention away from such failures by employing various tactics. First, the plaintiff's opposition objects to the word "conclusory" and then defines it, despite the fact that this is the carefully chosen word of many courts in defining allegations that are insufficient. (Hollander 114-1). Next, the plaintiff tries to justify his conclusory allegations by suggesting that such case law is inapplicable since the underlying facts are purportedly within the defendants' knowledge and discovery is necessary to obtain them. (Hollander 114-1). Again, the plaintiff tries to ignore the pleading standard set forth by the courts in favor of a fishing expedition to determine if a conspiracy exists. Then, the plaintiff tries to distinguish *Morin* based upon the fact that the allegations set forth in *Morin* are essentially more bare than the allegations set forth in this action. (Hollander 114-2). However, plaintiff cannot dispute that *Morin* still stands for the proposition cited, and, further many other courts, have held consistently with *Morin*. See *United States Fire Ins. Co. v. United Limousine Service Inc.*, 303 F. Supp.2d 453-54; *Merrill Lynch, Pierce, Fenner & Smith Inc. v. Young*, 1994 WL 88129 \*30 (S.D.N.Y. 1994); *Oak Beverages v. Tomra of Massachusetts, L.L.C.*, 96 F. Supp.2d 336 (S.D.N.Y. 2000); *Kadosh v. TRW, Inc.*, 1994 WL 681763 (S.D.N.Y. 1994). In fact, in *FD Property Holding, Inc. v. US Traffic Corp.*, 206 F. Supp.2d 362 (E.D.N.Y. 2002), the Court held that allegations of a RICO conspiracy should state with specificity what the agreement was, who entered into the agreement, when the agreement commenced, and what actions were taken in furtherance of it.

The plaintiff alleges that Mundy and Petrovich conspired to commit predicate and other acts of white slave trade, importing aliens for immoral purposes, fraud and misuse of visas,

the procurement of nationality unlawfully, witness tampering, mail and wire fraud, bribery and money laundering. (Ex. A, ¶¶489, ¶501, ¶513, ¶705, ¶706, ¶722, ¶723, ¶738, ¶739) (Hollander 115-2). Plaintiff's opposition makes clear the allegations set forth in support of such conspiracy claims are continued in various paragraphs. (Ex. A, ¶¶135-136, ¶228, ¶234, ¶236, ¶243, ¶254, ¶265, ¶275, ¶280, ¶287, ¶293, ¶298, ¶306, ¶316, ¶319, ¶321, ¶326). (Hollander 113-2). Although these allegations are replete with the term "conspired" and the phrase "agreed to," those bald allegations, which are directed towards Mundy and Petrovich, are still insufficient. The plaintiff has failed to adequately plead specifically when or where such purported agreements occurred, with whom they were entered into with, the specific nature of the agreements, what the terms of the agreements to conspire were and what actions were taken in furtherance of it. All that is provided are vague dates of conspiracy to harm plaintiff. Plaintiff has failed to sufficiently allege that Mundy and Petrovich manifested an agreement to commit to commit two predicate acts in furtherance of the common purpose of a RICO enterprise. The plaintiff is under the misguided impression that if he repeats the same speculation and bare conclusions enough times using the words "agreed to," his claim will survive. He is inaccurate.

False  
to  
law  
115-12

False  
to  
law  
115-4

Additionally, there can be no RICO conspiracy without a substantive RICO violation. *NRB Indus., Inc. v. R.A. Taylor & Assocs., Inc.*, 1998 WL 3638 \*3 (S.D.N.Y. Jan. 7, 1998). In other words, if the plaintiff fails to state a claim for violation of §1962(a), (b) or (c), the RICO conspiracy claim must also fail. *Id.* See also *Discon v. NYNEX Corp.*, 93 F.3d at 1064, *rev'd on other grounds*, 525 U.S. 128 (1998). The plaintiff has failed to assert a substantive RICO violation against Mundy and Petrovich, therefore, plaintiff's conspiracy claims against Mundy and Petrovich under 18 U.S.C. §1962(d) must fail. The plaintiff cannot dispute this. (Hollander p.116).

False  
to  
law  
116-2

False  
to  
law  
116-2

Instead, plaintiff cites to *Beck v. Prupis*, 529 U.S. 494, 507, 146 L.E.2d 561, 120 S.Ct. 1608 (2000) for the proposition that "[c]o-conspirators who might not themselves have violated one of the substantive provisions of 1962 can still be sued providing others were alleged to have done so" and that "conspiracy is...a mechanism for subjecting co-conspirators to liability for the tortious acts of one of their members, and a tortious act is a 1962(a), (b), or (c) violation or may even be the commission of one predicate act." (Hollander p. 116).

This statement inaccurately presumes that the plaintiff has sufficiently alleged a substantive RICO violation against the other defendants, and, further, even if he has, that Mundy and Petrovich are "co-conspirators" and conspired with such other persons to violate 1962 (a), (b), or (c) or to commit a predicate act. As detailed *infra* and in the codefendants' motion papers, in addition to failing to sufficiently allege a RICO violation against Mundy and Petrovich, plaintiff has similarly failed to adequately allege a RICO violation against the other defendants. In any event, as demonstrated *infra*, plaintiff has not been able to allege that Mundy and Petrovich are liable for the acts of the other defendants and are "co-conspirators" with them. In fact, plaintiff has admitted that he is unaware of any relationship or connection between Mundy, Petrovich and the other defendants with the exception of Ms. Shipilina. Therefore, plaintiff's attempts to hold Mundy and Petrovich liable for the acts of these others "alleged members" based upon nothing more than plaintiff's conclusion that they are "co-conspirators" must fail.

#### G. There Is No Valid Claim for Aiding and Abetting Rico Violations

Plaintiff has made it clear that he is not alleging a private right of action for aiding and abetting a RICO violation. (Hollander 117-2).

## POINT III

## PLAINTIFF'S PENDANT STATE LAW CLAIMS STILL FAIL AS A MATTER OF LAW

## A. This Court Should Exercise its Discretion and Retain Jurisdiction Over Plaintiff's Pendant State Law Claims

Even if the plaintiff's RICO claims are dismissed, this Court may exercise its discretion and retain jurisdiction over plaintiff's pendent state law claims. See 28 U.S.C. §1367(a)(7), *Perez v. Ortiz*, 849 F.2d 793, 798 (2d Cir. 1988). There are certain factors including judicial economy, convenience, fairness and comity which guides the Court in determining whether to keep the state law claims. See 28 U.S.C. §1367(c), *United Mine Workers of America v. Gibbs*, 383 U.S. 715, 726, 86 S.Ct. 1130, 1139 (1986) (Hollander 119-4). It is respectfully submitted that this Court should exercise its discretion and address the instant state law claims in the interest of judicial and party economy, taking into consideration the plaintiff's abuse of the legal system and history of litigation. This Court should exercise supplemental jurisdiction over plaintiff's pendent state claims so that they too can be dismissed since they are barred by the statute of limitations and are not properly pled.

## B. Plaintiff's Pendant State Law Claims Do Not State a Cause of Action and Are Barred by the Statute of Limitations

## i. Plaintiff's Claim for Intentional Infliction of Emotional Distress Should be Dismissed

The plaintiff's fifth cause of action alleges intentional infliction of emotional distress. (Ex. A, ¶894, ¶895). To state such a claim, the plaintiff must demonstrate (1) extreme and outrageous conduct (2) intent to cause, or disregard of a substantial probability of causing, severe emotional distress, (3) a casual connection between the conduct and injury, and (4) severe emotional distress. *Bender v. City of New York*, 78 F.3d 787, 790 (2d Cir. 1996); *Howell v. New York Post Company, Inc.*, 81 N.Y.2d 115, 121, 612 N.E.2d 699, 702, 596

N.Y.S.2d 350, 353 (1993). Plaintiff concedes that these elements must be satisfied. (Hollander 121-1). The requirements of this standard are very strict, and liability has been found only where the conduct has been "so outrageous in character, and so extreme in degree, as to go beyond all possible bounds of decency, and to be regarded as atrocious, and utterly intolerable in a civilized community." *Dillon v. City of New York*, 261 A.D.2d 34, 41, 704 N.Y.S.2d 1, 7 (1st Dep't 1999). Plaintiff again agrees, and, further, indicates that whether the acts are extreme and outrageous is susceptible to determination as a matter of law. (Hollander 122-2).

Plaintiff summarizes his allegations supporting his intentional infliction of emotional distress claim and provides a comprehensive list. (Ex. A ¶¶137, ¶168, ¶¶171-172, ¶¶175-181, ¶185, ¶216, ¶¶228-230, ¶232, ¶234, ¶¶236-237, ¶¶239-241, ¶243, ¶245, ¶¶257-259, ¶273, ¶¶280-284, ¶¶287-292, ¶¶306-309, ¶¶316-318). (Hollander 120-3, 122-1, 123-2). Among the acts plaintiff claims has caused his alleged emotional distress are slipping drugs into his food (Ex. A ¶137, ¶168, ¶¶171-172, ¶¶175-181, ¶185, ¶216), filing false reports about plaintiff (Ex. A ¶¶228-230, ¶234, ¶¶239-241), threatening plaintiff with death (Ex. A ¶¶236-237), threatening plaintiff with physical harm through telephone calls (Ex. A ¶¶280-284, ¶¶287-292, ¶¶316-318), and using police power to threaten plaintiff with jail (Ex. A ¶¶306-309). (Hollander 122-1).

Plaintiff continues to fail to sufficiently plead every element of a claim for intentional infliction of emotional distress. First, if the Court looks at each allegation, it becomes apparent that plaintiff fails to demonstrate any conduct that is "atrocious, and utterly intolerable in a civilized community," on the part of Mundy and Petrovich, which would qualify as "extreme and outrageous conduct." (Ex. A ¶¶228-230, ¶232, ¶234, ¶¶236, ¶¶240-241, ¶243, ¶245, ¶273, ¶¶280, ¶287, ¶¶306-307, ¶316). At most, plaintiff's allegations show that Mundy and

Petrovich zealously represented Ms. Shipilina in her divorce and certain immigration matters, and sought protection for her against from her former husband. In any event, as far as the allegation that drugs were secretly fed to plaintiff, he does not even attempt to hold Mundy and Petrovich liable, nor does he allege that they are responsible for using police power to threaten plaintiff. Any purported threats are a clear result of plaintiff's hysteria as opposed to Mundy and Petrovich's conduct. For example, plaintiff references ¶240 and indicates that Mundy's February 5, 2001 letter evidences the defendants' intention to threaten and intimidate plaintiff. This letter was attached to Mundy and Petrovich's initial motion papers as Exhibit P. The Court can compare plaintiff's allegation in ¶240 with the letter itself and reach its own conclusion as to whether this demonstrates "extreme and outrageous conduct" on the part of Mundy and Petrovich. This letter is nothing short of amicable. The alleged filing of false reports about plaintiff does not rise to the level of extreme and outrageous conduct, even if it did happen which is denied. The acts plaintiff claims caused his emotional distress do not qualify as extreme and outrageous, at least not at the hand of Mundy and Petrovich. In addition, any attempt by plaintiff to hold Mundy and Petrovich responsible for the alleged "extreme and outrageous conduct" of the other defendants fails given that plaintiff has, admittedly, been unable to show or sufficiently even allege any connection between Mundy, Petrovich and the other defendants.

Second, plaintiff also fails to demonstrate, let alone even allege in the complaint, that Mundy and Petrovich intended to cause severe emotional distress. Plaintiff's statement in his opposition that "[t]he Complaint alleges that the Russian mafia, through its members...Kuba; Mundy; Petrovich...engaged in acts to intentional or recklessly cause the plaintiff emotional distress" is insufficient. (Hollander 121-2). Third, plaintiff has failed to show a casual connection between the conduct of Mundy and Petrovich and plaintiff's purported injuries. If



anything, the correlation alleged, is a connection between Ms. Shipilina's infidelities and plaintiff's distress. Lastly, plaintiff has failed to sufficiently allege emotional distress. Plaintiff's opposition indicates that his "emotional distress is alleged in ¶284, ¶292, ¶905 of his complaint." (Hollander 123-3). Plaintiff's claim of emotional distress continues to be bare and conclusory, with uncorroborated injuries. Insofar as the plaintiff even suggests that he has sustained some form of severe distress or depression it was not caused, intentionally or otherwise, by any conduct on the part of Mundy or Petrovich.

Moreover, plaintiff concedes that a claim for intentional infliction of emotional distress in New York has a one year statute of limitations. N.Y. Civ. Prac. L.&R. 215(3) (McKinney 2003); *Stordeur v. Computer Assocs. Int'l, Inc.*, 995 F. Supp. 94, 98 (E.D.N.Y. 1998); *Brown v. Bronx Cross County Medical Group*, 834 F. Supp 105, 110 (S.D.N.Y. 1993); *Campbell v. Chabot*, 189 A.D.2d 746, 747, 592 N.Y.S.2d 423 (2d Dep't 1993); *Gallagher v. Directors Guild of America, Inc.*, 144 A.D.2d 261, 262, 263, 533 N.Y.S.2d 863, 864 (1st Dep't 1988) (Hollander 123-4).

The time within which an action must be commenced, except as otherwise expressly prescribed, shall be computed from the time the cause of action accrued to the time the claim is interposed." N.Y. Civ. Prac. L. & R. §203(a) (McKinney 2003). The claim "accrues when the wrong is done, regardless of when it was discovered..." *Stordeur v. Computer Associates Int'l, Inc.*, 995 F. Supp. at 98. See also *Britt v. The Legal Aid Society, Inc.*, 95 N.Y.2d 443, 741 N.E.2d 109, 718 N.Y.S.2d 264 (2000). Plaintiff is under the misguided assumption that the claim accrues at the time of his awareness. It does not. (Hollander 124-1,2).

Plaintiff has set forth all allegations in support of intentional infliction of emotional distress claim. (Ex. A ¶137, ¶168, ¶¶171-172, ¶¶175-181, ¶185, ¶216, ¶¶228-230, ¶232, ¶234, ¶¶236-237, ¶¶239-241, ¶243, ¶245, ¶¶257-259, ¶273, ¶¶280-284, ¶¶287-292, ¶¶306-

309, ¶¶316-318). It is apparent that only ¶¶228-229, ¶232, ¶234, ¶¶236, ¶¶240-241, ¶243, ¶245, ¶273, ¶¶280, ¶287, ¶¶306-309 and ¶316 are directed towards Mundy and Petrovich. A review of these allegations reveal that the last possible date that the plaintiff's claim for intentional infliction of emotional distress could have accrued is prior to March, 2002. Paragraphs 228-229, 232, 234, 236 references alleged wrongs during December of 2000 and January of 2001. Paragraphs 240, 241, 243 and 245 reference alleged wrongs in February and March of 2001. Paragraphs 273 and 280 reference alleged wrongs in July 2001 and October of 2001 respectively. Paragraph 287 references an alleged wrong in February of 2002. All of these paragraphs make clear that the last date any wrongs could have accrued was prior to March of 2002.

Paragraphs 306-309 alleges that Mundy and Petrovich agreed to bribe Detective Henning in March of 2001 and that Detective Henning telephoned plaintiff on March 27, 2002 regarding his surrender for arrest.<sup>29</sup> Paragraph 316 references an alleged threatening telephone call in March of 2002 by Madison or Pierre at Mundy and Petrovich's behest. However, these allegations are not sufficient to demonstrate that Mundy or Petrovich inflicted emotional distress upon plaintiff at these time periods. At best, these allegations show that other parties, which the plaintiff has been unable to sufficiently connect to Mundy and Petrovich, may have committed wrongdoing in March, 2002. In fact, plaintiff concedes that the alleged wrongdoing on March 27, 2002 was "the date that movant Henning threatened the plaintiff with arrest and member defendant Madison, a.k.a. Pierre, threatened the plaintiff...(Hollander 125-1). Mundy and Petrovich are not mentioned in this regard in plaintiff's opposition. Plaintiff's emotional distress claim is again wrongfully premised upon holding

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<sup>29</sup>It is unclear whether March of 2001 was the time period that Mundy and Petrovich are alleged to have bribed Detective Henning or whether that is a typographical error which is supposed to read March, 2002. (Ex. A ¶306).

Mundy and Petrovich liable for the alleged wrongs of others where he cannot even show an adequate connection among them. What would be considered extreme and outrageous is if the plaintiff was allowed to extend the statute of limitation period on an intentional tort claim against Mundy and Petrovich, based merely upon the allegation (with nothing more) that some other person performed some act at a later date.

As such, even assuming that the Summons with Notice in the State Court action was actually served upon Mundy and Petrovich, which is vehemently denied, and, further, that the filing and service of that action tolled the statute of limitations as to the intentional infliction of emotional distress claim, the claim is still time barred against Mundy and Petrovich given that the last alleged wrong on their part occurred prior to March 27, 2002,<sup>30</sup> and the state Court action was not commenced within one year of that date.

Plaintiff's opposition references a June, 2003 threatening telephone call (Hollander 123-4). Again, there is no indication that this telephone call was made by or on behalf of Mundy and Petrovich. An allegation, which is not even in the complaint, that some unspecified telephone call was made by some unspecified person cannot extend the statute of limitation period for plaintiff's emotional distress claim against Mundy and Petrovich.

Plaintiff's opposition also lamely attempts to extend the statute of limitations period by referring to two other dates. First, plaintiff tries to argue that the statute of limitation did not expire until April 23, 2002 because "the wrongs earliest possible termination was not until the plaintiff became aware of the unwillingness of movant Henning to go forward with the arrest of the plaintiff." This occurred on April 23, 2002 when the plaintiff's attorney told him that the matter had been referred to the Queen District Attorney for a decision on whether to arrest

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<sup>30</sup>Further, as shown below and in the attached affidavit of Peter Petrovich, the Summons with Notice, even assuming that it was served at Mundy's office, was not properly served upon Petrovich given that his actual place of business was not there. Therefore, plaintiff's emotional distress claim was not tolled on March 27, 2003 against Petrovich.

the plaintiff. (Hollander 124-2). It is entirely unclear what wrong, relative to his emotional distress claim, that plaintiff is even talking about here. However, the statute of limitation accrues when the wrong was done, not when plaintiff became aware of it. Nevertheless, there is no indication that this would extend the statute of limitation period against Mundy and Petrovich.

Second, plaintiff tries to argue that the statute of limitation did not expire until October 11, 2003 because "...even after April 23, 2002, there was continuing uncertainty caused by the threat of the future outrageous act of arresting the plaintiff for exercising his rights that was as effective in causing emotional distress as acts continuously committed. In fact, the plaintiff's uncertainty until October 11, 2003 when he finally learned that he was not going to be arrested after reading movant Henning's affidavit in this action...So, the statute of limitations did not start running until October 11, 2003." (Hollander 124-2). Again, it is unclear what plaintiff is talking about here because there cannot be an accrual of an alleged wrong for something that was not done. Further, a claim accrues when the wrong is done, not when plaintiff becomes aware of something. Additionally, this act which may have been committed by Detective Henning, does not extend the statute of limitations period as to Mundy and Petrovich. As the Court can see, plaintiff will try anything to create the indica that his emotional distress claim is not time barred.

Thus, the plaintiff' failure to commence his claim for intentional infliction of emotional distress within the applicable statute of limitations is yet another basis for dismissal as to his fifth cause of action.

#### **ii. Plaintiff's Claim for Abuse of Process Should be Dismissed**

To state a claim for abuse of process, plaintiff must demonstrate: (1) regularly issued process, either civil or criminal, compelling the performance of forbearance of some

prescribed act; (2) that defendant intended to do harm without excuse or social or economic justification and plaintiff did sustain injury to or an interference with his person or property; and (3) that defendant used the process in a perverted manner and sought some collateral advantage or corresponding detriment lying outside the legitimate ends of the process. *Id.* at 403. See also *Curiano v. Suozzi*, 63 N.Y.2d 113, 116, 469 N.E.2d 1324, 1326, 480 N.Y.S.2d 466, 468 (1984). Plaintiff does not dispute that these are the elements that must be alleged. Where the defendants utilize legal procedure in a manner consonant with the purpose for which the procedure was designed, the cause of action for abuse of process will not stand. See *Raved v. Raved*, 105 A.D.2d 735, 481 N.Y.S.2d 170 (2d Dep't 1984). The plaintiff must allege facts sufficient to establish how this process was diverted from its lawful purpose to withstand a motion to dismiss. *Id.*

The plaintiff's sixth cause of action alleging abuse of process is premised upon the claims found in ¶228, ¶234, ¶¶239-241, ¶¶306-313 as confirmed by plaintiff's opposition. (Hollander 121-1, 126-2). A reading of the plaintiff's allegations in these paragraphs makes absolutely no chronological, or other, sense. To the degree that the allegations can be grasped, it appears that paragraphs 228 and 229 allege that Ms. Shipilina filed a false December 13, 2000 report against plaintiff at the direction of Mundy and Petrovich. Paragraph 234 alleges that Mundy, Petrovich and Ms. Shipilina agreed in December, 2000 or January, 2001 to obtain an order of protection against plaintiff based upon falsehoods. Paragraphs 239 through 241 alleges that on January 31, 2001, Ms. Shipilina actually obtained a temporary order of protection based on false testimony in an ex-parte court proceeding in the Queens Family Court.<sup>31</sup> It is then alleged in paragraphs 306 through 313 that Mundy, Petrovich and

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<sup>31</sup>As a side note, it is perfectly common for an order to protection like this to be issued in an ex-parte proceeding despite plaintiff's attempts to make it appear as though such a proceeding was improper.

Mrs. Shipilina improperly used the order of protection to initiate the criminal process by having Detective Henning threaten plaintiff with arrest for violating the restraining order. (Hollander 126-2,3). Essentially, plaintiff's opposition alleges abuse of process based upon (1) the temporary order of protection issued by the Family Court and (2) a threatened arrest for plaintiff's violation of the protection order. (Hollander 127-1).

Plaintiff still fails to sufficiently plead the elements of a claim for abuse of process against Mundy and Petrovich. At the outset, plaintiff must do more than just plead the elements of survive, abuse of process to motion to dismiss. In addition to merely pleading the elements, there must be some basis of truth to his allegations.

First, the plaintiff has not sufficiently alleged that Mundy or Petrovich intended to do harm without excuse or social or economic justification. Taking a step back once again, the only thing that becomes clear from plaintiff's allegations is that it was necessary for Mrs. Shipilina to obtain an order of protection against him due to his improper conduct and it was necessary for her to seek police protection from his potential violation of the order. Hence, there certainly was social justification for seeking the order and enforcing it.

Moreover, plaintiff still cannot sufficiently allege that process was utilized in a perverted manner to seek some collateral advantage or corresponding detriment lying outside the legitimate ends of the process. Plaintiff cannot sufficiently allege that the process to obtain an order of protection was utilized in a perverted manner given that a court determined that issuing an order of protection was legitimate. There is no allegation that seeking the order of protection was found to be frivolous. Even if the order of protection was found to be unjustified, that still does not mean that process was abused in a perverted manner outside the legitimate ends of the process. *ElGreco Leather Products Co., Inc. v. Show Works, Inc.*, 6523 F. Supp. 1038 (E.D.N.Y. 1985).

In respect to the alleged acts by Detective Henning, plaintiff has not sufficiently alleged that there was any regularly issued process by which threatened plaintiff with arrest for violating the Protective Order, nor is it sufficiently alleged that Detective Henning used process in a perverted manner. There must be some basis of credibility to plaintiff's allegations that Detective Henning acted outside the police process. Was a disciplinary complaint taken against him, was the police department sued, was he reprimanded, was this incident reported to the news, etc. In any event, plaintiff cannot sufficiently allege abuse of process against Mundy and Petrovich by the acts of Detective Henning where no connection has been adequately alleged. Further, plaintiff's conjecture that such procedures were employed for collateral advantage, such as to intimidate plaintiff into lying to the INS, keeping plaintiff quiet about the Russian mafia, ceasing his cooperation with the INS or prevent him from re-opening the Russian defamation case, is speculative at best (Hollander 126-4). In fact, it is entirely unclear and nonsensical that an order of protection (which merely sought to protect Ms. Shipilina from plaintiff) was carried out for the purposes plaintiff now conveniently claims above. It is obvious plaintiff is grasping, albeit unsuccessfully, for any reason he can think of to show that some sort of collateral advantage was sought by the measure of process.

Furthermore, plaintiff acknowledges that a one year statute of limitations governs his abuse of process claim. See *Bittner v. Cummings*, 188 A.D.2d 504, 506, 591 N.Y.S.2d 429, 431 (2d Dep't 1992); *Gallagher v. Directors Guild of America, Inc.*, 144 A.D.2d 261, 533 N.Y.S.2d 863 (1st Dep't 1988); *Hansen v. Petrone*, 124 A.D.2d 782, 508, N.Y.S.2d 500 (2d Dep't 1986). (Hollander 127-2). Plaintiff alleges that the statute of limitations did not expire by the time he filed the instant action on April 18, 2003 because "[s]ince the bogus case against the plaintiff for allegedly violating the temporary order of protection was not closed

until June 19, 2003...the abuse of process wrong did not terminate [sic] until then." (Hollander 127-2).

Despite this statement, the abuse of process claim is still time barred against Mundy and Petrovich. First and foremost, nowhere in the complaint are any of the claims, or dates, that plaintiff now conveniently sets forth in an attempt to extend the statute of limitations, alleged. It is not alleged that the violation of the temporary order of protection case was closed or when it was closed, nor is it alleged how this constitutes abuse of process in light of the elements above. Mundy and Petrovich had no notice of plaintiff's assertions prior to receiving plaintiff's opposition. (Ex. A).

Nevertheless, plaintiff's argument that this claim is not time barred is based only upon the improper assumption that Detective Henning's referral of the plaintiff's violation of the protection order to the District Attorney's office was abuse of process, which it was not as detailed *infra*. In any event, this action was undertaken by Detective Henning, not Mundy or Petrovich. Therefore, the statute of limitations cannot be extended due to Detective Henning's actions unrelated to Mundy and Petrovich.

If anything, the only abuse of process that can even be claimed against Mundy and Petrovich arise out of their efforts to obtain an order of protection. Although this is not abuse of process, such actions were completed by January, 2001.

Lastly, this Court should note that the dates showing that plaintiff's abuse of process claim is time barred as argued above are the defendants' best guesses at what the plaintiff is actually alleging in connection with his abuse of process claim and the corresponding dates. In other words, the plaintiff has made clear in his opposition that ¶228, ¶234, ¶¶239-241, ¶¶306-313 are the only allegations set forth in support of his abuse of process claims. A reading of these paragraphs, however, is confusing and the dates make no logical sense. In



any event, a literal reading of these paragraphs indicates that the very latest date that Mundy and Petrovich specifically are alleged to have committed any wrongful acts in support of the plaintiff's abuse of process claim is March 27, 2002. (Ex. A ¶308). Any alleged wrongdoing on the part of the codefendants cannot be attributable to Mundy and Petrovich as discussed extensively above. This action alleging abuse of process was not commenced within the one year time period.

### iii. Plaintiff's Claim for Malicious Prosecution Should be Dismissed

The elements necessary to maintain a cause of action for malicious prosecution are (1) the defendant either initiated or continued a prior judicial proceeding against the plaintiff; (2) the prior proceeding terminated in plaintiff's favor; (3) there was no probable cause for the prior judicial proceeding; (4) the prior judicial proceeding was instituted with malice; and (5) the plaintiff suffered a special injury of interference with his person or property as a result of this proceeding). *Hornstein v. Wolf*, 109 A.D.2d 129, 132, 491 N.Y.S.2d 183, 186 (2d Dep't 1985), *aff'd* 67 N.Y.2d 721, 499 N.Y.S.2d 938, 490 N.E.2d 857; *Engel v. CBS, Inc.*, 93 N.Y.2d 195, 711 N.E.2d 626, 689 N.Y.S.2d 411(1999).

Additionally, an essential element of a claim for malicious prosecution is that the proceeding was terminated in favor of the accused. This requirement is satisfied only when the case has been tried on the merits and the outcome was a finding of innocence. *Martin v. Adler*, 135 Misc. 2d 383, 515 N.Y.S.2d 400 (Rockland County Ct. 1987). In *Martin*, because the charges were dropped for neglect to prosecute, the merits were never reached. Since there was an absence of an affirmative finding of innocence, the cause of action for malicious prosecution was dismissed. *Id.* The New York Court of Appeals held similarly in *Hollender v. Trumpf VII Coop*, 58 N.Y.2d 420 (1983). A malicious prosecution claim was dismissed where the person bringing the action did not show that the matter terminated in his

favor. The Court stated "only when [the] final disposition is such as to indicate innocence that this burden is met." *Id* (citations omitted). Thus, where dismissal on the merits was never reached, the absence of an affirmative finding of innocence on the merits forecloses a cause of action sounding in malicious prosecution. *Sokol v. Sofokles*, 136 A.D.2d 535, 523 N.Y.S.2d 155 (2d Dep't 1988); *Davis v. State of New York*, 124 A.D.2d 420, 507 N.Y.S.2d 520 (3d Dep't 1986). See also *Reinhart v. Jakubowski*, 139 A.D.2d 765, 657 N.Y.S.2d 802(3d Dep't 1997) (disposition terminates favorably to accused when the final disposition of the proceedings involves the merits and indicates the accused's innocence); *Nadeau v. La Poiné*, 272 A.D.2d 769, 707 N.Y.S.2d 704 (3rd Dept. ) (adjournment in contemplation of dismissal bars recovery for malicious prosecution as it is not a determination of guilt or innocence)

The plaintiff's seventh cause of action alleging malicious prosecution is premised upon the claims found in ¶228, ¶234, ¶239, ¶¶306-310 as confirmed by plaintiff's opposition. (Hollander 121-1, 128-1, 129-1). These are the same allegations set forth in support of plaintiff's abuse of process cause of action cited above. Thus, plaintiff's malicious of prosecution is based upon the fact that (1) Mundy, Petrovich and Ms. Shipilina initiated a Family Court proceeding in Queens County seeking an order of protection (Ex. A ¶228, ¶234, ¶239) and (2) Mundy and Petrovich with the assistance of Detective Henning used that injunction to have the District Attorney open a case against plaintiff and to threaten him with an arrest (Ex. A ¶¶306-310).

The plaintiff's malicious prosecution claim is deficient in every respect. The Family Court proceeding allegedly initiated in Queens County at the behest of Mundy and Petrovich was not terminated in plaintiff's favor. A dismissal on the merits was never reached, and the absence of an affirmative finding of innocence on the merits forecloses a cause of action sounding in malicious prosecution. Plaintiff concedes that a finding on the merits was never

reached. (Hollander 128-2). Second, there is absolutely no sufficient allegation that there was no probable cause for the commencement of an application for a protection other than plaintiff's generic allegation that procuring such protection was based upon falsehoods.<sup>32</sup> (Hollander 129-1). Third, similarly has been no sufficient allegation of malice on the part of Mundy and Petrovich, notwithstanding plaintiff's conclusory allegations of such. (Hollander 129-1, 2). Conclusory allegations of malice are insufficient to form the factual basis for such an allegation. See *Hornstein v. Wolf*, 109 A.D.2d at 132, 491 N.Y.S.2d at 186.

Further, the violation of the protection order by plaintiff, which was investigated by Detective Henning and then referred to the District Attorney, also does not constitute malicious prosecution, at least not against Mundy and Petrovich.<sup>33</sup>

It is absurd that plaintiff is trying to hold Mundy and Petrovich liable for an investigation that was undertaken by the police department and District Attorney. The plaintiff can offer no explanation how Mundy and Petrovich influenced the police and District Attorney. What is clear is that these two officers saw it necessary to investigate plaintiff's action for violating a protection order.

In any event, the investigations by the Police Department and the District Attorney's office do not constitute an initiation of a judicial proceeding against the plaintiff. Most telling, is plaintiff's inability to cite any law for such a proposition. (Hollander pp. 127-130). Because

---

<sup>32</sup>Knowing that he has not pled lack of probable cause for the commencement of such proceedings, plaintiff states that since Ms. Shipilina obtained the order of protection based upon falsehoods, lack of probable cause should be inferred. (Hollander 129-1). This is insufficient.

<sup>33</sup>As a side note, plaintiff must do more than simply make any allegation to properly plead his causes of action for malicious prosecution and abuse of process. In other words, plaintiff makes this second argument that Detective Henning abused process and maliciously prosecuted him because he was investigated, threatened with arrest and this matter was referred to the District Attorney for violating the order. However, there has been no showing or finding of police wrongdoing (other than plaintiff's self-serving allegations), no investigation by the police department into Detective Henning, no new reports of misconduct on this incident, etc. Plaintiff's attempt to assert far fetched allegations merely to satisfy the elements of abuse of process and malicious prosecution claims is insufficient.

no proceeding was commenced, there was no termination in plaintiff's favor. Nothing was tried on its merits. Moreover, there certainly was probable cause for both the New York police department and District Attorney's office to investigate plaintiff's behavior and violation of the order of protection. If there was no such probable cause, the plaintiff cannot explain why the District Attorney's office investigated for as long as they did. In fact, plaintiff's opposition does not even allege that the police and District Attorney had no probable cause to investigate him for violating the protection order. Rather, plaintiff asserts that the "bribing or rewarding Henning for instituting proceedings to arrest the plaintiff also infers lack of probable cause." (Hollander 129-1).

Lastly, plaintiff has not sufficiently alleged any malice. Plaintiff's contention that a case was opened up by both the police department and District Attorney to "force plaintiff to lie to the INS in order to protect the Russian mafia's Scheme...prevent the plaintiff from exposing some of the mafia's activities, stop his cooperation with the INS in Moscow and avoid reopening of the Krasnodar criminal case" is not only speculative at best, but nonsensical. (Hollander 129-2). Plaintiff is essentially arguing that the entire New York Police Department (or at least the supervisors of Detective Henning) and the District Attorneys' office are part of the Russian mafia or are working at the behest of the Russia mafia. Plaintiff has shown no malice on the part of the Detective Henning and the District Attorney in investigating the violation of the protection order.

Additionally, plaintiff concedes that his claim for malicious prosecution is governed by a one year statute of limitations period. N.Y. Civ. Prac. L.&R. § 215(3); *Preston v. New York*, 223 F. Supp.2d 452, 468 (S.D.N.Y. 2002); *Hansen v. Petrone*, 124 A.D.2d at 782, 508 N.Y.S.2d at 500. (Hollander 130-1). The claim begins to run when the action terminates in plaintiff's favor. See *Dudick v. Guyas*, 277 A.D.2d 686, 716 N.Y.S.2d 407 (3d Dep't. 2000).

Plaintiff claims that Mundy, Petrovich and Shipilina "abandoned and failed to prosecute the temporary of protection when they did not appear at a court hearing, which caused dismissal of the petition. (Complaint 311)." (Hollander 128-2). Paragraph 311 in the complaint indicates that the "temporary order of protection has been dismissed nine months earlier in July 2001." (Ex. A ¶311). Therefore, assuming that the dismissal or abandonment can even be construed as a termination in favor of plaintiff (which is against the case law cited above), the statute of limitations began to run in July, 2001. Plaintiff's attempt to extend the statute of limitations running date to June 19, 2002, which represents the date that the District Attorney and Detective Henning purportedly determined that there had been no violation of the protection order, is inadequate as this claim pertains to Mundy and Petrovich. In addition, it makes no sense how their decision not to prosecute plaintiff in June, 2002 can extend the running of the statute of limitations.

Lastly, looking at this claim realistically, it is clear that the tort of malicious prosecution, like abuse of process, was not meant to redress the alleged wrongs plaintiff is claiming here. Malicious prosecution and abuse of process were not designed to allow a plaintiff to seek a remedy against a private law firm for seeking an order of protection for its client arising out of harassment by her ex-husband. Further, these torts were not designed to allow plaintiff to seek a remedy against a private law firm for reporting to a police officer, which in turn reported the matter to the District Attorney, that an ex-husband was violating an order of protection.

Even citing the definition of such torts as set forth by plaintiff it becomes clear that seeking an order of protection and police assistance for a potential violation of that order does not fit within the definition: (1) Abuse of Process: "the misuse or perversion of regularly issued court process for an improper collateral purpose not justified by the nature of the action" (Hollander 125-2; (2) Malicious Prosecution: "one that is begun in malice, without probable

cause to believe it can succeed, and which finally ends in failure." (Hollander 127-2). This Courts needs to look no further than these definitions to see that plaintiff's allegations do not a state a claim for such torts.

**iv. Plaintiff's Claim for Prima Facie Tort is Withdrawn**

Plaintiff's sixth and seventh causes of action alternatively alleging a claim for prima facie tort have been withdrawn by plaintiff. (Hollander 130-3).

**POINT IV**

**PLAINTIFF'S COMPLAINT FAILS TO CONTAIN A SHORT  
AND PLAIN STATEMENT OF THE CLAIMS SHOWING  
THAT THE PLEADER IS ENTITLED TO RELIEF AND  
THEREFORE SHOULD BE DISMISSED AS A MATTER OF LAW**

It is respectfully submitted that the plaintiff's complaint should also be dismissed pursuant to Fed. R. Civ. P. §8(a)(2). Courts have not hesitated to dismiss actions under Fed. R. Civ. P. §8(a)(2) where a complaint sets forth "a meandering, disorganized, prolix narrative" that defy comprehension or was "so verbose, confused and redundant" that its true substance, if any, is well disguised." *Brown v. Califano*, 75 F.R.D. at 499. *See also Prezzi v. Schelter*, 469 F.2d 691, 692 (2d Cir. 1972), *cert. denied*, 411 U.S. 935, 93 S.Ct. 911 (1973) *Karlinsky v. New York Racing Ass'n Inc.*, 310 F. Supp. 937, 939 (S.D.N.Y. 1970).

Plaintiff's ninety-one page, nine hundred and fifteen paragraph, complaint is a prime example of a pleading which fails to comport with Fed. R. Civ. P. §8(a)(2). It is meandering prolix narrative which defies comprehension. It is of no moment that the defendants were able to work through plaintiff's extensive meandering complaint and file a sixty-six page motion to dismiss. (Hollander 131-1).

Further, plaintiff attempts to paint a picture of a plaintiff who has merely instituted a few lawsuits. (Hollander 131-3). This Court only needs to read the statement of facts above to

realize that this is untrue. The reality is that the plaintiff has commenced an onslaught of litigation and applications for investigation all arising out of the plaintiff's marriage and divorce to Ms. Shipilina, including an annulment proceeding, a divorce action, a motion to set aside the settlement of the divorce, two petitions to the New York County Court for orders of protection, an action for emotional distress in the New York County Court, a defamation case in Russia, a disciplinary complaint and the instant RICO action. The plaintiff has also petitioned the FBI, INS, District Attorney, this Court and other governmental agencies for orders of protection and applications for investigation. All of the allegations in these actions and investigations overlap in some manner. In addition, plaintiff has noticed his intention to commence a class action lawsuit (as he references the website [www.been-scammed.com](http://www.been-scammed.com) to search for a class of persons), in addition to whatever creative lawsuits he ponders next. (Hollander 136-2)

Lastly, it is submitted that the plaintiff has already been given the opportunity to plead his claims on the merits. To allow the plaintiff to amend his pleading and force the defendants as well as the Court to respond once again would be a needless waste of party and judicial resources and cause great prejudice to such parties. Accordingly, plaintiff should not be allowed to amend his complaint. It is respectfully requested that the instant complaint be dismissed with prejudice pursuant to Fed. R. Civ. P. § 8(a)(2).

#### POINT V

#### DEFENDANTS ARE ENTITLED TO INJUNCTIVE RELIEF

It is well established in this circuit that a defendant may seek to enjoin a party who has a history of litigation entailing vexation, harassment and needless expense to other parties and who poses an unnecessary burden on the courts and their supporting personnel. *Becker v. Dunkin Donuts of America, Inc.*, 665 F. Supp 211 (S.D.N.Y. 1987) (*citations omitted*)

(quoting *In re Martin-Trigona v. Lavien*, 737 F.2d 1254, 1262 (2d Cir. 1984). Although plaintiff has tried to distinguish the facts in *Becker* from the present matter, he cannot deny that this Court has discretion to enjoin a party in this regard.

Although plaintiff has tried to distinguish the facts in *Lipin v. National Union Fire Ins. Co. of Pittsburgh, P.A.*, 202 F. Supp.2d 126 (S.D.N.Y. 2002), he cannot deny that the Court will consider various factors in determining whether to restrict a litigant's future access to the Court including: (1) the litigant's history of litigation and whether it entailed vexatious, harassing or duplicative lawsuits; (2) the litigant's motive in pursuing the litigation, e.g. whether the litigant has an objective good faith expectation of prevailing; (3) whether the litigant is represented by counsel; (4) whether the litigant has caused needless expense to other parties or has posed an unnecessary burden on the court and their personnel; and (5) whether other sanctions would be adequate to protect the court and other parties. *Id.*

An application of these factors to the facts of this action demands that nothing short of injunctive relief will subvert the plaintiff's continuing course of harassment. The plaintiff's history of abusive, harassing and duplicative lawsuits and applications is apparent. Plaintiff has commenced an annulment proceeding, a divorce action, a motion to set aside the settlement of the divorce, two petitions to the New York County Court for orders of protection, a disciplinary complaint, an action for emotional distress in the New York County Court, a defamation case in Russia, a disciplinary complaint, the instant RICO action and various petitions to the FBI, INS, District Attorney, this Court and other governmental agencies for protection and to investigate certain acts. In the context of these actions, plaintiff has engaged in abusive litigation tactics as evidenced by the exhibits submitted in support of this motion. In addition, plaintiff has noticed his intention to commence a class action lawsuit. (Hollander 136-2). It is certainly logical to presume that plaintiff will not stop there.



Plaintiff's motive in pursuing all of this litigation arises out of his marriage and divorce from Ms. Shipilina and his efforts to punish her and those who have assisted her. The fact that the disciplinary committee, courts and governmental agencies have all found his applications to be without merit best evidences his lack of an objective good faith expectation for prevailing. In addition, the fact that Ms. Shipilina found it necessary to file criminal complaints and seek orders of protection demonstrates plaintiff's harassment outside the litigation context. The exhibits submitted herewith demonstrate the lengths plaintiff will go to control and harass. Lastly, the plaintiff is not represented by counsel and has caused needless expense to over sixty-three defendants across the world as well as to the Court.

#### POINT VI

##### **PLAINTIFF HAS NOT PROPERLY SERVED PETROVICH AND THEREFORE THIS COURT HAS NO JURISDICTION OVER PETROVICH**

In the event this Court finds that the plaintiff has stated a cause of action against Mundy and Petrovich, the plaintiff's claims against Petrovich still cannot stand, because this Court does not have jurisdiction over him. The plaintiff's complaint has never been served upon Petrovich.

The plaintiff's opposition confirms that he attempted to served Petrovich only at his "actual place of business" and with a follow-up mailing at his "actual place of business" pursuant to N.Y. Civ. Prac. L. & R. §308(2). (Hollander pp. 137-139).

The plaintiff served the complaint upon Petrovich at the office of Kuba, Mundy & Associates located at 321 Broadway, New York, New York 10007. (Hollander 137-1, 138-1, Hollander Declaration Ex. D). As the attached affidavit of Petrovich details, however, Petrovich does not maintain his place of business at the office of Kuba, Mundy & Associates located at 321 Broadway, New York, New York 10007, nor has Petrovich ever maintained his

place of business at such an address. Petrovich is not an employee of Kuba, Mundy & Associates, but rather, has merely served as a translator for the law firm on occasion.

Further, Petrovich has not been "ducking service" as plaintiff's opposition suggests. (Hollander 138-2). Rather, it appears that plaintiff has now been trying to serve Petrovich at a location where he does not reside. Plaintiff has never requested Petrovich's correct address from counsel and it is disingenuous for plaintiff to assert that his efforts to "personally serve Petrovich have been thwarted." (Hollander 138-2).

Accordingly, since the plaintiff's complaint has never been served upon Petrovich properly, Petrovich respectfully requests that this action be dismissed since this Court has no jurisdiction of the person of Petrovich.

#### CONCLUSION

For the foregoing reasons, it is respectfully submitted that this Court issue an Order dismissing the plaintiff's complaint in its entirety with prejudice, granting an injunction prohibiting plaintiff from filing any further related claims, and for such other and further relief as this Court may deem just and proper.

Dated: New York, New York  
May 13, 2004

McManus, Collura & Richter, P.C.

By: 

Bradley E. Dubin (BD0217)

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(212) 425-3100

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

ROY DEN HOLLANDER,	:	
	:	Docket No.
Plaintiff,	:	CV-03-2717 (MBM)
- against -	:	
FLASH DANCERS TOPLESS CLUB, et al.,	:	<b>REPLY</b>
	:	<b><u>DECLARATION</u></b>
Defendants.	:	

-----X

EDWARD S. RUDOFISKY hereby declares the following to be true  
under the penalty of perjury:

1. I am a member of the firm of Zane and Rudofsky, co-counsel (together with Charles F. Axelrod, Esq.) for the defendants named in the above referenced action as "Flash Dancers Topless Club,"<sup>1</sup> "Jay-Jay Cabaret, Inc.," "Lynn Lepofsky, CEO Jay-Jay Cabaret, Inc.," "Barry-Night Manager Flash Dancers," and "Flash Dancers Managers 1 to 5" (collectively referred to herein as "FlashDancers Defendants"); am fully

---

<sup>1</sup> As set forth at note 1 to my declaration dated September 19, 2003 ("FlashDancers Declaration"), previously submitted herein, "Flash Dancers Topless Club" is not a legal entity and has no capacity to sue or be sued. "FlashDancers" is the tradename under which defendant Jay-Jay Cabaret, Inc. conducts business at premises 1674 Broadway, New York, New York. It is also a federally registered service mark owned by defendant Jay-Jay Cabaret, Inc.

familiar with the matters set forth herein; and submit this Reply Declaration in regard to the motion on behalf of defendants Kuba, Mundy & Associates, Nicholas J. Mundy and Peter Petrovich (collectively referred herein as "Mundy/Petrovich Defendants") dismissing this action pursuant to Rules 8(a)(2), 9(b) and 12(b)(6) of the Federal Rules of Civil Procedure ("F.R.Civ.P.).

2. The FlashDancers Defendants have previously joined in the motion of the Mundy/Petrovich Defendants, except with regard to matters pertaining solely and exclusively to the Mundy/Petrovich Defendants and not to all defendants generally. The FlashDancers Defendants likewise join in the reply which the Mundy/Petrovich Defendants are anticipated to serve and file herein, and, furthermore, incorporate by reference all generally applicable legal arguments made or hereafter made by any of other co-defendants in support of dismissal of the Complaint pursuant to F.R.Civ.P. 8(a), 9(b) and/or 12(b)(6).<sup>2</sup>

3. The plaintiffs' opposition to the Mundy/Petrovich motion consists of a 147 page memorandum of law and a book of exhibits.

*False to Memo*

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<sup>2</sup> Also as previously explained, the FlashDancers Defendants have no independent knowledge of the factual matters asserted in the motion of the Mundy/Petrovich Defendants, or those which may be asserted in the reply to be filed by those

defendants or any other defendant. Accordingly, it would be inappropriate under F.R.Civ.P. 11 for the FlashDancers Defendants to join in those particular assertions.

4. Plaintiff addresses his claims against the FlashDancers Defendants at pp. 139-142 of his memorandum of law.

5. Plaintiff devotes nearly his entire presentation to supporting the proposition that the enumeration, in ¶ 3 of the FlashDancers Declaration, of plaintiff's allegations against the FlashDancers Defendants is incomplete. (Pl. Mem. Law pp. 139-142.) In reply, declarant respectfully submits that ¶ 3 of his prior declaration, which is more than four (4) pages long and refers to at least sixty-five (65) different allegations of the Complaint, is more than a fair summary of the plaintiff's allegations against the FlashDancers Defendants, and that the additional twenty-three (23) paragraphs of the Complaint referred to in the opposing memorandum of law are, at best, cumulative and/or otherwise immaterial to testing the sufficiency of the Complaint on this motion pursuant to F.R.Civ.P. 8(a), 9(b) and 12(b)(6).

*Buts full  
incomplete*

*Flash  
to  
Memo  
&  
Law*

6. Plaintiff next complains (Pl. Mem. Law p. 142) that the FlashDancers Defendants' summary of ¶¶ 402 and 408-410 of the

*False  
to*

Complaint is inaccurate. Declarant believes the prior summary of these allegations was completely appropriate and, in any event, the de minimus distinction between declarant's characterization of these

Hemo  
Legal  
def  
de minimus

allegations and the present characterization by plaintiff is immaterial for purposes of the present motion(s).

Legal def  
immaterial

7. Finally, plaintiff urges that RICO liability is "joint and several", citing Fleischauer v. Feltner, 879 F.2d 1290 (6<sup>th</sup> Cir. 1989). This post-trial appellate decision, which is factually inapposite to the case at bar, does not deal with Rule 8(a), 9(b) and 12(b)(6) issues, but rather with a host of issues irrelevant to the case at bar. Moreover, the "joint and several" formulation quoted by plaintiff is taken out of context. Again, the Fleischauer issue was not pleading sufficiency, but rather whether one RICO co-defendant was entitled to a charge to the jury on the issue of contribution by co-defendants. Indeed, when this section of the Fleischauer opinion is cited, it is for the proposition that, "there is no right to contribution under RICO," rather than in response

to pleading sufficiency motions. See, e.g., Dept. of Econ. Develop. v. Arthur Andersen & Co., 747 F.Supp. 922 (S.D.N.Y. 1990) (Stewart, J.).<sup>3</sup>

8. That being said, declarant reiterates the basic thrust of his

<sup>3</sup> Ironically, one of the propositions for which Fleischauer is most often cited is that "courts have uniformly held that injuries such as emotional distress or physical injury are not cognizable under RICO. Shaw v. Rolex Watch U.S.A., Inc., 776 F.Supp. 128 (S.D.N.Y. 1991) (Conner, J.). See, also, Mayes v. Local 106, I.U.O.E., 1999 U.S. Dist. LEXIS 1118 (N.D.N.Y. Feb. 5, 1999) ("Unquantifiable harm ... is not actionable under civil RICO. Nor is personal injury, such as to reputation or for emotional distress, generally considered an injury to business or property that is compensable under RICO.")

earlier declaration, which despite plaintiff's nit-picking over those paragraphs of the Complaint mentioned and those not mentioned in ¶ 3 of the FlashDancers Declaration, is nowhere denied by him:

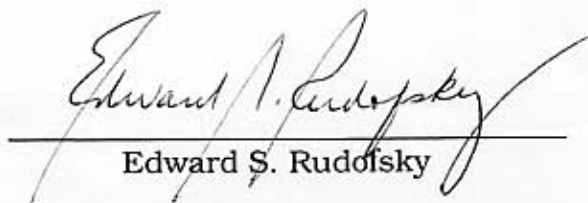
6. Out of the 915 numbered paragraphs of the Complaint, **the only allegations made of alleged culpable conduct involving any of the FlashDancers Defendants and the plaintiff are the allegations that certain "managers" of the "FlashDancers" night club, together with defendant A. Shipilina, arranged for allegedly "threatening" telephone calls to be made to plaintiff.** (Complaint, ¶¶ 281, 288 and 317.) [Emphasis added.]

*False  
to  
complaint*

9. As well established in the motion of the Mundy/Petrovich defendants, this is simply not the stuff of which a Civil RICO case can be made.

WHEREFORE, declarant urges the Court to dismiss this action as against the FlashDancers Defendants, with costs.

Executed under the penalty of  
perjury at New York, New York  
on the 14<sup>th</sup> day of May, 2004.

  
Edward S. Rudofsky



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Roy Den Hollander,

Plaintiff,

--against--

Flash Dancers Topless Club, et  
al.,

Defendants.

03 CV 2717 (MBM)

DEFENDANT DR. PAULSON'S  
REPLY IN FURTHER SUPPORT  
OF MOTION TO DISMISS

Return date: January 30,  
2004

PRELIMINARY STATEMENT

Defendant Dr. Marc Paulsen, by his attorney Nelson M. Stern, respectfully submits this Reply in further support of the motion to dismiss the complaint with prejudice. Plaintiff has named sixty-three defendants in a ninety-one page complaint and hopes that by sheer volume he will avoid being dismissed. Taken as a whole, the defendants' motion papers dissect the claims and illustrate their deficiencies.<sup>1</sup>

As it relates to defendant Paulsen, plaintiff's complaint is a vindictive assault in retribution for his refusal to testify at

<sup>1</sup> As instructed by the Court and in an effort to preserve judicial resources, defendants did not submit numerous motions to dismiss and defendant Paulsen joins the motions submitted by the other defendants and incorporates their legal arguments here.

plaintiff's divorce proceeding. The claims are frivolous and lack factual merit even under the liberal pleading rules.<sup>2</sup> Dr. Paulsen asks this Court to dismiss the complaint by applying its inherent authority to maintain the integrity of our judicial system.

ARGUMENT

Defendant Paulsen seeks an Order as follows, none of which were sufficiently opposed by Plaintiff:

1. Dismissing the complaint in its entirety, with prejudice, under FRCP 8(a)(2) for failure to contain a short and plain statement of the claim showing that the plaintiff is entitled to relief, and

2. Dismissing the causes of action as against Dr. Marc Paulsen alleging violations of the Racketeer Influenced and Corrupt Organizations Act ("RICO"), 18 U.S.C. Sec. 1962(a) - (d), for failure to state a claim upon which relief can be granted, FRCP 12(b)(6), and for failure to plead predicate acts with sufficient particularity, FRCP 9(b), and

3. Dismissing the pendent state law claims for failure to

---

<sup>2</sup> The present case might be a result of plaintiff's admitted drug addiction which he alludes to repeatedly in his initial complaint.

*Noted  
11/4 reg  
9(b)  
particularity*

state claims upon which relief can be granted, FRCP 12(b)(6), and

4. Enjoining Plaintiff from filing any further claims against Dr. Marc Paulsen.

Plaintiff's RICO claims against Dr. Paulsen are barred by the applicable four year statute of limitation. Agency Corp. v. Malley-Duff & Assocs., Inc., 483 U.S. 143, 146-7 (1987), Merrill Lynch Ltd. Partnerships Litigation v. Merrill Lynch & Co., Inc., 154 F3d 56, 58 (2d Cir. 1998). In his opposition papers, Plaintiff alleges that defendant Paulsen's conduct constituting RICO violations occurred in October 1998. Plaintiff's Opposition Memorandum of Law, page 143. Plaintiff filed the summons in this case on April 18, 2003, more than four years later. Plaintiff's claims against Dr. Paulsen are barred by the statute of limitation.

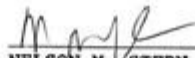
*Filed to Court  
#376,  
378, 379  
380, 711-73*

Plaintiff named Dr. Paulsen as a defendant as retribution for his refusal to testify for plaintiff in his divorce proceeding. The complaint was an act of vengeance and should not be countenanced by the Court. The Court is urged to use its inherent authority to maintain the integrity of judicial process and not allow this misuse.

*Ad  
Henderson*

Finally, defendant vehemently denies all the allegations of the complaint.

Dated: New York, NY  
January 28, 2004

  
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
ROY DEN HOLLANDER, :

Plaintiff, :

-against- :

FLASH DANCERS TOPLESS CLUB, et al., :

Defendants. :

Index No. 03 Civ. 2717 (MBM)

-----X  
  
MEMORANDUM OF LAW  
IN FURTHER SUPPORT OF MOTION TO DISMISS

CLAUGUS & MITCHELL  
80 Broad Street  
New York, New York 10004

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
ROY DEN HOLLANDER, :

Plaintiff, :

-against- :

FLASH DANCERS TOPLESS CLUB, et al., :

Defendants. :

Index No. 03 Civ. 2717 (MBM)

REPLY MEMORANDUM  
OF LAW IN FURTHER  
SUPPORT OF  
MOTION TO DISMISS

-----X  
This reply memorandum is submitted in further support of the motion by Defendant Bank of Cyprus, Ltd. (the "Bank") to dismiss, with prejudice, Plaintiff's complaint (the "Complaint") pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure ("FRCP") for failure to state a claim upon which relief may be granted and to grant such other relief as the court should deem fitting and proper.

I. PRELIMINARY STATEMENT

Plaintiff has invested tremendous effort in this action. He has produced a complaint nearly one hundred pages in length, comprised of 915 paragraphs and seven counts alleged against over sixty defendants. He has opposed other motions and opposes this motion in papers fifty-four pages in length. Despite his effort and his voluminous output, however, he has failed to establish any link between the Bank and himself or any defendant and he has failed to establish that the Bank played any role in this unfortunate affair. There is no bank account, "Stephanos" has no surname. There has been no business anywhere in the world between the Bank and Plaintiff or his

ex-wife. There is no causal nexus between any activity of the Bank and any injury suffered by Plaintiff. All there is speculation. There has been no investment by the Bank in any "enterprise"; no interest in or control of any "enterprise"; no conduct or direction of any "enterprise"; and no knowing agreement to commit wrongful acts. There is no and can be no cause of action and there should be no more litigation. The Court must dismiss counts one through four as against the Bank with prejudice or, on its own motion, fashion a resolution that will spare all parties - including Plaintiff - any further disruption, turmoil, or expense.

## **II. STATEMENT OF FACTS**

The facts of this case remain as set forth in the Affidavits of Yiannis Kypri, dated June 17, 2004, Athos Hadjimitsis, dated June 17, 2004, and Zaharo Sofianou, dated June 30, 2004, and in the Bank's prior Memorandum of Law (the "Bank Memo"), except to the extent the accompanying Declaration of Alina Shipilina, dated July 21, 2004, reinforces the aforesaid sworn statements that the Bank has never done business with Ms. Shipilina. The only specific associations alleged by Plaintiff between the Bank and any of the defendants is that between Ms. Shipilina and a "Stephanos" and an account she purportedly maintained with the Bank. As her declaration states, Ms. Shipilina is unable to provide either a last name for "Stephanos" or the name of the bank for which he may have worked.<sup>1</sup> Moreover, despite the Bank's clear statement that there is no account bearing the number 54660, Plaintiff has supplied no account statement or any other indication that the account actually exists. Succinctly put, the Bank has had no role in any aspect of this matter.

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<sup>1</sup> See the accompanying declaration of Alina Shipilina dated July 21, 2004

### III. ARGUMENT

#### A. PLAINTIFF'S OPPOSITION RELIES ON SPECULATION AND UNWARRANTED DEDUCTIONS AND FAILS TO ALLEGE ANY FACTS THAT ENTITLE HIM TO RELIEF

A court should grant a motion to dismiss under Rule 12(b)(6) if, after construing the allegations liberally and in a light most favorable to the pleader, it appears beyond doubt that the pleader can prove no set of facts in support of his claim which would entitle him to relief. *Harris v. City of New York, et al.*, 186 F.3d 243, 247 (2<sup>nd</sup> Cir. 1999) (citations omitted). In evaluating the underlying allegations, the court is not required to accept as true "unwarranted deductions." *First Nationwide Bank v. Gelt Funding Corp.*, 27 F.3d 763, 771 (2d Cir. 1994) (citations omitted).

Plaintiff has failed to provide even the most tenuous support for any of his claims against the Bank. His pleading is founded entirely on wild speculations which do not permit any reasoned conclusion or inference. He attempts to slip around this fundamental flaw by arguing that mere notice pleading is required. Plaintiff is correct - as far as he goes. In simple terms, notice pleading is the standard; however, Plaintiff may not rely on speculation and unwarranted deductions and he must, at least, plead the elements of each cause of action. This he has demonstrably failed to do, despite a multitude of speculative claims.

##### 1. Plaintiff Has Failed to Plead Causal Nexus or the Requisite Investment in an Enterprise. His First Cause ("Use of Income from Racketeering Activities") Must Be Dismissed.

Plaintiff's argument that he has pleaded a violation of 18 U.S.C. § 1962(a) is three pronged. First, he argues that a violation of 18 U.S.C. § 1962(a) does not require injury flowing from the investment of racketeering income. Opposition at 18. Next, Plaintiff back peddles and baldly states that "if [, however,] the Court requires a racketeering injury" then the Complaint has

satisfied such requirement. *Id.* at 19. Finally, he asserts that the investment comprising a required element in this cause of action need not be in the "enterprise" in question. These arguments all fail.

**a. Plaintiff Must Allege a Causal Nexus Between the Offending Acts and His Injury.**

To state a claim under Section 1962(a), "a plaintiff must allege injury 'by reason of' defendants' investment of racketeering income in an enterprise." *Ouaknine, et al. v. MacFarlane, et al.*, 897 F.2d 75, 82-83 (2<sup>nd</sup> Cir. 1990) (internal citations omitted); *See R.C.M. Executive Gallery Corp., et al. v. Rols Capital Co., et al.*, 901 F. Supp. 630, 642 (S.D.N.Y. 1995). Plaintiff incorrectly contends that the racketeering investments need not have caused his injury. Opposition at 18. The opposite is true. The failure to plead a causal *nexus* between the injury and the racketeering investment requires dismissal of the claim. *See Dangerfield v. Merrill Lynch, et al.*, No. 02-2561 2003 U.S. Dist. LEXIS 16908 at 25-26 (S.D.N.Y. Sept. 26, 2003); *See also Discon Incorporated v. Nynex Corporation, et al.*, 93 F.3d 1055, 1063 (2<sup>nd</sup> Cir. 1996).

**b. Plaintiff Has Not Pleaded Any Causal Nexus.**

Plaintiff's fallback position – that, if he must plead a causal *nexus* between his injury and the investment of racketeering income, then he has done so, is incorrect. Plaintiff relies on three sections of his Complaint to make this argument. The first section, paragraphs 633-636, provides mere conclusory allegations against the Bank of predicate acts. "[T]he essence of a violation of § 1962(a) is not commission of predicate acts but investment of racketeering income." *Ouaknine*, 897 F.2d at 83. Allegations of predicate acts are insufficient to state a cause of action. *Id.*; *see also, Allen, et al. v. New World Coffee, Inc.*, No. 00-2610, 2001 U.S. Dist. LEXIS 3269 at 22-23 (S.D.N.Y. Mar. 27, 2001).

The second section, paragraphs 874 and 875, speaks to the effect of the Enterprise (as defined in the Complaint) on interstate and foreign commerce and alleges that "[t]he Enterprise member defendants generate funds . . . through numerous predicate acts . . . ."

Plaintiff again refers to predicate acts. He simply has not alleged the essential *nexus* between any investment by the Bank and his injury and, in consequence, he has not stated a cause of action.

Finally, according to Plaintiff, the third section, paragraphs 900 - 908, alleges that Plaintiff has been injured by the Enterprise activities. None of these paragraphs allege that the Bank's investment of racketeering income caused Plaintiff's injury. These paragraphs are baldly conclusory and Plaintiff simply is wrong. He has not stated a cause of action.

**c. Plaintiff Has Not Alleged that the Bank Invested in an Enterprise.**

In stark contrast to his conclusory allegations about his injuries, Plaintiff specifically alleges that the Bank engaged in the alleged acts "to generate revenues for its banking operations." Complaint ¶ 636. On its face, this allegation defeats Plaintiff's cause under Section 1962(a). He has it backwards. Plaintiff has specifically pleaded that the acts attributed to the Bank resulted in an investment in the Bank, not an investment in the enterprise. Accordingly, Plaintiff's first cause of action must be dismissed. See, *R.C.M. Executive Gallery Corp.*, 901 F. Supp. at 642. Neither causal *nexus* nor the requisite investment has been pleaded.

**2. Plaintiff Has Not Pleaded Interest In or Control of an Enterprise. His Second Cause ("Racketeering Activities To Maintain Interest or Control") Must Be Dismissed.**

"The purpose of Section 1962(b) is to prohibit the takeover of a legitimate business through racketeering . . . ." *Goldberg v. Merrill Lynch*, No. 97-8779, 1998 U.S. Dist. LEXIS 1187 at 11 (S.D.N.Y. Feb. 9, 1998). To state a claim under this Section, a plaintiff must allege

that he or she was injured because the defendant acquired or maintained an interest in, or control of, an enterprise through a pattern of racketeering activity. 18 U.S.C. § 1962(b).

Plaintiff argues that he has sufficiently pleaded a violation of Section 1962(b) by alleging that the Bank "operates a money laundering business for the Russian Mafia . . . [and] engages in the predicate acts necessary to launder and hide Russian mafia money . . . in order to maintain its money laundering business in which it has a property interest". Opposition 19-20. The Bank's purpose, according to Plaintiff's own words, is not to maintain an interest in an enterprise, but to maintain an interest in itself; not to generate revenues for the Russian Mafia, nor the Enterprise, but to generate revenues for itself. Complaint ¶ 636. Plaintiff again has it backwards. Plaintiff must allege that the Bank maintained or acquired an interest in or control of the Enterprise. *Solow v. Delit*, No. 90-2273, 1992 U.S. Dist. LEXIS 14234 at 16 (S.D.N.Y. Sept. 21, 1992). He has not and his second cause of action must be dismissed.

**3. Plaintiff's Has Not Pleaded Conduct or Direction of an Enterprise. His Third Cause ("Participation in the Conduct of the Enterprise's Affairs") Must Be Dismissed.**

To state a claim under 18 U.S.C. § 1962(c), a plaintiff must allege that the defendant conducts or directs the enterprise. Mere subordinate or discretionary activity on behalf of the enterprise is insufficient. See *U.S. v. Viola, et al.*, <sup>15</sup> 33 F.3d 37, 41 (2d Cir. 1994) Plaintiff mistakenly relies on the First Circuit's opinion in *United States v. Otero*, 37 F.3d 739, 750 (1<sup>st</sup> Cir. 1994), cert. denied, 513 U.S. 1177, 130 L. Ed. 2d 1116, 115 S. Ct. 1161 (1995), which held that "one may 'take part in' the conduct of an enterprise by knowingly implementing decisions as well as by making them." *Id.* Plaintiff further argues that he has satisfied *Otero*. Opposition 20-21.

The Supreme Court of the United States has set a higher standard than *Otero* and the Second Circuit follows this higher standard. To conduct or to participate directly or indirectly

in the conduct of an enterprise's affairs, "one must participate in the operation or management of the enterprise itself" and play "some part in directing the enterprise's affairs". *Reves v. Ernst & Young*, 507 U.S. 170, 185 and 179, 122 L. Ed. 2d 525, 540 and 536-537, 113 S. Ct. 1163, 1173 and 1170 (1993)). "[T]he simple taking of directions and performance of tasks that are 'necessary and helpful' to the enterprise, without more, is insufficient to bring a defendant within the scope of § 1962(c)". *Viola*, 33 F.3d at 41 (2d Cir. 1994) (citation omitted).

Plaintiff falls back on the argument that the Complaint includes allegations that the Bank exerts control over mob activities by making decisions and exercising broad discretion.

The Complaint makes no such allegations. Complaint ¶ 637. Simple allegations that the Bank exercises "broad discretion" when deciding how to carry out "the laundering and hiding of illegal funds" fail to state the requisite participation in management or control. See *Industrial Bank of*

*Latvia v. Baltic Financial Corp., et al.*, No. 93-9032, 1994 U.S. Dist. LEXIS at 8 (S.D.N.Y. July 27, 1994) (providing "banking services – even with the knowledge of the fraud – is not enough to

state a claim under § 1962(c)"); *Lasalle Nat'l Bank v. Duff & Phelps Credit Rating Co., et al.*, 951

F. Supp. 1071, 1090-1091 (S.D.N.Y. 1996) (knowing assistance in a fraudulent bond rating scheme where the defendant had influence or "substantial persuasive power" in structuring the

bond program did not constitute operation or management of the enterprise); *Redtail Leasing v.*

*Belleza*, No. 95-5191, 1997 U.S. Dist. LEXIS 14821 at 14 (S.D.N.Y. Sept. 30, 1997) ("a

defendant does not 'direct' an enterprise's affairs under § 1962(c) merely by engaging in wrongful conduct that assists the enterprise"). Accordingly, Plaintiff's third cause of action fails to state a cause of action and must be dismissed.

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**4. Plaintiff Has Failed To Plead Knowing Agreement to Participate in a Conspiracy. His Fourth Cause of Action ("Conspiracy") Must Be Dismissed.**

To state a claim under 18 U.S.C. § 1962(d), a plaintiff must plead facts alleging that each defendant "knowingly agreed to participate in the conspiracy". *Colony at Holbrook, Inc. v. Strata G.C., Inc.*, 928 F.Supp 1224, 1238 (E.D.N.Y. 1996); see, *Schmidt v. Fleet Bank*, 16 F.Supp. 2d 340, 354 (S.D.N.Y. 1998). A plaintiff must further allege that "the defendants understood the scope of the enterprise and knowingly agreed to further its affairs". *Connolly v. Havens*, 763 F. Supp. 6, 14 (S.D.N.Y. 1991) (citations omitted).

Plaintiff's allegations that "the Bank agreed to commit the predicate acts . . . with the requisite *mens rea* . . . and such acts furthered the Enterprise's purpose" (Opposition at 21-22), at best, merely parrot the applicable standard. Parroting does not obviate the need to provide specific factual allegations that (1) the Bank consciously agreed to participate in a conspiracy, (2) understood the scope of the enterprise, and (3) knowingly agreed to further the enterprise's affairs. *Connolly*, at 13-14. There must be an informed agreement and there is none. Moreover, because Plaintiff has failed to plead any substantive RICO violation in Counts I through III of the Complaint, there can be no RICO conspiracy. *Schmidt*, at 353. Accordingly, like the other causes, Plaintiff's fourth cause must be dismissed.

**5. Plaintiff Has Failed to Plead Proximate Cause**

Reprising a portion of his attempt to salvage his first count, Plaintiff concludes by arguing that he has alleged a causal relationship between the Bank's acts and his injury. He relies primarily on paragraph 683 of the Complaint. This paragraph speculates that "each predicate act was committed on behalf of every Member of the Enterprise, since each act was committed with knowledge of, or was reasonably foreseeable to each of the Members." Opposition at 23. The aforesaid conclusion is unsupported by any fact whatever. It is simply wild speculation.



Moreover, to plead a RICO violation, a Plaintiff must allege acts which are "a substantial factor in the sequence of responsible causation" and the injury must be "reasonably foreseeable or anticipated as a natural consequence". *Standardbred Owners Ass'n. v. Roosevelt Raceway Assocs.*, 985 F.2d 102, 104 (2d Cir. 1993) (citing *Hecht v. Commerce Clearing House, Inc.*, 897 F.2d 21, 23 (2d Cir. 1990)). Plaintiff's speculations are insufficient. *Casio Computer Co., Ltd. v. Sayo*, No. 98-3772, 2000 WL 1877516 at 19 (S.D.N.Y. Oct. 13, 2000). Counts one through four must be dismissed.

#### **B. PLAINTIFF'S COMPLAINT MUST BE DISMISSED WITH PREJUDICE**

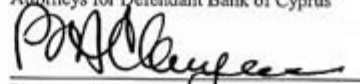
Plaintiff's opposition fails offer any substantive argument as to why his Complaint should not be dismissed with prejudice. Nor could he. There is no bank account. "Stephanos" has no surname and no identified place of employment. The Bank engages in no financial transactions in New York with customers anywhere and there is no connection whatever between the Bank and Plaintiff or his ex-wife. There simply is no cause of action against the Bank and Plaintiff should not be granted leave to amend his Complaint. *Cortec Industries, Inc. v. Sum Holding L.P.*, 949 F.2d 42, 48 (2d Cir. 1991) (failure to plead any fact sufficient to support claims requires dismissal of with prejudice). The unfortunate problem that exists in this case cannot be solved in a court of law. Plaintiff must look elsewhere and the Court should facilitate this effort, to the extent it can, by dismissing Plaintiff's complaint with prejudice. Alternatively, the Court, on its own motion, might fashion appropriate relief for the Bank. It is entirely blameless.

#### **IV. CONCLUSION**

For the foregoing reasons, it is respectfully requested that the motion of Defendant Bank of Cyprus, Ltd., to dismiss the Complaint, with prejudice, and to grant such other relief as the Court should deem fitting and proper, be granted in its entirety.

Dated: New York, New York  
August 27, 2004

Respectfully submitted,  
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**Oral Argument Bank Cyprus Mtn Dismiss**  
(Responds to B/C Reply)

(Refers to page and paragraph number in B/C reply)

**I. Preliminary Statement**

(1-2, 2-1) Bank claims plaintiff failed to “establish” links among defendants and to plaintiff and “establish” Bank played a role. Establish means “to prove,” Blacks Law Dictionary, 8<sup>th</sup> ed. P 586. The function of a complaint is to give notice, not prove. NOW, Inc v. Scheidler, 510 U.S. 249, 256, 127 L.Ed.2d 99, 114 S.Ct. 798 (1994). The bank makes allegations in its memo more appropriate for an answer. The bank’s attorneys invoke a new rule of law that when the attorneys for the defense say there are no ..... the Court must believe them and “[t]he Court must dismiss” the case purely on their say-so. Such a rule would put an end to litigation as we know it with defendants avoiding the consequences of their misdeeds by merely having their attorneys claim that the allegations against them are false.

The defendants can spare the plaintiff their hypocritical compassion and crystal ball analysis that the plaintiff is experiencing “disruption, turmoil and expense.”

The arrogance of the bank’s attorneys has so inflated their self image that now they presume to speak for the plaintiff. The plaintiff speaks for himself.

**II. Statement of Facts**

(2-2) Once again, a motion to dismiss presents a question of law, not of fact. See Bell v. Hood, 327 U.S. 678, 682, 90 L.Ed. 939, 66 S.Ct. 773, 776 (1946). But as another example of the Enterprise movants dissembling the information in papers already presented, Shipilina’s declaration does not indicate she never did any business with the bank.

Can’t the B/C read, the allegations against it are contained in the Complaint 101-103,

456-458, 633-637, 682, 683 and 827-830. The allegations concerning Shipilina's account are allegations against her not the bank, Complaint 450-2, 767. Stephanos is alleged to be either an employee of the bank or some other financial institution in Limassol, Cyprus, Complaint 104. Without the assistance of discovery, pinpointing Stephanos last name and his employer is unlikely; besides, the federal procedure does not require parties to prove their allegations in pleadings. Cater Constr. Co. v. Nischwitz, 111 F.2d 971, 973 (7<sup>th</sup> Cir. 1940); *see* Scheuer v. Rhodes, 416 U.S. 232, 236, 40 L.Ed.2d 90, 94 S.Ct. 1683, 1686 (1974). That's why the federal courts permit using "John Doe," Lowenstein v. Rooney, 401 F.Supp. 952, 960 (EDNY 1975) and pleading "on information and belief," Gitterman v. Vitoulis, 564 F.Supp. 46, 50 (SDNY). The affidavits the bank provided the Court concerning Shipilina's account are extraneous material, but beyond that, they are limited to the Bank of Cyprus Ltd, which is just part of the Bank of Cyprus Group conglomerate that includes mutual funds.

### III. Argument

#### A. Rule 12(b)(6) Standard

(3-1) What's with these guys, they keep using the same tricks over and over. Once again they omit the same crucial part of the standard for determining a 12(b)(6). The only difference is this time they cite a difference case, Harris v. City of NY, 186 F.3d. 243, 247 (2<sup>nd</sup> Cir. 1999). "On a motion to dismiss under Rule 12(b)(6), the court must accept as true the factual allegations in the complaint, and draw all reasonable inferences in favor of the plaintiff." They also omit another statement by that Court in the same paragraph, "[a]ny ... movant for dismissal faces a difficult (though not insurmountable) hurdle...." (Citation omitted).

(3-2) Refer Plaintiff Opp Bank 17-1,2. B/C uses terms attacking the Complaint but doesn't define them or furnish cites that define them, "even the most tenuous support," "wild

speculations.” They apparently have added these to their list of opprobrium descriptors of “insufficient,” “conclusory,” “bare” after the plaintiff showed what the courts really meant by such terms and that they didn’t apply to the Complaint. Re: Plaintiff Opp Bank 13, 14, 15, 22-2

The plaintiff will leave it to the bank to define the meanings of its new terms that it hopes will do what its old terms couldn’t. On one hand the bank admits that pleadings are meant to provide notice, but then accuses the plaintiff of trying slip something over on the Court but stating that rule. How can a party slip something over on the Court, if his statement of a legal rule is correct? Sounds Orwellian to me. The Bank makes a blanket objection that the Complaint “must, at least, plead the elements of each cause of action.” So which elements doesn’t it plead? Why didn’t they move for a more definite statement under Rule 12(e)? Further the banks statement is not fully accurate. There has been some ambiguity among SCt and other federal court decisions as to whether pleading must allege the ultimate facts, or elements, of each cause of action. The Rules eliminated “facts” and “cause of action” from the codes and put in “claim showing that the pleader is entitled to relief.” W&M Civ 1216, p148. Complaint need not plead law or match facts to every element of legal theory, Kreiger v. Fadely, 211 F.3d 134, 136 (D.C. Cir 2000). Complaints need not spell out every element of a legal theory; that’s the big difference between notice and code pleading. Hemenway v. Peabody Coal Co., 159 F.3d 255, 261 (7<sup>th</sup> Cir 1998)(Easterbrook J.)

#### 1. Use of income from racketeering activities 1962(a)

(3-3) Plaintiff does not “back peddle” but argues in the alternative. The bank complains the plaintiff’s alternative argument “baldly” states a disjunctive. The defendants seem much enamored with the word “baldly,” presumably the archaic definition which means “lacking merit.” Webster’s Third New International Dictionary. But how can a disjunctive phrase be

lacking in merit? Perhaps the bank uses “baldly” to mean lacking amplification. But in order to achieve that definition, the bank reengineers the Plaintiff’s Opp Bank p 18-3, p 19-1 by not fully recounting what it states. That way they get to use that favored lawyerly expression “baldly.”

a. Must the injury flow from the investment of racketeering income or from the predicate acts.

(4-2) Refer Plaintiff Opp Bank p 18-3. The bank claims the law requires an allegation of injury flowing from the investment of racketeering income by citing Quaknine v. MacFarlane, 897 F.2d 75, 82-83 (2<sup>nd</sup> Cir 1990). Quaknine dismissed the argument that the Supreme Court in Sedima did not require the injury come from the investment of racketeering income. Quaknine recounted the Supreme “Court stated that ‘[I]f the defendant engages in a pattern of racketeering activity in a manner forbidden by [§ 1962(a-c)], and the racketeering activities injure the plaintiff in his business or property, the plaintiff had a claim under § 1964(c).’” Sedima at 495, 105 S.Ct. at 3284. “That statement is not controlling here, however, for the Court was dealing only with § 1962(c)....” So the question then is what carries more weight, Supreme Court dicta or a holding by the 2<sup>nd</sup> Circuit. I’ll go with S.Ct. dicta. Dangerfield v. Merrill Lynch, 2003 U.S. Dist. Lexis 16908 at \*28, n 2 states that Fourth Cir does not require a claim under 1962(a) to allege a distinct investment injury, *see* Busby v. Crown Supply, Inc., 896 F.2d 833, 836-40 (4<sup>th</sup> Cir. 1990) and the plaintiff might have been able to make a good faith argument for the adoption of the 4<sup>th</sup> Cir standard. [ RCM, 901 F.Supp. 630, 642 (SDNY 1995) rules against injury from using income to invest in operations.]

b. If 1962(a) requires injury from investment then the Complaint alleges so.

(4-3) The bank complains about the plaintiff making reference to predicate acts to reargue what they argued in section (a) above in an effort to muddy the waters of what Plaintiff Opp Bank memorandum says, which is, if the court requires a racketeering investment injury,

then the Complaint alleges such injury. Before there is racketeering income to be invested there has to be predicate acts that generate that income. Can't have racketeering income unless there exists a pattern of racketeering activity; that is, predicate acts. This the bank ignores. Let's try to make it simple for the bank. 1962(a) states, "It shall be unlawful for any person who has received any income derived, directly or indirectly, from a pattern of racketeering activity ... to use or invest, directly or indirectly, any part of such income, or proceeds of such income, in acquisition of any interest in, or the establishment or operation of, any enterprise which is engaged in ... interstate or foreign commerce." The "income" must come from a "pattern of racketeering activity," which is defined by the 18 USC 1961(5) as at least two acts of "racketeering activity." According to 18 USC 1961(1), "racketeering activity" means any number of a list of predicate acts that included those alleged against the Bank of money laundering under 18 USC 1956 and use of international facilities to distribute the proceeds from unlawful Enterprise activities in aid of a racketeering enterprise under 18 U.S.C. 1952. Once the predicate acts are alleged, then the Complaint alleges the bank engages in those predicate acts in order to generate revenues for its banking operations, which affect interstate and foreign commerce, in violation of 18 U.S.C. 1962(a). Complaint 636.

(4-3) The bank repeats in its reply the same objection as in its first memo that the predicate act allegations and use of racketeering income are "mere conclusory." As stated in Plaintiff Opp Bank pp 13-14: But "[w]hether these charges [in the complaint] be called 'allegations of fact' or 'mere conclusions of the pleader,' we hold that they must be taken into account in deciding whether the [plaintiff] is entitled to have its case tried." U.S. v. Employing Plasterer's Ass'n, 347 U.S. 186, 188, 98 L.Ed. 618, 74 S.Ct. 452, 454 (1954). For "the ancient distinction between "facts" and "conclusions" is no longer significant." Oil, Chem. & Atomic

Workers Int'l Union v. Delta Ref. Co., 277 F.2d 694, 697 (6<sup>th</sup> Cir. 1960)(citing U.S. v. Employing Plasterer's Ass'n, 347 U.S. 186, 188). The plaintiff need only give the defendants notice of the claims. *See* Leatherman v. Tarrant County Narcotics Intel. & Coordination Unit, 507 U.S. 163, 168, 122 L.Ed.2d 517, 113 S.Ct. 1160, 1163 (1993). "A complaint that complies with the federal rules of civil procedure cannot be dismissed on the ground that it is conclusory or fails to allege facts. The federal rules require (with irrelevant exceptions) only that the complaint state a claim not that it plead the facts if true would establish ... that the claim was valid." Higgs v. Carver, 286 F.3d 437, 439 (7<sup>th</sup> Cir. 2002)(Posner, J.)(citation omitted). And "what may be insufficient in New York courts need not necessarily be insufficient" in Federal court. Mueller v. Rayon Consultants, 170 F.Supp 555, 558 (S.D.N.Y. 1959). The pleader need only "disclose adequate information as the basis of his claim for relief as distinguished from a bare averment that he wants relief and is entitled to it." Wright & Miller, Fed. Prac. & Proc.: Civ 2d 1216, p 165 (citing October 1955 Report of the Judicial Conference of the United States).

(5-1) The Bank deletes one of the Complaint's paragraphs (881) cited in the Plaintiff Opp Bank p 19 and mischaracterized another (875). The Bank claims 875 deals with the Enterprise's effect on interstate and foreign traffic. They are wrong, it addresses, as does 881, the pattern of racketeering activity. I just don't see how attorneys so full of themselves could miss the boldfaced underlined heading in the Complaint that include these two paragraphs: **XIII. Pattern of Racketeering Activity**. And, once again, under the law, a pattern requires at least two predicate acts. So why does the bank keep complaining about the Complaint referring to predicate acts? Because they will twist the law, the allegations and the plaintiff's memoranda any which way in order to win.



(5-2) The Bank once again deletes a pertinent paragraph in the Complaint when it claims none of the paragraphs 900-907 allege that the Bank's use of racketeering income caused the plaintiff injury. The deleted ¶ 683 states, "[e]ach predicate act was committed on behalf of every Member of the Enterprise, since each act was committed with the knowledge of, or was reasonably foreseeable to, each of the Members." And the Complaint alleges the Bank as a member of the Enterprise at ¶¶ 101-03. Besides ¶¶ 900-907 do not, as the Bank falsely states, allege injury by "Enterprise activities," they allege injury from, among other acts, the use of funds from racketeering activities.

(5-2) The Bank also claims the allegations of injury from investment income are "baldly conclusory"—all this legal lingo must come from too many Perry Mason shows. More seriously, the U.S. Supreme Court held that on a motion to dismiss general factual allegations of injury resulting from defendant's conduct embrace those specific facts necessary to support the claim. NOW v. Scheidler, 510 U.S. 249, 256, 127 L.Ed.2d 99, 114 S.Ct. 798, 803 (citing Lujan v. Defenders of Wildlife, 504 U.S. 555, 561, 119 L.Ed.2d 351, 112 S.Ct. 2130, 2137 (1992)).

c. Investment in an enterprise and what is an enterprise anyway?

(5-3) Income from racketeering activity that is invested in a RICO enterprise or a legitimate enterprise violates 1962(a). See U.S. v. Godoy, 678 F.2d 84, 86-87 (9<sup>th</sup> Cir. 1982), cert. denied, 464 U.S. 959 (1983); U.S. v. McNary, 620 F.2d 621, 628 (7<sup>th</sup> Cir. 1980).

2. 1962(b)

(5-4, 6-1) Despite the cite by the Bank that the purpose of 1962(b) is to prohibit the takeover of legitimate businesses, Professor Lynch found that only a handful of cases under 1962(b) involved defendants infiltrating legitimate businesses. 87 Colum. L. Rev. 661, 726-28 (1987). Also, the Bank failed to state entire requirement of 1962(b) by deleting the phrase

“directly or indirectly.” 1962(b) states, “unlawful for any person through a pattern of racketeering activity ... to acquire or maintain, directly or indirectly, any interest in or control of any enterprise which is engaged in ... interstate or foreign commerce.”

(6-2) Once again the Bank tries to put words in the plaintiff’s mouth by falsely claiming, “The Bank’s purpose, according to Plaintiff’s own words, is not to maintain an interest in an enterprise, but to maintain an interest in itself; not to generate revenues for the Russian mafia ... but to generate revenues for itself. Complaint ¶ 636.” The Bank is deceptively trying to confuse the allegations concerning 1962(a) with 1962(b) in order to claim the defendant Bank is not distinct from the enterprise in which it seeks to maintain an interest under 1962(b). As the plaintiff explained in Plaintiff Opp Bank p 19-2,3, the term “enterprise” can mean the criminal RICO association or another organization. The Bank had mistakenly believed “enterprise” only applied to the RICO association. Contrary to the Bank’s deception, the Complaint actually states at ¶ 636: “Member Bank of Cyprus engages in the predicate acts [of money laundering and using foreign facilities to aid the Russian mafia] in order to generate revenues for its banking operations, which affect interstate and foreign commerce, in violation of 18 U.S.C. 1962(a) ....” Here the money comes from the money laundering and aiding the Russian mafia and flows back into its operations. In addition, “Member Bank of Cyprus engages in the predicate acts [of money laundering and using foreign facilities to aid the Russian mafia] ... to maintain its money laundering business with the Enterprise [the Russian mafia] in violation of 18 U.S.C. 1962(b) ....” Here the Bank engages in money laundering and aiding the Russian mob because if it did not it would lose its interest in the Russian mafia or RICO Enterprise. The Bank’s interest in the RICO Enterprise is the money laundering operations they as part of it. The U.S. Supreme Court adopted a broad definition of the word “interest” as “[t]he most general term that can be

employed to denote a right, claim, title or legal share in something.” Russello v. U.S., 464 U.S. 16, 21, 104 S.Ct. 296, 78 L.Ed.2d 17 (1983)(quoting Black’s Law Dictionary).

### 3. 1962(c)

(6-3, 4) The Bank’s statement that to violate 1962(c) requires “that the defendant conducts or directs the enterprise,” is wrong under the U.S. Supreme Court, wrong in the 2d Circuit and wrong in the 1<sup>st</sup> Circuit. “[T]he phrase ‘directly or indirectly’ [in 1962(c)] makes clear that RICO liability is not limited to those with a formal position in the enterprise...,” Reves at 179, or that only primary responsibility for the enterprise’s affairs is required, but “one must have some part in directing those affairs.” Id. What is needed is that a person participates in the operation or management of the enterprise. Reves at 185. But an enterprise is “operated” not just by upper management but also by lower rung participants who are under the direction of upper management or by others associated with the enterprise. Reves at 184. But the Court did not decide how far down the ladder of operation 1962(c) reaches. Reves at 184, n. 9. An enterprise is also operated or managed by others associated with it who exert control over it. Reves at 184. “One is liable under RICO if he ... has ‘discretionary authority in carrying out the instructions of the principals.’” Baisch v. Gallina, 346 F.3d at 376 (2d Cir. 2003)(citing US v. Diaz, 176 F.3d 52, 93 (2d Cir. 1999)). In addition, a defendant may also take part in the conduct of an enterprise by knowingly implementing decisions as well as making them. US v. Oreto, 37 F.3d 739, 750 (1st Cir. 1994).

(6-3, 4) U.S. v. Viola, 35 F.3d 37, 41 (2d Cir. 1994) to which the Bank gives the wrong cite, perhaps to hide the Bank’s misstatement of the case’s holding, does not hold that “discretionary activity on behalf of the enterprise is insufficient” for a defendant to violate 1962(c). It does hold that where the defendant played no part in the management or control of

the enterprise as defined by Reves but only took directions and performed acts, functions or duties that were necessary or helpful to the operation of the enterprise, that is still not enough for liability under 1962(c). Id. at 40-41. In fact, in the Second Circuit case Napoli v. U.S., 45 F.3d 680, 683 (2d Cir. 1995), defendants were liable under 1962(c) for exercising discretion. The defendants—investigators working pursuant to directions from attorneys in their firm to bribe witnesses and falsify evidence—though not acting in a managerial role exercised **broad discretion in carrying out instructions** from the law firm principals. Not only does the Complaint satisfy Otero, but Reves, Baisch, Viola and Napoli.

(7-2) Once again the Bank misleads the Court about what the plaintiff has said. The Bank claims the plaintiff argues, “that the Bank exerts control over mob activities.” That’s not accurate, Plaintiff Opp Bank states, “the Bank exerts control over **that aspect** of the mob’s activities by making and knowingly implementing decisions in which it exercises broad discretion in carrying out the laundering and hiding of illegal funds.” “That aspect” refers to money laundering operations. The Bank’s intentional dissemblance tries to mislead the Court into believing the plaintiffs claims the bank controls all mob activities. In addition, as to what Plaintiff Opp Bank really states, the Bank further lies by claiming the Complaint makes no such allegation and refers the Court to ¶ 637 but fails to alert the Court to the cites given by the plaintiff, which are ¶¶ 15, 101-03, 456-58, 633-636, 874(b), (d), (j), (k), 881, but not 637. Why must these lawyers lie, prevaricate and dissemble repeatedly?

(7-2) The Bank is not an outside money manager but the conductor of the segment of the Enterprise’s business that launders money. As alleged, the Bank directs those affairs of the Enterprise, but even if that were not alleged, and the Bank considered a lower rung participant of the Enterprise, the Bank’s commission of crimes that advance the Russian mafia’s objectives

must be assessed by a fact-finder to determine whether or not its criminal activity, assessed in the context of all the relevant circumstances, constitutes participation in the operation or management of the Enterprise's affairs. U.S. V Allen, 155 F.3d 35, 42 (2d Cir. 1998)

(7-2) If that's not good enough then and still considering the Bank a lower rung participant them:

"Reves makes it clear that a defendant can act under the direction of superiors in a RICO enterprise and still participate in the operation of the enterprise within the meaning of 1962(c)," Wong, 40 F.3d at 1373;

"[W]e agree with the First Circuit that one may be liable under the operation or management test by 'knowingly implementing decisions, as well as by making them,'" U.S. v. Starret, 55 F.3d 1525, 1548 (11<sup>th</sup> Cir. 1995).

The Bank cites three SDNY cases for the proposition that a RICO defendant who exercises "broad discretion" does not meet the "requisite participation in management and control." None of the cited district court cases deal with "broad discretion."

Industrial Bank Latvia the Bank still doesn't provide the full lexis cite and even deletes the WL cite. The Bank relies on dicta and the only alleged misconduct of Asia Bank was allowing a defendant to maintain an account and receive transfers into that account.

Lasalle Nat'l Bank, 951 F.Supp. 1071, 1090-91, dealt with an outsider to the RICO enterprise.

Redtail Leasing, reiterates that a rung participant must do more than just assist a RICO enterprise.

#### 4. Conspiracy 1962(d)

(8-1) To repeat Plaintiff Opp Bank at p 21: ). “[T]he Second Circuit established that the core requirement of a RICO conspiracy claim is an agreement to commit the predicate act.... [T]he Second Circuit held that a complaint must, at a minimum, specifically plead such an agreement... ‘to commit at least two predicate acts.’” Colony at 1238. So in the Second Circuit, a complaint must allege the defendants concurred, consented, settled upon, assented or agreed to the committing of two predicate acts. It is the agreement to commit predicate acts in furtherance of the common purpose of the RICO enterprise that infers a RICO conspiracy. *See Colony* at 1238. And furthering a RICO’s purpose can be met by merely adopting the goal of advancing or facilitating violations of RICO 1962(a-c). *See Salinas v. U.S.*, 522 U.S. 52, 65, 139 L.Ed.2d 352, 118 S.Ct. 469, 477 (1997). By agreeing to launder and hide money from Russian mafia activities, the Bank, at the very least, advanced and facilitated the Enterprise’s criminal endeavors that include violations of 18 U.S.C. 1962(a-c).

(8-2) The Bank concurs with the above law when it states, “Plaintiff’s allegations that ‘the Bank agreed to commit the predicate acts ... with the requisite mens rea ... and such acts furthered the Enterprise’s purpose’ (Plaintiff Opp Bank at 21-22), at best, merely parrot the applicable standard.” Parrot means to repeat, Webster’s Third New International Dictionary, so the Bank agrees that the standard for 1962(d) conspiracy is agreement to commit predicate acts that further the Enterprise’s purpose.

(8-2) In Connolly v Havens, 763 F.Supp. 6, 14 (SDNY 1991) the Court gave three reasons for rejecting a complaint:

(1) It just repeated the language from the statute’s conspiracy section, which this Complaint does not do, ¶¶ 637, 682, 683, regardless of the Bank’s parroting the Connolly court.

(2) Connolly also stated the complaint before it failed to indicate which two activities constituted the alleged mail fraud predicate acts. Mail fraud pleading requires Rule 9(b) particularity, the predicate acts alleged against the Bank do not because they are financial transactions involving money from illegal Enterprise activities in order to hide the origin and ownership of the funds and avoid U.S. reporting requirements in violation of 18 U.S.C. 1956(a)(1)(B)(i) & (ii); transfers of funds from illegal Enterprise activities in order to hide the origin and ownership of the money and avoid U.S. reporting requirements in violation of 18 U.S.C. 1956(a)(2)(B)(i) & (ii); and use of international facilities to distribute the proceeds from unlawful Enterprise activities constitutes actions in aid of a racketeering enterprise under 18 U.S.C. 1952. (Complaint ¶¶ 15, 101-03, 456-58, 633-35, 874(b), (d), 881)

(3) The Connolly complaint failed to even state that the defendants agreed to commit at least two predicate acts or further the Enterprise's affairs through the commission of various offenses. Not so with the Complaint, which states the Bank agreed to commit the predicates specified in ¶¶ 633-635 in order to further the purpose of the Enterprise. (Complaint ¶ 637)

(8-2) The Bank complains, "There must be an informed agreement and there is none." What the Bank really means, unless it is again foolishly demanding the Complaint provide evidence, that the Complaint allege an agreement, which it does in ¶¶ 637, 682, 683.

(8-2) Co-conspirators who might not themselves have violated one of the substantive provisions of 1962 can still be sued providing others in the Enterprise were alleged to have done so. Beck v. Prupis, 529 U.S. 494, 506-07, 120 S.Ct. 1608, 1617 (2000). Conspiracy is a mechanism for subjecting co-conspirators to liability for the tortious acts of one of their members, and a tortious act is a 1962(a), (b), or (c) violation or may even be the commission of one predicate act. Beck at 506 n. 10. The Complaint alleges numerous violations of 18 USC

1962 and predicate acts committed by the movants in furtherance of the Enterprise's Scheme.  
(Complaint 466-547, 556-559)

#### 5. Proximate Cause

(8-3) The Bank's mendacity is showing again. Contrary to its claim, the Complaint does **not** "primarily rely of ¶ 683" for alleging direct injuries but on it along with ¶¶ 900-907, as Plaintiff Opp Bank states at p 23. In addition, its misguided belief that the Complaint must provided evidence is showing again when it states, "unsupported by any fact whatever." The plaintiff must not be put to the test to prove his allegations at the pleading stage. NOW, Inc v. Scheidler, 510 U.S. 249, 256, 127 L.Ed.2d 99, 114 S.Ct. 798 (1994). "The purpose of a motion to dismiss is not to test the weight of the evidence which might be offered in support of it but to assess the legal feasibility of the complaint." (Citing Geisler v. Petrocelli, 616 F.2d 636, 639 (2d Cir. 1980)). If the allegations of injury are "simply wild speculation," then it will come out in discovery. "[P]leading standard relies on liberal discovery rules and summary judgment motions to define disputed facts and issues and to dispose of unmeritorious claims." Swierkiewicz v. Sorema NA, 534 U.S. 506, 512, 152 L.Ed.2d 1, 122 S.Ct. 992 (2002).

(9-2) The Bank's prevarication as to the law is showing again. The Bank cites an appeal from a summary judgment case Standardbred Owners Ass'n. v. Roosevelt Raceway, 985 F.2d 102, 104 (2d Cir. 1990) for the proposition that proximate cause requires "a substantial factor in the sequence of responsible causation" and the injury must be 'reasonably foreseeable or anticipated as a natural consequence.' The Bank on its own adds the introductory phrase: "a Plaintiff must allege acts which are" such, which hides the fact that the Second Circuit had the benefit of evidence from discovery in reaching its decision. The Bank also fails to point out that "This rule is intended to preclude recovery by plaintiffs who 'complain of harm flowing merely



from the misfortunes visited upon a third person.” Standardbred at 104. Derivative injuries are not claimed in the Complaint. The Bank continues its ploy of making its self-serving rule applicable to Rule 12(b)(6) motions by citing a magistrate’s report and recommendation discussion of proximate cause in Casio Computer v. Sayo, 2000 WL 1877516 at \*19 (SDNY Oct 13, 2000) without even mentioning that the magistrate recommended dismissal of the third amended complaint for the plaintiff’s “failure to plead the predicate act of wire fraud with particularity” as required by Rule Rule 9(b). Id. at \*31. There are no fraud allegations against the Bank. Further, in Casio the judge actually dismissed the third amended complaint on the grounds of *forum non conveniens*, id. at \*1, another salient fact not mentioned by the Bank. The U.S. Supreme Court’s position on pleading injury is more appropriate than lawyers making their own self-serving rules based on concealing the facts of a cited case. The Supreme Court said on a **motion to dismiss** general factual allegations of injury resulting from defendant’s conduct embrace those specific facts necessary to support the claim. NOW v. Scheidler, 510 U.S. 249, 256, 127 L.Ed.2d 99, 114 S.Ct. 798, 803 (citing Lujan v. Defenders of Wildlife, 504 U.S. 555, 561, 119 L.Ed.2d 351, 112 S.Ct. 2130, 2137 (1992)).

Finally, the Bank completely ignores Plaintiff Opp Bank section at p 24 on joint liability of RICO members

B. The Complaint should not be dismissed.

(9-2) The Bank fails to offer a legitimate **legal** argument as to why the Complaint with respect to it should be dismissed with prejudice. Especially, since leave to amend is ordinarily granted unless presiding court gives reasons why leave should be denied. Verdon v. Consolidated Rail Corp., 828 F.Supp. 1129 (SDNY 1993).

(9-2) Again for the third time, Shipilina's Global Equity Fund account is not an allegation against the Bank, yet. The use of fictitious names are permitted by the Rules to prevent wrong doers whose identities are subsequently revealed by discovery from going free. Does the Bank state that it has no employees in Cyprus with the name Stephanos? No. The Bank has a global Internet network for dealing with customers. A Wall Street hotel refers its guest to the Bank's Broad Street office. The plaintiff never alleged he had dealings with the Bank, and the Bank's statement of no connection with movant Shipilina is an allegation for its answer. The Bank cites to Cortec Industries v. Sun Holding, 949 F.2d 42, 28 (2d Cir. 1991) for grounds that the Complaint should be dismissed with prejudice. But the Cortec court dismissed the complaint with prejudice because the plaintiff was a third party in the transaction and liability under § 12(2) of the 1933 Securities Act did not flow to third parties, so the plaintiff could not make any allegations that brought it within the Act. Cortec at 49. The allegations against the Bank bring it within the RICO act.

(9-2) The only way to lessen the harm caused by members of the Russian mafia furthering that mob's effort to infiltrate and expand it's illegal activities into hard currency markets is through civil RICO, the weapon that America's elected officials gave to this country's citizens knowing that in a democracy based on laws there can be no successful appeal from the ballot to the bullet. The Bank's lawyers state, "It is entirely blameless." Given the source of that statement, it means nothing. Defense lawyers don't admit their clients are to blame, so why should their affirmation that their clients are blamelessness mean anything.

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**Memorandum of Law in Support of Plaintiff's Motion to Strike Defendants'  
Exhibits Q through Z for Failure to Authenticate and to Strike the Reply  
Memorandum's References to those Exhibits.**

The defendants' Reply Memorandum submits documentary evidence in support of their motion to dismiss. A motion to dismiss is not the place for presenting evidence, Hickman v. Taylor, 329 U.S. 495, 500-01, 91 L.Ed. 451, 67 S.Ct. 385 (1947). If the Court, however, decides to allow the defendants to turn a motion for dismissal into a litigation of personal destruction targeting the plaintiff, then the defendants should be required to show that their evidence is genuine by authenticating it.

When documentary evidence is submitted in support of a motion, it must be authenticated by an affidavit or affidavit substitute of an individual having first hand knowledge of the document. 1 Matthew Bender Federal Litigation Guide: New York and Connecticut § 9.75, (2004). The document should be attached to the affidavit or affidavit substitute. Id. The defendants failed to provide any authenticating affidavits or substitutes to the documents in their Exhibits Q through Z.

In addition, Exhibit Z purports to contain translations of foreign public documents, but, except for a handwritten document in Russian that may or may not be a public document, there are no other Russian language public documents included in that exhibit from which the English translations could have been made. All very convenient, since the inclusion of copies of foreign public documents require an attestation by the person authorized to make attestations for those documents and a final certification as to the genuineness of the signature and position of the attester. Fed. R. Civ. P. 44(a)(2). The reason for these requirements are to make sure the documents are what they purport

to be, but the defendants blithely ignore the Rules and include only alleged translations but not copies of the original Russian documents, if there are any. Further, there is no translator's signed and notarized affidavit as to his qualifications for making such translations and the necessary apostile so that it can be used in an American court in accordance with the Hague Convention. T.I.A.S. 10072; 33 U.S. Treaty Series (UST) 883; 527 U.N. Treaty Series (UNTS) 189; Martindale-Hubble International Law Digest or <http://www.state.gov/m/a/auth/c1267.htm>. So what good are these documents, except to further the defendants' efforts to bias the Court against the plaintiff.

Furthermore, Exhibits Q and U also contain purported translations of apparently non-public documents without any notarized affidavits or apostiles.

The plaintiff requests the defendants Exhibits Q through Z be stricken from their Reply Memorandum along with all references to those Exhibits.

Dated: New York, New York  
June 14, 2004

By: \_\_\_\_\_  
Roy Den Hollander  
Attorney and Pro Se Plaintiff  
545 East 14 Street  
New York, NY 10009  
(212) 995 5201

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

\_\_\_\_\_  
Roy Den Hollander

Plaintiff,

Docket No. 03 CV 2717

- against -

*Domestic*  
Flash Dancers Topless Club et. al

Defendants.  
\_\_\_\_\_

MEMORANDUM OF LAW IN OPPOSITION

McMANUS, COLLURA & RICHTER, P.C.

ATTORNEYS AT LAW  
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### **PRELIMINARY STATEMENT**

Defendants, Kuba, Mundy & Associates, Nicholas J. Mundy (collectively referred herein as "Mundy") and Peter Petrovich ("Petrovich"), by their attorneys, McManus, Collura & Richter, P.C., respectfully submit this Memorandum of Law together with the Affidavit of Alinia A. Shipilina in opposition to the plaintiff's motion to strike Exhibits Q through Z attached to the Reply Declaration of Bradley E. Dubin dated May 13, 2004, which were submitted in further support of the defendants' motion to dismiss the plaintiff's complaint, and to strike all references by the defendants to such exhibits, together with such other and further relief as this Court deems just and proper.

### **STATEMENT OF FACTS**

The facts giving rise to the instant action as well as the facts and procedural history relevant to this action are fully detailed in the defendants' Memorandum of Law dated September 29, 2003 and the defendants' Reply Memorandum of Law dated May 13, 2004 submitted in support of the defendants' motion to dismiss the plaintiff's complaint.

In evaluating the instant application by plaintiff and this opposition, the Court is respectfully referred to Exhibits Q through Z themselves, which are attached the Reply Declaration of Bradley E. Dubin dated May 13, 2004.

### **ARGUMENT**

The plaintiff moves to strike Exhibits Q through Z attached to the reply motion to dismiss the plaintiff's complaint on behalf of Kuba and Petrovich on essentially two grounds.

First, plaintiff submits that Exhibits Q through Z should be stricken in their entirety, because they are purportedly not authenticated by an affidavit or an affidavit substitute of an individual having first hand knowledge of the documents.

✓ Second, plaintiff submits that Exhibits Q, U and Z are translations of foreign public documents and non public documents that do not comport with the proper procedures for translations.

✓ Tellingly, nowhere in the plaintiff's motion to strike Exhibits Q through Z does he deny <sup>adhere</sup> having prepared, drafted and/or executed those documents alleged to have been prepared, drafted and executed by him. In addition, nowhere in the plaintiff's motion does he indicate that the translations are not true and accurate. Plaintiff's motion is significant for what it states as for what it does not state. The plaintiff is in the best position to deny having prepared such documents or indicate that the translations are inaccurate, however, he fails to do so and presumably will continue to be unable to do so in reply to this opposition. Rather, he seeks to have this Court ignore admissible information which dispute his allegation and chronology of events as outlined in his complaint and opposition to the defendants' motion to dismiss.

In any event, the attached Affidavit of Alinia Shipilina, the plaintiff's ex-wife and the person to whom most of these documents were directed against, authenticates such exhibits. Accordingly, plaintiff's motion based upon the fact that Exhibits Q through Z have not been supported by an affidavit of a person with <sup>first-hand</sup> knowledge is now moot and must be ignored.

✓ In addition, the plaintiff criticizes Exhibit Q (various letters and cards written by plaintiff to Alinia A. Shipilina) for containing translations of non-public documents without a notarized affidavit by the translator. First, it is the Russian version of document itself that is the evidence in support of the motion to dismiss. The translation of the documents attached as Exhibit Q was simply provided by the defendants as a courtesy to this Court. In any event, the plaintiff submits no controlling law to support the proposition that such non-public documents must be supported by a notarized affidavit from the translator. Nor does plaintiff indicate that the

documents, created by him, are inaccurate or was not truly translated as indicated. Nonetheless, the translated documents contain a stamp verifying that such documents have been translated and by whom. The translator has also signed the document below the stamp. Further, a copy of the document in Russia has been attached to the translation. The defendants also submit that an original of each of these documents can be inspected by the Court at the Court's request. Lastly, the attached affidavit of Alinia Shipilina attests to the veracity of the documents contained in Exhibit Q.

✓ The plaintiff also criticizes Exhibit U (Marriage contract between plaintiff and Alinia A. Shipilina) for containing a translation of a non-public document without a notarized affidavit by the translator. Again, it is the Russian version of the contract itself that is the evidence in support of the motion to dismiss. The translation of the contract was simply provided by the defendants as a courtesy. The plaintiff also, again, fails to submit any controlling law to support the proposition that such a non-public document must be supported by a notarized affidavit. Nor does the plaintiff indicate that the contract is inaccurate or was not translated as indicated. Nonetheless, the translated documents has been certified by the translator, Yefim, Krasnyanski, and, further, the notary public affirms that Vorobyova, Valeria Aleksandrovna executed the document after reading the contents aloud to plaintiff and Alinia Shipilina. Lastly, the attached affidavit of Alinia Shipilina attests to the veracity of contract attached as Exhibit U.

✓ Finally, the plaintiff criticizes Exhibit Z (complaints, affidavits and decisions in connection with <sup>not a bad prosecution</sup> plaintiff's defamation case in Russia) for containing English translations of the foreign public documents without the original Russian version of the documents, containing translations without an attestation by the person authorized to make attestations for those documents and a final certification as to the genuineness of the signature and position of the



attester, and without an executed and notarized affidavit of the translator reflecting his qualifications.

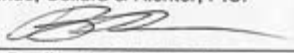
✓ Interestingly, the plaintiff does not indicate that the documents attached as Exhibit Z are inaccurate or were not translated as indicated. Nonetheless, the translated documents contain a stamp verifying that such documents have been translated and by whom. The translator has also signed the document below the stamp. The defendants submit that they do not maintain a copy of the Russian version of such documents. In the event this Court deems these documents attached as Exhibit Z as inadmissible on the grounds that the original Russian version of the documents are unavailable, it is submitted that these documents do nothing to alter the fact that this matter should be dismissed for all reasons set forth in the defendants' motion to dismiss.

#### CONCLUSION

For the foregoing reasons, it is respectfully submitted that the plaintiff's motion to strike Exhibits Q through Z attached to the Reply Declaration of Bradley E. Dubin dated May 13, 2004 and all references by the defendants to such exhibits be denied, together with such other and further relief as this Court deems just and proper.

Dated: New York, New York  
August 3, 2004

McManus, Collura & Richter, P.C.

By:   
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Roy Den Hollander

Plaintiff,

Docket No. 03 CV 2717

- against -

**AFFIDAVIT**

*Domestic*  
Flash Dancers Topless Club et. al

Defendants.

STATE OF NEW YORK )  
                                  ss:  
COUNTY OF NEW YORK )

Alina A. Shipilina, being duly sworn, deposes and says:

1. I am a defendant in the above entitled action, represented by Jack Sachs, Esq. I am fully familiar with the facts and proceedings giving rise to this action and the contents contained in this affidavit.

2. I submit this affidavit in opposition to the plaintiff's motion to strike Exhibits Q through Z attached to the Reply Declaration of Bradley E. Dubin dated May 13, 2004, which were submitted in further support of the defendants' motion to dismiss the plaintiff's complaint, and to strike all references by the defendants to such exhibits, together with such other and further relief as this Court deems just and proper.

3. I have reviewed the Reply Declaration of Bradley E. Dubin dated May 13, 2004, with my counsel, and have reviewed Exhibits Q through Z that are attached to the Reply Declaration of Bradley E. Dubin. The motion papers and attached documentation were submitted in support of the defendants, Kuba, Mundy & Associates, Nicholas J. Mundy's ("collectively referred herein as "Mundy") and Peter Petrovich's ("Petrovich").

motion to dismiss the plaintiff's complaint. My counsel, on my behalf, has also joined in the motion to dismiss submitted by Kuba and Petrovich. I have knowledge as to each of the exhibits attached to the Reply Declaration of Bradley E. Dubin, and that the documents are true and accurate. The contents of the documents speak for themselves.

4. Specifically, I respectfully refer this Court to the attached exhibits in support of the defendants' motion to dismiss, which are identified as follows:

a. Attached as Exhibit Q are six separate documents which represent various letters and cards written by the plaintiff to me in both Russian and English. In particular, the first document attached as Exhibit Q is a letter written by plaintiff to me dated February 17, 2000. The second document attached as Exhibit Q is a card written by plaintiff to me dated October 30, 1999. The third and fourth documents attached as Exhibit Q represent a letter written by plaintiff to me dated August 7, 1999. The fifth document attached as Exhibit Q is a letter written by plaintiff to me which represents a diary of plaintiff's thoughts. The sixth document attached as Exhibit Q is an undated letter written by plaintiff to me.

b. Attached as Exhibit R is a hand-made card drafted by plaintiff and forwarded to me, dated February 20, 2000.

c. Attached as Exhibit S is a card sent by plaintiff to me, dated February 19, 2000.

d. Attached as Exhibit T is a card sent by plaintiff to me, dated March 21, 2000.

e. Attached as Exhibit U is a marriage contract drafted by plaintiff, dated March 11, 2000.

f. Attached as Exhibit V is a card sent by plaintiff to me, dated June 18, 2000

g. Attached as Exhibit W is an August 1, 2000 Agreement drafted by plaintiff which was presented to me. The Agreement incorporates earlier June 18, 2000 and July 31, 2000 agreements.

h. Attached as Exhibit X is a Personal and Business Management Agreement prepared and drafted by plaintiff in July, 2000.

i. Attached as Exhibit Y is an investigation report/letter prepared by plaintiff and forwarded to me, posing various questions.

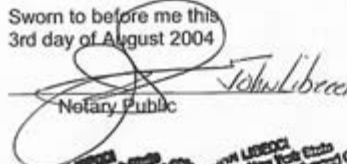
j. Attached as Exhibit Z are plaintiff's complaint, my mother, Innessa Shipilina's affidavits and Court determinations/decisions in connection with the defamation case commenced by plaintiff in Russia.

5. Each of the documents, identified as Exhibits Q through Y, were personally received by me from the plaintiff. An original of each of Exhibits Q through Y is available and can be inspected by the Court at the Court's request. The documents are in possession of counsel for Kuba and Petrovich.

WHEREFORE, it is respectfully submitted that the plaintiff's motion to strike Exhibits Q through Z attached to the Reply Declaration of Bradley E. Dubin dated May 13, 2004 and to strike all references by the defendants to such exhibits be denied, together with such other and further relief as this Court deems just and proper.

  
Alinia A. Shipilina

Sworn to before me this  
3rd day of August 2004

  
Notary Public

  
John Libraci  
Notary Public New York State  
00046780 Clerk, in Richmond Co.  
Expiration 8-23-07

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
Roy Den Hollander

Plaintiff,

Docket No. 03 CV 2717 (PKC)

-against-

Flash Dancers Topless Club, et al.,

Defendants.  
-----X

**Plaintiff's Memorandum of Law in Reply to Defendants' Opposition to  
Motion to Strike Extraneous Documents and References**

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### **Preliminary Statement**

This is the plaintiff's memorandum of law in reply to the Enterprise movants' opposition to the plaintiff's motion to strike certain exhibits and references in the Enterprise movants' motions to dismiss memoranda.

#### **A. Nomenclature**

The term "Enterprise movants" or "movants" refers to all the defendants who have submitted motions to dismiss. The Enterprise movants are Flash Dancers Topless Club; Jay-Jay Cabaret, Inc.; Lepofsky-CEO Jay-Jay Cabaret, Inc.; Barry-Night Manager Flash Dancers; Flash Dancers Managers 1 to 5 (collectively "FlashDancers"); Cybertech Internet Solutions; Kuba, Mundy & Associates; Mundy; Petrovich; Shipilina; Paulsen; Henning and the Bank of Cyprus. Other defendants in this action who are not presently moving to dismiss are referred to as "mafia defendant" followed by their proper name.

This memorandum of law ("Plaintiff Reply Strike") replies to the Enterprise movants' opposition memorandum ("Defendants Opposition Strike") to the plaintiff's motion to strike memorandum ("Plaintiff Memo. Strike"). The designations for the other papers are the Bank of Cyprus' motion to dismiss memorandum ("Defendant Bank Memo."), the plaintiff's opposition memorandum to the Bank's motion ("Plaintiff Opposition Bank"). The defendants who have appeared in this case, except for Anastasia and Nicolay Vasilyeva, joined in a joint memorandum in support of dismissal ("Defendants Joint Memo.") and a joint reply memorandum ("Defendants Joint Reply"), those defendants are FlashDancers, Cybertech Internet Solutions, Kuba, Mundy & Associates, Mundy, Petrovich, Shipilina, Paulsen, Henning and the Bank of Cyprus, since it confirmed before Judge Castel that it joined all the arguments advanced by all the other defendants to the extent applicable. July 13, 2004, Conf. Tr. p 5, ln 17-22. The plaintiff

submitted an opposition memorandum (“Plaintiff Opposition Memo.”) to defendants’ joint memorandum and the separate short motion to dismiss papers submitted by FlashDancers, Cybertech, Shipilina, Paulsen and Henning.

Cites to any memoranda submitted are in parentheses stating the designated name and followed by the page number with a hyphen to a number that indicates the paragraph on that page whether a full paragraph or not. For example, (Defendants Opposition Strike p 3-1) refers to page 3, the first group of lines on that page. Cites to the Complaint are in parentheses stating “Complaint” followed by the paragraph number. For example, (Complaint ¶ 2) refers to the Russian mafia’s Scheme to infiltrate and expand its illegal and ancillary operations into the U.S.

The plaintiff uses the term “Russian mafia” to mean the Russian International Crime Organization or the “Enterprise” as stated in the Complaint ¶¶ 1, 10-15. The “Russian mafia” includes those identified as Russian Mafiosi in the media and by law enforcement agencies; the targets of the Federal Bureau of Investigation’s unit on Russian organized crime; various Russian, Chechen, American, Cypriot and Mexican gangsters along with those of other nationalities; assorted Chechen Islamic terrorists; and the more than thirty Russian gangs now operating in the US, most notably New York, Miami, San Francisco, Los Angeles and Denver, Robert I. Friedman, Red Mafiya: How the Russian Mob Has Invaded America, p. xix-xx, Little Brown & Company (2002). The defendants in this action comprise part of the Russian mafia. (Complaint ¶15)

### **Argument**

A. The Enterprise movants continue their improper efforts to bring before the Court extraneous material on Fed. R. Civ. P. 12(b)(6) motion to dismiss.



The movants' memorandum in opposition to the plaintiff's motion to strike certain exhibits continues their strategy to interject extraneous material into Rule 12(b)(6) motions to dismiss. Enterprise movants in their various memoranda of law have submitted 47 separate documents divided into 30 exhibit tabs. The fewer number of exhibit tabs hides the actual number of extraneous exhibits they ask the Court to consider in deciding their motions to dismiss. The Enterprise movants argue without legal support "the plaintiff had possession and full knowledge of each and every [of the 47 documents] ..., and it is therefore appropriate for this Court to consider the same in deciding the [motions to dismiss]." (Defendants Joint Reply p 27-1) Their argument ignores the law in the Second Circuit for considering external documents as part of the complaint: "[W]e reiterate here that a plaintiff's **reliance** on the terms and effect of a document in drafting the complaint is a necessary prerequisite to the court's consideration of the document on a dismissal motion; mere notice or possession is not enough." Chambers v. Time Warner, Inc., 282 F.3d 147, 153 (2d Cir. 2002)(emphasis is the Court's). Further, when deciding motions to dismiss under Rule 12(b)(6), the Court's consideration is limited to the allegations in the complaint, which are accepted as true; documents incorporated by reference into the complaint; matters of which judicial notice may be taken; and documents relied on by the plaintiff in drafting the complaint. Brass v. American Film Technologies, Inc., 987 F.2d 142, 150 (2d Cir. 1993).

The plaintiff used only 8 of the 47 documents submitted by the Enterprise movants: (1) the annulment-divorce complaint, Exhibit B; (2) the police report based on perjured statements of attempted extortion in which the charges were never pressed, Exhibit D, second document; (3) movant Shipilina's masturbation video clips produced by movant Paulsen and mafia defendant Perlin, Exhibit G; (4) the plaintiff's petition in state court for an order of protection to stop

threatening calls from the defendants, Exhibit H; (5) motion for a subpoena duces tecum on the F.B.I. to discover the identity of a threatening caller, Exhibit I, fifth document; (6) disciplinary complaint against movant Mundy for attempted coercion, Exhibit J; (7) Enterprise movant Mundy's February 5, 2001 letter threatening "difficult" divorce proceedings, Exhibit P; and (8) the criminal indictment by the Krasnodar, Russia prosecutor of mafia defendant Inessa Shipilina, Exhibit Z, the second to last document. The plaintiff also relied on other sources—and no, I am not waiving the attorney work product privilege—including movant Shipilina's diary of over one hundred pages. Gee whiz, the movants didn't include the diary in their voluminous exhibits. I guess it doesn't support their so-called facts and false inferences.

So why all these exhibits and statements of alleged facts from the Enterprise movants on a motion to dismiss? After all, "Whether a complaint states a cause of action on which relief could be granted is a question of law..." Bell v. Hood, 327 U.S. 678, 682, 90 L.Ed. 939, 66 S.Ct. 773, 776 (1946), and it is the allegations in the complaint, not those in the defendants' memoranda of law, that are considered as true, *see Brass* at 150. The answer quite simply is "the defendants seek to argue the merits ... in the context of a 12(b)(6) motion to dismiss, which is not the purpose of the motion." T.S. Haulers, Inc. v. Town of Riverhead, 190 F.Supp.2d 455, 464 (E.D.N.Y. 2002)(citing *see Villager Pond Inc. v. Town of Darien*, 56 F.3d 375, 378 (2d Cir.1995)(holding that the issue to consider is not whether a plaintiff will ultimately prevail but whether the claimant is entitled to offer evidence to support the claims).

Under the disguise of motions to dismiss, the Enterprise movants attempt to slip by their own allegations of fact that belong in answers or allege findings of facts that belong in summary judgment motions in order to finesse the Court into using extraneous material to dismiss a RICO complaint. Basically, the Enterprise movants seek under the cloak of Rule 12(b)(6) either (1) a

judgment on the pleadings without the plaintiff having the opportunity to respond to movants' answers simply because there are no formal answers, although there are before the Court the allegations that the movants would have included in their answers only those are now found in the movants' memoranda of law, or (2) a summary judgment in which the Court views the assertions in movants' memoranda as findings of fact that the plaintiff had no opportunity to rebut because the movants brought motions to dismiss. If successful, such a strategy would violate the plaintiff's due process rights to reply to counterclaims, or move to reply to answers and amend the complaint, or to a reasonable opportunity to make his record before the Court.

The plaintiff requests the Court not accept or consider any extraneous material in deciding the motions to dismiss.<sup>1</sup> If the Court, however, decides to go the route of conversion, then the plaintiff requests notice and a reasonable opportunity to show that genuine issues of material facts do exist. Davis v. Bryan, 810 F.2d 42, 45 (2d Cir. 1987)(citations omitted). In such event, the plaintiff preserves his right to appeal any possible conversion decision at the appropriate time.

B. The Enterprise movants cannot seem to distinguish discovery from a Rule 12(b)(6) motion to dismiss.

The Enterprise movants claim in the tradition of a feudal inquisitionist that silence means what they decide it to mean. "Plaintiff's motion is significant for what it states as for what it does not state." (Defendants Opposition Strike p 2-2) Are they mind readers, or is this another ploy to have the Court consider extraneous matter in the form of the movants' inferences they

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<sup>1</sup> The comparatively few exhibits attached to the plaintiff's memoranda of law were provided in response to the numerous misrepresentations, mischaracterizations, prevarications, omissions and dissemblings of the Enterprise movants in order to illustrate for the Court the extent to which they will go to keep their mafia activities in the shadows. As the late Sen. Paul Tsongas stated during the 1992 Presidential Primaries, he couldn't just stand by and do nothing while Bill Clinton attacked with his false and misleading ads.

ascribe to the plaintiff not responding to what are effectively discovery demands during Rule 12(b)(6) motions to dismiss.<sup>2</sup> “The plaintiff is in the best position to deny having prepared such documents or indicate that the translations are inaccurate, however, he fails to do so and presumably will continue to be unable to do so in reply to this opposition.” (Defendants Opposition Strike p 2-2) A motion to dismiss is not discovery and lacks the procedural protections of discovery. If the Enterprise movants want admissions or the answers to questions that may lead to admissible evidence, then they have to wait for the discovery stage or request discovery now on specific limited issues, which they haven’t. They shouldn’t be allowed at this stage of the proceeding to even attempt to sway the Court with inferences of ultimate fact, especially when these inferences are based on the plaintiff not answering in his memoranda the depositions questions and requests for admissions the movants would otherwise make during discovery.

Let’s take an example of the danger posed by the movants using the sounds of silence as a tool for discovery during a Rule 12(b)(6) proceeding. The movants state, “[N]owhere in the plaintiff’s motion [to strike] does he indicate that the translations are not true and accurate.” (Defendants Opposition Strike p 2-2) Meaning, according to the movants’ Animal Farm logic, that the Court should accept that the translations are true and accurate. Exhibit Z of the Defendants Joint Reply contains the alleged translations of maybe five Russian language documents. Except for one handwritten document in Exhibit Z, there are no other Russian language documents in that exhibit or other exhibits from which the English translations could have apparently come. But that doesn’t matter to the movants, they assert the Court should still accept those translations as accurate because the plaintiff does not come out and deny their

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<sup>2</sup> At the July 23, 2003 conference, Chief Judge Mukasey specifically stayed discovery pending the outcome of the motions to dismiss.

accuracy. Even if the plaintiff was required, which he is not, to confirm or deny the accuracy of translations submitted by the movants, how could he do it without the Russian language documents from which the translations were allegedly made. It's comparable to being indicted by the Spanish inquisition and not allowed to look at the indictment. The accused can't plead to any count because he doesn't know what it says, so his silence is construed as guilt. It's heads they win; tails due process loses!

C. Enterprise movants continue their attempt to try the case during a Rule 12(b)(6) motion even using unauthenticated documents.

The attorneys for the Enterprise movants are beginning to behave like pro se defendants. Perhaps the special rules accorded non-attorney pro se parties should apply to them. First, they improperly submit extraneous exhibits on a motion to dismiss and don't even bother to take the time and effort to authenticate those documents. Then after an objection by the plaintiff, they still don't do all that is required to authenticate their extraneous exhibits. Rather, they invent an excuse for part of their failure by claiming some of the exhibits don't need authentication because they are provided as a "courtesy to this Court." (Defendants Opposition Strike p 2-4, p 3-2) That's a slick rationale for the whispering of untrustworthy evidence into the Court's ears. Take Exhibit U for example, the only document there is the purported English "courtesy" translation. How's the Court suppose to know whether it is authentic without the Russian language version? Because the movants claim it to be, I don't think so.

But even slicker are the movants arguing for the acceptance of their documents by claiming the plaintiff is "seek[ing] to have this Court ignore admissible information." (Defendants Opposition Strike p 2-2) By "admissible information" they mean "evidence." (*See* Defendants Opposition Strike p 2-4, p 3-2) But it is not the Court's function at this stage of the

proceedings to weigh the evidence that might be presented at trial; instead, the Court should merely determine whether the complaint itself is legally sufficient. Geisler v. Petrocelli, 616 F.2d 636, 639 (2d Cir. 1980). I just don't understand why the Enterprise movants blatantly ignore the Federal Rules of Procedure, unless they are trying to slip something by. And, of course, they are. They want the Court to ignore the due process concerns built into the Rules and try the case here and now.\_

1. Unauthenticated Foreign Official Records, Fed. R. Civ. P. 44(a)(2)

The Enterprise movants infer that because “the plaintiff does not indicate that the documents attached as Exhibit Z are inaccurate or were not translated as indicated” (Defendants Opposition Strike p 4-2) those documents are authentic. Where in the law did the movants find this Joseph Heller Catch-22? If a party doesn't claim the English translations of foreign records are inaccurate, then they are accurate, even though there are no copies of the foreign language records for a party to compare to the alleged English translations. Give me a break, except for a handwritten document in Russian, which is unlikely a public record unless the Russians have run out of typewriters, there are no copies of the original Russian official records from which the English translations purportedly came.

Further, if the documents in Exhibit Z are themselves copies of foreign records, they do not comply with Rule 44(a)(2) on authentication. The documents only contain copies of stamps and signatures. There are no original stamps or signatures or raised seals. The stamps that are legible all state “Translated in translation service department Krasnodar Chamber of Commerce and Industry.” It's unclear whether the Chamber of Commerce is the attester or certifier of the attester's signature and attester's official position. Since attesters are government officials, a private association like the local chamber of commerce is most likely not the attester. It's

probably not the certifier either for how would a local chamber of commerce know the signature of the official authorized as the attester and the attester's official position.

Moreover, the documents in Exhibit Z do not comply with the Hague treaty in which public documents executed in the territory of one contracting state, Russia, are used in another contracting state, America. Hague Legalization Convention, Oct. 5, 1961, Art. 1, Fed. R. Civ. P. 44 Treaties & Conventions. The Convention, which is U.S. law, requires such documents be certified, id. Art. 4. The movants failed to do the necessary homework under the Rules and the Hague treaty to authenticate the Exhibit Z documents.

Just an aside here, the movants' statement "complaints, affidavits and decisions in connection with plaintiff's defamation case in Russia" (Defendants Opposition Memo. p 3-3) is typical of the classic dissembling attorney. The defamation case referred to was not a civil defamation case brought by the plaintiff as the movants imply, but a criminal indictment of mafia defendant Inessa Shipilina brought by the city prosecutor of Krasnodar—big difference. Movant Shipilina uses the same dissemblance in her affidavit at paragraph j.

## 2. Other Unauthenticated Foreign Language Documents

Concerning the Russian language documents in Exhibit Q, the Enterprise movants ask the Court to accept the truth of the matters asserted in the purported English translations even though they (1) were made by a person in Krasnodar, Russia whose name cannot be determined; (2) lack a notary seal or notary stamp although there is some type of stamp but the movants don't say what it states; and (3) lack verifying statements as to the translators' qualifications and that the English translations are accurate. The movants argue such requirements do not matter because "it is the Russian version of (sic) document itself that is the **evidence** in support of the motion to dismiss." (Defendants Opposition Strike p 2-3 (emphasis added)) Once again, "The purpose of

a motion to dismiss is not to test the weight of the evidence which might be offered ... but to assess the legal feasibility of the complaint.” Gitterman v. Vitoulis, 564 F.Supp. 46, 49 (S.D.N.Y. 1982)(citation omitted). So why do the Enterprise movants keep coming back to argue evidentiary issues on a motion to dismiss? Because they want to short-circuit the procedures that protect the plaintiff’s right to due process.

The movants also claim the plaintiff provides “no controlling law” (Defendants Opposition Strike p 2-4) requiring formalities for authenticating the English translations of Russian documents in Exhibit Q. Common sense requires that more is needed than just the copy of a foreign stamp and illegible signature to meet the movants’ burden that the alleged translations are what they purport to be. *See U.S. v. Branch*, 970 F.2d 1368, 1370 (4<sup>th</sup> Cir. 1992). So, in addition to stamps that a ten year old could fabricate, the movants rely on Shipilina’s affidavit which states, “the documents are true and accurate.” Considering movant Shipilina’s obvious bias, which cannot be tested at this stage, there is also no indication by the movants that she, a Russian alien, has a proficiency in English sufficient to translate from Russian into English. The movants have not met their burden.

Concerning Exhibit U, the movants make the same arguments about this purported English translation of a Russian marriage contract. However, there is no copy of the Russian original in Exhibit U. But that doesn’t stop the movants from contending that the Russian version, even though absent, serves as the evidence (Defendants Opposition Strike p 3-2), and, therefore, the English translation need not exhibit incidences of being what it purports to be. Fed. R. Evid. 901(a). Interesting argument, I assume the Court is somehow supposed to divine the missing Russian language document, so it can be used as evidence. Actually, the movants clearly want the Court to rely on the alleged English translation based solely on the copy of a



signature claiming the translation accurate even though that signature is not notarized. That's not enough to show the translation is what it purports to be, and calling it a "courtesy" translation doesn't get around the authentication requirements either. Id. (Defendants Opposition Strike p 3-2) Further, if the Russian version shows up and was executed before a notary, a copy of it must be certified according to the Hague Legalization Convention, Art. 1(c). In addition, notaries in Russia are government officials who maintain records that are considered official documents, so the Russian version is a foreign official record under Fed. R. Civ. P. 44(a)(2) that requires attestation and certification. If Rule 44 does not apply, then Fed. R. Evid. 902(3) does, since it applies not only to public records but to the broader category of public documents, Weinstein's Federal Evidence, § 902.05[3], and also requires attestation and certification.

Further, there is no indication that movant Shipilina has sufficient English language ability to attest to the translation's accuracy in Exhibit U. Even if she did, there's no original for her to compare with the translation.

### **Conclusion**

The plaintiff requests the Court strike all extraneous materials submitted in deciding the Rule 12(b)(6) motions to dismiss.

Dated: New York, New York  
August 27, 2004

Respectfully submitted  
Attorney plaintiff pro se

---

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June 23, 2004

Honorable P. Kevin Castel  
United States District Judge  
Southern District of New York  
United States Courthouse  
500 Pearl Street  
New York, NY 10007-1312

Re: Roy Den Hollander v. Flash Dancers  
03 Civ. 2717 (PKC)

Dear Judge Castel:

This office represents Alina Shipilina, one of the sixty-five defendants, in various parts of the world, in the above matter. Concerning the conference scheduled for July 13, 2004, I am booked to leave on a cruise to Alaska July 11<sup>th</sup>, returning the 18<sup>th</sup>, and will be unable to attend. I do not think it necessary for me to request an adjournment due to my absence, since I am working closely with another of the attorneys, Bradley E. Dubin (who represents Kuba, Mundy & Associates), and have joined in his motion to dismiss. He said he will let me know what will have transpired at the conference.

As to the information requested prior to the conference, as of this juncture there has only been motion practice, unusually voluminous<sup>1</sup> considering the action was brought by a single individual. As to others of the items, an examination of the pleadings will reveal that it is premature to estimate the length of a trial, or, for that matter, if one may actually take place, or what type of settlement, or with whom, may be attempted.

Your consideration in excusing me from attending the conference will be much appreciated.

Respectfully,

Jack Sachs

JS:abm

<sup>1</sup> A 91-page complaint; an inch-thick motion to dismiss; a 147-page opposition to the motion, etc.

**ROY DEN HOLLANDER**  
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June 28, 2004

Honorable P. Kevin Castel  
United States District Court for the Southern  
District of New York  
Daniel Patrick Moynihan U.S. Courthouse  
500 Pearl Street  
New York, N.Y. 10007-1312

**Roy Den Hollander v. Flash Dancers Topless Club, et al.**  
**Southern District Court of New York, CV-03-2717 (PKC)**

Dear Judge Castel:

I received a copy of the letter that attorney Jack Sachs sent your Honor on June 23, 2004 in which he requested to be excused from the July 13, 2004 conference. (Copy attached) I have no problem with Mr. Sachs not being there, but I do believe it improper that he, as an attorney for one of the defendants, used his request to gratuitously further arguments previously made in the defendants' papers.

I don't see what bearing it has on Mr. Sachs' request to be excused by saying he represents "one of the sixty-five defendants, in various parts of the world...." He is clearly trying to bolster the defendants' position as presented in their memoranda of law, which criticizes the number of defendants and their locations.

I also believe it improper for Mr. Sachs to unilaterally respond to your Honor's request for a joint status report, and under the guise of doing so, imply there is something amiss with an individual filing papers of many pages, which again is another argument presented in the defendants' memoranda of law. Further, Mr. Dubin, the lead counsel for the defendants, and I have already had three telephone conversations in our effort to provide you with a joint report.

There is a proper place and time for presenting arguments, and I do not believe it is fair to use ministerial letters for reiterating one sides' position.

Respectfully,

Roy Den Hollander

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BRADLEY E. DUBIN  
PETER B. MCGOWAN  
\*ALSO ADMITTED IN CONN.  
\*ALSO ADMITTED IN N.J.

July 9, 2004

Honorable P. Kevin Castel  
United States District Court  
for the Southern District of New York  
500 Pearl Street, Courtroom 12C  
New York, New York 10007

Re: Client: Kuba, Mundy & Associates and Nicholas J. Mundy  
Matter: Roy Den Hollander v. Kuba, Mundy & Associates and Nicholas J.  
Mundy  
Docket No.: 03 CV 2717

Dear Honorable Sir:

Our office represents the defendants Kuba, Mundy & Associates, Nicholas J. Mundy (collectively referred herein as "Mundy") and Peter Petrovich ("Petrovich") in connection with the above-referenced matter. Kindly allow this correspondence to serve as a formal response to Your Honor's June 21, 2004 request that the parties submit to your Court a joint status report. This correspondence is being written on behalf of all of the defendants who have appeared in this action and who have executed this correspondence below. The plaintiff has advised that he will be providing his own report.

1. Nature of Action and/or Principal Defenses

a. Nature of Action

The plaintiff, *pro se*<sup>1</sup>, commenced the instant action in the United States District Court for the Southern District of New York on April 18, 2003 against sixty-three separate domestic and foreign defendants spanning the globe, located in the United States, Russia, Cyprus and Mexico, by virtue of a 91 page, 915 separately numbered paragraph, complaint. Plaintiff alleges that these sixty-three defendants compose a segment of the Russian Mafia

<sup>1</sup>Although appearing *pro se*, plaintiff, Roy Den Hollander, is an attorney licensed to practice law in the State of New York.

which have caused him harm. Accordingly, the complaint alleges seven causes of action. The first four causes of action allege violations of various sections of the RICO statute, 18 U.S.C §1962(a), (b), (c) and (d), against all defendants. The remaining three causes of action allege supplemental state law claims against certain defendants for intentional infliction of emotional distress, abuse of process, malicious prosecution and alternatively prima facie tort. Since serving the complaint, the plaintiff has withdrawn his cause of action for prima facie tort.

#### **b. Potential Defenses**

It is the defendants' position that the plaintiff has not sufficiently pleaded the elements of his RICO claims, and, as such, these causes of action must be dismissed. In addition, the plaintiff's state law claims fail to state causes of action and are time barred by the applicable statutes of limitations. In asserting that the plaintiff has failed to properly plead his RICO and state law claims, it is submitted that this action, as well as the plaintiff's abusive litigation preceding this action, are nothing more than an attempt by the plaintiff to use this forum to re-live the consequences of his marriage to and divorce from the defendant Alinia Shiplina while at the same time attempting to punish Ms. Shiplina and anyone who has ever come into contact with her or assisted her in preventing him from harassing her.

There are many pending motions which are discussed in detail below.

#### **2. List of All Existing Deadlines, due date and/or cut-off dates**

There is only one existing deadline/due date in connection with this action. By Order dated June 15, 2004, Judge Mukasey ordered that answering papers to the Bank of Cyprus' motion to dismiss must be served by August 13, 2004, and any reply papers due by September 10, 2004.

#### **3. Description of Motions Made, Decided and Outstanding**

Many motions have been made in connection with this action. The motions are detailed below.

##### **a. Plaintiff's Motion for a Protective Order**

The plaintiff applied for a Protective Order on June 19, 2003. The defendants, Flash Dancers Topless Club, Jay-Jay Cabaret, Inc., Lynn Lepofsky, CEO Jay-Jay Cabaret, Inc., Barry-Night Manager Flash Dancers and Flash Dancers Managers 1 to 5 (collectively referred herein as "Flashdancers"), opposed the application on June 25, 2003. Judge Mukasey denied the plaintiff's application by Order dated July 28, 2004.

##### **b. Defendants' Motions to Dismiss**

The defendants Kuba and Petrovich moved to dismiss the plaintiff's complaint on

September 19, 2003. The defendant Dr. Marc Paulsen ("Dr. Paulsen") joined in Kuba and Petrovich's motion on September 19, 2003. The defendant Alinia A. Shipilina ("Shipilina") also joined in Kuba and Petrovich's motion on September 19, 2003. The defendants Flashdancers also joined in Kuba and Petrovich's motion on September 19, 2003. The defendant Detective Robert W. Hennings ("Detective Hennings") served his own motion to dismiss on October 6, 2003. *Also joined the verified motion*

The plaintiff submitted his papers in opposition to the motions of Kuba and Petrovich, Shipilina, Dr. Paulsen, Flashdancers and Detective Hennings on December 19, 2003. On March 29, 2004, Cybertech Internet Solutions, Inc. ("Cybertech") moved to dismiss plaintiff's complaint. The plaintiff submitted an addendum to his December 19, 2003 opposition on April 30, 2004 in response to the motion to dismiss submitted by Cybertech.

The defendants Kuba and Petrovich submitted their reply papers on or about May 13, 2004. The defendant Shipilina submitted her reply papers on May 14, 2003. The Flashdancers, defendants submitted their reply papers on May 14, 2003. The defendant Dr. Paulsen replied on January 28, 2004. The defendants Cybertech and Detective Hennings do not intend to reply to the plaintiff's opposition.

Hence, Kuba and Petrovich's motion to dismiss, Flashdancers' motion to dismiss, Cybertech's motion to dismiss, Shipilina's motion to dismiss, Dr. Paulsen's motion to dismiss and Detective Hennings' motion to dismiss have been fully submitted to the Court. All of the aforementioned motions to dismiss are currently pending as no decision has yet been rendered.

On June 30, 2004, the defendant, the Bank of Cyprus, moved to dismiss the plaintiff's complaint for failure to state a claim. Judge Mukasey ordered that opposition papers are due by August 13, 2004 and reply papers are due by September 10, 2004.

**c. Plaintiff's Motion For Default**

The plaintiff moved on December 27, 2003 for an entry of default against Cybertech and Anastasia A. Vasilyeva and Nicolay N. Vasilyev listed in the complaint as Dima-Husband Anastasia Vasilyeva. Cybertech opposed this motion on January 8, 2004. The plaintiff replied on January 13, 2004. Anastasia Vasilyeva and Nicolay N. Vasilyev did not respond.

On January 12, 2004, Judge Mukasey issued an order denying plaintiff's motion without prejudice to renewal, if appropriate, after the Court decides the defendants' outstanding motions to dismiss. The Court further directed the plaintiff not to seek entries of default against any other defendants pending further order of the Court.

**d. Plaintiff's Motion to Strike Exhibits**

The plaintiff moved on June 14, 2004 to strike exhibits Q to Z attached to the defendants Mundy and Petrovich's reply motion in support of their motion to dismiss. Mundy and Petrovich have not yet opposed this motion, but intend to do so. The plaintiff has verbally

indicated that he intends to reply to Mundy and Petrovich's opposition. Therefore, it is requested that the Court set forth a schedule in connection with Mundy and Petrovich's opposition and plaintiff's reply regarding plaintiff's motion to strike exhibits.

#### **4. Description of Discovery Completed**

At the July 23, 2003 conference, Judge Mukasey stayed all discovery in this action. Accordingly, no discovery has been conducted and none has been completed.

#### **5. Identification of Discovery Necessary to Engage in Settlement Negotiations**

In the event the motions to dismiss are denied, all defendants will need to engage in discovery to even begin discussing settlement. Document and deposition discovery will be essential.

#### **6. The Estimated Length of Trial**

It is difficult to accurately estimate the potential trial length at this time. Many parties have not yet entered appearances in this action and it is unclear whether they intend to do so. In addition, it is unclear whether certain defendants will be dismissed out of the action. Therefore, it is uncertain how many parties would be involved in this action should it proceed to trial. In light of the fact that sixty-three defendants have been named as parties and there will be extensive documents and witnesses associated with this action, the defendants anticipate a trial length lasting at least one month, assuming this matter survives dispositive motions.

#### **7. Description of Prior Settlement Discussions**

There have been no settlement discussions in this matter. No settlement demand has been made by plaintiff. Likewise, no settlement offers have been made by the defendants. There have been no settlement conferences with the Court.

#### **8. Other Relevant Information to Advance This Matter to Trial or Settlement**

The defendants are not aware at this time of any other relevant information which would advance this matter to trial or settlement.

Counsel for the defendants will appear on July 13, 2004 before your Honor and will be prepared to discuss the entry of a revised scheduling order.<sup>2</sup> Thank you for attention to these matters. If Your Honor has any questions in the interim, we remain available at the Court's convenience.

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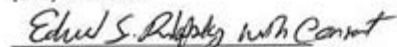
<sup>2</sup>Jack Sachs, attorney for the defendant Alinia Shipilina, has requested to be excused from attending the conference. Plaintiff has consented to this request. See letters from counsel to your Honor dated June 23, 2004 (Sachs) and June 28, 2004 (Hollander), respectively.



Respectfully submitted,



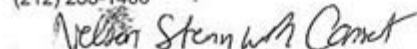
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(212) 233-1400



Nelson Stern, Esq. (NMS 8646)  
Attorney for Defendant, Dr. Marc L. Paulsen  
964 Third Avenue - 5th Floor  
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Special Fed. Litigation Div.  
Attorneys for Defendant, Detective Hennings  
100 Church Street  
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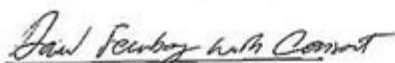
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HOWARD CLARA RICH

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80 Broad Street  
New York, New York 10004  
(212) 425-2200

cc: Roy Den Hollander  
Attorney at Law  
Plaintiff Pro Se  
545 East 14th Street  
New York, New York 10009  
(212) 995-5201

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
Roy Den Hollander

Plaintiff,

Docket No. 03 CV 2717 (PKC)

-against-

**Plaintiff's Status Report**

Flash Dancers Topless Club, et al.,

Defendants.  
-----X

**1. Nature of the Case**

This is a civil R.I.C.O. action under 18 U.S.C. 1961-68 against the Russian Mafia, the Chechen Baraev Islamic Terror and Crime clan and a relatively small number of alleged members and associates of those organized crime groups.

Pimps, prostitutes, pushers, pornographers and assorted criminals from the former Soviet Union have joined with underworld characters in Western markets over the past decade to create a global web of smuggling, protection, extortion, counterfeiting, tampering with witnesses, revenge, evasion of taxes and other illegal activities. The R.I.C.O. complaint alleges a Russian-New York enterprise that violates R.I.C.O. and numerous other laws. The enterprise brings prostitutes to New York and other states in the U.S.A., passes drugs and huge sums of money back and forth between the countries, creates and traffics in pornography, and threatens physical violence to anyone who might get in the way. A central member and site of the enterprise's illegal actions is the establishment called "Flash Dancers Topless Club," located on Broadway and 52d Street in New York City. In addition, the enterprise often acts in other countries where there is

a link of some kind, such as a connection to brothels in Cyprus and Mexico City that some defendants run, or to specific participants in the enterprise traveling in other places.

The plaintiff, a business consultant and attorney representing himself pro se and former writer and political producer for Channel 5 and Channel 7 TV News in New York, instituted the R.I.C.O. suit to recover damages for loss of profits to his business, loss of business opportunities, harm to his business reputation and other injuries, which resulted from the plaintiff unwittingly falling victim to one of the Russian mafia's schemes: duping and secretly feeding narcotics to American men so that they will marry mafia members, usually prostitutes, in order for these gangsters to obtain legal entry into the U.S.A. to carry out and expand the enterprise's activities.

This case grew out of discoveries by the plaintiff that began while managing Kroll Associates in Moscow. A number of the plaintiff's witnesses in Krasnodar, Russia have been threatened, and the plaintiff has received four threats so far of which he tape-recorded three. The FBI has identified one of the threatening callers, but is afraid that by interviewing him it would provoke him to harm the plaintiff. As such, the FBI has told the plaintiff not to open his door to anyone he does not know and to be careful when out in public.

## **2. Existing Deadlines**

July 9, 2004	Defendant Bank of Cyprus to join the unified motion to dismiss by certain U.S. defendants or serve its own motion to dismiss.
August 13, 2004	Plaintiff to serve answering papers if defendant Bank of Cyprus files its own motion to dismiss.
September 10, 2004	Defendant Bank of Cyprus to serve reply to the plaintiff's answer.

### **3. Motions So Far**

September 19, 2003 Defendants Flash Dancers Topless Club; Jay-Jay Cabaret, Inc.; Lepofsky-CEO Jay-Jay Cabaret, Inc.; Barry-Night Manager Flash Dancers; Flash Dancers Managers 1 to 5 (Flash Dancers Defendants); Kuba, Mundy & Associates law firm; Mundy; Petrovich; Shipilina; Paulsen; and Henning served a unified motion to dismiss.

December 19, 2003 Plaintiff served an answer to the unified motion to dismiss.

December 27, 2003 Plaintiff served application for certificates of default against U.S. defendants Cybertech Internet Solutions, listed in the complaint as Cybertech Internet Strip Club Network, which is operated by Cybertech Internet Solutions, and against Anastasia and Nicolay Vasilyeva.

January 8, 2004 Cybertech Internet Solutions served a letter in opposition to the plaintiff's application for a certificate of default. Defendants Anastasia and Nicolay Vasilyeva did not respond.

January 13, 2004 Plaintiff answered Cybertech Internet Solutions' letter but, unknown to the plaintiff, the Court had decided on January 12, 2004 to deny the application for default without prejudice pending the Court's decision on the unified motion to dismiss.

March 29, 2004 Defendant Cybertech Internet Solutions served a letter in which Cybertech joined the unified motion to dismiss and made its own motion to dismiss with respect to issues specific to it.

April 30, 2004	Plaintiff answered Cybertech's motion to dismiss with respect to specific issues concerning it.
May 14, 2004	The unified motion to dismiss' reply was served as were replies relating to specific issues concerning the Flash Dancers Defendants and defendant Shipilina. No replies relating to specific issues concerning defendants Henning or Cybertech were served.
June 15, 2004	Plaintiff served a motion to strike certain exhibits and references to those exhibits submitted in the defendants' unified reply memorandum of law for failure to authenticate. No date has been set for an answer or reply.

#### **4. Discovery**

Judge Mukasey ordered at the preliminary conference on July 23, 2003 that all discovery was stayed pending further order of the Court.

#### **5. Remaining Discovery for Settlement Talks**

Judge Mukasey ordered at the preliminary conference on July 23, 2003 that all discovery was stayed pending further order of the Court.

#### **6. Length of Trial**

Insufficient information at this time to estimate.

#### **7. Settlement Discussions**

None.

#### **8. Other Issues**

Waiver of Process Expenses:

The plaintiff, in order to avoid the unnecessary cost of serving a summons, followed Fed. R. Civ. P. 4(d) in notifying the defendants listed below, all of whom are located in the U.S., of the commencement of the R.I.C.O. action and mailed a request to each for a waiver of service. Exhibit A. None of the defendants below responded; therefore, the plaintiff, pursuant to Fed. R. Civ. P. 4(d)(5) requests reimbursement for the costs of serving the summons in the amount of \$1,144.50, broken down by the defendants listed below. Exhibit B.

Flash Dancers Topless Club 1674 Broadway NY, NY 10019	\$55
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Jay-Jay Cabaret, Inc. General Agent: Mr. Nunzio 1674 Broadway NY, NY 10019	\$55
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Cybertech Internet Strip Club Network Officer Paul Brown 38 Birchdale Road Port Washington, NY 11050	\$35
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Lynn H. Lepofsky 160 East 38 Street, Apt. 9A NY, NY 10016	\$35
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Barry-Night Manager Flash Dancers C/O Flash Dancers 1674 Broadway NY, NY 10019	\$55
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Kuba, Mundy & Associates 321 Broadway NY, NY 10007	\$35
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Nicholas J. Mundy C/O Kuba, Mundy & Associates	\$35
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321 Broadway  
NY, NY 10007

Peter Petrovich C/O Kuba, Mundy & Associates 321 Broadway NY, NY 10007	\$141
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Alina A. Shipilina a.k.a. Chipilina 28-15 34 Street, Apt. 4H Astoria, Queens 11103	\$105
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Doctor Marc L. Paulsen 2855 Pinecreek Drive Costa Mesa, CA 92626	\$175
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Anastasia Vasilyeva 2876A South 46 Street Greenfield, WI 53219	\$125
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Dima-Husband Anastasia Vasilyeva or Nicolay Vasilyev 2876A South 46 Street Greenfield, WI 53219	\$125
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Bob Henning-New York City Police Detective C/O 114 Police Precinct 34-16 Astoria Blvd. Queens, NY 11103	\$35
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Copying of complaint	\$127.30
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Taxi to process server	\$6.20
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Total	\$1,144.50
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Service of Process:

All identified defendants for whom no fictitious names were used in the complaint have been served except for:

1. Khachaturyan Araratovich Asypyan-Russian organized crime boss
2. The Albatross Club



3. Baraev Islamic Terror and Crime Clan
4. Rey-Krasnodar procurer
5. Tanya-Phodes Studio prostitute
6. Stephanos-Bank employee
7. Juginta Raszyukevichina-prostitution partner with Alina Shipilina
8. Salvador-Phodes Studio partner
9. The following defendants in Mexico are presently in the process of being served via the Hague Convention on the Service Abroad of Judicial and Extra-Judicial Documents:

The Malbros Agency (formerly the Julia Heart Agency)  
Leibnitz 34  
202 Col Nueva Anzures  
Mexico City, Mexico

Maria Serrato  
C/O The Malbros Agency (formerly the Julia Heart Agency)  
Leibnitz 34  
202 Col Nueva Anzures  
Mexico City, Mexico

The Men's Club, Mexico City  
Varsovia 54  
Zona Rosa  
Mexico, D.F. 11560

Roberto Quilan-Manager Men's Club  
C/O Men's Club  
Varsovia 54  
Zona Rosa  
Mexico, D.F. 11560

Rosa Elina Quilan-Manager Men's Club  
C/O Men's Club  
Varsovia 54  
Zona Rosa  
Mexico, D.F. 11560

Max Gracia Appedole  
C/O Labastida

Plaza Rio De Jainero No. 50  
CCL. Roma  
C.P. 06700, Mexico, D.F.

Alfredo Ibarra Sotelo  
Director General  
Grupo Ibarra AISA, De C.V.  
Av. Chapuletec 444-503  
06700 Mexico, D.F.

Dated: June 29, 2004  
New York, New York

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Roy Den Hollander  
Attorney and pro se plaintiff  
545 East 14 Street  
New York, NY 10009  
(212) 995 5201

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Roy Den Hollander,

Plaintiff

03 Civ. 2717 (PKC)

-against-

Flash Dancers Topless Club, et al.

DECLARATION

Defendants

STATE OF NEW YORK            }  
COUNTY OF NEW YORK        } ss.:

Alina Shipilina, one of the defendants in the above-captioned matter, at the direction of the Court during the conference held on July 13, 2004, makes the following declaration under the penalties of perjury:

My attorney, Jack Sachs, has informed me that the plaintiff in this action told the Court, at the conference of July 13, 2004, that I knew of, and should furnish, the addresses of four other parties mentioned as defendants in the complaint, to wit:

- A. Tanya, Phodes Studio Prostitute
- B. Stephanos
- C. Juginta Raszyukevichina
- D. Salvador

I have the following to reply to the assertion of the plaintiff as to my knowledge of the whereabouts of the four co-defendants:

A. In 1999, in Moscow, I was introduced to a woman named Tanya, who I believe at the time was seeing one Leonid Perlman, another co-defendant, who I believe was a principal in Phodes Studio Co., yet another defendant in this matter. From the start we did not get along, and the few times we were together were very unpleasant. I did not socialize with her, nor did I have any reason to know her last name, or her address.

B. I knew a man named Stephanos (a very common name in Cyprus), who worked in a bank (of which there are many in Cyprus) there. I never knew his last name, nor do I remember in which bank he worked. I never had any reason to know his address, nor can I tell if this is the same person to whom plaintiff refers.

C. I first met Juginta Raszyukevichina during my brief (3 months) stay in Mexico in 1999. After I left Mexico, I had only one contact with her, a telephone call to me in New York in the year 2000. I believe she said she was calling from The Netherlands at that time. During the time I knew her I became aware that she traveled a great deal, and in the short time I knew her she never gave me any address, let alone one at which she could be reached years later.

D. I met a man named Salvador during the same brief stay in Mexico, in 1999. I was never informed as to the nature of his business connection, if any, with Phodes Studio. I never knew his last name, and although I was at his house once or twice, I went with other people, and was unaware of his specific address. I have had no contact with him whatsoever since I left Mexico in 1999.

Dated: New York, New York  
July 21, 2004

  
Alina Shipilina

Sworn to before me this 21<sup>st</sup> day  
of July, 2004



**ROY DEN HOLLANDER**  
**Attorney at Law**

545 East 14th Street  
New York, NY 10009

Tel. & Fax: (212) 995-5201  
Mobile 917 687 0652  
rdhhh@yahoo.com

August 20, 2003

Special Agent Barry P. Babler  
Federal Bureau of Investigation  
330 E. Kilbourn Ave.  
Milwaukee, WI 53202

**Roy Den Hollander v. Flash Dancers Topless Club, et al.**  
**Southern District Court of New York, CV-03-2717 (MBM)**

Dear Special Agent Babler:

On August 18<sup>th</sup> I left a voicemail message for you concerning your interview with Anastasia A. Vasilyeva, Nicolay N. Vasilyev and apparently the father of one of them. I have enclosed a copy of the letter that the Vasilyevs sent to the US district court in the above captioned action. Also attached is a translation.

Once again, I do **not** represent the Vasilyevs who are defendants in this case. I would, however, like to talk to you concerning this letter. I will be in Wisconsin until August 25<sup>th</sup> and can be reached at 917 687 0652.

Thank you very much.

Sincerely,

Roy Den Hollander

### **Zahnow, Cynthia “Cindy” D. Interview**

On 8/22/3 RDH and GWJ visited Custom Tailoring 18900 W. Bluemound Rd., Brookfield, Wisc 53045, tel. 262 796 0434. The shop is small and in the back of the Galleria West Mall. It is next to the Valentina women’s clothing store that sells expensive designer clothes and specializes in expensive wedding dresses.

Custom Tailoring and Valentina are geographically arranged and present the same image as Vasilyeva’s Fashion House in Krasnodar. Valentina has a storefront with tall model like attendants and manikins draped with fashionable clothes. Off to the side is the apparently captive tailoring shop, Custom Tailoring, that serves Valentina’s clients.

Approximately from 11:50am to 12:05 pm, RDH interviewed Cindy Zahnow in the presence of GWJ, a young (20s) male employee with black hair and a seamstress with burnette hair in her 30s or 40s. Purpose was to confirm information that Vasilyeva provided the court in a letter.

After RDH introduced himself as a NYC lawyer in an ongoing case in the federal court in NY, Zahnow did not recall Anastasia’s patronymic but said she would check her records and for RDH to call her Monday at work.

Zahnow said that Anastasia had left to work at the Boston Store in downtown Mil. within the last few weeks. The young said Vasilyeva left work on July 25 or 28.

Zahnow found Vasilyeva the job because it paid benefits.

Zahnow said that one of Vasilyeva’s child was born with defects and that Anastasia was probably at that moment in Children’s Hospital.

Anastasia’s father arranged to come to America to help with the child, but the FBI had delayed his entry for about six weeks while it conducted an investigation into Anastasia’s father. The FBI had visited Custom Tailoring as part of its investigation.

Zahnow said she was not Russian.

Zahnow said she knew what was going on in the case concerning the “kook”. She asked of RDH are you the “kook”? I asked who mentioned the word “kook”. Zahnow said that Anastasia had shown the complaint to “everybody”. But Zahnow would not say who used the word kook in describing the plaintiff.

RDH asked again whether Zahnow knew Anastasia’s last name and she said no and that she probably didn’t have it in her files.

I gave Zahnow my card.

RDH and GWJ left and returned to aske for Zahnow's card. She did not have one. As RDH and GWJ left, Zahnow sneaked up behind them and asked if they were talking about her to which RDH replied that he nevers defames people as others do.

Zahnow then walked into Valentina.

Cynthia Zahnow was arrested in 12/27/00 for disorderly conduct. Case dismissed on proscecutor's motion.

There are no Corporation records for Custom Tailoring and no telephone listings.

Valentina is owned by Gina Chirchirillo and Anthony "Tony" J Chirchirillo. Gina was arrested 3/14/95 for issuing worthless check, dismissed on prosecutor's motion and 12/18/95 for issuing a worthless check, pleaded guilty. Gina and Tony live at 1725 Old Oak Ct, Brookfield, WI 53005, which is also the Register Agent Office for Valentina, telephone number is unpublished.

**Barry P. Babler FBI Special Agent Interview**

(414 276 4684, direct 414 291 4258)

8/22/3 at around 1:05 to 1:18pm, RDH interviewed Babler at FBI office 330 Kilbourn Ave, Milwaukee, WI 532202.

Babler came out into the waiting room to talk to me alone. (Usually two FBI agents talk to someone.) Babler was very nervous but had a good tan.

I introduce myself and mentioned the RICO case.

Babler apologized for not returning my call of Monday 8/18/3.

Babler said that Anastasia Vasilyeva had come to him concerning the RICO case and asked for advice on what to do. Vasilyeva said the case involved Russian organized crime. Babler told her that he couldn't give her legal advice, and that he did not give her legal advice. Babler had a copy of the complaint, which he said he had read.

Babler said that the FBI only conducted a routine inquiry into Anastasia's father after he had arrived in America. Babler said the inquiry resulted from a random choice of papers that normally flow across his desk. The inquiry entailed confirming the paper work was accurate. Such routine inquiries never take six weeks and are done only after the alien arrives. The inquiry of Anastasia's father did not take 6 weeks; did not take a month. It was done quickly after the father had already arrived. (Contradicts Zahnnow.)

Babler does not read Russian.

I asked him whether he knew Anasatasia's middle name. He said it would be the first name of her father. He thought the father's first name was Anatole. I asked if he would check. He said it was in his records in his office and would check later because he had an appointment at that moment. Babler told me to call him in an hour and a half and he would give me the name.

Babler said he heard about similar situations as mine.

After I mentioned to him I had been traveling to Russia since 1991, he said he was surprised that I was not on their list.

At around 3:20pm, RDH telephoned Babler.

Babler was no longer nervous; he was in the typical FBI authoritarian mood. He refused to provide the name of Anastasia's father because it is information that impacts one of our investigations and cannot give it out. (Babler previously indicated it was only a routine inquiry that had been completed. Now it was an investigation, apparently ongoing.)



He said he was involve in another investigation of a gentleman in my situation but nothing could be done because the fraud occurred in Russia. He said it was not at all infrequent for an older American man to marry a younger Russian woman who only wants to get to America. Babler asked me whether I lived in Wisconsin or NY. I told him NY, but it seemed a strange question.

After hanging up with Babler, I called Vasilyevas' home number which was busy for at least 5 minutes later.

8/25/3 from around 12:45 to 1pm, RDH was at the FBI Office on Kilbourn Ave. trying to meet with a supervisor to find out why the FBI was interfering with his investigation into the RICO case. The boss of the office and head for the state, David Mitchell, was out of town for a week. His assistant, Jeffrey Troy, was busy, and the receptionist told me to call back around 2pm. The receptionist made a point that I should call back at 2pm and not stop by. At 2pm I called Troy's office, the secretary said we have a lot of things going one this week, but she would call me back in 15 minutes. At 2:20pm Troy's office called me back to say that Troy was busy in meeting all day and that he would contact me by telephone tomorrow, 8/26/3.

**Brookfield Town Police**  
(262 796 3798)

8/25/3 at 8:15am Officer Sean Schmidt received a telephone complaint from Cindy Zahnow concerning the 8/22/3 interview with her. Case No. 031776.

At around 8:45am Schmidt called RDH on his mobile. Schmidt very nastily said that if I contacted Zahnow again I would be arrested for aggravated harassment and that I had no legitimate reason for contacting her. To add to the intimidating effect, Schmidt said Zahnow told him that an FBI agent had talked to me concerning my interview of Zahnow. Schmidt was clearly implying I was the subject of an FBI inquiry.

I explained to Schmidt about the letter by one of her employees to the court in the Federal case. I said I have a right to confirm the information in the letter. Schmidt went on that I have no legitimate right to contact her again, to visit her shop and if I do I will be arrested for aggravated harassment.

Schmidt added that Zahnow told him that an FBI agent had contacted her and told her to call the local police concerning the interview. Zahnow did not tell Schmidt the name

Around 11:30am, RDH visited the Town of Brookfield police and talked with Acting Chief Chris Perket. Told the Chief I did not appreciate the intimidation implicated in the threat to arrest me. I informed him about the RICO case in federal court, that the defendants in Wisconsin were Russian and Zahnow was the former employer of one defendant. I added I was within my rights to continue my investigation into the case. I requested a copy of the complaint that they later provided.

8/26/3 at around 10:50am, RDH called Sean Schmidt and asked why his report did not include that Zahnow told him an FBI agent told her to call the Brookfield police to file a complaint. Schmidt confirmed that is what she said but did not put it in the report because it was not confirmed. I told Schmidt that I would probably need a statement as to what she said and he agreed. Schmidt said he did not include Zahnow's statement about the FBI because he had no way of confirming whether it was true.

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August 28, 2003

Robert S. Mueller, Director  
Federal Bureau of Investigation  
J. Edgar Hoover Building  
935 Pennsylvania Avenue, NW  
Washington, D.C. 20535-0001

Dear Director Mueller:

I want to know why the Milwaukee, Wisconsin office of the FBI is interfering with my investigation of the facts in a civil RICO case presently in the US District Court for the Southern District of New York.

I am the plaintiff in the RICO action, and as a lawyer, I represent myself pro se. The defendants include Russian, Chechen and American organized criminals, an Islamic mafia group once headed by Arbi and Movsar Baraev, and others. The case is titled Roy Den Hollander v. Flash Dancers Topless Club et al., 03 CV 2717 and is before Chief Judge Michael B. Mukasey. Currently, the domestic parties are proceeding through the Fed. R. Civ. P. 12(b) motion stage.

Two of the defendants, Anastasia and Nicolay Vasilyeva, are currently alien residents living in Milwaukee, Wisconsin. As the RICO complaint alleges, they also run a call-girl operation through a model and fashion house in Kransnodar, Russia by providing prostitutes to local officials and criminals and exporting prostitutes to Cypriot brothels/strip-clubs that are run by Russian organized crime and to other countries such as the USA.

In July 2003, the Vasilyevas sent a letter to the New York Southern District Court with a copy to me that responded to the complaint. See attached Exhibit A, copy of the original letter with an English translation. From August 21<sup>st</sup> to the 25<sup>th</sup> I traveled to Milwaukee to determine the accuracy of some of the statements in the letter and continue my investigation into the facts of the case.

On August 22<sup>nd</sup> at around noon, I interviewed Anastasia Vasilyeva's former employer and apparent friend, Cynthia Zahnow, who manages a small tailoring shop that seems to be part of the upscale Valentina fashion house in the Town of Brookfield outside of Milwaukee. Ms. Zahnow answered a number of my questions during the 10 to 15 minute interview that provided me with some useful information. Other people were present during the conversation. I left my business card with her.

On the same day at a little after one o'clock in the afternoon, I interviewed FBI Special Agent Barry P. Babler at the FBI's Milwaukee office. The Vasilyeva's letter to the Court stated that Mr. Babler had "inspected all of us" when Anastasia Vasilyeva's father came to Wisconsin from Russia on December 25, 2002. See Exhibit A, p 3, last paragraph of the English translation.

Mr. Babler talked with me for around 10 minutes in the waiting room of the FBI office and without another agent being present. Mr. Babler said there was no investigation into Anastasia Vasilyeva's father, only a routine inquiry that resulted from a random check of aliens visiting Wisconsin. He stated the inquiry only concerned confirming the father's paper work.

Mr. Babler added that he was familiar with the RICO case, had read the complaint (which is 91 pages long) and had a copy of it in his office. According to Mr. Babler, Anastasia Vasilyeva had contacted him after being served the complaint (June 2003), told him it concerned the Russian mafia and asked him for advice. Mr. Babler recounted that he told her he could not provide any legal advice.

Also during my interview of Mr. Babler, he agreed to give me the first name of Anastasia Vasilyeva's father which is necessary for determining her patronymic and in turn finding any criminal records that may exist in Russia. He told me to call back later that day. When I called back, he refused to provide me the father's first name as promised because, as he said, it would impact one of the FBI's investigations. The routine inquiry was now an investigation and apparently ongoing.

On August 25 at around 8:45 am, I received a call from Police Officer Sean Schmidt of the Town of Brookfield. Officer Schmidt said a complaint had been made against me by Ms. Zahnow and, if I contacted her again, I would be arrested for aggravated harassment.

Officer Schmidt continued that he understood from Ms. Zahnow that an FBI agent had been talking to me concerning my interview with Ms. Zahnow on the same day that the interview took place, August 22<sup>nd</sup>. In addition, Officer Schmidt said Ms. Zahnow told him that the FBI agent had contacted her and told her to call the local police to file a complaint against me.

Ms. Zahnow had no way of knowing that I had a discussion with an FBI agent while in Milwaukee unless it came from the FBI itself. Since the only agent I talked to during my trip was Mr. Babler, the mostly likely chain of events is that after I interviewed Ms. Zahnow, she contacted Anastasia Vasilyeva who then called Mr. Babler. Mr. Babler then either contacted Ms. Zahnow directly or told Anastasia Vasilyeva to tell her to make a complaint with the local police. Either way, it's the FBI interfering with a pending case in a federal court.

On August 25<sup>th</sup> before my plane left for New York, I visited the Milwaukee FBI office again to find out the reason for the FBI's interference. The head agent, David Mitchell, was on vacation, and the acting manager, Jeffrey Troy, was busy in meetings, apparently because of the influx of tens of thousands Harley Davidson enthusiasts. Mr. Troy's secretary said he would call me at my number in New York. He hasn't, and, if he does, I doubt he will provide me with any reasonable answers.

This is the third in a series of what I can only characterize as “bizarre” responses by the FBI concerning the fact pattern of this RICO suit. The other two occurrences concerned the New York City office and a series of threatening telephone calls made to me.

In closing, I want to know why the Milwaukee FBI is protecting two Russian alien defendants who ran and apparently still run an international prostitution ring centered in Krasnodar, Russia. I am taking this route of contacting you before I decide whether it is necessary to take up the District Court’s time with a motion for a preliminary injunction against the FBI.

Thank you very much. If you have any questions, please contact me.

Sincerely,

Roy Den Hollander



## U.S. Department of Justice

Federal Bureau of Investigation

Office of the General Counsel

Washington, D.C. 20535

December 16, 2003

Mr. Roy Den Hollander  
545 East 14<sup>th</sup> Street  
New York, NY 10009

Dear Mr. Den Hollander:

Your letter, dated August 28, 2003, to the Director of the Federal Bureau of Investigation (FBI) was referred to this office for response.

Your allegation, in summary, is that an FBI agent in the Milwaukee Field Office interfered in your investigation in support of the civil RICO complaint you filed in the Southern District of New York. After reviewing the details set forth in your letter, and inquiring into the matter with cognizant personnel in the FBI Milwaukee Field Office, I am satisfied that the Milwaukee agent acted appropriately in his contacts with the parties in your complaint and did not, in any manner, interfere with your investigation.

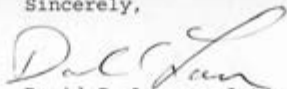
Specifically, the agent made it clear to all parties who contacted him that the FBI had no interest in the matters alleged in your civil complaint and that he could not advise them as to how to respond or proceed. The only exception was the agent's advice to one party to contact the police because that person had alleged that you were harassing her.

Mr. Roy Den Hollander

Furthermore, in refusing to provide you the name of your defendant's father or any other FBI record information, the agent was acting in compliance with the Privacy Act, which prohibits release of this information. Finally, I assure you that the FBI is not "protecting" your named defendants or anyone else, for that matter. In closing, let me reiterate that the FBI has no interest in your litigation or its outcome.

I trust that this response addresses your concerns.

Sincerely,

A handwritten signature in dark ink, appearing to read "D. Larson", written in a cursive style.

David C. Larson, Acting Chief  
Investigative Law Unit

**ROY DEN HOLLANDER**  
**Attorney at Law**

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January 5, 2004

David C. Larson, Acting Chief  
Investigative Unit  
U.S. Dept. of Justice  
Federal Bureau of Investigation  
Office of the General Counsel  
Washington, D.C. 20535

**Roy Den Hollander v. Flash Dancers Topless Club, et al.**  
**Southern District Court of New York, CV-03-2717 (MBM)**

Dear Mr. Larson:

Thank you for your letter of December 16, 2003 in response to my complaint that the FBI Milwaukee Field Office interfered with my investigation in the above captioned case.

I am concerned that Special Agent Babler provided legal advice to a particular party complaining about harassment by telling her to contact the police. I understand that the FBI rules and regulations prohibit agents from providing such advice to the public.

In addition, Special Agent Babler's action does not appear accidental or even negligent. He knew I was in Milwaukee conducting the type of research that attorney's do on a case. (Please see the attached August 20, 2003 letter to Babler.) In this instance, I was trying to confirm the representations made to a federal court by two defendants. (Please see the attached letter to S.D.N.Y. court.) Despite this knowledge, Special Agent Babler went ahead and advised a member of the public to use the local police to complain of harassment. Being an experienced law enforcement officer in modern day America, Special Agent Babler had to have known that the police would respond to such a complaint from a woman by threatening me with arrest. As simple logic dictates, such a threat would have some deterrent effect or at least consume valuable time in my investigation of a pending case. Regardless of Special Agent Babler's motives, his action negatively impacted my investigation into a matter before a federal court and he should be reprimanded. It is unacceptable in a republic for one law enforcement agency to use its street smarts to manipulate another agency into interfering with a lawful investigation in a civil case.



Further, your letter did not indicate whether Anastasia Anatolyevna Vasilyeva (father's first name Anatole) or Cynthia D. Zahnow (the interviewee) was the party that contacted Special Agent Babler.

Lastly, I would like to know whether it is normal procedure for the FBI to investigate visitors to the USA from Russia as in the case of Special Agent's Babler's investigation of Anastasia's father when he visited in December 2002?

Thank you for your time.

Sincerely,

Roy Den Hollander



U.S. Department of Justice  
Federal Bureau of Investigation

Office of the General Counsel

Washington, D.C. 20535

January 29, 2004

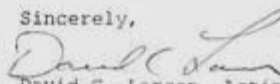
Mr. Roy Den Hollander  
Attorney at Law  
545 East 14th Street  
New York, New York 10009

RE: ROY DEN HOLLANDER V. FLASH DANCERS TOPLESS CLUB, ET AL.  
CV-03-2717 (MBM)

Dear Mr. Hollander:

I received your letter dated January 5, 2004, requesting additional information with regard to your complaint that a Special Agent (SA) assigned to the FBI's Milwaukee Division interfered with your investigation in the above-captioned matter. As you were advised by my previous letter dated December 16, 2004, the FBI's Office of the General Counsel has determined that there was no impropriety on the part of the Milwaukee SA in your case. Inasmuch as the FBI has no interest in this litigation, any further requests for information regarding the FBI's authority to investigate foreign visitors or any other issues of interest to you may be obtained through the Freedom of Information Privacy Act pursuant to 28 Code of Federal Regulations § 16.1 et seq.

Sincerely,

  
David C. Larson, Acting Chief  
Investigative Law Unit

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August 23, 2004

Honorable P. Kevin Castel  
United States District Court for the Southern  
District of New York  
Daniel Patrick Moynihan U.S. Courthouse  
500 Pearl Street  
New York, N.Y. 10007-1312

**Roy Den Hollander v. Flash Dancers Topless Club, et al.**  
**Southern District Court of New York, CV-03-2717 (PKC)**

Dear Judge Castel:

I am the attorney-plaintiff representing myself *pro se* in this action

In accordance with your Honor's individual practice rules under Section 2(A)(1) Pre-Motion Conferences in Civil Cases, I am requesting a pre-motion conference so as to be able to make a motion to supplement the Complaint under Fed. R. Civ. P. 15(d).

The supplemental complaint, a copy of which is attached as Exhibit A, will update the earlier Complaint filed on April 18, 2003 with subsequent occurrences and events that relate to the original Complaint as required by Quaratino v. Tiffany & Co. 71 F.3d 58, 66 (2d Cir. 1995).

In addition to defendants FlashDancers, Cybertech Internet Solutions, Kuba Mundy & Associates, Nicholas J. Mundy, Peter Petrovich, Alina A. Shipilina, Doctor Marc L. Paulsen, Anastasia and Nicolay Vasilyeva, Bob Henning and Inessa Shipilina, the supplemental complaint will include four new parties allegedly participating in the subsequent events as permitted under Griffin v. County Sch. Bd. of Prince Edwards Co. 377 U.S. 218, 227, 84 S.Ct. 1226, 1231 (1964); U.S. v. National Screen Serv. Corp., 20 F.R.D. 226, 227 (S.D.N.Y. 1957).

One of the basic policies of the Federal Rules of Civil Procedure "is that a party should be given every opportunity to join all of his grievances against other parties regardless of when they arose." Wright & Miller, Federal Prac. and Proc.: Civ.2d § 1506, p 193 of 1990 edition.

Respectfully,

Roy Den Hollander

CC Edward S. Rudofsky, Esq.

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Anastasia A. Vasilyeva and Nicolay N. Vasilyev  
2876A South 46 St.  
Greenfield, WI 53219

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
Roy Den Hollander,

Plaintiff,

Docket No. 03 CV 2717 (PKC)

-against-

**Fed. R. Civ. P. 15(d)**  
**Supplemental Complaint**

Flash Dancers Topless Club, et al.,

Defendants,

Magomet Ali Kurban  
Viktor Vladimirovich Kononenko  
Baraev Mobster 1  
Cynthia D. Zahnow

Additional Defendants.  
-----X

**I. Introduction**

1. The events included in this supplemental complaint happened after the original complaint ("Complaint") was filed on April 18, 2003.

**II. Krasnodar Is Calling**

2. Early on June 4, 2003, the plaintiff received a telephone threat from a thuggish-sounding man speaking in Russian who warned the plaintiff it would be "bad" for him if he traveled to Krasnodar, Russia to investigate some of the defendants in this RICO action.
3. After the threatening caller hung up, the plaintiff dialed \*57, the recorded message said the call had been traced; also the plaintiff noted the number that registered on his caller id by the threatening call.
4. The plaintiff contacted a telephone supervisor at the foreign area code listed on his caller id, but that area code had no such number because, according to the operator, the caller likely used a device that sends out a false number.
5. The plaintiff contacted his telephone provider's Harassing Call Center but the \*57 trace failed to show a working number because the call, according to the Center, probably came from a number that did not exist or a prepaid calling card, still the Center opened a case.

6. On June 19, 2003, the plaintiff filed a complaint with his local police precinct No. 13, but the case was subsequently closed because there was no information as to the telephone number from where the call was made.
7. The plaintiff also notified the Federal Bureau of Investigation (“FBI”) about the threatening call.
8. The FBI’s Russian Organized Crime Unit declined to take any action concerning the threatening call but began looking into other matters contained in the RICO Complaint.
9. When the threatening call was made on June 4, 2003, none of the defendants had yet been served, but a number of them were on notice of the RICO action having been filed as a result of the plaintiff’s request for waivers of service of summons that had been mailed to them, along with a copy of the Complaint, on April 20 or 26, 2003.
10. The defendants who had notice of the RICO action and a copy of the Complaint before the threatening call of June 4, 2003 were Flash Dancers Topless Club, Jay-Jay Cabaret, Cybertech Internet Solutions, Lynn Lepofsky, Barry-Night Manager Flash Dancers, Kuba Mundy & Associates, Nicholas J. Mundy, Peter Petrovich, Alina A. Shipilina, Doctor Marc L. Paulsen, Anastasia and Nicolay Vasilyeva and Bob Henning.
11. On information and belief, the defendants in ¶ 10 knew the plaintiff was an attorney admitted to practice in the Southern District Court of New York and therefore a Court officer.
12. On information and belief, the defendants listed in ¶ 10, or some group of them, most likely Mundy, Petrovich and Shipilina, agreed and arranged for the threatening call to be made in order to intimidate the plaintiff into not serving the Complaint or not otherwise prosecuting the RICO action.
13. On information and belief, the defendants listed in ¶ 10, or some group of them, most likely Mundy, Petrovich and Shipilina, contacted Inessa Shipilina, Magomet Ali Kurban, Viktor Vladimirovich Kononenko or Baraev Mobster 1 in Krasnodar to have one of them make the threatening call or arrange for it to be made.
14. Magomet Ali Kurban and Viktor Vladimirovich Kononenko are Krasnodar organized crime members who work closely with fellow Enterprise members Alina and Inessa Shipilina.
15. Magomet Ali Kurban and Viktor Vladimirovich Kononenko enabled defendants Alina and Inessa Shipilina to take control of the gymnasium at the Kuban State Physical Culture Academy, a state university, and use the gymnasium for personal profit by running various private enterprises out of it.
16. The defendants listed in ¶ 10, or some group of them, most likely Mundy, Petrovich and Shipilina, engaged in the predicate acts of obstructing justice by arranging for the

threatening of an attorney admitted to practice before the Court and therefore an officer of the Court, 18 U.S.C. 1503, tampering with a witness and victim via the threat, 18 U.S.C. 1512, using interstate or foreign facilities to arrange for the intimidation of the plaintiff, 18 U.S.C. 1952, and communicating by foreign telephone facilities to protect and further the Enterprise's Scheme, which is wire fraud under 18 U.S.C. 1343.

17. The defendants listed in ¶ 10, or some group of them, most likely Mundy, Petrovich and Shipilina, engaged in the predicate acts in ¶ 16 to maintain, directly or indirectly, their interests in and control of part of the Enterprise and to participate in the operation, management or exert authority within the Enterprise in violation of 18 U.S.C. 1962(b) & (c).
18. The defendants listed in ¶ 10, or some group of them, most likely Mundy, Petrovich and Shipilina, agreed to commit the predicate acts in ¶ 16 in furtherance of the common purpose, the Scheme, of the RICO enterprise in violation of 18 U.S.C. 1962(d).
19. Inessa Shipilina, Magomet Ali Kurban , Viktor Vladimirovich Kononenko or Baraev Mobster 1's conduct in arranging and making the threat constitute the predicate acts of obstructing justice by threatening an attorney admitted to practice before the Court, 18 U.S.C. 1503, tampering with a witness and victim, 18 U.S.C. 1512, using interstate or foreign facilities to arrange for and intimidate the plaintiff, 18 U.S.C. 1952, and communicating by foreign telephone facilities to protect and further the Enterprise's Scheme, which is wire fraud under 18 U.S.C. 1343.
20. Inessa Shipilina, Magomet Ali Kurban , Viktor Vladimirovich Kononenko or Baraev Mobster 1 engaged in the predicate acts in ¶ 19 to maintain, directly or indirectly, their interests in and control of part of the Enterprise and to participate in the operation, management or exert authority within the Enterprise in violation of 18 U.S.C. 1962(b) & (c).
21. Inessa Shipilina, Magomet Ali Kurban, Viktor Vladimirovich Kononenko or Baraev Mobster 1 agreed to commit the predicate acts in ¶ 19 in furtherance of the common purpose, the Scheme, of the RICO enterprise in violation of 18 U.S.C. 1962(d).

### **III. The Letter**

22. On July 2, 2003, defendants Anastasia and Nicolay Vasilyva sent a letter to the Court that made a number of factual claims, including their employment or lack of and that FBI Special Agent Barry P. Babler had investigated the two of them as well as defendant Anastasia's father who traveled from Russia to their Milwaukee, Wisconsin home on December 25, 2002.
23. The plaintiff went to Milwaukee, Wisconsin from August 21 to 25, 2003 to check out the accuracy of the statements made by the defendants Vasilyevas to the Court.

24. On Friday, August 22, 2003, the plaintiff interviewed for about fifteen minutes Cynthia D. Zahnow in the presence of witnesses at the shop she managed, "Custom Tailoring," where defendant Anastasia claimed in her letter to be working.
25. Zahnow knew about the RICO action, had seen the Complaint and claimed Anastasia no longer worked for her.
26. According to Zahnow, before Anastasia's father visited Milwaukee, the FBI came to Zahnow's store to ask her questions about the Vasilyevas as part of its investigation into the father, which delayed his visit for about six weeks.
27. The plaintiff then visited the Milwaukee FBI office, about an hour after the Zahnow interview, where he talked with Special Agent Babler, who appeared very nervous, in the reception area of the FBI office without another agent present.
28. According to Babler, he conducted an FBI inquiry into Anastasia's father, but the inquiry, which he emphasized was not an investigation, did not delay the father's visit, was done after the father arrived, didn't even take a month, was routine and resulted from a random check of paper work that came across Babler's desk.
29. Babler was familiar with the RICO action, had read the 91 page Complaint and, according to him, the Vasilyevas' requested legal advice from him as an FBI agent on how to deal with the Complaint that involved Russian mafiosi.
30. Babler denied giving the Vasilyevas any advice.
31. Babler added he was surprised that the plaintiff was not on the FBI's list of people who travel periodically to Russia, apparently he checked.
32. The plaintiff requested the first name of Anastasia's father, which Babler agreed to provide if the plaintiff called him back later that afternoon.
33. When the plaintiff called Babler back, he claimed he could not reveal the name because it would impact an FBI investigation, apparently the former inquiry was now a current investigation, and Babler asked whether the plaintiff lived in Wisconsin or New York to which the plaintiff replied New York.
34. Early Monday morning on August 25, 2003, the plaintiff received a call from Police Officer Sean Schmidt of the Brookfield Town Police threatening him with arrest for aggravated harassment as a result of the interview with Cynthia Zahnow on Friday August 22<sup>nd</sup>.
35. According to Officer Schmidt, Zahnow claimed the FBI had talked with the plaintiff right after the plaintiff's interview with Zahnow, which she had no way of knowing unless told by the FBI, and that she was filing the aggravated harassment complaint against the



plaintiff after the FBI contacted her and told her to complain to the local police about the plaintiff.

36. The complaint filed by Zahnow falsely and misleading claimed the plaintiff had been coming to her business and also calling her even though the plaintiff only made one visit and no calls.
37. Since the only FBI agent the plaintiff talked to during his trip was Babler, the mostly likely chain of events is that after the plaintiff interviewed Zahnow, she contacted Anastasia Vasilyeva who then brought in Babler to figure a way to thwart the plaintiff's investigation.
38. On information and belief, all three agreed on a course of action at Babler's suggestion to intentionally thwart the plaintiff's investigation by having Zahnow make false harassment accusations against the plaintiff with the local police in order to harass and scare the plaintiff off his investigation and back to New York.
39. The plaintiff, indignant and disturbed over FBI Special Agent Babler's interference into the RICO investigation and apparent efforts to use the local police to scare the plaintiff out of town, visited the Brookfield Town Police at 11:30 am where he appraised Acting Chief Chris Perket of the RICO case and his lack of appreciation for the intimidation implicated in the threat of arrest.
40. At around 12:45 pm, the plaintiff visited the Milwaukee FBI Headquarters to complain to someone in charge about Babler's interference in a pending federal case, but the man in charge was out of town and the acting head, Jeffrey Troy, busy.
41. At 2 pm the plaintiff telephoned the FBI's acting head as instructed by Troy's secretary, but he was still busy, and his secretary assured the plaintiff that Jeffrey Troy would telephone him on August 26, 2003 back in New York, the plaintiff is still waiting for that call.
42. After returning to New York, the plaintiff mailed a letter to FBI Director Mueller demanding to know why FBI Special Agent Babler was trying to thwart the plaintiff's investigation into this RICO case by advising to have Zahnow file false aggravated harassment charges against the plaintiff.
43. In a December 16, 2003 letter from David C. Larson, Acting Chief, Investigative Law Unit for the FBI, Exhibit A, Mr. Larson confirmed that Babler gave advice to a defendant in this case to contact the local police.
44. On information and belief Zahnow, Babler and defendant Anastasia Vasilyeva knew the plaintiff was an attorney admitted to practice in the Southern District Court of New York and therefore a Court officer.

45. Zahnow, Babler and defendant Anastasia Vasilyeva intentionally committed the predicate acts of obstructing justice by corruptly influencing, intimidating and impeding an attorney admitted to practice before the Court and causing with false accusations the threat of arrest to be made against that attorney in violation of 18 U.S.C. 1503, and tampering with a witness and victim in violation of 18 U.S.C. 1512.
46. Zahnow and defendant Anastasia Vasilyeva engaged in the predicate acts in ¶ 45 to maintain, directly or indirectly, their interests in and control of part of the Enterprise and to exert control; that is, authority in conducting some of the affairs of the Enterprise in violation of 18 U.S.C. 1962(b) & (c).
47. Zahnow and defendant Anastasia Vasilyeva agreed to commit the predicate acts in ¶ 45 in furtherance of the common purpose, the Scheme, of the RICO enterprise in violation of 18 U.S.C. 1962(d).
48. Zahnow, Babler and defendant Anastasia Vasilyeva agreed to commit the offenses under 18 U.S.C. 1503 & 1512, which constitute violations of 19 U.S.C. 371, the federal conspiracy statute.

#### **IV. Mundy's End Run**

49. Defendant Mundy, after receiving the RICO Complaint along with the plaintiff's request for waiver of summons service, filed a complaint against the plaintiff with the Lawyers Disciplinary Committee for the Supreme Court, Appellate Division of New York State.
50. Besides claiming to the Disciplinary Committee that the plaintiff "may indeed be mentally incompetent" and "paranoid delusion," member Mundy "urge[d] the Committee to assist in any way possible in putting an end to [the plaintiff's] actionable conduct" by which he meant this RICO suit.
51. Member Mundy's disciplinary complaint states, "Mr. Den Hollander's District Court complaint [RICO], prepared *pro se*, is 91 pages in length and contains 915 numbers (sic) paragraphs. It is a meandering, disorganized, prolix narrative, and an embarrassment to the justice system. A review of the caption alone should question whether Mr. Den Hollander is fit to practice law."
52. On information and belief, member Mundy used the U.S. Postal Service to send the disciplinary complaint to the Committee with the intent of protecting and furthering the Enterprise's Scheme by his "urgent request" to have the Committee "censure or suspend" the plaintiff, which would threaten the plaintiff's livelihood and his ability to pursue the RICO action, or at least start an investigation that could intimidate the plaintiff into withdrawing the RICO claim.
53. Member Mundy knowingly filed unproven and unfounded accusations against the plaintiff apparently with the intent of effectively denying the plaintiff access to the Court

by threatening him with a difficult disciplinary committee proceeding if the plaintiff continued with the RICO action.

54. Tellingly, Mundy's disciplinary complaint against the plaintiff cited no ethical canons or disciplinary rules the plaintiff was supposed to have violated that allegedly caused Mundy to invoke the power of the Committee.
55. Member Mundy's conduct constitutes the predicate act of mail fraud under 18 U.S.C. 1341, since his attempt to misuse the Committee was incident to an essential part of the Enterprise's Scheme that it remain untouched by the law.
56. On information and belief, defendant Mundy knew the plaintiff was an attorney admitted to practice in the Southern District Court of New York and therefore a Court officer.
57. Member Mundy's conduct constitutes the predicate acts of obstruction of justice by threatening an attorney admitted to practice before the Court, which violates 18 U.S.C. 1503 and tampering with a witness and victim in violation of 18 U.S.C. 1512.
58. Member Mundy engaged in the predicate acts in ¶¶ 55 & 57 to maintain, directly or indirectly, his interests in and control of part of the Enterprise and to participate in the operation, management or exert authority within the Enterprise in violation of 18 U.S.C. 1962(b) & (c).

#### **V. Shipilina's Delusive Declaration**

59. On July 13, 2004, Judge Castel ordered defendant Alina Shipilina to provide the addresses for four other defendants if she had knowledge of those addresses.
60. The four defendants are Tanya-Phodes Studio prostitute, Stephanos-bank employee, Juginta Raszyukevichina ("Azul") and Salvador-partner Phodes Studio.
61. In her July 21, 2004 declaration, defendant Shipilina knowingly made false, incomplete and misleading statements regarding her dealings and relationships with these four defendants.
62. On information and belief, defendant Shipilina intentionally covered up the full extent of her dealings and relationships with the four defendants in order to protect and further the Enterprise's Scheme.
63. On information and belief, in order to facilitate the carrying on of the Enterprise's illegal activities, defendant Shipilina intentionally covered up the full extent of her dealings and relationships with the four defendants.
64. On information and belief, defendant Shipilina reasonably foresaw that her delusive declaration would be communicated to the Court and the plaintiff by the U.S. Postal Service.

65. Defendant Shipilina falsely and misleadingly says in her Declaration ¶ A. that she only “believe[d]” defendant Perlin “was a principal in Phodes Studio,” she was together with Tanya only a “few times,” she “did not socialize with [Tanya] and she had no “reason to know [Tanya’s] last name.”
66. Defendant Shipilina falsely and misleadingly says in her Declaration ¶ B. that she does not “remember in which bank [Stephanos] worked,” “never knew [Stephanos’] last name,” “never had any reason to know his address,” and cannot “tell if this is the same person” whom she visited at his bank in September 2000 in Cyprus.
67. Defendant Shipilina falsely and misleadingly fails to say in her Declaration ¶ C. that she and Azul worked together at The Men’s Club in Mexico City, traveled together to resort locations with their customers and keeps Azul’s telephone numbers in her electronic organizer.
68. Defendant Shipilina falsely and misleadingly says in her Declaration ¶ D. that she “was never informed as to the nature of [Salvador’s] business connections, if any, with Phodes Studio,” she “went to his house with other people” when she went alone, and “was unaware of his specific address.”
69. Defendant Shipilina’s conduct constitutes the predicate acts of mail fraud under 18 U.S.C. 1343 and using the mail in aid of a racketeering enterprise under 18 U.S.C. 1952.
70. By falsely concealing facts from the Court in her July 21, 2004 affidavit, defendant Shipilina also obstructed justice by corruptly influencing and impeding the due administration of justice by the Court in violation of 18 U.S.C. 1503.
71. Defendant Shipilina engaged in the predicate acts in ¶¶ 69 & 70 in order to maintain, directly or indirectly, her interests in and control of part of the Enterprise and to participate in the operation, management or exert authority within the Enterprise in violation of 18 U.S.C. 1962(b) & (c).
72. By intentionally concealing facts in her affidavit, defendant Shipilina also committed perjury under 18 U.S.C. 1621.

## **VI. Effect on Interstate and Foreign Commerce**

73. The additional activities recounted in this supplemental complaint either impact interstate and foreign commerce directly or were carried out to protect and further the Enterprise’s activities cited in the Complaint that effect interstate and foreign commerce (Complaint ¶ 874)

### **VIII. Pattern of Racketeering Activities**

74. The predicate acts recounted in this supplemental complaint illustrate the continuing nature of the Enterprise's illegal activities to protect and further the Enterprise's continuing Scheme to infiltrate and expand its activities into the U.S. and other markets.
75. The predicate acts recounted in this supplemental complaint occurred over a temporal proximity of eleven months and when included with the activities in the Complaint, the period is approximately five years.
76. The predicate acts recounted in this supplemental complaint illustrate that the Enterprise continues to further its Scheme by protecting valuable members from exposure and the law with obstruction of justice, tampering with a witness and victim, using interstate or foreign facilities and the mail, and engaging in wire and mail fraud.

### **IX. Damages**

77. The Enterprise's additional illegal activities recounted in this supplemental complaint have increased the harm to the plaintiff's business and property by causing loss of profits, business interruption expenses, loss of business opportunities and damage to the plaintiff's reputation and good will in the amount of \$100,000.

Dated: New York, NY  
August 23, 2004

---

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August 26, 2004

Honorable P. Kevin Castel  
United States District Court  
for the Southern District of New York  
500 Pearl Street, Courtroom 12C  
New York, New York 10007

Re: Client: Kuba, Mundy & Associates and Nicholas J. Mundy  
Matter: Roy Den Hollander v. Kuba, Mundy & Associates and Nicholas J. Mundy  
Docket No.: 03 CV 2717

Dear Honorable Sir:

Our office represents the defendants Kuba, Mundy & Associates, Nicholas J. Mundy and Peter Petrovich (collectively referred herein as "Mundy") in connection with the above-referenced matter.

I am in receipt of plaintiff's August 23, 2004 correspondence to this Court requesting a pre-motion conference in order to make an application to supplement his initial April 18, 2004 complaint. Although Fed. R. Civ. P. 15(d) provides this Court with discretion to permit the plaintiff to serve a supplemental pleading setting forth purported transactions or occurrences which have happened since the date of the initial pleading, these defendants respectfully submit that plaintiff's request should be denied at this time. Each of the allegations and predicate acts as they refer to Mundy are merely repetitive of the allegations and predicate acts already set forth against Mundy in the plaintiff's initial complaint, which has already been addressed in the defendants' motion to dismiss. In any event, all other allegations set forth by plaintiff in his proposed supplemental pleading have been addressed by the many motions to dismiss now pending before this Court. It is respectfully submitted that plaintiff's request should not be considered until these motions are determined by this Court.


MUSC/SDJ

TP 16

B 57

Thank you for attention to this matter. If you have any questions, I remain available at the Court's convenience.

Respectfully submitted,



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August 30, 2004

Honorable P. Kevin Castel  
United States District Court for the Southern  
District of New York  
Daniel Patrick Moynihan U.S. Courthouse  
500 Pearl Street  
New York, N.Y. 10007-1312

**Roy Den Hollander v. Flash Dancers Topless Club, et al.**  
**Southern District Court of New York, CV-03-2717 (PKC)**

Dear Judge Castel:

I am the attorney-plaintiff representing myself *pro se* in this action.

Once again misleading statements by the moving defendants require a response. In their August 26, 2004 letter to the Court, the moving defendants request the Court deny a pre-motion conference to determine whether the plaintiff will be allowed to make a motion to supplement his complaint.

The defendants falsely claim that the proposed supplemental complaint, as it concerns Mundy, is “merely repetitive of the allegations and predicate acts already set forth ... in the plaintiff’s initial complaint.” Unless the defendants ascribe to a Doctor Who view of time, their statement as to the factual allegations makes no sense. The supplemental complaint alleges events that occurred only after the filing of the original complaint; therefore, the events in the original complaint and supplemental complaint cannot be “repetitive”, since the events in the supplemental complaint had not yet occurred on filing of the original complaint. As for the predicate acts alleged against Mundy in the supplemental complaint, the obstruction of justice section under 18 U.S.C. 1503 was not alleged against Mundy in the original complaint.

Finally the defendants claim, “**all** other allegations set forth by the plaintiff in his proposed supplemental pleading have been addressed....” (emphasis added) by their motions to dismiss. There are no references in any of their memoranda of law to the events that transpired in Milwaukee, Wisconsin in August 2003 or to movant Shipilina’s delusive declaration to this Court. As for the threatening Russian telephone call and Mundy’s filing of a disciplinary complaint against the plaintiff, the defendants’ motions do not address the predicate acts such conduct specifically violated.

Thank you for your time.

Respectfully,

Roy Den Hollander

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August 30, 2004

Honorable P. Kevin Castel  
United States District Judge  
Southern District of New York  
United States Courthouse  
500 Pearl Street  
New York, NY 10007-1312

Re: Roy Den Hollander v. Flash Dancers  
03 Civ. 2717 (PKC)

Dear Judge Castel:

This office represents defendant Alina Shipilina in the above matter. Addressing the "Supplemental Complaint," which Plaintiff is requesting the Court to accept upon motion under Fed. R. Civ. P. 15(d), defendant Shipilina urges the Court to deny such request/motion for the following reasons:

The first sentence of FRCP §15(d) reads:

"Upon motion of a party the court may, upon reasonable notice and upon such terms as are just, permit the party to serve a supplemental pleading setting forth transactions or events *which have happened* since the date of the pleading sought to be supplemented." Emphasis supplied.

The language of the rule is plain enough. It is submitted that this simple requirement has not been met, since it appears that few, if any, of the events cited in the Supplemental Complaint ever *really happened*, as the rule requires, but are either fabrications or, by their very wording, rampant speculation on the part of Plaintiff.

To begin with, ¶¶ 1 - 8 deal with a phantom "threatening" phone call, which was apparently impossible to trace, then summarily dismissed by the FBI. Did that *really* happen? ¶¶ 11 - 13 begin with the phrase, "On information and belief," which is defined in Black's Law Dictionary, Second Pocket Edition (2001), as "based on secondhand information that the declarant believes to be true." ¶¶ 12 and 13 preface the occurrences with the phrase, "most likely," which indicates the events are not based on any "information," secondhand or otherwise, but are mere speculation, or even wishful thinking on the part of Plaintiff.

In ¶ 11, Plaintiff asserts that the defendants in ¶ 10 knew plaintiff was an attorney admitted to practice in the Southern District of New York. What my client, at least, was not aware of is that Plaintiff is also an employee of the office of the U. S. Attorney for the

J. K. SACHS

ATTORNEY AT LAW

Southern District of New York, presenting what closely resembles an indictment, for crimes not even "alleged," but rather *committed*. The "most likely" phraseology also appears, curiously, in the accusatory ¶¶ 16, 17, and 18. It is submitted that the statements in ¶¶ 19 through 21, insofar as my client is concerned, would constitute actionable libel were they not inserted in a court pleading, of which we are certain plaintiff must be aware.

Plaintiff's wrath, as befits a scorned lover, manifests itself most clearly in Section V of the proposed supplemental pleading, calling into play many or all of the pejorative adjectives in Plaintiff's vocabulary each time my client's name comes up in his unsubstantiated conclusory statements. Ms. Shipilina stands by her declaration as submitted, and if her replies do not suit Plaintiff's agenda, so be it.

It is apparent, as well, that much of what appears in the proposed supplemental pleading is duplicative of the reams of pleadings already filed by Plaintiff, and responded to by the wealth of defendants, throughout the world, as it were, who have all allegedly conspired to tread upon plaintiff's legal toes.

Wherefore, it is most respectfully requested that plaintiff's request for permission to move to submit the supplemental pleading be denied.

Respectfully,

Jack Sachs (JS 4241)

JS:abm

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September 3, 2004

Honorable P. Kevin Castel  
United States District Court for the Southern  
District of New York  
Daniel Patrick Moynihan U.S. Courthouse  
500 Pearl Street  
New York, N.Y. 10007-1312

**Roy Den Hollander v. Flash Dancers Topless Club, et al.**  
**Southern District Court of New York, CV-03-2717 (PKC)**

Dear Judge Castel:

I am the attorney-plaintiff representing myself *pro se* in this action.

This is in response to attorney Jack Sachs' August 30, 2004 letter to the Court in which he opposes the plaintiff's request for a pre-motion conference, but then rambles on to argue as though he were responding to a motion already made using the type of vitriolic invective that overly protective boyfriends do, such as "[p]laintiff's wrath, as befits a scorned lover ...." Who is Mr. Sachs trying to impress with this sophomoric name-calling? His client is not accused with breaking hearts but breaking the law, 18 U.S.C. 1964(c).

Mr. Sachs complains that some of the allegations in the proposed supplemental complaint "libel" his client. All the attorneys know, including him, that no matter what names he and the others call the plaintiff in this proceeding there is no recourse to a libel claim, so why even raise that non-issue. Me doth think Mr. Sachs protests too much, especially when the proposed supplemental complaint paragraphs he claims as libeling his client, ¶¶ 19-21, don't deal with his client unless he now represents Inessa Shipilina and two notorious organized crime figures in Krasnodar: Magomet Ali Kurban (Kurban is the last name) and Viktor Vladimirovich Kononenko.

Mr. Sachs emotionally objects to alleged "pejorative adjectives" in Section V. Shipilina's Delusive Declaration, but doesn't specify them. Further, he doesn't claim they are libelous, since much of Section V is based on his client's own diary. Mr. Sachs also calls the allegations in that section "unsubstantiated conclusory statements"—a little redundant on those modifiers. But, "[a] complaint that complies with the federal rules of civil procedure cannot be dismissed on the ground that it is conclusory or fails to allege facts. The federal rules require (with irrelevant exceptions) only that the complaint state a claim not that it plead the facts if true

would establish ... that the claim was valid.” Higgs v. Carver, 286 F.3d 437, 439 (7<sup>th</sup> Cir. 2002) (Posner, J.)(citation omitted).

Mr. Sachs objects in a somewhat whiney manner that the pleadings are too long and the proposed supplemental complaint “is duplicative” of much already pled. As concerns his known client, Alina A. Shipilina, the original Complaint does not deal with the threatening call from a Russian-speaking goon nor Shipilina’s false declaration to the Court. All those events occurred after the Complaint was filed, so the supplemental complaint cannot be duplicative.

The pre-motion conference request is for permission to move for a supplemental complaint, not to supplement evidence. We are not at that stage although that hasn’t stopped Mr. Sachs from demanding proof. Mr. Sachs absurdly believes the phrase “which have happened” in Fed. R. Civ. P. 15(d) means the supplemental complaint must prove to Mr. Sachs’ satisfaction its allegations. A supplemental pleading “stands with the original pleading and is a mere addition to, or continuation of, the original complaint or answer.” U.S. v Russell, 241 F.2d 879, 882 (1<sup>st</sup> Cir. 1957). And the function of a complaint is to give notice, not prove. NOW, Inc v. Scheidler, 510 U.S. 249, 256, 127 L.Ed.2d 99, 114 S.Ct. 798 (1994).

To compound his sophistic arguments, Mr. Sachs claims that ¶¶ 11-13 are “fabrications” or “rampant speculation” largely because the plaintiff used the term “[o]n information and belief.” Mr. Sachs may not like it, but the courts permit “claimants to aver facts that they believe to be true, but that lack [admissible] evidentiary support at the time of pleading,” especially when the admissible evidence is within the defendants’ knowledge or control. Moore’s Fed. Prac., 3<sup>rd</sup> Ed., § 8.04[4]. Besides, complaints do not provide evidence. Hickman v. Taylor, 329 U.S. 495, 500-01, 91 L.Ed. 451, 67 S.Ct. 385 (1947); Geisler v. Petrocelli, 616 F.2d 636, 639-40 (2d Cir. 1980). Of course, these types of arguments should wait for the formal motion, if the Court allows such.

But there is one dissemblance of Mr. Sachs’ that needs to be corrected now. The plaintiff never claimed to be “an employee of the office of the U.S. Attorney for the Southern District of New York.”

In closing, it appears that Mr. Sachs’ unnecessarily nasty letter, which makes arguments more appropriate of an opposition to a motion rather than a request for a pre-motion conference, is largely the result of the inartful drafting of his client’s declaration that gave rise to supplemental allegations against her; therefore, the strident effort to prevent a pre-motion conference.

Respectfully,

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
ROY DEN HOLLANDER,

Plaintiff,

-against-

FLASH DANCERS TOPLESS CLUB, et al.,

Defendants.  
-----X

03 Civ. 2717 (PKC)

MEMORANDUM  
AND  
ORDER

P. KEVIN CASTEL, U.S.D.J.:

Plaintiff Roy Den Hollander ("Den Hollander") brings this action pro se against what he alleges to be a criminal enterprise that spans the globe, from New York to Russia to Chechnya to Cyprus to Mexico. The defendants are alleged to be members of the enterprise and include plaintiff's former wife, her mother, associates and divorce lawyers, various exotic dancing clubs, members of alleged organized crime groups, modeling and escort agencies, a Cypriot bank and New York City police detective. Various other actors are identified by partial name or by fictitious appellation ("Maria—Prostitute Recruiter for Julia Heart Agency," "Krasnodar Briber 1," "California Pimp," "Mexican Organized Criminal Gang 1," "Chechen Criminal Gangs 1 to 2"). Plaintiff's Complaint, some 90 pages and over 900 paragraphs in length, spins a tale of a dark netherworld of international intrigue and deception, detailing an alleged criminal enterprise among the defendants (the "Enterprise") that engaged in extensive criminal activities, including, but by no means limited to, drug trafficking, money laundering, immigration fraud, prostitution, pornography, extortion and fraud, in an effort "to infiltrate and expand its illegal and ancillary legal activities into hard currency markets, especially the United States" (the "Scheme"). (Complaint ¶¶ 1-2, 13, 15) Plaintiff

asserts claims under the civil enforcement provisions of the Racketeer Influenced and Corrupt Organizations Act ("RICO"), 18 U.S.C. §§ 1961-1968, in order to redress the alleged injury to plaintiff arising out of his discovery of this Scheme. Plaintiff also asserts various state law causes of actions.

Defendants Kuba, Mundy & Associates, Nicholas J. Mundy (together, "Mundy"), Peter Petrovich ("Petrovich"), Cybertech Internet Solutions, Inc. ("Cybertech"), Detective Robert W. Henning ("Henning"), Bank of Cyprus, Ltd. ("Bank of Cyprus"), Dr. Marc Paulsen ("Paulsen"), and Alina Shipilina ("Shipilina"), together with Flash Dancers Topless Club, Jay-Jay Cabaret, Inc., Lynn Lepofsky, "Barry-Night Manager Flash Dancers" and "Flash Dancers Managers 1 to 5" (collectively, "Flash Dancers defendants"), now move to dismiss the Complaint for failure to state a claim pursuant to Rule 12(b)(6), Fed. R. Civ. P.<sup>1</sup> Defendants also move to dismiss the Complaint for failing to plead fraud with the particularity required by Rule 9(b), Fed. R. Civ. P. Defendants seek to dismiss the state law claims either because they fail to state a claim or because the Court, in their view, ought not exercise supplemental jurisdiction.<sup>2</sup> For the reasons set forth herein, defendants' motion is granted, and plaintiff's Complaint is dismissed with prejudice.

<sup>1</sup> Separate motion papers were filed by defendants Mundy, Petrovich, Henning and the Bank of Cyprus. Defendants Paulsen, Shipilina, Cybertech and the Flash Dancers defendants filed papers joining, to the extent applicable, the motion filed by the Mundy defendants, and in some cases filed separate reply papers. Defendants also filed various affidavits attempting to put certain exhibits before the Court. In opposition to the motions, plaintiff, without prior consent of the Court and in contravention of my Individual Practices, filed a 147-page memorandum of law, along with an affidavit and exhibits, and a Motion to Strike certain material contained in defendants' affidavits. I find it unnecessary to consider any materials outside the Complaint in deciding the motions to dismiss and I grant plaintiff's Motion to Strike.

<sup>2</sup> Because of my disposition of this motion, it is not necessary to reach the claims of lack of in personam jurisdiction asserted by defendant Petrovich. At a July 13, 2004 conference, the Court dismissed the Complaint without prejudice as to all domestic defendants who, as of then, had not been served, including the fictitious defendants.

*Falso  
B  
Dressed*

### Factual Background

Because the Complaint includes some 900 paragraphs of allegations against the Enterprise and its members, many of which are not necessary to my decision on the motion, I will not detail all of the alleged criminal activities and predicate acts outlined in the Complaint.<sup>3</sup> I note that a large number of the allegations are made on information and belief. For purposes of deciding this motion, I have, as required by the dictates of Rule 12(b)(6), accepted the well-pleaded allegations as true.

In brief plaintiff, a lawyer, member of the bar of this Court and former consultant for Kroll Associates in Moscow, alleges that the Enterprise has damaged his business, and that in the process he has been "drugged, defrauded, coerced and threatened . . . with severe bodily harm." (Complaint ¶ 3) According to the Complaint, plaintiff was lured into the web of the Enterprise in July 1999 when he met, and eventually married, his former wife, defendant Shipilina. (Complaint ¶¶ 128-140) Plaintiff alleges that his former wife is "a lucrative member of the Enterprise," and details the criminal activities that he asserts she has engaged in as part of the Enterprise, including "running prostitution, aiding pornography

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<sup>3</sup> Complaint ¶¶ 320-465 set forth "Other Criminal Operations by the Enterprise that Impact the U.S.," detailing an alleged worldwide operation for the distribution of prostitutes, pornography and narcotics with a nexus to Krasnodar, Moscow and St. Petersburg in Russia; California, Wisconsin and New York in the United States; Cyprus and Mexico. Paragraphs 466-683 set forth the alleged predicate acts for each of the defendants (including, *inter alia*, mail fraud, "white slavery," witness tampering, distribution of pornography, money laundering, murder-for-hire and bribing foreign officials) and the relevant statutory provisions alleged to have been violated. Paragraphs 684-853 set forth "Other Criminal Acts by Defendants," along with the federal and state statutes allegedly violated by each defendant. Paragraphs 854-873 detail "Plaintiff's Efforts to Obtain Assistance from Enforcement Agencies and State Courts," and ¶ 874 alleges the effect of the Enterprise's activities on interstate commerce, including, *inter alia*, to "[i]ncrease the risk of sexually transmitted diseases among interstate and foreign customers" and to "[i]ncrease health insurance premiums nationwide by increasing the incidents of diseases among some of the insureds." Paragraphs 875-885 set forth allegations alleged to demonstrate a pattern of racketeering activity by defendants. Finally, ¶¶ 886-899 incorporate the preceding allegations and set forth causes of action under 18 U.S.C. §§ 1962(a)-(d) and state law, and ¶¶ 900-914 set forth plaintiff's claim for damages.

rings, laundering money, smuggling drugs and building relationships among Russian, Chechen and American organized crime groups." (Complaint ¶ 36) He also alleges, on information and belief, that Ms. Shipilina and another member of the Enterprise "decided to target the plaintiff as part of the Enterprise's ongoing Scheme to infiltrate and expand its operations in the U.S." (Complaint ¶ 135), and that, by "win[ning] the devotion and cloud[ing] the mind of plaintiff by secretly feeding him narcotics" (¶ 137), they would "use the plaintiff as an unwitting means for . . . Shipilina to fraudulently enter America where she would participate in expanding the Enterprise's activities" (¶ 136). To that end, plaintiff and defendant Shipilina were married on March 11, 2000 in Krasnodar. (Complaint ¶ 36) The couple chose the March date because, according to the Complaint, it "would follow the end of plaintiff's consultancy with Kroll Associates." (Complaint ¶ 173) Plaintiff subsequently became suspicious of his wife's activities and motives, and in August 2000, "launched an investigation that continues to the present day and ended up diverting [plaintiff] from his law and consulting business for two years." (Complaint ¶ 217)

*Wrong*

As a result of his initial investigation and continued suspicion of the Enterprise's Scheme, plaintiff sought a divorce from defendant Shipilina. Plaintiff alleges, in considerable detail, that, as a result of his desire to divorce Ms. Shipilina, defendants Kuba, Mundy & Associates (his wife's lawyers), New York Police Department Detective Henning, and others filed false documents and reports with the INS and the NYPD, and engaged, with the help of other defendants (including the "Baraev Islamic Terror and Crime Clan," the "Aspyan Criminal Association" and other "gangsters"), in a campaign of intimidation and threats of violence (aided by the payment of bribes to public officials in the United States and Krasnodar) to prevent plaintiff from "providing testimony to any U.S. authorities, including

*Fals*

the New York divorce court" and the INS about Ms. Shipilina's immigration status and the Enterprise's illegal activities. See Complaint ¶¶ 220-319.

*Ignore title of section E 77228-219*

Plaintiff alleges that the defendants' actions outlined above, along with numerous other acts set forth in the Complaint, constitute, inter alia, "white slavery" in violation of 18 U.S.C. § 2421, misuse of visas in violation of 18 U.S.C. § 1546, concealment of prostitution activities in violation of 18 U.S.C. § 1341, unlawful procurement of nationality in violation of 18 U.S.C. § 1425, intimidation and witness tampering in violation of 18 U.S.C. § 1512, bribing of Russian public officials in violation of 18 U.S.C. § 1952, murder-for-hire in violation of 18 U.S.C. § 1958, counterfeiting of visas in violation of 18 U.S.C. § 1546, importing pornography for distribution in violation of 18 U.S.C. §§ 1462 and 1465, foreign travel in aid of a racketeering enterprise in violation of 18 U.S.C. § 1952 and intimidating plaintiff in violation of 18 U.S.C. § 1343, and constitute sufficient predicate acts to create a "pattern of racketeering activity" and give rise to a RICO violation.

*Acting to Protect Scheme*

By letter dated August 23, 2004, in accordance with this Court's individual practices, plaintiff sought leave to file a motion to supplement his Complaint. Attached to that letter was a proposed "Supplemental Complaint," which purports to "update the earlier Complaint . . . with subsequent occurrences and events that relate to the original Complaint . . ." The Supplemental Complaint, drafted with defendants' motions to dismiss in hand, consists of allegations of additional "predicate acts," including the continued harassment of and interference with plaintiff as a result of his investigation of the Enterprise and its Scheme, and defendant Shipilina's obstruction of justice by filing false and misleading documents in this case. The only allegation in the Supplemental Complaint relating to causation and damages is that "[t]he Enterprise's additional illegal activities recounted in this sup-

plemental complaint have increased the harm to the plaintiff's business and property by causing loss of profits, business interruption expenses, loss of business opportunities and damage to the plaintiff's reputation and good will in the amount of \$100,000." (Supplemental Complaint ¶ 77)<sup>4</sup>

Rule 15(d) provides that the court may permit a party to supplement his pleadings to set forth "transactions or occurrences or events which have happened since the date of the pleading sought to be supplemented." Rule 15(d), Fed. R. Civ. P. Although defendants object to the proposed Supplemental Complaint on the grounds that few, if any, of the events set forth in the Supplemental Complaint ever really happened (see Letter from Jack Sachs dated August 30, 2004 at 1), it is not the Court's role at this stage of the litigation to assess the truth or validity of plaintiff's allegations, no matter how fanciful they appear or how difficult they may be to prove. I grant plaintiff leave to file the Supplemental Complaint and, in reviewing the adequacy of plaintiff's pleadings on these motions to dismiss, I will consider the Complaint and Supplemental Complaint.

#### Legal Standard

It is axiomatic that in deciding a motion to dismiss pursuant to Rule 12(b)(6), the Court must accept all factual allegations as true and draw all inferences in favor of plaintiff. Levy v. Southbrook International Investments, Ltd., 263 F.3d 10, 14 (2d Cir. 2001), cert. denied, 535 U.S. 1054 (2002). For purposes of this motion, I have accepted, without deciding, that the allegations would otherwise state a claim under section 1962 and have re-

<sup>4</sup> The Supplemental Complaint also adds four new defendants—Magomet Ali Kurban, Viktor Vladimirovich Kononenko, "Baresev Mobster 1" and Cynthia D. Zahnow.

stricted my examination to whether plaintiff has adequately alleged the causation and injury necessary under section 1964(c).

"Dismissal is not appropriate 'unless it appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief.'" Chance v. Armstrong, 143 F.3d 698, 701 (2d Cir. 1998) (quoting Conley v. Gibson, 355 U.S. 41, 45-46 (1957)). "This rule applies with particular force . . . where the complaint is submitted pro se . . . At the 12(b)(6) stage, '[t]he issue is not whether a plaintiff is likely to prevail ultimately, but whether the claimant is entitled to offer evidence to support the claims. Indeed it may appear on the face of the pleading that a recovery is very remote and unlikely but that is not the test.'" Id. at 701 (citations omitted). As a result, where a plaintiff is proceeding pro se, the Court must construe the pleadings liberally, and must "interpret them to raise the strongest arguments that they suggest." Burgos v. Hopkins, 14 F.3d 787, 790 (2d Cir. 1994).

In order to state a claim for civil remedies, including treble damages, under RICO, a plaintiff must allege both that the defendant has violated the substantive RICO statute, 18 U.S.C. § 1962, and that he was "injured in his business or property by reason of a violation of section 1962." 18 U.S.C. § 1964(c) (emphasis added).<sup>5</sup> To satisfy the "by reason of" language of section 1964(c), a plaintiff must demonstrate both injury and causation. To do so, he must allege facts demonstrating both that plaintiff's injury is to his business or property—and not physical, emotional or reputational harm or any economic aspect of such

<sup>5</sup> Section 1962(a) makes it unlawful for any person to use or invest income derived from a pattern of racketeering activity towards the acquisition, establishment or operation of an enterprise engaged in or affecting interstate commerce. Section 1962(b) makes it unlawful for any person to acquire or maintain an interest in an enterprise engaged in or affecting interstate commerce through a pattern of racketeering activity. Section 1962(c) makes it unlawful "for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity . . ." Finally, section 1962(d) makes it unlawful to conspire to violate any of the previous sections.



harm—and that plaintiff's injury is proximately caused by the acts constituting the RICO violation. See Holmes v. Securities Investor Protection Corp., 503 U.S. 258, 265-68 (1992); Sedima, S.P.R.L. v. Imrex Co., 473 U.S. 479, 497 (1985); Ideal Steel Supply Corp. v. Anza, 373 F.3d 251, 257 (2d Cir. 2004) (vacating 12(b)(6) dismissal finding that competitor had standing to assert a RICO claim); Manson v. Stacescu, 11 F.3d 1127 (2d Cir. 1993), cert. denied, 513 U.S. 915 (1994); Bankers Trust Co. v. Rhoades, 741 F.2d 511, 515 (2d Cir. 1984), vacated on other grounds, 473 U.S. 922 (1985); Rylewicz v. Beaton Services, Ltd., 888 F.2d 1175, 1180 (7<sup>th</sup> Cir. 1989); Grogan v. Platt, 835 F.2d 844, 847 (11<sup>th</sup> Cir.) (“[P]ecuniary losses are so fundamentally a part of personal injuries that they should be considered something other than injury to ‘business or property’.”), rehearing denied, 851 F.2d 1423 (11<sup>th</sup> Cir.), cert. denied, 488 U.S. 981 (1988); Shaw v. Rolex Watch U.S.A., Inc., 776 F. Supp. 128, 134-35 (S.D.N.Y. 1991) (emotional distress and physical injury not cognizable under RICO). “[A] defendant who violates section 1962 is not liable for treble damages to everyone he might have injured by other conduct, nor is the defendant liable to those who have not been injured.” Sedima, 473 U.S. at 496-7 (citations and internal quotation omitted). Thus, to survive a motion to dismiss, plaintiff must allege facts demonstrating that the unlawful activity in question was both the proximate cause of an injury compensable under the statute and the actual cause. Here, even taking plaintiff's allegations as true and assuming, for purposes of this motion only, that plaintiff's allegations would state a claim for a violation of sections 1962(a)-(d), plaintiff has failed to meet his burden with respect to pleading causation under section 1964(c).

First, many of plaintiff's claimed injuries, including damages to plaintiff's “business reputation and good will” (Complaint ¶¶ 902-903, 907(e)) and “imperil[ing] his

safety, life, liberty and right not to live in fear" (§ 905), simply are not the type of injuries to "business or property" that are actionable under RICO. See Holmes, 503 U.S. at 265-68; Manson, 11 F.3d at 1132-33; Shaw, 776 F. Supp. at 134-35. Second, to the extent that plaintiff seeks compensation for "loss of profits," "business interruption expenses," "loss of business opportunities" and investigation expenses (§ 907), even if these could constitute the type of injuries contemplated by the statute, plaintiff alleges that they all arose out of "plaintiff's ongoing investigation of the Enterprise's Scheme" (§ 907(a), (d)). As set forth in more detail below, because plaintiff's injuries are alleged to arise from his discovery and investigation of the Enterprise, plaintiff has not adequately alleged proximate causation, and lacks standing to bring his claim.

#### Lack of Proximate Causation

A RICO pattern or predicate act has proximately caused a plaintiff's injury if it is "a substantial factor in the sequence of responsible causation, and if the injury is reasonably foreseeable or anticipated as a natural consequence." Hecht v. Commerce Clearing House, Inc., 897 F.2d 21, 23-24 (2d Cir. 1990) (emphasis added); see also Ideal Steel, 373 F.3d at 257; Lerner v. Fleet Bank, N.A., 318 F.3d 113, 123 (2d Cir.), cert. denied, 124 S. Ct. 532 (2003). It is not enough to allege that but-for the alleged violation, the alleged injury would not have occurred. In re American Express Co. Shareholder Litigation, 39 F.3d 395, 399 (2d Cir. 1994). The real issue is "was the plaintiff in the category of people meant by the statute to be safeguarded, and was the harm that which the act meant to avoid?" Abrahams v. Young & Rubicam Inc., 79 F.3d 234, 237 & n.3 (2d Cir.), cert. denied, 519 U.S. 816 (1996). The Second Circuit has "repeatedly emphasized that the reasonably foreseeable victims of a RICO violation are the targets, competitors and intended victims of the racketeering enter-

prise." Lerner, 318 F.3d at 124. As a result, courts routinely find that the proximate cause requirement is not met, and plaintiffs lack standing to assert a civil RICO claim, where the plaintiff's injuries are caused not by the RICO violations themselves, but by the exposure of those acts, or where plaintiff seeks to recover for injuries caused by his refusal to aid and abet the violations.

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For example, in American Express, the Second Circuit upheld a Rule 12(b)(6) dismissal of a RICO complaint where the alleged injuries were not proximately caused by the alleged racketeering injuries of fraud and bribery, but rather were caused by the fact that those activities did not have their intended effect and instead were uncovered and exposed by their intended target. 39 F.3d at 396. <sup>note to background not discussion</sup> In that case, shareholders of American Express brought a civil RICO action against the company based on the deceitful acts of defamation directed toward a former board member and competitor, Edward Safra, by certain employees of American Express. Id. at 396-98. Plaintiffs asserted standing based on the derivative pecuniary injury they suffered when the company experienced some \$10 million in losses (including damage to "business reputation and goodwill") following the revelation of the acts directed at Mr. Safra. Id. at 398, 400. The Second Circuit found that plaintiffs, although injured, had not adequately alleged causation because the acts that caused the injury (principally the defamation of Mr. Safra and attendant circumstances) were directed at Mr. Safra, and not the shareholders or the company. Id. at 400. The American Express Court found that "[t]he injuries alleged thus were neither the 'preconceived purpose' nor the 'specifically-intended consequence' of the RICO defendants' acts. Moreover, any losses to American Express were caused only because the scheme itself was exposed and thus failed. Therefore, the harm to American Express was neither the 'necessary result' of the scheme nor . . . 'foresee-

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able' . . . ." *Id.*; see also *Young & Rubicam*, 79 F.3d at 238-39 (upholding dismissal for failure to state a claim where plaintiff was not injured by the scheme itself but rather "by the fallout from the scheme's exposure"); *Hecht*, 897 F.2d at 24 (upholding dismissal where plaintiff "was 'neither the target of the racketeering enterprise nor the competitor[] nor the customer[] of the racketeers,'" but rather an employee who lost his job and anticipated commissions because of his failure to aid and abet his employer's RICO violations) (alterations in original; citations omitted). Specifically, the Second Circuit found that

"[T]he commission of the RICO violations was not what injured American Express. Rather, it was the exposure of those acts that caused the appellants' harm. . . . Any fair reading of the complaint in the instant case discloses that the RICO defendants' 'preconceived purpose' was most assuredly not to cause some \$10 million in losses to American Express. Instead, the complaint consistently alleges that the RICO defendants' actions, however misguided and injurious to American Express in the end, were undertaken to further American Express's competitive interests. . . . The injuries alleged thus were neither the 'preconceived purpose' nor the 'specifically-intended consequence' of the RICO defendants' acts." 39 F.3d at 400.

Similarly, in *Hecht*, *supra*, the Second Circuit upheld dismissal of allegations that made it clear that the plaintiff was not a target of the § 1962(d) conspiracy, but discovered the conspiracy and was discharged for threatening to disclose it. 897 F.2d at 24.

As the core allegations of plaintiff's Complaint in this case make clear, plaintiff's alleged injuries arise not as a result of any conspiracy directed at him, but rather as a result of his discovery and investigation of that conspiracy. The gravamen of plaintiff's Complaint is that the defendants sought to "infiltrate and expand its illegal and ancillary legal activities into hard currency markets" (Complaint ¶ 2); that is, to generate profits in the United States from the Enterprise's illegal prostitution, pornography, money laundering and other activities. (Complaint ¶¶ 1-2, 13 and *passim*) The factual allegations detailing these

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activities largely predate plaintiff's "discovery" of the Scheme in August 2000, and are not alleged to have caused plaintiff injury. Plaintiff's damages allegations, set forth in paragraphs 900-914 and read in the context of the factual allegations of the Complaint, further make clear that the damages he seeks arise from his discovery of the alleged Scheme, and not from the original purpose of the Scheme itself or any of the acts taken to effect that Scheme. To be sure, plaintiff alleges that defendants took actions directed at him—including threats of physical harm—that he deems "predicate acts," and that the Enterprise has harmed "his business reputation and goodwill" (see Complaint ¶¶ 902, 903), but as plaintiff himself asserts, any such injury—even if it were the type of injury compensable under RICO—arose from his discovery of the Scheme in August 2000 and his "investigation that continues to the present day" (Complaint ¶ 217).<sup>6</sup>

Plaintiff, in essence, portrays himself in his pleadings as a whistleblower, albeit one who is having a difficult time being heard. As the Second Circuit has made clear in the context of employee whistleblowers, retaliation for such actions, even if it results in financial harm in the form of job loss, does not give rise to RICO standing. See *Hecht, supra*, 897 F.2d at 24; *Burdick v. American Express Co.*, 865 F.2d 527 (2d Cir. 1989).

In *Burdick*, while employed at the defendant company, plaintiff became aware of illegal practices that he alleged constituted a pattern of racketeering activity. Plaintiff complained about the practices, and refused to participate in such activities. As a result, he

<sup>6</sup> Although plaintiff does include general allegations that, *inter alia*, "plaintiff has suffered damages to his business and financial interests by the use of funds from racketeering activities to finance the Enterprise's Scheme" (¶ 900; see also ¶¶ 904-906), this Court need not accept such conclusory allegations for purposes of this motion. *American Express*, 39 F.3d at 400 n.3 ("[W]hile the complaint does cursorily assert that [plaintiff] was a victim of the RICO defendant's acts and that these acts were the proximate cause of American Express's alleged injuries, these conclusory allegations of the legal status of defendants' acts need not be accepted as true for the purposes of ruling on a motion to dismiss.") (citations omitted).

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was fired. He subsequently brought an action seeking treble damages under section 1964(c). 865 F.2d at 528-29. The Second Circuit found that "in order to establish standing, [plaintiff] must show that the damage to his business or property resulted from the alleged mail and securities fraud, the predicate acts constituting the violation in this case. A careful review of [plaintiff's] complaint demonstrates that he cannot meet this requirement." 865 F.2d at 529. The Second Circuit further found that "Plaintiff's second claim, that he was discharged 'as a result of' his complaints concerning Shearson's fraudulent activities, fares no better. . . . His injury resulted from [defendant's] decision to fire him after he reported the [illegal] scheme to his superiors. Firing [plaintiff] under these circumstances was wrong, but it did not violate the RICO Act." *Id.* (quoting Nodine v. Textron, Inc., 819 F.2d 347, 349 (1<sup>st</sup> Cir. 1987)) (other citations omitted).

That plaintiff's claimed damages in this case were caused by alleged retaliation for his discovery and subsequent investigation of the Scheme is highlighted in that portion of his Complaint that attempts to quantify his damages: there, plaintiff itemizes such damages as "expenses . . . for the plaintiff's investigation and efforts to avoid and rectify injury from the Enterprise's Scheme" and "plaintiff's ongoing investigation of the Enterprise's Scheme in order to prevent and rectify injury to the plaintiff" (Complaint ¶¶ 907(a)-(c)). Although plaintiff conclusorily alleges as well that he has sustained damages to his "reputation and good will as a result of the false allegations made against the plaintiff in carrying out the Enterprise's Scheme" (Complaint ¶ 907(e)), the factual allegations in the Complaint make clear that plaintiff, while perhaps a means of effecting the Scheme, was not a target of the Scheme, and the object of the Scheme itself was to expand a prostitution and pornography empire "into the U.S. hard currency markets" and not to cause harm to plaintiff's reputation.

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and goodwill or business. Indeed, taking plaintiff's allegations as true, the success of the Scheme depended on a lack of harm to plaintiff, for it was through plaintiff and with plaintiff's (perhaps unknowing) cooperation that the Enterprise hoped to succeed in infiltrating the United States. The aim of even those alleged predicate acts aimed directly at plaintiff, such as bodily threats and harassment, was not to cause injury to plaintiff's business or property, but rather, to prevent him from interfering with defendant Shipilina's efforts to obtain legal residency and, therefore, extend the Enterprise's Scheme into the U.S. hard currency markets. Cf. Manson, supra, 11 F.3d at 1132-33 (affirming dismissal of RICO complaint where plaintiff alleged threats "which were made to intimidate him and to stop him from investigating the alleged scheme"). That plaintiff would put his legal and consulting businesses on hold to investigate the Enterprise simply is not a reasonably foreseeable consequence of the predicate acts alleged; indeed, plaintiff's resistance to and investigation of the Scheme is what the predicate acts, as alleged, were designed to prevent. As a result, plaintiff has not alleged causation and injury within the meaning of section 1964(c), and therefore has not stated a cause of action under the civil RICO statute.

Because I find that plaintiff has failed to adequately allege causation and injury—that is, that he was injured by reason of any purported violation of section 1962—I need not determine whether he has adequately alleged a violation of the substantive RICO statute.

#### State Law Claims

Defendants also move to dismiss plaintiff's state law claims for intentional infliction of emotional distress, abuse of process and malicious prosecution. Because I find that plaintiff's RICO claims must be dismissed, this Court lacks subject matter jurisdiction to

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hear the state law claims. In light of the early stage of this litigation, the Court declines to assert supplemental jurisdiction over those claims under 28 U.S.C. § 1367.

A district court's exercise of supplemental jurisdiction is governed by 28 U.S.C. § 1367(a), which provides in pertinent part, that "in any civil action of which the district courts have original jurisdiction, the district courts shall have supplemental jurisdiction over all other claims that are so related to claims in the action within such original jurisdiction that they form part of the same case or controversy under Article III of the United States Constitution." Subsection (c) provides that a district court "may" decline to exercise supplemental jurisdiction over a claim if the court has dismissed all claims over which it had original jurisdiction. 28 U.S.C. § 1367(c)(3).

The Second Circuit has held that "in the usual case in which all federal-law claims are eliminated before trial, the balance of factors to be considered under the pendent jurisdiction doctrine . . . will point toward declining to exercise jurisdiction over the remaining state-law claims." Valencia ex rel. Franco v. Lee, 316 F.3d 299, 306 (2d Cir. 2003); see also Travelers Ins. Co. v. Keeling, 996 F.2d 1485, 1490 (2d Cir. 1993) (quoting Carnegie-Mellon Univ. v. Cohill, 484 U.S. 343, 350 (1988)). The balance of factors to be considered includes judicial economy, convenience, fairness and comity. Valencia, 316 F.3d at 305.

Because this Court has dismissed all federal causes of action under the RICO statute, the court declines to exercise supplemental jurisdiction over the state law causes of action. While district courts are capable and are bound to apply the state law to claims, "[n]eedless decisions of state law should be avoided both as a matter of comity and to promote justice between the parties, by procuring for them a surer-footed reading of applicable law." New York v. Niagara Mohawk Power Corp., 263 F. Supp. 2d 650, 670 (W.D.N.Y.



2003). This is especially true where neither the courts nor the parties have yet invested time or other resources in conducting discovery or otherwise preparing this case for trial. Judicial economy, fairness, convenience and comity will be served best by declining to exercise supplemental jurisdiction over the remaining state law claims and, accordingly, they are dismissed.

#### Leave to Amend

A Court generally should not dismiss a pro se complaint ""without granting leave to amend a least once when a liberal reading of the complaint gives any indication that a valid claim might be stated."" Thompson v. Carter, 284 F.3d 411, 416 (2d Cir. 2002) (quoting Branum v. Clark, 927 F.2d 698, 705 (2d Cir. 1991)). Here, however, plaintiff is a lawyer and member of the bar of this Court. He has demonstrated that he is capable of drafting a detailed pleading, supplemented when necessary by additional allegations. Under Rule 15(a), Fed. R. Civ. P., although leave to amend a pleading should be "freely given when justice so requires," amendment is not permitted when to do so would be futile—in other words, when the amended pleading would not itself withstand a motion to dismiss. See Milanes v. Rust-Oleum Corp., 244 F.3d 104, 110 (2d Cir. 2001); Whimsicality, Inc. v. Battat, 27 F.Supp. 2d 456, 466 (S.D.N.Y. 1998). The sheer length and detail of plaintiff's Complaint, which sets forth in great detail the investigation into the allegations that plaintiff has already conducted, makes clear that plaintiff has put forward his best case for relief. Indeed, having been fully apprised of the bases for the motions to dismiss, he sought leave to file a Supplemental Complaint, which leave I have granted. Plaintiff made no request to file an amended Complaint in the event the motions to dismiss were granted. Even the most liberal reading of the Complaint and Supplemental Complaint fails to indicate that, however restated, any valid

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claim would survive. See Manson, supra, 11 F.3d at 1133 (holding that amendment would be futile where plaintiffs did not have standing to sue under RICO). As a result, I dismiss the Complaint and Supplemental Complaint with prejudice.

Conclusion

Plaintiff's request for leave to file the "Supplemental Complaint" (dated August 23, 2004) is granted and the Supplemental Complaint is deemed filed. Plaintiff's Motion to Strike Exhibits Q-Z of defendants' Reply Memorandum for Failure to Authenticate (Docket Number 59) is granted. Defendants' Motions to Dismiss the Complaint (Docket Numbers 21, 26, 28 and 62), as supplemented, is granted. Plaintiff's Complaint and the Supplemental Complaint are dismissed with prejudice. Plaintiff's Motion for Default Judgment (Docket Number 47) is denied as moot.

SO ORDERED.

Dated: New York, New York  
September 28, 2004



P. Kevin Castel  
United States District Judge

**ROY DEN HOLLANDER**  
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October 4, 2004

Hon. P. Kevin Castel  
United States District Court for the Southern  
District of New York  
Daniel Patrick Moynihan U.S. Courthouse  
500 Pearl Street  
New York, N.Y. 10007-1312

**Roy Den Hollander v. Flash Dancers Topless Club, et al.**  
**Southern District Court of New York, CV-03-2717 (PKC)**

Dear Judge Castel:

My years of living in this society have made me relatively tolerant of back handed sniping, even when it impugns my honor by subtly calling me a liar that spins tales, Memorandum and Order at 1, or makes fanciful allegations, Memorandum and Order at 6 (citing opposing attorney Jack Sachs' letter of August 30, 2004 at 1 as the source for this side comment).

But I do find particularly trying when manifest partiality or personal prejudice singles out me, the pro se plaintiff, for criticism, especially when such censure is based on a false premise used to justify a chain of events that led to dismissal with prejudice of the Complaint.

Yes, I filed a 147-page law memorandum with five exhibits in opposition to the defendants' combined motion to dismiss while their two key memoranda totaled 148 pages with 47 separate documents attached, but you saw fit to rebuke only me, Memorandum and Order at 2, n.1, and that rebuke was unfounded.

You claim my 147-page memorandum of law contravenes your Individual Practice Rules, but it did not contravene Chief Judge Mukasey's rules who was the sitting Judge at the time it was filed. You claim I made a Motion to Strike extraneous materials without your consent, but that was because you were not on the case at that time—Chief Judge Mukasey was and my motion complied with his rules. Had I known then that you would end up with the case, I would have requested "prior consent," but I'm not that prescient. Your rules for which you wrongly accused me of violating in a written order did not apply because the case had not yet been transferred to you and there was no notice to me at the time that it would be.

More important, however, is that the above incidents of partiality or personal prejudice and error in applying your Individual Rules contributed to overlooking controlling decisions cited in my memoranda, not fully considering the legal arguments I advanced and fundamentally misconstruing and overlooking allegations in the Complaint, which was reinforced by the failure to consider my memoranda of law, Memorandum and Order at 2, n.1. Other indications in your opinion also indicate an ignoring of my memoranda but not the defendants'. And no, my Motion to Strike did not request striking my legal memoranda.

After having been burnt once and not wanting to be falsely accused of violating any more rules, I am requesting a pre-motion conference in order to move for your recusal from this case because of impartiality that might be reasonable questioned under 28 U.S.C. 455(a) or personal prejudice under 28 U.S.C. 144 so that an impartial judge may hear any request for reconsideration under S.D.N.Y. Local Civil Rule 6.3.

Thank you for your time.

Very truly yours,

Roy Den Hollander

CC J. Michael McMahon  
Clerk of the Court  
Daniel Patrick Moynihan U.S. Courthouse  
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October 6, 2004

Honorable P. Kevin Castel  
United States District Court  
for the Southern District of New York  
500 Pearl Street, Courtroom 12C  
New York, New York 10007**MEMO ENDORSED**Re: Client: Kuba, Mundy & Associates and Nicholas J. Mundy  
Matter: Roy Den Hollander v. Kuba, Mundy & Associates and Nicholas J. Mundy  
Docket No.: 03 CV 2717

Honorable Sir:

Our office represents the defendants Kuba, Mundy & Associates, Nicholas J. Mundy and Peter Petrovich in connection with the above-referenced matter. I am in receipt of the plaintiff's correspondence to your Honor dated October 4, 2004, which copied the appearing parties in this action as well as the Clerk of the Court. I regret having to burden this Court with any further correspondences pertaining to this matter given that it has been dismissed with prejudice, however, these defendants are compelled to respond to plaintiff's request for a pre-motion conference in order to move for your recusal from this case.

This matter has been fully litigated and the plaintiff had his day in Court on his claims. Simply because plaintiff dislikes like the result of your Honor's decision or disagrees with your reasoning does not provide him with authority to Judge shop and seek your recusal to this end.

The plaintiff has had a fair and reasonable opportunity to litigate this matter. The plaintiff served a nine hundred and fifteen separately numbered paragraph complaint totaling ninety-one pages in length, which was considered by your Honor. In fact, the relative portions of the complaint were cited in your Honor's decision and your Honor accepted the allegations as true in deciding the defendants' motions to dismiss. The plaintiff also had an opportunity to submit an extensive one hundred and forty-seven page memorandum of law in opposition to certain defendants' motions to dismiss as well as had the

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opportunity to submit other motions papers in opposition to certain other defendants' motions to dismiss. The plaintiff was afforded the opportunity before Chief Judge Mukasey to apply for a protective order. The plaintiff was also provided with an opportunity to move for an entry of default against certain defendants named in the complaint. The plaintiff was provided with the opportunity to move to strike the exhibits annexed to the defendants' reply motion submitted in further support of their motion to dismiss, and, plaintiff's motion was, in fact, granted by the Court. Lastly, the plaintiff was given the opportunity to move for a conference to supplement his complaint, and the Court granted this request by allowing the complaint to be supplemented. The supplemental complaint was considered by your Honor in the decision. In addition, the plaintiff was present at all conferences on this matter before your Honor and Chief Judge Mukasey and was provided with an opportunity to address the Court at those times. At no time during any of these conferences or while various motions were pending before the Court did plaintiff allude to any bias, prejudice or impartiality on the part of the Court. Your Honor then addressed plaintiff's complaint, plaintiff's supplemental complaint and all motions papers undecided by Chief Judge Mukasey in rendering its extensive seventeen page decision.

This matter has been pending against sixty-three separate domestic and foreign defendants for eighteen months, which has prejudiced these defendants and presumably the other defendants as well. This matter has taken up the time and been considered by two Federal judges. The plaintiff's request that a third Federal judge should now be burdened with having to address all of these papers on a request for reconsideration would vitiate judicial economy as well as greatly prejudice the defendants by allowing this matter to remain open longer than it already has.

Furthermore, the plaintiff's request for recusal is based upon nothing more than one sentence contained in footnote one of your Honor's seventeen page decision which states that "In opposition to the motions, plaintiff, without prior consent of the Court and in contravention of my Individual Practices, filed a 147-page memorandum of law, along with an affidavit and exhibits, and a Motion to Strike certain material contained in defendants' affidavits." This statement was made by your Honor in the context of providing nothing more than the procedural history related to this action. Neither this statement by the Court nor any other statements throughout the decision indicates that the Court struck the plaintiff's opposition and did not consider it in connection with the defendants' motions to dismiss due to its length. This statement bears no impact upon the substance of your Honor's decision and the extensive legal precedent cited in support. The plaintiff is simply looking for any excuse he can now muster up in order to take a second bite at the apple.

Lastly, plaintiff's request pursuant to 28 U.S.C. §144 and 28 U.S.C. §455(a) is deficient on its face.

28 U.S.C. §144 mandates that plaintiff was to provide "...a timely and sufficient affidavit that the judge before whom the matter is pending has a personal bias or prejudice against him or in favor of any adverse party..." Further, the affidavit "shall be accompanied by a certificate of counsel of record stating that it is made in good faith." Plaintiff's request utterly fails to include a sufficient notarized affidavit. Further, plaintiff's request is not timely and

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&  
A/C delay  
in responding  
to 1st &  
complaint*

2

was not filed while the matter is pending. To the contrary, this request is conveniently being made after an adverse decision dismissing the action. Lastly, no certificate has been provided stating that such a request was made in good faith.

28 U.S.C. §455 mandates that your Honor should "...disqualify himself on any proceeding in which his impartiality might reasonably be questioned." In light of the foregoing, there is no reasonable basis to conclude that your Honor's decision is a result of impartiality as opposed to plaintiff's failure to properly plead his RICO claims.

Hence, plaintiff's request for a pre-motion conference seeking your recusal must be denied. It is clear that plaintiff is attempting to relitigate the same issues before a different Judge because he does not like the result and/or is attempting to simply buy more time in moving for reconsideration before your Honor beyond the ten day period proscribed by S.D.N.Y. Local Civil Rule 6.3.

Thank you for attention to this matter. If you have any questions, I remain available at the Court's convenience.

Respectfully submitted,

  
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cc. J. Michael McMahon  
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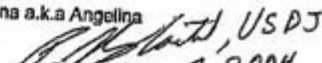
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1. Any party seeking to file a motion to disqualify shall do so on the following schedule: Moving papers filed on or before October 13, 2004. Answering papers on or before October 19, 2004. Reply papers on or before October 22, 2004.

2. The pre-motion conference requested under my longstanding practice is waived for a motion to disqualify.

3. The Court will consider any motion to disqualify before considering, if the Court is not disqualified, a motion under Local Rule 6.3. However, the time for filing such a motion is not extended and any such motion must be filed within the time set forth in that Rule.

SO ORDERED

 USDJ  
October 7, 2004



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October 11, 2004

Roy Den Hollander, Esq.  
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Dear Mr. Hollander:

This is strictly between us, and could be considered in the nature of a housekeeping measure.

As you will note from the letterhead, the final "s" in my name is an integral part of the name itself, not a post-apostrophal possessive appendage.

I'm flattered that I was singled out of the several attorneys for the various defendants for special mention in your motion. If you should do so in any further pleading, though, please get the spelling straight.

Yours truly,

  
Jack Sachs

JS:abm

**Memorandum of Law in Support of Plaintiff's Motion to Disqualify Judge Castel**  
**Den Hollander v. Flash Dancers Topless Club, et al, 03 CV 2717 (PKC)**

Judge Castel's Memorandum and Order ("Order") of September 28, 2004 in the case Roy Den Hollander v. Flash Dancers Topless Club, et al. raises questions of partiality under 28 U.S.C. 455(a) or indicates personal prejudice under 28 U.S.C. 144 toward the plaintiff.

In the written Order, Judge Castel singles out the plaintiff—but not the defendants—for censure in violating his Individual Practice Rules. "[P]laintiff, without prior consent of the Court and in contravention of my Individual Practices, filed a 147-page memorandum of law, along with an affidavit and exhibits...." Order at 2 n.1. Judge Castel saw fit not to rebuke the defendants even though their two key memoranda totaled 148 pages with 47 separate documents disguised as 30 exhibits and two affidavits. The plaintiff's memorandum contained only four exhibits and one affidavit, yet the plaintiff alone was criticized. Judge Castel also rebuked the plaintiff for filing a Motion to Strike without his prior consent. The motion requested exclusion of external documents the plaintiff did not rely on in drafting the Complaint.

What makes the above one-sided censure of the plaintiff egregious is that it is based on a false premise. When the plaintiff submitted his memorandum of law and Motion to Strike, the case was before Chief Judge Mukasey, not Judge Castel. The plaintiff's memorandum and motion complied with Chief Judge Mukasey's rules. The case was subsequently transferred to Judge Castel, but the Judge, or one of his clerks, over looked this obvious fact in order to take advantage of an apparent opportunity to discredit the plaintiff before the Court of Appeals for the Second Circuit, which is where this case is going.

Perhaps this was just one of those inadvertent screw-ups, but I doubt it, since the plaintiff's nonexistent violation of the Judge's rules apparently led to the Court ignoring the

plaintiff's memoranda but not the defendants. The first sentence of the first page of the Order plays off a sarcasm that the defendants used throughout their papers. The Complaint alleges the Enterprise, or Russian mafia, to be an organization that "spans the globe." The defendants used this repeatedly in their papers to snipe at the plaintiff's Complaint as farfetched. The defendants can ridicule all they want, but when the Court repeats their derision in a written Order, it becomes a different matter entirely. Judge Castel also picked up another criticism directed at the plaintiff, this time concerning the Supplemental Complaint, leveled by one of the defendant's lawyers. In opposing the plaintiff's request to file a Supplemental Complaint, Jack Sachs' wrote, "[S]ince it appears that few, if any, of the events cited in the Supplemental Complaint ever *really happened*,...." (Sach's August 30, 2004 letter to the Court, the emphasis is his.) Judge Castel went one better in citing to Sach's letter by writing, "few, if any, of the events set forth in the Supplemental Complaint ever really happened ...." The Court conveniently left out Sach's qualifier of "it appears" and went on to state "it is not the Court's role at this stage of the litigation to assess the truth or validity of plaintiff's allegations, no matter how fanciful they appear or how difficult they may be to prove." (Emphasis added) Everyone knows on a Rule 12(b)(6) motion to dismiss that the Court doesn't determine fact issues, so why add this back handed slap to make sure everyone knows that the Court doesn't believe the Complaint's allegations and that it thinks they can't be proved—unless to discredit the plaintiff. Moreover, how does the Judge know or why should he care at this stage in the litigation whether the plaintiff has a witness to the events in Wisconsin as described in the Supplemental Complaint. Does it matter that the plaintiff actually has a witness, since it shouldn't even be an issue at this point?

The Judge also criticized the plaintiff for drafting the Supplemental Complaint “with the defendants’ motions to dismiss in hand ....” Order at 5. But one of the basic policies of the Federal Rules of Civil Procedure “is that a party should be given every opportunity to join all of his grievances against other parties regardless of when they arose.” Wright & Miller, Federal Prac. and Proc.: Civ.2d § 1506, p 193 of 1990 edition. Finally, the Court once again chose to denigrate the plaintiff’s allegations for no discernable legal reason by stating on page one of its Order that the Complaint “spins a tale.”

Such comments by Judge Castel are unnecessary, inappropriate and do not bolster the legal basis for the Order, but they do discredit the plaintiff for when he appears before the Second Circuit to argue his appeal. As such, the only conclusion is that these remarks manifest Judge Castel’s partiality, beyond that already held by Second Circuit courts against civil RICO actions, or personal prejudiced toward the plaintiff.

WHEREFORE, the plaintiff requests the recusal of Judge Castel from any further proceedings in this case.

Dated: New York, New York  
October 8, 2004

Respectfully submitted  
Attorney plaintiff pro se

---

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**Memorandum of Law in Support of Plaintiff's Motion for Reconsideration of Judge Castel's September 28, 2004 Memorandum and Order in Den Hollander v. Flash Dancers Topless Club, et al, 03 CV 2717 (PKC)**

In Judge Castel's Memorandum and Order ("Order"), which dismissed the Complaint with prejudice, the Judge, or one of his clerks, wrote, "I find it unnecessary to consider any materials outside the Complaint in deciding the motions to dismiss and I grant the plaintiff's Motion to Strike." Order at 2 n.1. The plaintiff's Motion to Strike requested Judge Castel to ignore external documents, including 39 documents submitted by defendants, that the plaintiff did not rely on in drafting the Complaint in accordance with Chambers v. Time Warner, Inc., 282 F.3d 147, 153 (2d Cir. 2002). The Motion to Strike did not request the Judge to strike the plaintiff's memoranda of law submitted in opposition to the defendants' memoranda of law, but the Judge, apparently on his own motion, did. As pointed out in the plaintiff's accompanying Memorandum for the Disqualification of Judge Castel at 1 & 2, the Judge's apparent rationale for ignoring the plaintiff's memoranda, but apparently not the defendants' memoranda, was the Court's misconception that the plaintiff had violated Judge Castel's Individual Practice Rules when the plaintiff had not. Judge Castel made a point of rebuking the plaintiff, despite his innocence. Order at 2 n.1. In addition, Judge Castel's partiality or personal prejudice against the plaintiff, as presented in the Memorandum for Disqualification, likely contributed to the Court overlooking the plaintiff's memoranda but not the defendants'.

By not considering the plaintiff's memoranda of law, the Judge overlooked controlling decisions cited in the Memorandum In Opposition to Certain Defendants' Motions to Dismiss at pp 104-112 and the Memorandum in Opposition to Defendant Bank of Cyprus at pp 23-25 that might reasonably have altered the result, Adams v. U.S., 686 F.Supp. 417, 418 (S.D.N.Y. 1994).

In addition, by overlooking the plaintiff's memoranda of law the issues on the motion to dismiss were, in effect, not fully briefed, since the Court did not consider the plaintiff's arguments, Jacovitz v. Regency Maritime Corp., 1994 U.S. Dist Lexis 13632 \*3 (S.D.N.Y. 1994). And by fundamentally misconstruing and ignoring allegations in the Complaint, which were reinforced by the Court's failure to consider the plaintiff's memoranda of law, the Court overlooked fact allegations, *See* Morin v. Trupin, 823 F.Supp. 201, 205 (S.D.N.Y. 1993).

WHEREFORE, the plaintiff requests reconsideration of the Order for the above reasons providing the motion to disqualify Judge Castel is granted. If the disqualification motion is denied, the plaintiff withdraws this Motion for Reconsideration.

Dated: New York, New York  
October 8, 2004

Respectfully submitted  
Attorney plaintiff pro se

---

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

\_\_\_\_\_  
Roy Den Hollander

X

Plaintiff,

Docket No. 03 CV 2717

- against -

*Domestic*  
Flash Dancers Topless Club et. al

Defendants.

\_\_\_\_\_  
X

MEMORANDUM OF LAW IN OPPOSITION TO PLAINTIFF'S  
MOTION FOR RECUSAL

McMANUS, COLLURA & RICHTER, P.C.

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### PRELIMINARY STATEMENT

Defendants, Kuba, Mundy & Associates, Nicholas J. Mundy and Peter Petrovich, by their attorneys, McManus, Collura & Richter, P.C., respectfully submit this Memorandum of Law in opposition to the plaintiff's motion to disqualify Judge Castel from any further proceedings in this matter pursuant to 28 U.S.C. § 455(a) and 28 U.S.C. § 144, together with such other and further relief as this Court deems just and proper.

### ARGUMENT

Plaintiff's motion to disqualify arises *only* out of the Memorandum and Order dated September 28, 2004 in the case of *Hollander v. Flash Dancers Topless Club, et. al*, 2004 WL 2186558 (S.D.N.Y. 2004) ("Order"). Plaintiff alleges that the Order evidences reasonably questioned impartiality on the part of Judge Castel pursuant to 28 U.S.C. § 455(a) and/or personal prejudice on the part of Judge Castel pursuant to 28 U.S.C. § 144 against the plaintiff.

#### A. Legal Standard: 28 U.S.C. § 455(a)

On the merits of the pending petition, the applicable standard is well settled, 28 U.S.C. § 455(a) mandates that Judge Castel "... shall disqualify himself on any proceeding in which his impartiality might reasonably be questioned."

The trial Judge himself must decide a motion filed pursuant to 28 U.S.C. § 455(a). *In re Gaminig Lottery Securities Litigation*, 2001 WL 1020905 \*6 (S.D.N.Y. 2001). The instant application for recusal is committed to Judge Castel's "sound discretion." *U.S. v. Maggiore*, 2004 WL 768646 \*2 (E.D.N.Y. 2004); *Lamborn v. Dittmer*, 726 F.Supp 510, 514 (S.D.N.Y. 1989). The Second Circuit has explained that the Judge presiding over the case is in the best position to appreciate the implications of those matters alleged in a recusal motion. *In re Initial Public Offering Securities Litigation*, 174 F.Supp.2d 70 (S.D.N.Y. 2001) (citing *In re Drexel Burnha Lambert, Inc.* 861 F.2d 1307, 1312 (2d Cir. 1988)).

28 U.S.C. § 455(a) requires a showing that would cause an objective, disinterested, observer fully informed of the underlying facts to entertain significant doubt that justice would be done absent recusal. *In re Gaminig Lottery Securities Litigation*, 2001 WL 1020905 \*6. Thus, the test to be applied is an objective one which assumes that a reasonable person knows and understands all the relevant facts. *Id.* See also *In re*

*International Business Machines Corp.*, 45 F.3d 641, 643 (2d Cir. 1995). Stated another way, the Court just asks whether a reasonable person, knowing all the facts, would conclude that the Court's impartiality might reasonably be questioned. *Bilzerian v. U.S.*, 1995 WL 758754 \* 1 (S.D.N.Y. 1995)

However, there is a substantial burden on the moving party to show that the judge is not impartial. *Lamborn v. Dittmer*, 726 F.Supp 510, 514. The remedy of mandamus will be invoked only where the petitioner has demonstrated that its right to such relief is "clear and indisputable." *In re International Business Machines Corp.*, 45 F.3d 641, 643 (quoting *Moses H. Cone Memorial Hospital v. Mercury Construction Corp.*, 460 U.S. 1, 18, 103 S.Ct. 927, 938, 74 L.Ed.2d 765 (1983)). This is the standard that the Second Circuit has explicitly applied in the context of a mandamus petition to challenge a judge's denial of a recusal motion. *In re International Business Machines Corp.*, 45 F.3d 641, 643. Further, it must be clear and indisputable that the conduct was "so extreme as to display clear inability to render fair judgment." *U.S. v. Maggiore*, 2004 WL 768646 \*2 (quoting *Liteky v. United States*, 510 U.S. 540, 114 S.Ct. 1147, 127 L.Ed.2d 474 (1994)). In other words, "before recusal would be appropriate, a judge must display so deep and profound a bias such that fair judgment would be impossible." *Bilzerian v. U.S.*, 1995 WL 758754 \* 1 (citing *Liteky v. United States* 510 U.S. 540, 114 S.Ct. 1147, 127 L.Ed.2d 474). A judge should not recuse himself on unsupported, irrational or highly tenuous speculation. *Lamborn v. Dittmer*, 726 F.Supp 510, 514.

Unless this standard is met, a judge is as much obligated not to recuse himself when it is not called for as he is obliged to when it is. *In re Gaminig Lottery Securities Litigation*, 2001 WL 1020905 \*6; *Bilzerian v. U.S.*, 1995 WL 758754 \* 1. Section 455(a) was not meant to require disqualification every time one party can make some argument, no matter how unreasonable, that the appearance of prejudice would result. The reason for this stringent standard is that the Court must be alert to avoid the possibility that those who would question the Judge's impartiality are in fact seeking to avoid the consequences of his adverse decision. *Lamborn v. Dittmer* 726 F.Supp 510, 514. Litigants are entitled to an unbiased judge, not a judge of their choosing. *In re Initial Public Offering Securities Litigation*, 174 F.Supp.2d 70, 74; *U.S. v. Terry*, 802 F.Supp 1094, 1097 (S.D.N.Y. 1992).

Of further significance, the Second Circuit, quoting the United States Supreme Court, has stated "... the ultimate inquiry is whether circumstances satisfy section 455(a), i.e., create an objectively reasonable basis for

questioning a judge's impartiality, by showing a deep-seated favoritism or antagonism that would make fair judgment impossible. [J]udicial rulings alone the Court observed, almost never constitute a valid basis for a bias or partiality motion and can only in the rarest circumstances evidence the degree of favoritism or antagonism required." *In re International Business Machines Corp.*, 45 F.3d 641, 644 (quoting *Liteky v. United States* 510 U.S. 540, 114 S.Ct. 1147, 127 L.Ed.2d 474 (1994)) (internal quotations omitted). See also *In re Gaming Lottery Securities Litigation*, 2001 WL 1020905 \*6 (judicial rulings can only in the rarest circumstances evidence the degree of favoritism or antagonism required when no extrajudicial source is involved. Almost invariably, they are proper grounds for appeal not for recusal); *Johnson v. John Doe*, 2001 WL 619287 (S.D.N.Y. 2001) (adverse rulings do not create the appearance of bias that would prompt a court to disqualify itself); *Bilzerian v. U.S.*, 1995 WL 758754 \* 2 (judicial rulings alone almost never constitute a valid basis for a bias or partiality motion. This is because in and of themselves they cannot show reliance on an extrajudicial source and only in the rarest circumstances evidence the degree of favoritism or antagonism required); *U.S. v. Terry* 802 F. Supp 1094, 1097 (motion to recuse under § 455(a) may be made only on the basis of alleged bias or prejudice from an extrajudicial source, not upon trial rulings or conduct).

In light of the law detailed above and the arguments cited in Section C below, the plaintiff's application, left to the sound discretion of Judge Castel, must be denied. An objective, disinterested, observer fully informed of the underlying facts would no doubt conclude that the Court's impartiality is not reasonably questionable. The plaintiff has not satisfied the substantial burden of showing that his right to relief is clear and indisputable, nor has he shown that the conduct alleged was so extreme as to display clear inability to render fair judgment or that Judge Castel exhibited so deep and profound a bias such that fair judgment was impossible. In fact, plaintiff has shown no bias or prejudice on the part of Judge Castel. In any event, the Order alone cannot constitute a legal basis for alleged bias or partiality to evidence the degree of favoritism or antagonism required.<sup>1</sup>

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<sup>1</sup>No extrajudicial source serving as a predicate for this application is even alleged.

**B. Legal Standard: 28 U.S.C. § 144**

28 U.S.C. § 144 provides that:

*"Whenever a party to any proceeding in a district court makes and files a timely and sufficient affidavit that the judge before whom the matter is pending has a personal bias or prejudice either against him or in favor of any adverse party, such judge shall proceed no further therein, but another judge shall be assigned to hear such proceeding.*

*The affidavit shall state the facts and the reasons for the belief that bias or prejudice exists, and shall be filed not less than ten days before the beginning of the term at which the proceeding is to be heard, or good cause shall be shown for failure to file it within such time. A party may file only one such affidavit in any case. It shall be accompanied by a certificate of counsel of record stating that it is made in good faith."* (emphasis added)

To begin with, plaintiff's motion under 28 U.S.C. § 144 is procedurally defective as a matter of law and must be denied based upon such deficiencies alone. Before even reaching the merits of the recusal motion under 28 U.S.C. § 144, it is necessary for the Court to determine whether the procedural requirement under 28 U.S.C. § 144 have been met. *Lamborn v. Dittmer*, 726 F.Supp 510, 514; *Apple v. Jewish Hospital and Medical Center*, 829 F.2d 326, 333 (2d. Cir. 1987). They have not here.

First, plaintiff's application is untimely and was not filed while the matter was pending. To the contrary, this request is conveniently being made after an adverse decision dismissing the action. This Court has indicated that in addition to lapse of time, four other factors are taken into account in considering the timeliness of such a motion: (1) whether movant has participated in a substantial manner in trial or pre-trial proceedings; (2) whether granting the motion would represent a waste of judicial resources; (3) whether the motion was made after entry of judgement; and (4) whether the movant can demonstrate good cause for delay. *Lamborn v. Dittmer*, 726 F.Supp 510, 514 (S.D.N.Y. 1989); *Herskowitz v. Charney*, 1994 WL 455172 \*2 (S.D.N.Y. 1994). The underlying rationale for the timeliness rule is to prevent waste of judicial resources which would occur if proceedings had to be duplicated after recusal, and to prevent a movant from hedging his bets by holding back and waiting to see the outcome of his case before making his recusal motion. *Id.*; *Apple v. Jewish Hospital and Medical Center*, 829 F.2d 326, 334 (judicial resources should not be wasted and a movant may not hold back and wait, hedging its bets against the eventual outcome).

In the instant matter, as detailed below, plaintiff participated extensively in this action, filing various pleadings and motions and appearing in Court. He has repeatedly and vigorously presented his arguments to this Court. Further, recusal would certainly result in a waste of judicial resources if a third Federal Judge would now have to preside over this matter and re-read the extensive record. Furthermore, the delay by plaintiff has certainly allowed him to hedge his bet. Had plaintiff been successful on the defendants' motion to dismiss, he would not be filing this motion. *Lamborn v. Dittmer*, 726 F.Supp 510, 514 (S.D.N.Y. 1989).

Second, 28 U.S.C. § 144 mandates that plaintiff was to provide "...a timely and sufficient affidavit that the judge before whom the matter is pending has a personal bias or prejudice against him or in favor of any adverse party..." 28 U.S.C. § 144, "Affidavits filed under § 144 are strictly scrutinized for form and timeliness." *Lamborn v. Dittmer*, 726 F. Supp 510, 514. See also *Galella v. Onassis*, 487 F.2d 986, 997 (2d Cir. 1973) (a judge may be disqualified for bias only on motion supported by a written affidavit of facts supporting the claim of bias); *Herskowitz v. Charney*, 1994 WL 455172 \*2 (an application that a judge recuse herself pursuant to 28 U.S.C. § 144 must be accompanied by an affidavit); *Apple v. Jewish Hospital and Medical Center*, 829 F.2d 326, 333 (§ 144 requires a party to file an affidavit, though the filing of such an affidavit does not automatically disqualify a judge). Here, the plaintiff has utterly failed to include any sufficient notarized affidavit.

Third, 28 U.S.C. § 144 mandates that the affidavit "shall be accompanied by a certificate of counsel of record stating that it is made in good faith." 28 U.S.C. § 144. The Court in *Lamborn v. Dittmer* noted that the defendant's motion was deficient in form because the affidavit was not accompanied by the certificate of good faith as required under the statute. The Court stated that this requirement is importance because a judge is not allowed to scrutinize a § 144 affidavit for accuracy even if he knows to a certainty that the allegations of personal prejudice are false. *Lamborn v. Dittmer*, 726 F. Supp 510, 515. The Court went on to state that if a certificate is to serve the purpose of shielding a court which cannot test the truth of claimed facts, it should at least carry the assertion that counsel believes the facts alleged to be accurate and correct. *Id.* Here, no certificate has been provided by the plaintiff's lawyer stating that such a request was made in good faith. *Lamborn v. Dittmer*, 726 F. Supp 510, 514.

Hence, procedural requirements under 28 U.S.C. § 144 are strictly construed and the lack of respect for such clear requirements by plaintiff in itself is sufficient grounds for denying the motion for recusal under 28 U.S.C. § 144. *Id.*

However, even though plaintiff's motion is deficient in both timeliness and form, his motion similarly fails on the merits. Courts considering the substantive standards of 28 U.S.C. § 144 have concluded that they are to be construed in *pari materia* with section 28 U.S.C. § 455. *Apple v. Jewish Hospital and Medical Center*, 829 F.2d 326, 333. In large measure, the grounds for disqualification are the same under both statutes. *State of N.Y. v. Sokol*, 1996 WL 428381 \*4 (S.D.N.Y. 1996). Sections 455 and 144 are not redundant but complementary. *Id.*

The substantive test for bias or prejudice is identical in both Sections 144 and 455, *i.e.*, whether an objective, disinterested, observer, fully informed of the facts underlying the grounds on which recusal is sought, would entertain significant doubt that justice would be done if the judge were not recused. *Id.*

The bias or prejudice that results in recusal is the same under both sections, that is, it looks to extrajudicial conduct as the basis for making such a determination, not conduct which arises in a judicial context. *Apple v. Jewish Hospital and Medical Center*, 829 F.2d 326, 333. That is, the bias or prejudice must be extrajudicial, *i.e.* it must be established by matters outside and apart from the litigation. *State of N.Y. v. Sokol*, 1996 WL 428381\*5. Another Court has stated "[i]n order to succeed on a motion to recuse pursuant to §144, petitioner must demonstrate that the Court's alleged bias or prejudice resulted from an extrajudicial source." *Bilzerian v. U.S.* 1995 WL 758754 \*1. "This requires evidence that the judge formed 'an opinion on the merits on some basis other than what the judge learned from his participation in the case.'" *Bilzerian v. U.S.* 1995 WL 758754 \*1. *quoting U.S. v. Grinnell Corp.*, 384 U.S. 563, 583 (1966). *See also Lamborn v. Dittmer*, 726 F.Supp 510, 515 (disqualifying prejudice must stem from an extrajudicial source and result in an opinion on the merits on some basis other than what the judge has learned from his participation in the case); *Herskowitz v. Charney* 1994 WL 455172 \*2 (judicial rulings alone almost never constitute valid basis for a bias or partiality motion).

In the instant action, an objective observer, fully informed of the facts underlying the grounds on which recusal is sought, would not entertain significant doubt that justice would not be done if the judge was not recused.

Further, it is not even alleged by plaintiff, because it cannot be, that the alleged bias was based upon anything other than the Order. There was no extrajudicial conduct.

**C. Plaintiff's Motion Pursuant to 28 U.S.C § 455(a) and 28 U.S.C § 144 Must Be Denied**

Based upon the foregoing, plaintiff's motion has no basis in law or fact, and is nothing more than the result of a disgruntled litigant who now seeks to multiply this proceeding unreasonably and vexatiously simply because his complaint and supplemental complaint have been dismissed with prejudice by this Court and he is unhappy with that result.

Only now that the complaint and supplemental complaint have been dismissed does plaintiff conjure up this purported impartiality and prejudice on the part of the Court in an attempt to retry his claims and allow this matter to linger longer than it already unnecessarily has. The plaintiff's real dispute is not with some of the statements issued by the Court in its Order, but with the outcome of the Order. If the Court had concluded that the plaintiff's complaint should go forward, there is no doubt that he would welcome Judge Castel proceeding with this action. Plaintiff is desperate and figures he now has nothing to lose. This conduct by plaintiff is reminiscent and consistent with his conduct in the underlying proceedings whereby he sought to admonish anyone who stood in the way of his claims, including the attorneys and Judges. However, simply because plaintiff dislikes like the result of Judge Castel's decision or disagrees with his reasoning does not provide him with authority to now Judge shop and seek Judge Castel's recusal to this end. *Ellis v. Provident Life & Accident Insurance Company*, 962 F. Supp 445 (S.D.N.Y. 1997) (The court regularly cautioned against permitting judge shopping by litigants as inconsistent with the ends of justice).

Plaintiff makes this application despite the fact that this matter has been fully litigated on its merits and the plaintiff has had his day in Court on his claims. The facts and procedural history related to this action reveal that plaintiff has clearly had a fair and reasonable opportunity to litigate this matter. The plaintiff served a nine hundred and fifteen separately numbered paragraph complaint totaling ninety-one pages in length, which was considered by Judge Castel. In fact, the relative portions of the complaint were cited in Judge Castel's decision and Judge Castel explicitly stated that he accepted the allegations contained in the complaint and supplemental complaint as true in deciding the defendants' motions to dismiss. The plaintiff had an opportunity to submit an



extensive one hundred and forty-seven page memorandum of law in opposition to certain defendants' motions to dismiss as well as had the opportunity to submit other motions papers in opposition to certain other defendants' motions to dismiss. These motion papers were considered by the Court in deciding the defendants' motions to dismiss. Indeed, plaintiff cannot point to a single reference or statement in the Order which demonstrates that plaintiffs opposition was not considered in determining the defendants' motions to dismiss. The plaintiff was also provided with the opportunity to move to strike the exhibits annexed to the defendants' reply motion submitted in further support of their motion to dismiss. In fact, this motion was granted by Judge Castel and all exhibits and references to such exhibits contained in the defendants' motion papers were struck by Judge Castel and not considered in the Order. Further, the plaintiff was permitted the opportunity to move for a conference before Judge Castel to supplement his complaint. Judge Castel again granted plaintiff's request, allowed the complaint to be supplemented, and considered the supplemental complaint, while taking the allegations as true, in deciding the defendants' motions to dismiss. The plaintiff also conveniently fails to mention that he was afforded the opportunity before Chief Judge Mukasey, the Judge presiding over this matter prior to Judge Castel, to apply for a protective order, and was similarly provided with an opportunity before Chief Judge Mukasey to move for an entry of default against certain defendants named in the complaint.

Additionally, the plaintiff was present at all conferences on this matter before Chief Judge Mukasey and Judge Castel and was provided with an opportunity to address the Court at those times. Significantly, at no time during any of these conferences or while the aforementioned motions were pending before the Court did plaintiff suggest any bias, prejudice or impartiality on the part of the Court, either verbally or in writing.

Hence, Judge Castel addressed plaintiff's complaint, plaintiff's supplemental complaint and all motions papers undecided by Chief Judge Mukasey and rendered an extensive seventeen page Order based upon controlling legal precedent in this Circuit. In rendering its decision, the Court granted plaintiff's motion to supplement his complaint and considered it along with the initial complaint, took all relevant facts as true in the complaint and supplemental complaint, struck the exhibits of the defendant and stated that the Court refused to look outside the allegations in the complaint in making its determination. Based upon these rulings, the Order, which speaks for itself, clearly reveals that plaintiff's complaint and supplemental complaint were dismissed by

the Court *only* because they failed to satisfy the standard for stating a claim under the civil enforcement provisions of the Racketeer Influenced and Corrupt Organizations Act ("RICO"), 18 U.S.C §§ 1961-1968, not because of some concocted impartiality or prejudice conveniently invented, after-the-fact, by the plaintiff.

The plaintiff's request for disqualification of Judge Castel is based upon nothing more than limited facts and verbiage contained in Judge Castel's decision, interpreted by the plaintiff in contravention of its objectively determined meaning, which, in any event, neither impacts the substance of the decision nor the law cited in support.

The bulk of plaintiff's request for recusal and the entire first page of his motion is based upon one sentence contained in footnote one of Judge Castel's nearly seventeen page decision which states that "In opposition to the motions, plaintiff, without prior consent of the Court and in contravention of my Individual Practices, filed a 147-page memorandum of law, along with an affidavit and exhibits, and a Motion to Strike certain material contained in defendants' affidavits."

This statement was made by Judge Castel in the context of providing nothing more than the procedural history related to this action. Neither this statement by the Court, nor any other statements throughout the decision, indicates that the Court struck the plaintiff's opposition memorandum and did not consider it in connection with the defendants' motions to dismiss due to its length. Further, this statement by Judge Castel does not indicate that the Court struck the plaintiff's motion to strike the exhibits attached to the defendants' reply motion to dismiss and references to such exhibits in their motion papers. To the contrary, the Court considered plaintiff's motion, granted it and then struck the exhibit and references to such exhibits by the defendants. Thus, this statement by Judge Castel does not evidence the striking of any motion papers submitted by the defendants, and, moreover, has absolutely no impact upon the substance of Judge Castel's decision and the extensive legal precedent cited in support. In fact, hypothetically, even if this statement was taken out of the Order all together, the decision would still remain the same. The plaintiff is simply looking for any excuse he can now muster up in order to take a second bite at the apple.

The remainder of plaintiff's motion, pages two and three, criticizes the writing style of Judge Castel and the various phrases, nouns, adjectives and verbs used in support. Plaintiff first suggests that the phrase "spans

the globe" used in the sentence by the Court that "Plaintiff Roy Den Hollander ("Den Hollander") brings this action pro se against what he alleges to be a criminal enterprise that spans the globe, from New York to Russia to Chechnya to Cyprus to Mexico" was a sarcastic attempt by the Court to ridicule plaintiff. To begin with, despite plaintiff's sensitive interpretation of the Court's use of the phrase "spans the globe," the criminal enterprise as alleged by plaintiff in his complaint did in fact span the globe (as Judge Castel correctly noted) from New York to Russia to Chechnya to Cyprus to Mexico and the truth of this statement by Judge Castel did not create the indicia of ridicule or sarcasm. Nevertheless, this statement certainly does not impact the substance of the decision nor the law cited in support, and the Court's holding would remain the same even if the phrase was not present.

The plaintiff next takes issue, out of context, with Judge Castel's statements "few, if any, of the events set forth in the Supplemental Complaint ever really happened" and "no matter how fanciful they appear or how difficult they may be to prove" in the sentence by the Court that stated: "Although defendants object to the proposed Supplemental Complaint on the grounds that few, if any, of the events set forth in the Supplemental Complaint ever really happened (see Letter from Jack Sachs dated August 30, 2004 at 1), it is not the Court's role at this state of the litigation to assess the truth or validity of plaintiff's allegations, no matter how fanciful they appear or how difficult they may be to prove." How the plaintiff believes that this sentence is a "back handed slap to make sure everyone knows that the Court doesn't believe the Complaint's allegations and that it thinks they can't be proved-unless to discredit the plaintiff" is nonsensical. Perhaps this objection by plaintiff best illustrates the lengths he will go to attempt to create the impression of impropriety where clearly none exists.

The Court was merely setting forth the standard under Rule 15(d) of the Federal Rules of Civil Procedure. In setting forth this standard, the Court was actually granting plaintiff's request to supplement his complaint and denying the defendants' opposition. The Court was not ridiculing plaintiff, but rather, merely indicating that despite Jack Sach's letter suggesting that few, if any, of the events in the Supplemental Complaint ever really happened, it was not the Court's role to evaluate the validity of the events no matter how unbelievable or fanciful they may appear to Jack Sachs in this instance. How the plaintiff believes he was rebuked when the Court accepted his pleading and his allegations contained therein is preposterous.

Lastly, plaintiff criticizes Judge Castel for, in the context of providing procedural history, stating that "The Supplemental Complaint, drafted with the defendants' motions to dismiss in hand, consists of allegations of additional 'predicate acts'..." Besides the fact that this statement is true, it bears no impact upon the decision by the Court or the law cited in support.

Besides the fact that the Order itself as a matter of law cannot serve as a basis by plaintiff to demonstrate bias or prejudice which justifies recusal, the referencing of these few phrases by plaintiff does not in the least bit illustrate any bias or prejudice on the part of Judge Castel towards plaintiff and cannot serve as a predicate for his recusal in this action. Rather, after reading the seventeen page decision, the reader is left with the impression that this matter has been dismissed because the allegations do not sufficiently allege a RICO claim, not because the plaintiff is disliked or because the Court was biased. This makes logical sense given that Judge Castel has no interest in the outcome of this case other than the interest of every judicial officer that the truth be discovered and the law correctly applied. See *Ellis v. Provident Life & Accident Insurance Company*, 962 F.Supp 445. Thus, the fact that the Court delivered an adverse ruling against plaintiff, without more, does not provide a basis to question his impartiality and move for recusal. See *Schiff v. U.S.*, 919 F.2d 830, 834 (2d Cir. 1990); *United States v. Wolfson*, 558 F.2d 59, 64 (2d Cir. 1977). If the plaintiff is dissatisfied with the earlier Order, he should seek to appeal rather than move for recusal. *D'Amico v. U.S.*, 2000 WL 686371 (S.D.N.Y. 2000)

In conclusion, this matter has been pending against sixty-three separate domestic and foreign defendants for eighteen months, which has prejudiced these defendants and presumably the other defendants as well. This matter has taken up the time and been considered by two Federal judges. The plaintiff's request that a third Federal judge should now be burdened with having to address all of these papers on a request for reconsideration would vitiate judicial economy as well as greatly prejudice the defendants by allowing this matter to remain open longer than it already has. It is clear that plaintiff is attempting to relitigate the same issues before a different Judge because he does not like the result issued by Judge Castel. His motion must be denied.

# CONCLUSION

For the foregoing reasons, it is respectfully submitted that the plaintiff's motion to disqualify Judge Castel from any further proceedings in this matter pursuant to 28 U.S.C. § 455(a) and 28 U.S.C. § 144 should be denied, together with such other and further relief as this Court deems just and proper.

Dated: New York, New York  
October 15, 2004

McManus, Collura & Richter, P.C.

By: 

Bradley E. Dubin (BD0217)

Attorneys for Defendants,  
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Mundy and Peter Petrovich  
48 Wall Street, 25th Floor  
New York, New York 10005  
(212) 425-3100

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

\_\_\_\_\_  
Roy Den Hollander

Plaintiff,

Docket No. 03 CV 2717

- against -

*Domestic*  
Flash Dancers Topless Club et. al

\_\_\_\_\_  
Defendants.

MEMORANDUM OF LAW IN OPPOSITION TO PLAINTIFF'S  
MOTION TO RECONSIDER

McMANUS, COLLURA & RICHTER, P.C.

ATTORNEYS AT LAW  
FORTY-EIGHT WALL STREET  
NEW YORK, NEW YORK 10005  
TEL: 425-3100  
FAX: 425-3175

### PRELIMINARY STATEMENT

Defendants, Kuba, Mundy & Associates, Nicholas J. Mundy and Peter Petrovich, by their attorneys, McManus, Collura & Richter, P.C., respectfully submit this Memorandum of Law in opposition to the plaintiff's motion to reconsider the decision of *Hollander v. Flash Dancers Topless Club, et. al.*, 2004 WL 2186558 (S.D.N.Y. 2004) ("Order"), which dismissed the plaintiff's complaint and supplemental complaint with prejudice, together with such other and further relief as this Court deems just and proper.

### ARGUMENT

The majority of the plaintiff's application for reconsideration is based upon and repetitive of the arguments contained in the plaintiff's application for disqualification of Judge Castel. These arguments have been sufficiently addressed in the defendants' memorandum of law in opposition to that motion and will not be repeated fully herein. In sum, that opposition memorandum of law submitted by these defendants reveals that Judge Castel did not exhibit any bias or prejudice against the plaintiff, that plaintiff has not adequately demonstrated, in fact or law, that recusal is justified in this instance, nor has the plaintiff demonstrated that his memorandum of law in opposition to the defendants' motions to dismiss was ignored. To the contrary, the allegations in the plaintiff's complaint and supplemental complaint were taken as true and plaintiff's memorandum of law was considered in opposition to the defendants' motions to dismiss. Notwithstanding this fact, the Order, which speaks for itself, clearly reveals that plaintiff's complaint and supplemental complaint were dismissed by the Court *only* because they failed to satisfy the standard for stating a claim under the civil enforcement provisions of the Racketeer Influenced and Corrupt Organizations Act ("RICO"), 18 U.S.C §§ 1961-1968, not because plaintiff's opposition was ignored. Without rehashing the legal arguments already addressed by this Court, the defendants respectfully refer the Court to the defendants' motions to dismiss and reply motions to dismiss as well as the Court's extensive Order. The reasons for dismissal have been clearly spelled out in Judge Castel's Order.

The plaintiff has not now sufficiently demonstrated that this Court overlooked relevant facts, controlling decisions or prevailing law in rendering its decision. In fact, the plaintiff cannot point to specific

facts or legal precedent which was ignored by the Court or which held contrary to the Order. Instead, plaintiff simply refers to his initial memorandum of law submitted in opposition to the defendants' motions to dismiss, and attempts to now relitigate his arguments which were already addressed by this Court and found unpersuasive.

#### CONCLUSION

For the foregoing reasons, it is respectfully submitted that the plaintiff's motion for reconsideration of the Order, which dismissed the plaintiff's complaint and supplemental complaint with prejudice should be denied, together with such other and further relief as this Court deems just and proper.

Dated: New York, New York  
October 15, 2004

McManus, Collura & Richter, P.C.

By: 

Bradley E. Dubin (BD0217)

Attorneys for Defendants,  
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New York, New York 10005  
(212) 425-3100



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
ROY DEN HOLLANDER, :  
 :  
 Plaintiff, :  
 :  
 - against - : Docket No.  
 : CV-03-2717 (PKC)  
 FLASH DANCERS TOPLESS CLUB, et al., :  
 :  
 Defendants. :  
-----X

**MEMORANDUM IN OPPOSITION TO  
PLAINTIFF'S MOTION FOR DISQUALIFICATION**

This memorandum is submitted on behalf of defendants "Flash Dancers Topless Club,"<sup>1</sup> "Jay-Jay Cabaret, Inc.," "Lynn Lepofsky, CEO Jay-Jay Cabaret, Inc.," "Barry-Night Manager Flash Dancers," and "Flash Dancers Managers 1 to 5" (collectively referred to herein as "FlashDancers Defendants"), in opposition to plaintiff's motion "to disqualify Judge Castel" dated October 8, 2004.

<sup>1</sup> "Flash Dancers Topless Club" is not a legal entity and has no capacity to sue or be sued. "FlashDancers" is the tradename under which defendant Jay-Jay Cabaret, Inc. conducts business at premises 1674 Broadway, New York, New York. It is also a federally registered service mark owned by defendant Jay-Jay Cabaret, Inc.

Plaintiff's motion is frivolous. The Court has said and done nothing that would lead anyone to suspect, much less conclude - - by any standard - - that the Court was not impartial as between the parties.

It is axiomatic that the fact that the Court may have criticized plaintiff in its Memorandum and Order of September 28, 2004, or may have inadvertently misstated *en passant* that one of plaintiff's submissions exceeded the Court's Individual Practices page limitation, notwithstanding that the page limitation did not apply, are not grounds for disqualification.\*

Read in the context of plaintiff's companion motion for reconsideration - - which plaintiff expressly seeks to have decided only if disqualification is granted - - it is immediately obvious that what plaintiff really seeks is a classic "second bite" at the litigation "apple," before another judge. In this regard, this plaintiff is no different than any other disappointed litigant, and his proper remedy is not "judge-shopping" and/or a motion for reconsideration but an appeal as to any matter he believes was determined adversely to him and constitutes error cognizable error.

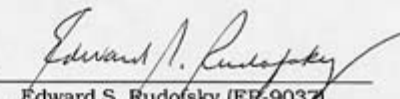
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\* Indeed, even assuming, *arguendo*, that it was improper by any standard for the Court to have expressed criticism of plaintiff in the terms with respect to which he now complains, and/or for the Court to have referred to its Individual Practices, any such "errors" were, at most, "harmless" and must be disregarded pursuant to F.R.Civ.P. 61.

WHEREFORE, it is respectfully submitted on behalf of the FlashDancers Defendants that the plaintiff's motion for disqualification should be denied.

Dated: New York, New York  
October 15, 2004

**ZANE and RUDOFISKY**  
*Attorneys for FlashDancers Defendants*  
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(212) 245-2222

By:   
Edward S. Rudofsky (ER-9037)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
ROY DEN HOLLANDER, :  
 :  
 Plaintiff, :  
 :  
 - against - : Docket No.  
 : CV-03-2717 (PKC)  
 FLASH DANCERS TOPLESS CLUB, et al., :  
 :  
 Defendants. :  
-----X

**MEMORANDUM IN OPPOSITION TO  
PLAINTIFF'S MOTION FOR RECONSIDERATION**

This memorandum is submitted on behalf of defendants "Flash Dancers Topless Club,"<sup>1</sup> "Jay-Jay Cabaret, Inc.," "Lynn Lepofsky, CEO Jay-Jay Cabaret, Inc.," "Barry-Night Manager Flash Dancers," and "Flash Dancers Managers 1 to 5" (collectively referred to herein as "FlashDancers Defendants"), in opposition to plaintiff's motion for reconsideration dated October 8, 2004.

At the outset, we note that plaintiff's motion states that "if the plaintiff's [companion] motion requesting the disqualification of Judge

<sup>1</sup> "Flash Dancers Topless Club" is not a legal entity and has no capacity to sue or be sued. "FlashDancers" is the tradename under which defendant Jay-Jay Cabaret, Inc. conducts business at premises 1674 Broadway, New York, New York. It is also a federally registered service mark owned by defendant Jay-Jay Cabaret, Inc.

Castel is denied, then the plaintiff withdraws this motion for reconsideration." We respectfully submit, however, in the event recusal is denied, that plaintiff not be permitted to withdraw this motion. Rather, in such event, the Court should proceed to determine and deny the motion for the reasons and in the manner set forth below.

Plaintiff's motion is premised on plaintiff's misreading of Note 1 set forth in the margin of the Memorandum and Order herein dated September 28, 2004, at p. 2 ("Note 1"). Plaintiff apparently misinterprets Note 1 to state that the Court not only disregarded "affidavits and exhibits" submitted by both plaintiff and certain defendants (and concomitantly granted plaintiff's Motion to Strike), but that the Court also disregarded the plaintiff's memoranda of law submitted in opposition to the various motions to dismiss.

Note 1 says no such thing. Nowhere in the Court's opinion is there the slightest indication that the Court disregarded plaintiff's memoranda of law.

The Court's observation *en passant* that plaintiff filed a 147-page long memorandum of law "without prior consent of the Court and in contravention of my Individual Practices," does not state or imply that the Court disregarded either of plaintiff's memoranda of law, and it is

obvious from the balance of the decision that the Court did not ignore plaintiff's memoranda of law notwithstanding any confusion as to which set of Individual Practices apply in this case - - this Court's or Judge Mukasey's (which do not contain such a page limitation).

Accordingly, the misstatement in Note 1 on which plaintiff's motion is predicated is, at most, a harmless error which did not affect the substantial rights of the parties and must be disregarded pursuant to F.R.Civ.P. 61:

No ... error or defect in any ruling or order or in anything done or omitted by the court ... is ground for ... vacating, modifying, or otherwise disturbing a judgment or order, unless refusal to take such action appears to the court inconsistent with substantial justice. The court at every stage of the proceeding must disregard any error or defect in the proceedings which does not affect the substantial rights of the parties. [Emphasis added.]

In this case, denial of plaintiff's motion is clearly not "inconsistent with substantial justice." Accordingly, there is no basis for substantive reconsideration of the motions to dismiss and plaintiff's motion should be denied.

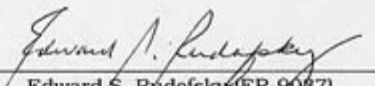
However, to avoid the slightest possibility of confusion as to the effect of Note 1, it is respectfully submitted that the Court may wish to clarify Note 1 to make it crystal clear that it was only the "affidavits and

exhibits" - - and not the plaintiff's memoranda of law - - which were disregarded in ruling on the motions to dismiss. This clarification will contribute to the "just, speedy and inexpensive determination of [this] action" (see F.R.Civ.P. 1) by making it clear beyond peradventure that any inadvertent error by the Court in referring to its own Individual Practices did not prejudice plaintiff in any way, thereby avoiding any possibility of further confusion as to this point should plaintiff appeal.

WHEREFORE, it is respectfully submitted on behalf of the FlashDancers Defendants that the plaintiff's motion for reconsideration should be denied.

Dated: New York, New York  
October 15, 2004

**ZANE and RUDOFISKY**  
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(212) 245-2222

By:   
Edward S. Rudofsky (ER-9037)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ROY DEN HOLLANDER,

Plaintiff,

-against-

FLASH DANCERS TOPLESS CLUB, et al.,

Defendants.

03 Civ. 2717 (PKC)

ORDER

P. KEVIN CASTEL, U.S.D.J.

Plaintiff has moved to disqualify me under 28 U.S.C. § 455(a) arguing that my "impartiality might reasonably be questioned." Plaintiff's assertion is premised upon statements made in a Memorandum and Order dated September 28, 2004 (the "Mem. & Order"), that set forth my rulings on then-pending motions.

The legal standard under section 455(a) is a simple one. "A judge is required to recuse 'in any proceeding in which his impartiality might reasonably be questioned,' 28 U.S.C. § 455(a) (1988), and 'the test to be applied is an objective one which assumes that a reasonable person *knows and understands all the relevant facts*.'" In re International Business Machines Corp., 45 F.3d 641, 643 (2d Cir. 1995) (quoting In re Drexel Burnham Lambert Inc., 861 F.2d 1307, 1313 (2d Cir. 1988) (emphasis in original), cert. denied, 490 U.S. 1102 (1989)). Except in the rarest of circumstances, adverse judicial rulings do not provide a basis to demonstrate a judge's lack of impartiality. See In re International Business Machine, 45 F.3d at 644 (citing Liteky v. United States, 510 U.S. 540 (1994)).



This action was commenced with the filing of the complaint on April 18, 2003. The action was assigned to Chief Judge Michael B. Mukasey. Between September 22, 2003 and October 8, 2003, various defendants moved to dismiss the complaint. Plaintiff responded to the motions on December 17, 2003. Reply papers were filed on May 18, 2004. In June, Chief Judge Mukasey set a briefing schedule for certain late served and appearing defendants, including the Bank of Cyprus that required their motion to dismiss to be filed by July 9, 2004, answering papers by August 13, 2004 and reply papers by September 10, 2004. Although the docket reflects a formal reassignment of the case to me on August 13, 2004, I wrote to the parties on June 21, 2004 advising them that the case had been reassigned to me. I held a conference on the record on July 13, 2004. It was the plaintiff's one and only appearance before me. As the transcript reflects, it was routine and dealt principally with scheduling matters. I left standing Chief Judge Mukasey's deadline of August 13 for plaintiff's answering brief to the Bank of Cyprus motion to dismiss but accelerated the date for the defendant's reply brief to August 27. At plaintiff's request, I ordered one defendant's counsel to provide addresses of four individuals, to the extent known, who had not been served.

On August 23, 2004, plaintiff sought leave to file a motion to supplement his complaint. In the Mem. & Order, I granted plaintiff's motion to strike certain exhibits from the record on the motion to dismiss and granted plaintiff leave to file the Supplemental Complaint. As supplemented, I granted defendants' motion to dismiss the complaint.

In plaintiff's motion to disqualify, he argues that statements made in the course of the Mem. & Order display bias and lack of impartiality. The first statement referenced by plaintiff was a comment upon the 147-page length of plaintiff's answering brief and the erro-

neous assertion that the length of the brief violated my Individual Practices. The comment appears in footnote 1 (Mem. & Order at 1) and reads in full as follows:

Separate motion papers were filed by defendants Mundy, Petrovich, Henning and the Bank of Cyprus. Defendants Paulsen, Shipilina, Cybertech and the Flash Dancers defendants filed papers joining, to the extent applicable, the motion filed by the Mundy defendants, and in some cases filed separate reply papers. Defendants also filed various affidavits attempting to put certain exhibits before the Court. In opposition to the motions, plaintiff, without prior consent of the Court and in contravention of my Individual Practices, filed a 147-page memorandum of law, along with an affidavit and exhibits, and a Motion to Strike certain material contained in defendants' affidavits. I find it unnecessary to consider any materials outside the Complaint in deciding the motions to dismiss and I grant plaintiff's Motion to Strike.

The fact that a brief of such length was filed by plaintiff had bearing on whether plaintiff had a full and fair opportunity to advance his arguments and also on the issue of whether the Court, on its own motion, should grant plaintiff leave to further replead. The Mem. & Order erroneously asserted that the 147-page plaintiff's memorandum violated the page limits in my Individual Practices; those page limits were inapplicable to plaintiff because the brief had been filed while the case was still before Chief Judge Mukasey, who does not impose page limits. Plaintiff's memorandum was, of course, carefully reviewed and considered in deciding the motions in the Mem. & Order but my comment on page limits was both erroneous and superfluous. The opinion will be amended to delete the inaccurate phrase. A reasonable person could not view the comment as evidencing bias or prejudice on my part against plaintiff.

Plaintiff also points to another comment that he asserts betrays bias—a reference to the fact that the alleged enterprise “spans the globe.” This phrase, in his view, is a form of judicial adoption of the ridicule with which his allegations were treated by defendants. My full statement, the first sentence in the Mem. & Order, reads in full as follows: “Plaintiff

Roy Den Hollander ("Den Hollander") brings this action pro se against what he alleges to be a criminal enterprise that spans the globe, from New York to Russia to Chechnya to Cyprus to Mexico. " In my view, it is a brief, accurate and non-perjorative introduction to a description of his allegations. It reflects no bias or prejudice to a reasonable person.

Plaintiff's motion to disqualify also takes me to task for writing that "few, if any, of the events set forth in the Supplemental Complaint ever really happened." In context, the words I wrote referenced defendants' argument premised upon the factual plausibility of plaintiff's allegations. I flat-out rejected this argument and noted that "[i]t is axiomatic that in deciding a motion to dismiss pursuant to Rule 12(b)(6), the Court must accept all factual allegations as true and draw all inferences in favor of plaintiff." (Mem. & Order at 6) The words I wrote are plain and clearly communicated a rejection—not an embrace—of this particular argument by defendants:

Although defendants object to the proposed Supplemental Complaint on the grounds that few, if any, of the events set forth in the Supplemental Complaint every really happened (see Letter from Jack Sachs dated August 30, 2004 at 1), it is not the Court's role at this stage of the litigation to assess the truth or validity of plaintiff's allegations, no matter how fanciful they appear or how difficult they may be to prove. I grant plaintiff leave to file the Supplemental Complaint and, in reviewing the adequacy of plaintiff's pleadings on these motions to dismiss, I will consider the Complaint and Supplemental Complaint.

No reasonable person could conclude that these comments reflect bias or prejudice on my part against plaintiff.

Plaintiff also asserts that he was unfairly criticized for drafting his Supplemental Complaint "with the defendants' motion to dismiss in hand. . . ." (Mem. & Order at 5)

What I wrote was as follows:

The Supplemental Complaint, drafted with defendants' motions to dismiss in hand, consists of allegations of additional "predicate acts," including the continued harassment of and interference with plaintiff as a result of his investigation

of the Enterprise and its Scheme, and defendant Shipilina's obstruction of justice by filing false and misleading documents in this case. The only allegation in the Supplemental Complaint relating to causation and damages is that "[t]he Enterprise's additional illegal activities recounted in this supplemental complaint have increased the harm to the plaintiff's business and property by causing loss of profits, business interruption expenses, loss of business opportunities and damage to the plaintiff's reputation and good will in the amount of \$100,000." (footnote and citation omitted)

The point cannot reasonably be viewed as criticism of plaintiff. Plaintiff is correct that there is nothing inappropriate with seeking to cure a pleading deficiency called to one's attention by an opposing party. My comment was a legitimate observation that bore on the propriety of holding plaintiff to his allegations and not granting him further lead to replead. Plaintiff, a member of the bar of this Court, was fully aware of the asserted pleading deficiencies raised in the motion to dismiss and, with those assertions in hand, he sought to supplement his complaint. Yet, the supplemental pleading added nothing of material significance to cure the deficiencies in his allegations. The shortcomings in the pleading were not likely to have been the product of oversight but rather the inability to truthfully allege more. The observation was a fair comment upon the procedural history of the case and no reasonable person would conclude that it displayed bias or prejudice against plaintiff.

Whether taken separately or as a whole, none of the grounds asserted by plaintiff would lead a reasonable person, aware of all of the facts, to question the judge's impartiality. The statements, observations and, most importantly, rulings, expressed in the Mem. & Order were all based upon the pleadings, arguments and authorities submitted or cited to the Court and not upon any extra-judicial source.

As an alternative, plaintiff seeks disqualification on the basis of 28 U.S.C. § 144, which reads in full as follows:

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Whenever a party to any proceeding in a district court makes and files a timely and sufficient affidavit that the judge before whom the matter is pending has a personal bias or prejudice either against him or in favor of any adverse party, such judge shall proceed no further therein, but another judge shall be assigned to hear such proceeding.

The affidavit shall state the facts and the reasons for the belief that bias or prejudice exists, and shall be filed not less than ten days before the beginning of the term at which the proceeding is to be heard, or good cause shall be shown for failure to file it within such time. A party may file only one such affidavit in any case. It shall be accompanied by a certificate of counsel of record stating that it is made in good faith.

Section 144 requires the timely filing of an affidavit of bias, i.e. actual personal bias or prejudice. No affidavit of any kind has been filed by plaintiff in support of the motion. While plaintiff is proceeding pro se, he is a lawyer and member of the bar of this Court. The election not to file an affidavit can most reasonably be viewed as a conscious choice on his part. Because section 144 has not been properly triggered, I need not refrain from proceeding and have no reason to assign the motion to another judge of the Court.

The motion to disqualify is denied.

SO ORDERED.

Dated: New York, New York  
October 27, 2004

  
P. Kevin Castel  
United States District Judge

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ROY DEN HOLLANDER,

Plaintiff,

-against-

FLASH DANCERS TOPLESS CLUB, et al.,

Defendants.

03 Civ. 2717 (PKC)

ORDER

P. KEVIN CASTEL, U.S.D.J.

Plaintiff moves to reconsider my Memorandum and Order of September 28, 2004. His principal argument is that the Court failed to consider his 147-page memorandum in opposition to the motion to dismiss. Contrary to plaintiff's assumption, it was thoroughly and carefully considered by the Court.

Although I considered plaintiff's memorandum, I incorrectly stated that it violated the page limits in my Individual Practices. Accordingly, footnote 1, page 1, of my Memorandum and Order is amended to delete the phrase " , without prior consent of the Court and in contravention of my Individual Practices,". As amended, it reads as follows:

Separate motion papers were filed by defendants Mundy, Petrovich, Henning and the Bank of Cyprus. Defendants Paulsen, Shipilina, Cybertech and the Flash Dancers defendants filed papers joining, to the extent applicable, the motion filed by the Mundy defendants, and in some cases filed separate reply papers. Defendants also filed various affidavits attempting to put certain exhibits before the Court. In opposition to the motions, plaintiff filed a 147-page memorandum of law, along with an affidavit and exhibits, and a Motion to Strike certain material contained in defendants' affidavits. I find it unnecessary to consider any materials outside the Complaint in deciding the motions to dismiss and I grant plaintiff's Motion to Strike.

Except insofar as the above amendment is ordered, the motion to reconsider is denied.

SO ORDERED.

Dated: New York, New York  
October 28, 2004

  
\_\_\_\_\_  
P. Kevin Castel  
United States District Judge

**ROY DEN HOLLANDER**  
**Attorney at Law**

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February 17, 2006

Honorable P. Kevin Castel  
United States District Court for the Southern  
District of New York  
Daniel Patrick Moynihan U.S. Courthouse  
500 Pearl Street  
New York, N.Y. 10007-1312

**Roy Den Hollander v. Flash Dancers Topless Club, et al.**  
**Southern District Court of New York, CV-03-2717 (PKC), Second Circuit 04-6700-CV**

Dear Judge Castel:

There is an unfinished cost issue in this case concerning reimburse to me for service of process under Fed. R. Civ. P. 4(d)(5) caused by the defendants failure to respond to a request for waiver of service under Fed. R. Civ. P. 4(d). (July 13, 2004 Status Conference Tr. ln 24, p. 8 to ln 12, p. 9.)

You may recall that in your Endorsed Letter Order entered July 8, 2005, you stated that I should raise this issue within ten days of issuance of the Second Circuit's mandate. That mandate will issue on February 24, 2006, and I will be petitioning the U.S. Supreme Court for certiorari.

In accordance with the July Order, I am requesting an instruction from this Court directing the defendants to reimburse me for service of process. The amounts owed by each are listed below and documented in the Plaintiff's Status Report, which was served on June 29, 2004 and sent to your chambers in preparation for the July 13, 2004 status conference.

Flash Dancers Topless Club 1674 Broadway NY, NY 10019	\$55
Jay-Jay Cabaret, Inc., General Agent: Mr. Nunzio 1674 Broadway NY, NY 10019	\$55
Cybertech Internet Strip Club Network Officer Paul Brown 38 Birchdale Road Port Washington, NY 11050	\$35



Lynn H. Lepofsky 160 East 38 Street, Apt. 9A NY, NY 10016	\$35
Barry-Night Manager Flash Dancers C/O Flash Dancers 1674 Broadway NY, NY 10019	\$55
Kuba, Mundy & Associates 321 Broadway NY, NY 10007	\$35
Nicholas J. Mundy C/O Kuba, Mundy & Associates 321 Broadway NY, NY 10007	\$35
Peter Petrovich C/O Kuba, Mundy & Associates 321 Broadway NY, NY 10007	\$141
Alina A. Shipilina a.k.a. Chipilina 28-15 34 Street, Apt. 4H Astoria, Queens 11103	\$105
Doctor Marc L. Paulsen 2855 Pinecreek Drive Costa Mesa, CA 92626	\$175
Anastasia Vasilyeva 3325 South 47 Street Greenfield, WI 53219	\$125
Dima-Husband Anastasia Vasilyeva or Nicolay Vasilyev 3325 South 47 Street Greenfield, WI 53219	\$125
Bob Henning-New York City Police Detective C/O 114 Police Precinct 34-16 Astoria Blvd. Queens, NY 11103	\$35

Copying of complaint	\$127.30
Taxi to process server	\$6.20
<b>Total</b>	<b><u>\$1,144.50</u></b>

Sincerely,

Roy Den Hollander

CC Edward S. Rudofsky, Esq.  
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April 17, 2006

Via FedEx®

Hon. P. Kevin Castel, U.S.D.J.  
 Southern District of New York  
 Moynihan Courthouse  
 500 Pearl Street  
 New York, New York 10001

Re: Hollander v. Flash Dancers, etc., et al.  
Docket No. 03-cv-2717 (PKC)

Dear Judge Castel:

We represent Jay-Jay Cabaret, Inc. d/b/a "Flash Dancers" (s/h/a "Flash Dancers Topless Club"), Lynn Lepofsky, "Barry - Night Manager Flash Dancers" and "Flash Dancers Managers 1 - 5" (collectively, the "Flash Dancers defendants"), and submit this letter pursuant to Your Honor's endorsement dated April 4, 2006 on plaintiff's letter to the Court dated February 17, 2006.

Plaintiff seeks to recover costs of service on certain of the Flash Dancers defendants, pursuant to F.R.Civ.P. 4(d), as follows:

(1)	Flash Dancers Topless Club	\$55
(2)	Jay-Jay Cabaret Inc.	\$55
(3)	Lynn H. Lepofsky	\$35
(4)	Barry - Night Manager, etc.	\$55

Plaintiff also seeks to recover his costs for "copying of complaint" (\$127.30), and "taxi to process server" (\$6.20). These costs are not apportioned among the various defendants.

We do not believe that plaintiff should be entitled to recover costs for naming and "serving" a non-existent entity, namely "Flash Dancers Topless Club." Any reasonable investigation would have revealed to plaintiff that "Flash Dancers" is merely the trade name (and Federally registered trademark) of Jay-Jay Cabaret, Inc., and that it was utterly

ZANE AND RUDOFSKY

inappropriate to name and serve "Flash Dancers Topless Club" as a defendant in this action (in addition to naming and serving both the corporation itself and its principal, Ms. Lepofsky).

We also do not believe that the costs of "copying of complaint" and "taxi to process server" are recoverable pursuant to Rule 4(d). Rule 4(d)(2) provides that it is the costs "subsequently incurred in effecting service" that are recoverable. The costs of making copies and taking a taxi to the process server are not costs incurred in "effecting service," e.g., the charges billed to the plaintiff by the process server.

Accordingly, we believe that plaintiff could, at most, recover \$145 for serving Jay-Jay Cabaret, Inc., Ms. Lepofsky and "Barry."

However, the Flash Dancers defendants are entitled to an offset, against this sum, on account of a Bill of Costs granted by the Court of Appeals in favor of the Flash Dancers defendants and against plaintiff in the sum of \$331.63 (copy enclosed).

We moved for leave to file a Bill of Costs in the Court of Appeals "out of time" on February 23, 2006. Plaintiff then moved to impose sanctions on us for making this motion and to deny it. By full panel Order dated March 15, 2006, the Court of Appeals denied plaintiff's motion.\* Thereafter by Order dated April 11, 2006, the Court granted our motion. A certified statement of the Costs was thereafter transmitted by the Court of Appeals to the District Court on April 12, 2006.

Therefore, assuming, *arguendo*, that plaintiff is entitled to recover \$145, on account of services of process on Jay-Jay Cabaret, Inc., Ms. Lepofsky and "Barry," and to credit that amount against the Flash Dancers defendants' Bill of Costs, the net due to the Flash Dancers defendants is \$186.63, which plaintiff should be directed to pay at this time.

Respectfully,

  
Edward S. Rudofsky

Enclosure

cc: All Counsel

\* Plaintiff is presently seeking *en banc* review of the denial of his motion.

**MCMANUS, COLLURA & RICHTER, P.C.**

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\*ALSO ADMITTED IN CONN.  
\*ALSO ADMITTED IN N.J.

**Via Certified Mail Return Receipt Requested**

April 11, 2006

Honorable P. Kevin Castel  
United States District Court  
for the Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: Client: Kuba, Mundy & Associates, Nicholas J. Mundy and Peter Petrovich  
Matter: *Roy Den Hollander v. Flash Dancers Topless Club, et al.*  
Docket No.: 03 CV 2717

Honorable Sir:

Our office represents defendants-appellees Kuba, Mundy & Associates ("Kuba Mundy"), Nicholas J. Mundy ("Mr. Mundy") and Peter Petrovich ("Mr. Petrovich") (collectively, "defendants") in connection with the above referenced matter.

I am in receipt of plaintiff-appellant Roy Den Hollander's ("plaintiff") February 17, 2006 letter application seeking service of process costs in the amount of \$35 from Mr. Mundy, \$35 from Kuba Mundy and \$141 from Mr. Petrovich arising out of their alleged failure to acknowledge service of plaintiff's complaint pursuant to Fed. R. Civ. P. 4(d). Your Honor's Order dated April 4, 2006 indicates that defendants should submit a written response by April 18, 2006. Kindly allow this correspondence to service as our formal response.

Fed R. Civ. P. 4(d)(2) indicates that, to avoid costs associated with service of the summons, plaintiff may notify defendants of commencement of the action and request that defendants waive service of a summons. The notice and request:

(A) shall be in writing and shall be addressed directly to the defendant, if an individual, or else to an officer or managing or general agent (or other agent authorized by appointment or law to receive service of process) of a defendant subject to service under subdivision (h);

(B) shall be dispatched through first-class mail or other reliable means;

(C) shall be accompanied by a copy of the complaint and shall identify the court in which has been filed;

(D) shall inform the defendant, by means of a text prescribed in an official form promulgated pursuant to Rule 84, of the consequences of compliance and of a failure to comply with the request;

(E) shall set forth the date on which the request is sent;

(F) shall allow the defendant a reasonable time to return the waiver, which shall be at least 30 days from the date on which the request is sent, or 60 days from that date if the defendant is addressed outside any judicial district of the United States; and

(G) shall provide the defendant with an extra copy of the notice and request, as well as a prepaid means of compliance in writing.

Additionally, Fed R. Civ. P. 4(d)(2) indicates that "[i]f a defendant...fails to comply with a request for waiver made by a plaintiff... the court shall impose the costs subsequently incurred in effecting service on the defendant unless good cause for the failure be shown."

Plaintiff's letter application provides absolutely no details or supporting documentation and utterly fails to satisfy the burden of demonstrating that plaintiff served a waiver of service upon defendants, that defendants failed to respond, that plaintiff complied with the aforementioned procedures designated under Fed R. Civ. P. 4(d)(2)(A)-(G) and that plaintiff incurred additional costs by defendants' alleged failure to respond.

Furthermore, on September 28, 2004, plaintiff's complaint was dismissed with prejudice. See *Hollander v. Flash Dancers Topless Club, et al.*, 340 F. Supp.2d 453 (S.D.N.Y. 2004). Plaintiff subsequently moved for reconsideration, which was denied. The dismissal of this action with prejudice was thereafter affirmed by the United States Court of Appeals for the Second Circuit ("Second Circuit"). See *Hollander v. Flash Dancers Topless Club, et al.*, 2006 WL 267148 (2d Cir. 2006). Logic dictates that plaintiff should not be entitled to recover costs of serving a frivolous action, which has been dismissed with prejudice and affirmed by the Second Circuit.

Moreover, in respect to Mr. Petrovich, plaintiff's complaint was never served upon him. This issue was raised in defendants' motion to dismiss. Plaintiff contended during this lawsuit that he attempted to serve Mr. Petrovich at his "actual place of business" with a follow-up mailing to his "actual place of business" pursuant to N.Y. Civ. Prac. L. & R. §308(2)<sup>1</sup>. Plaintiff served the complaint upon Mr. Petrovich at the office of Kuba Mundy located at 321 Broadway, New York, New York 10007. Mr. Petrovich, however never maintained his place of business at the office of Kuba Mundy located at 321 Broadway, New York, New York 10007. Mr. Petrovich has never

<sup>1</sup> Plaintiff's memorandum of law, page 137-138, in opposition to defendants' motion to dismiss confirms this fact.

been an employee of Kuba Mundy, but rather, merely served as a translator for the law firm on occasion. Mr. Petrovich attested to the foregoing in an affidavit before this Court in connection with defendants' motion to dismiss. This provides yet another reason for denying plaintiff's request for costs from Mr. Petrovich.

Thank you for your consideration. If you have any questions, I remain available at the Court's convenience.

Respectfully submitted,



Bradley E. Dubin  
BED/ss

cc: Roy Den Hollander, Esq.  
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April 21, 2006

Honorable P. Kevin Castel  
United States District Court for the Southern  
District of New York  
Daniel Patrick Moynihan U.S. Courthouse  
500 Pearl Street  
New York, N.Y. 10007-1312

**Roy Den Hollander v. Flash Dancers Topless Club, et al.**  
**Southern District Court of New York, CV-03-2717 (PKC), Second Circuit 04-6700-CV**

Dear Judge Castel:

Pursuant to your order of April 4, 2006, this is the plaintiff's reply to the Flash Dancers defendants' objection to reimbursing the plaintiff for service of process under Fed. R. Civ. P. 4(d)(5) as a result of Flash Dancers' failure to respond to a request for waiver of service under Fed. R. Civ. P. 4(d).

Flash Dancers claims that the costs for copying the complaint and transportation to deliver the summonses and complaints to the plaintiff's process server are not recoverable under Rule 4(d). The attorney for Flash Dancers, Edward S. Rudofsky, wrongly attributed Rule 4(d)(2) for the quote used on page 2 of his letter. The pertinent part of Rule 4(d)(2) actually states the defendant "has a duty to avoid unnecessary costs of serving the summons" while Fed. R. Civ. P. 4(d)(5) states:

"The costs to be imposed on a defendant under paragraph (2) for failure to comply with a request to waive service of a summons shall include the costs subsequently incurred in effecting service ... together with the costs, including a reasonable attorney's fee, of any motion required to collect the costs of service."

Any reasonable research into the meaning of "costs" in Rules 4(d)(2) & 4(d)(5) would have revealed to Flash Dancers' attorney that

"In order to encourage utilization of [waiver of service], current subdivision (d) follows former Rule 4(c)(2)(D) by assessing the defendant for those costs that could have been avoided if the defendant had cooperated reasonably in the manner of service prescribed by the waiver provision." Wright & Miller, Fed. Prac. & Proc., Civ. 3d § 1092.1.

Flash Dancers and all the appearing defendants first received a copy of the complaint as part of the plaintiff's request for waiver of service of summons. Flash Dancers chose to ignore the request thereby necessitating that the plaintiff make another set of copies to be served with the summons. Had Flash Dancers and the other defendants abided by the Rule, the plaintiff would have avoided the costs of 13 additional copies and transportation to Gotham Process Service.

Federal district courts have required reimbursement for copying and related costs for serving process when waiver has been refused. In Kennemer v. Jefferson Autoplex, L.L.C., 2004 WL 1291185 \*1 (E.D.La.), the court approved costs for copying and postage, and in Graves v. Church of Apostolic Faith, Inc., 2003 WL 21659168 \*1 (E.D.Pa.), the court required reimbursement for copying and courier service. Fairness requires that a person who causes another additional and unnecessary expenses in effecting service ought to reimburse the party who was forced to bear the additional costs.

The Flash Dancers' defendants also object that no apportionment was made of the copying and taxi costs. In order to apportion the copying costs, their attorney can simply divide the number of copies served on them by the total number of copies served on all defendants as a result of denials of waiver and multiply that fraction times the total cost. The Flash Dancers defendants were served with four copies and the total number of copies served on all defendants was thirteen. Four thirteenths of \$127.30 equals \$39.17. As for the cost of taking the taxi to Gotham Process Service, the defendants can apportion that however they wish.

Flash Dancers' attorney additionally objects that "Flash Dancers Topless Club" is a "non-existent entity." When the summons was served, however, it was the name on the signs of the strip bar. Exhibit A. The exact connection between the strip club and Jay-Jay Cabaret was initially unclear. The New York State Division of Corporation did not have, and still does not have, any listing for Flash Dancers. In addition, its Jay-Jay Cabaret listing did not, and still does not, show any connection to the Flash Dancers Topless Club on Broadway. Exhibit B. Service of process on Flash Dancers Topless Club was done in order to avoid a future dispute over adequacy of service.

Flash Dancers' attorney further argues that whatever amount this Court allows for reimbursement should be offset against the amount stated in the Second Circuit's decision to allow Flash Dancers to file late its bill of costs. Mr. Rudofsky, however, failed to provide this Court with the full and accurate procedural status of Flash Dancers' bill of cost motion. True, he included an easy-to-overlook footnote on page 2 of his letter, but even that is not fully explanatory.

The plaintiff filed a motion requesting the Second Circuit consider for rehearing en banc that Flash Dancers' failed to demonstrate good cause<sup>1</sup> for filing its bill of costs late as required by the Federal Rules of Appellate Procedure and decisions by the Courts of Appeals. The motion requesting the Second Circuit to consider whether to rehear en banc the panel's decision was granted on April 11, 2006. Exhibit C. There has been no decision yet as to whether the

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<sup>1</sup> Flash Dancers attorney claimed as good cause a trip to California and overlooking the Second Circuit's mail when he returned.

petition for rehearing en banc will be granted or denied. Therefore, contrary to Flash Dancers' representations, there is still no final decision on its bill of costs motion.

Sincerely,

Roy Den Hollander

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April 14, 2006

Honorable P. Kevin Castel  
United States District Court for the Southern  
District of New York  
Daniel Patrick Moynihan U.S. Courthouse  
500 Pearl Street  
New York, N.Y. 10007-1312

**Roy Den Hollander v. Flash Dancers Topless Club, et al.**  
**Southern District Court of New York, CV-03-2717 (PKC), Second Circuit 04-6700-CV**

Dear Judge Castel:

Pursuant to your order of April 4, 2006, this is the plaintiff's reply to the objection of defendants Kuba, Mundy & Associates ("Kuba Mundy"), Nicholas J. Mundy ("Mundy") and Peter Petrovich ("Petrovich") reimbursing the plaintiff for service of process under Fed. R. Civ. P. 4(d)(5), which was caused by the defendants' failure to respond to a request for waiver of service under Fed. R. Civ. P. 4(d).

Bradley E. Dubin has represented the above defendants throughout this case and, assuming he has not lost all or most of the papers submitted, has in his files all the "details or supporting documentation," Dubin Letter, April 11, 2006, p. 2, that show the plaintiff has complied with Rule 4(d)(2). Mr. Dubin's clients chose to ignore their "duty to avoid unnecessary costs of serving the summons," Rule 4(d)(2), and now Mr. Dubin chooses to ignore his duty not to conceal or knowingly fail to disclose pertinent information to this Court, especially when he knows the details and supporting documentation he claims do not exist lie in his filing cabinets. *See In re Santangelo*, 265 A.D.2d 69, 701 N.Y.S.2d 355, 357 (A.D. 1 Dept. 2000)(charges against lawyer "relate[d] more to non-disclosure rather than to the making of affirmatively false or misleading statements....").

Mr. Dubin received, as part of the Plaintiff's Status Report required by your honor for the July 13, 2004 status conference and with the Exhibits to Plaintiff's Opposition to Motions to Dismiss, the affidavits of mailing and manifold certificates of mailing, Exhibit A, of the documents required to be served on the defendants under Rule 4(d)(2). Mr. Dubin also received in the Plaintiff's Status Report the costs of service by Gotham Process Service that the plaintiff incurred by the defendants failure to respond to the waiver of service request. Exhibit B.

Mr. Dubin's objection also falsely implies his clients did respond to the waiver of service request by stating the plaintiff fails to show that the "defendants failed to respond." The plaintiff, a lawyer admitted to this Court, affirms the defendants did not respond; therefore, the burden shifts to Mr. Dubin's clients to show they did. Mr. Dubin's clients can do that by producing copies of the signed and dated Notice of Lawsuit and Request for Waiver of Service of Summons provided each defendant plus an affidavit that it was placed in the U.S. Postal system.

Mr. Dubin wrongly claims that plaintiff "attempted" to serve Petrovich and cites as support plaintiff's memorandum of law, pp. 137-38, in opposition to defendants' motion to dismiss. The memorandum states no such thing; rather it states that under New York law, Petrovich was served.

In New York, the filing of an affidavit of proof of service is prima facie evidence that service was proper and shifts to the defendant the burden of proving that service was defective. See Nolan v. City of Yonkers, 168 F.R.D. 140, 144 (SDNY 1995). The affidavit of service on Petrovich was filed with the Court's clerk and is attached as Exhibit C. Mr. Dubin responds that Petrovich "merely served as a translator" for Kuba Mundy, "has never been an employee" and "never maintained his place of business" at that law firm's address. (Dubin Letter, April 11, 2006, pp 2-3). Mr. Dubin uses as support for his statements an affidavit by Petrovich but failed to provide it as an exhibit to his letter. Moreover, the self-serving nature of Petrovich's affidavit makes it suspect when considered in connection with the affidavit of Alan Flacks who is not a party to this action. The attached affidavit of Mr. Flacks, Exhibit D, states that when he called the Kuba Mundy law firm on November 17, 2003 and ask for Petrovich, a female with the first name of Svetlana, told Mr. Flacks that Petrovich was no longer working at the office but from his home. *Id.* ¶¶ 1-4. Petrovich, therefore, had worked in the Kuba Mundy office at 321 Broadway at some prior point in time.

Under New York CPLR 308(2), process can be served by delivering the papers to a person of suitable age at the defendant's "actual place of business" and followed with a mailing of the papers by first class U.S. post to that address. The process server delivered and mailed the Complaint and Summons to Petrovich at the Kuba, Mundy law firm at 321 Broadway on June 10 and 11, 2003 respectively. Exhibit C. No one told the process server that Petrovich did not work there, and the mailing of the papers was not returned as undeliverable. Further, an envelope mailed to Petrovich at the law firm by first class U.S. post on April 20, 2003, which contained the request for a waiver of summons and the Complaint, Exhibit A, was also not returned as undeliverable. The inference is that Petrovich was working at Kuba Mundy when service occurred.

In addition, New York State CPLR 308(6) provides that a defendant's "actual place of business" is any location that the defendant publicly holds out as his place of business. Such a location includes the place where the defendant receives business correspondence although it need not be the same place where the defendant conducts business activities. See 1994 Report of the Adv. Comm. on Civ. Prac., reprinted in 2 McKinney's N.Y. Session Laws, 1994, at 3027, 3032. On December 5, 2003, Mr. Flacks telephoned the Kuba Mundy office and was told first by a gentlemen named Yi Feng and then by a female with the first name of Stephanie that any

business correspondence for Petrovich should be sent to the law firm at 321 Broadway. Exhibit D, Flacks's Affidavit ¶¶ 5-8. Since Petrovich was receiving business correspondence at Kuba Mundy as late as December 2003, the inference is that he was also receiving business mail there when the waiver of service was mailed April 20, 2003 and the follow-up service mailing was made on June 11, 2003. All of which means Petrovich was served.

Finally, Mr. Dubin claims that his "logic dictates that plaintiff should not be entitled to recover costs of serving a frivolous action, which has been dismissed with prejudice and affirmed by the Second Circuit." (Dubin Letter, April 11, 2006, pp 2). There's been no finding by any court that this civil RICO action is frivolous. Mr. Dubin's brand of logic is not the law. The Advisory Committee Notes for the 1993 Amendments to Rule 4(d)(2)(B) state:

"A defendant failing to comply with a request for waiver shall be given an opportunity to show good cause for the failure, but sufficient cause should be rare. It is not good cause for failure to waive service that the claim is unjust...."

The plaintiff requests this Court deny Mr. Dubin's objection and require his clients to reimburse the plaintiff for costs of the service of process.

Sincerely,

Roy Den Hollander

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ROY DEN HOLLANDER,

Plaintiff,

-against-

FLASH DANCERS TOPLESS CLUB, et al.,

Defendants.

03 Civ. 2717 (PKC)

ORDER

P. KEVIN CASTEL, U.S.D.J.

This action was commenced on April 18, 2003. On September 28, 2004, I granted defendants' motion to dismiss the complaint. On September 30, 2004, Final Judgment was entered by the Clerk dismissing the case with prejudice. On October 25, 2004, plaintiff filed a Notice of Appeal.

On July 13, 2004, prior to Final Judgment, plaintiff raised the issue of recovery of the costs of service and was advised by the Court that the issue would not be taken up at that juncture but plaintiff was invited "to remind the court of the issue the next time we get together." On June 21, 2005, over eight months after entry of Final Judgment, plaintiff wrote to this Court regarding the costs of service. By Order signed July 7, 2005, I instructed the plaintiff to raise the issue of costs within ten (10) days of the issuance of the mandate by the Court of Appeals. The mandate was issued on February 27, 2006 and filed with the district court on February 28, 2006. Plaintiff wrote to this Court on February 17, 2006, i.e., before the issuance of the mandate, to address the issue of costs, and on April 10, 2006, I entered an Order direct-

-2-

ing defendants to show cause why judgment should not be entered against certain defendants for the costs of service.

Rule 4(d), Fed. R. Civ. P., provides a regime in which a plaintiff may mail to a defendant a form of waiver of service of process, giving the defendant the opportunity to avoid the costs of service of process by returning the signed waiver. If a defendant elects not to waive service, then Rule 4(d)(2) provides that in certain instances the plaintiff may recover the costs of service:

If a defendant located within the United States fails to comply with a request for waiver made by a plaintiff located within the United States, the court shall impose the costs subsequently incurred in effecting service on the defendant unless good cause for the failure be shown.

There are thirteen persons and entities listed in plaintiff's letter of February 17, 2005. I will grant defendant's motion as to eleven of the thirteen defendants.

Defendant Bob Henning has paid the cost of service on or about March 2, 2006 and plaintiff has not further challenged the amount of payment. All further relief as to defendant Henning is denied.

With respect to "Flash Dancers Topless Club" plaintiff has failed to establish the existence of a juridical entity by that name. It is merely the trade name of an entity, Jay-Jay Cabaret, Inc., which is the subject of an application for costs of service in its own right. All relief as to "Flash Dancers Topless Club" is denied.

With respect to the remaining eleven defendants, plaintiff may recover the amount listed in the right hand column next to the party's name on Mr. Den Hollander's letter of February 17, 2006 (the amounts range from \$35 to \$175). As to these eleven defendants, I will also allow plaintiff to recover one-thirteenth of the costs of photocopy-

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ing (\$127.60) and the costs of a taxi (\$6.20) for a total of \$133.80 allocated in the following manner: \$133.80 divided by 13 equals \$10.30 equals one defendants share for each of the eleven defendants, i.e. those listed in the February 17 letter other than Henning and Flash Dancers.

The Clerk is direct to enter judgment in accordance with the foregoing.

SO ORDERED.

Dated: New York, New York  
April 24, 2006



P. Kevin Castel  
United States District Judge

# 04-6700-cv(L)

## 04-6703(CON)

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IN THE  
**United States Court of Appeals**  
FOR THE SECOND CIRCUIT

---

ROY DEN HOLLANDER,  
*Plaintiff-Appellant,*

—against—

AMERICAN ORGANIZED CRIME GANG 1, FLASH DANCERS GANGSTER 1, CALIFORNIA PIMP, OTHER AMERICAN LAP-DANCING CLUBS, KHACHATURYAN ARARATOVICH ASYPYAN, RUSSIAN ORGANIZED CRIME BOSS, ASYPYAN CRIMINAL ASSOCIATION, VOLCHOK, AKA WOOLFY-RUSSIAN ORGANIZED CRIME MEMBER, RAKETA, AKA ROCKET-RUSSIAN ORGANIZED CRIME MEMBER, ALBATROSS CLUB, RUSSIAN ORGANIZED CRIME SOCIAL C, ALEXEY SMOLIN, RUSSIAN ORGANIZED CRIME MEMBER, BARAEV ISLAMIC TERROR AND CRIME PLAN, OSTAPENKO, CHIEF OF THE INVESTIGATION OFFICE IN THE DEPARTMENT OF INTERNAL AFFAIRS FOR KRASNODAR, RUSSIA, PAVLOVNA KURILKO, CH EF

*(Caption continued on inside front cover)*

ON APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

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### BRIEF OF PLAINTIFF-APPELLANT

---

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04-6700-cv(L), 04-6703-cv(CON)

**United States Court of Appeals**  
*for the*  
**Second Circuit**

ROY DEN HOLLANDER,

*Plaintiff-Appellant,*

— against —

AMERICAN ORGANIZED CRIME GANG I, FLASH DANCERS GANGSTER  
I, CALIFORNIA PIMP, OTHER AMERICAN LAP-DANCING CLUBS,  
KHACHATURYAN ARARATOVICH ASYPYAN, RUSSIAN ORGANIZED  
CRIME BOSS, ASYPYAN CRIMINAL ASSOCIATION, VOLCHOK,  
AKA WOOLFY-RUSSIAN ORGANIZED CRIME MEMBER,  
RAKETA, AKA ROCKET-RUSSIAN ORGANIZED CRIME MEMBER,  
ALBATROSS CLUB, RUSSIAN ORGANIZED CRIME SOCIAL C,  
ALEXEY SMOLIN, RUSSIAN ORGANIZED CRIME MEMBER,  
BARAEV ISLAMIC TERROR AND CRIME PLAN.

*(For Continuation of Caption See Inside Cover)*

ON APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

**BRIEF FOR DEFENDANTS-APPELLEES KUBA, MUNDY &  
ASSOCIATES, NICHOLAS J. MUNDY and  
PETER PETROVICH**

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### **PRELIMINARY STATEMENT**

Defendants-Appellees, Kuba, Mundy & Associates, Nicholas J. Mundy (collectively "Mundy") and Peter Petrovich ("Petrovich"), by their attorneys, McManus, Collura & Richter, P.C., submit this Brief in opposition to Plaintiff-Appellant, Roy Den Hollander's ("Hollander"), appeal of the final Order of the United States District Court for the Southern District of New York (the "District Court"), Castel, J., *Hollander v. Flash Dancers Topless Club, et al.*, 340 F. Supp.2d 453 (S.D.N.Y. 2004), which dismissed Hollander's Complaint and Supplemental Complaint with prejudice (the "Order"), together with such other and further relief as this Court deems just and proper.

### **STATEMENT OF ISSUES**

1. Whether the District Court correctly dismissed Hollander's Complaint and Supplemental Complaint with prejudice pursuant to Fed. R. Civ. P. 12(b)(6) after determining that he failed to adequately allege the causation and injury necessary to sustain his claims for violation of the civil enforcement provisions of the Racketeer Influenced and Corrupt Organizations Act ("RICO"), 18 U.S.C. §§1961-1968?

2. Whether Hollander failed to adequately allege the other constituent elements necessary to establish his claims against Mundy and Petrovich for violation of the civil enforcement provisions of RICO?

3. Whether the District Court correctly denied Hollander the opportunity to continue his vexatious and abusive litigation tactics by filing an Amended Complaint, which would have been futile and resulted in continued harassment and needless expense to the parties and the Court?

#### **STATEMENT OF THE CASE**

Hollander, a licensed attorney, commenced this action *pro se* against 63 separate domestic and foreign Defendants spanning the globe, from the United States to Russia to Chechnya to Cyprus to Mexico, including his former wife, her mother, associates and divorce lawyers, exotic dancing clubs, members of alleged organized crime groups, modeling and escort agencies, a Cypriot bank and a New York City police detective. Various other Defendants are identified by partial name or by fictitious designation (i.e. "Maria-Prostitute Recruiter for Julia Heart Agency," "Krasnodar Briber 1," "California Pimp," "Albatross Club Gangster #1") (A 23-24<sup>1</sup>).

Hollander's Complaint, consisting of 915 separately numbered allegations and in excess of ninety pages (A 23-113), alleges a criminal enterprise of purported illegal activity among the Defendants, including, but not limited to, drug

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<sup>1</sup> The phrase "(A \_)" with a number in the blank space refers to the page number of the Appendix filed by Hollander. The symbol "¶" with a number in the blank space following the Appendix designation refers to the paragraph number of that document.

trafficking, money laundering, immigration fraud, prostitution, pornography, extortion and fraud, aimed at infiltrating and expanding its unlawful and ancillary legal activities into hard currency markets (especially the United States) in violation of the RICO statute (A 24-26, 110 ¶¶1-2, 13, 15, 886-893). Hollander also alleges state law claims against various Defendants (A 111 ¶¶894-899). Hollander's brief clarifies that the Defendants allegedly represent a segment of the Russian mafia.

Hollander's narrative resembles a delusional, imaginary, tale of fantasy that reads more like a fanciful fiction novel than a legal pleading. At the very best, Hollander's Complaint can be characterized as a frivolous, circuitous attempt to utilize this forum to re-litigate his divorce from his ex-wife, and, at the same time, humiliate her and seemingly anyone who has ever come in contact with her or assisted her in preventing him from harassing her. In fact, the filing of the instant action was, at the time, just another customary act by Hollander in furtherance of his personal vendetta against his ex-wife, and anyone in contact with her. Each and every one of his previous efforts, including the filing of baseless reports, complaints and legal actions against his ex-wife and the purported mafia, requests for orders of protection, an application to have his divorce settlement set-aside, the filing of a defamation action in Russia against his former mother-in-law and the filing of an improper grievance against his ex-wife's attorneys, were all rebuffed

by the Queens Police Department, the New York City Police Department ("NYPD"), the Krasnodar Police Department, the Federal Bureau of Investigation ("FBI"), the Immigration Naturalization Services ("INS"), the New York City Board of Elections, the United States Attorneys Office, the Queens District Attorneys Office, the First Department Disciplinary Committee ("Disciplinary Committee"), the New York County Supreme and Family Courts, the District Court or the Russian Courts.

All appearing Defendants moved to dismiss Hollander's Complaint (A 132, D 21-24, 26, 28-29, 49, 53-55, 62-66, 78). In opposition, Hollander submitted another mountain of paper, nearly two hundred pages in length. Simultaneously, Hollander submitted a nine page Supplemental Complaint consisting of an additional seventy-seven separately numbered allegations (A 114-122). The District Court rendered an extensive seventeen page decision dismissing the Complaint and Supplemental Complaint with prejudice, holding that Hollander did not have standing because he failed to allege the requisite injury and causation necessary to sustain his RICO claims (A 131-147). The District Court refused to exercise supplemental jurisdiction over the state law claims (A 131-147).

Hollander then shifted his anger, at least momentarily, to the District Court by moving for the recusal of Judge Castel and for reconsideration of his Order (D 90-93). Hollander's motions were denied by the District Court (D 100-101).

After noticing fifty-one issues to be addressed on appeal (D 102-103), Hollander now submits his brief before this Court lashing out again at the District Court (even calling it a "liar") (Hollander Brief pp. 46, 54) and simply reiterating the same conclusory statements and bald speculation, conjecture, suspicions and gigantic leaps of logic already insufficiently contained in his Complaint, Supplemental Complaint, opposition to the motion to dismiss, motions for recusal and reconsideration and his countless reports and complaints to various Courts and law enforcement agencies. In fact, Hollander's rendition of the facts set forth in his brief is no different than the facts already set forth in his pleadings and which the District Court relied upon in dismissing the action. (Hollander Brief pp. 2-8).

Hollander's systematic abuse of the legal system, which has persisted for many years, must finally be stopped and his request that the District Court's Order be vacated must be denied.

#### **STATEMENT OF FACTS**

##### **A. Identification of Mundy and Petrovich**

Mundy is a small "general practice" law firm with an emphasis on immigration law. Mundy defended Hollander's former wife, Alina Shipilina ("Shipilina"), in the divorce/annulment proceedings commenced by Hollander, as well as against his relentless course of harassment that followed once the divorce

proceedings were resolved. Mundy continues to represent Shipilina in immigration matters pending before the Bureau of Citizenship and Immigration Services.<sup>2</sup>

**B. Facts Underlying The Complaint as Alleged and Admitted by Hollander**

**I. Hollander Meets Shipilina; Marries Her; and Investigates Her**

Hollander is a middle-aged American lawyer who arrived in Russia in July 1999 (A 35 ¶128). He lived and worked in Russia throughout 1999 and 2000 (A 35 ¶128). While living in Russia, Hollander met "a tall, blue-eyed, bleached blonde" woman, Shipilina, sometime in the late summer of 1999 (A 35 ¶130).

Shipilina is alleged to be a lucrative member of an enterprise of illegal activity "by running prostitution, aiding pornography rings, laundering money, smuggling drugs and building relationships among Russian, Chechen and American organized crime groups" (A 28 ¶36). Hollander alleges that Shipilina, and other member of the enterprise, "decided to target plaintiff as part of the Enterprise's ongoing Scheme to infiltrate and expand its operations in the U.S" (A 36 ¶135), and that, by "win[ning] the devotion and cloud[ing] the mind of the plaintiff by secretly feeding him narcotics" (A 36 ¶137), they would "use the

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<sup>2</sup> Nicholas J. Mundy is an attorney licensed in New York and a member of Kuba, Mundy & Associates. Petrovich is a translator who performs work for Mundy, as an independent contractor.

plaintiff as an unwitting means for...Shipilina to fraudulently enter America where she would participate in expanding the Enterprise's activities" (A 36 ¶136).

Hollander proposed to Shipilina on January 31, 2000 (A 45 ¶239). In February 2000, Hollander and Shipilina set March 2000 as their anticipated wedding date (A 39 ¶173). In or around March 2000, Hollander alleges that he first began to sense that his soon to be wife was being dishonest with him, secretly slipping narcotics into his meals and pretending to be something she was not in order to marry him so that she could enter the United States (A 39 ¶174).

Nonetheless, Hollander married Shipilina in Russia on March 11, 2000 (A 40 ¶182). In June 2000, Hollander and Shipilina separated after he learned of her alleged adultery, and he returned to New York from Russia without her (A 42 ¶¶198-199). They later reunited after he forgave her (A 42 ¶¶204, 206), but according to Hollander, he was still unaware of her true profession (A 42 ¶198). Hollander then brought his wife to America in July 2000 (A 42 ¶205).

Hollander alleges that Shipilina began working as a lap-dancer, joined her cohorts in prostitution and continued to drug his food in order to deter him from seeking an annulment/divorce throughout July and August 2000 (A 34 ¶¶213-216). Hollander alleges that it was at this time that he became aware of the nature of his wife's profession, and that he was being used for immigration purposes (A 43 ¶¶213-220).



In August 2000 and for the following year, Hollander "launched an investigation that continues to the present day and ended up diverting him from his law and consulting business for two years" (A 43 ¶217). His investigation into his wife's affairs took place in both the United States and abroad. In fact, his fascination took him as far as Krasnodar, Russia (A 43, 47 ¶¶217, 256-260). Hollander even commenced a defamation action in Russia against Shipilina's mother, Inessa Shipilina ("Inessa"), which was later closed (A 49-51 ¶¶285, 298, 303).

In late October 2000, Hollander alleges to have met with Mundy, Petrovich and Shipilina to arrange for a separation (A 44 ¶¶222-223). Significantly, Mundy's representation of Shipilina in this divorce proceeding is the very first time that Mundy and Petrovich are alleged to have had any interaction with Shipilina, or any other Defendants in this action (A 23-122). Hollander acknowledges that Mundy and Petrovich were merely representing Shipilina in her separation and ultimate divorce (A 44 ¶223, D 44 p. 20).

In December 2000, Shipilina filed a report against Hollander indicating that he attempted to extort money from her otherwise he would have her deported back to Russia (D 21, Ex. D).<sup>3</sup>

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<sup>3</sup>The phrase "(D \_\_)" with a number in the blank space refers to the District Court Docket Number produced by Hollander as pages 7-22 in the Appendix. The subsequent abbreviation "p \_" or "pp \_\_" with a number or numbers in the blank

In December 2000, Hollander and Shipilina formally separated (A 44 ¶221). Shipilina was compelled to obtain an order of protection against her husband due to his conduct (A 45 ¶¶234, 239).

## **ii Attempted Annulment; Divorce; and Subsequent Litigation**

Thereafter, Hollander commenced an annulment proceeding against Shipilina in or around February 2001 (A 46 ¶242). The attempted annulment was unsuccessful and Hollander, instead, pursued divorce.

As a result of his desire to terminate the marriage, Hollander alleges that his wife's attorneys, Mundy, NYPD Detective Henning and others filed false documents and reports with the INS and NYPD, and engaged, with the assistance of other Defendants (the "Barev Islamic Terror and Crime Clan," the "Aspyan Criminal Association" and other "gangsters"), in a campaign of intimidation and threats of violence (aided by the payment of bribes to public officials in the United States and Krasnodar) to prevent him from "providing testimony to any U.S. authorities, including the New York divorce court" and the INS regarding Shipilina's immigration status and the Defendants' illegal activities (A 44-52 ¶¶220-319)<sup>4</sup>.

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space refers to the page number or numbers of that document. The subsequent abbreviation "Ex. \_" with a letter in the blank space refers to the exhibit attached to that document.

<sup>4</sup> The divorce Complaint alleged prostitution, drug use and fraud against Shipilina and sought to end their marriage on the basis of fraud. (D 21 Ex. B). Interestingly,

Mundy defended Shipilina in the divorce/annulment proceedings as well as the relentless course of harassment that followed by Hollander once the divorce proceeding was resolved (A 44 ¶¶222-223). Shipilina's Answer contained a counterclaim, which alleged that Hollander threatened to have her deported "if she did not do everything he told her to," including the payment of a large sum of money (D 21 Ex. C). The counterclaim also alleged that Hollander improperly created a public website in Shipilina's name on which he posted a copy of her personal diary and nude photographs without her knowledge or consent (D 21 Ex. C, ¶5).

In response to the creation of this offensive public website, Shipilina filed another report on June 27, 2001 with the NYPD (D 21 Ex. D). Hollander acknowledges that this website was created and that he was investigated for such impropriety.

The divorce action settled pursuant to Stipulation of Settlement dated November 2, 2001 (D 21 Ex. E). Hollander voluntarily consented to the divorce settlement on the record before the Court (D 21 Ex. E). The Stipulation of Settlement along with the Findings of Fact and Conclusions of Law and Divorce Judgment were drafted by Hollander's attorney (D 21 Ex. E).

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however, the Complaint did not allege that Mundy threatened him or asked him to file false documents as Hollander now conveniently alleges (D 21 Ex. B).

Hollander also harassed those associated with Shipilina (other than her mother), by filing a fabricated and baseless disciplinary complaint with the Disciplinary Committee against Nicholas J. Mundy in December of 2001. The incredible and far-fetched allegations contained in Hollander's grievance complaint are surpassed only by the outlandish allegations that he has conjured in this action (D 21 Ex. J). The disciplinary complaint was later dismissed (D 21 Ex K).

Hollander alleges that he received threatening telephone calls in February and March of 2002 (A 50 ¶¶289-291)<sup>5</sup>.

In March 2002, Hollander instituted a proceeding, *pro se*, in the New York County Family Court against Shipilina seeking an order of protection arising out of these purported threats ironically claiming that he was the victim of harassment (D

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<sup>5</sup> Even assuming that such telephone calls were made, which is denied, there is no reason to believe that they were made in connection with a RICO conspiracy, or that the words used constituted a threat as opposed to Hollander's subjective interpretation as to the intention of the call. (A 50 ¶¶289-291). Nevertheless, there is no allegation that they were made by Mundy or Petrovich or at their behest.

21 Ex. H)<sup>6</sup>. The petition was dismissed after trial on August 12, 2002. This was just one of many frivolous applications made by Hollander<sup>7</sup>.

In May 2002, Hollander, *pro se*, moved to vacate and set aside the Stipulation of Settlement entered in his divorce action (D 21, Ex. F). In Hollander's supporting affidavit, he indicated that Shipilina engaged in a "methodical, cold-blooded cabal that has trampled [his] rights as a human being and driven him into a state of deep emotional despair, depression and anxiety...and necessitates the daily use of prescribed psychotropic medication, Paroxetine HCL at 40 mg a day" (D 21 Ex. F ¶3)<sup>8</sup>. His admitted emotional distress appears to have

<sup>6</sup> Even a perfunctory reading of Hollander's legal papers reveal that he improperly used the legal system as a vehicle to harass and incense. Hollander's voluminous discovery demands, which were almost entirely stricken by the Court, are objectively offensive and repugnant (D 21 Ex. I).

<sup>7</sup> Notably, Hollander's Complaint acknowledges that this Family Court proceeding in March, 2002 was not the first time that he applied for an order of protection. In fact, the Complaint details his pattern of filing complaints in connection with Shipilina, which all have been dismissed. Specifically, Hollander applied for a temporary order of protection in a Queens County Court in February of 2001 and the Judge "laughed at the plaintiff and denied his request." (A 106 ¶¶854-855). Hollander filed another report of a threat against him with his local police precinct and the "two police officers...laughed at the plaintiff." (A 106 ¶¶856-857). After filing another complaint with the police station, Hollander's complaint was again dismissed. (A 106 ¶¶858-861). Hollander then sought the assistance of the FBI in connection with purported threats. (A 106-107 ¶¶862-867). Subsequently, Hollander applied for another protection order in a New York County Court, which was denied (A 107 ¶¶868-870).

<sup>8</sup> Hollander's abuse of the court system and use of litigation as a means to harass and intimidate are evident even upon a cursory review of his motion papers (D 21

been created by what he perceives to be alleged improper actions on the part of his wife, as opposed to a RICO conspiracy. Hollander's motion was denied by the Court on August 1, 2002 (D 21 Ex. F).

On March 25, 2003, Hollander commenced an action in the New York County Supreme Court, bearing Index No. 03/105646, against 9 of the Defendants named in this action, including Mundy and Petrovich, alleging intentional infliction of emotional distress (D 21 Ex. L). A Complaint has never been served in the action.

Faced with Hollander's assault of frivolous litigation, Nicholas J. Mundy reluctantly filed a disciplinary complaint against Hollander on April 23, 2003.

### **C. Hollander's Complaint**

Hollander commenced this action by serving his Complaint upon Mundy less than two months later on June 10, 2003 (A 23-113)<sup>9</sup>.

#### **I. The Purported Enterprise**

The Complaint alleges the existence of a criminal RICO enterprise characterized as the "Russian International Crime Organization [which] generates profits worldwide from numerous criminal activities that include without limitation

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Ex. F). Without regard for ethics or common decency, among the 22 exhibits attached to Hollander's frivolous motion was a CD Rom labeled "Masturbation Video Promo Featuring Alina Shipilina" (D 21 Ex. G).

<sup>9</sup>Petrovich has not been properly served with the Complaint.

drug trafficking, money laundering, tax evasion, immigration fraud, prostitution, pornography, white slavery, bribery, mail and wire fraud, extortion, coercion and terror" (A 24 ¶1).

The enterprise allegedly "rose out of the ashes of the Soviet Union when the collapse of communism unleashed that empire's restraints on organized crime, corrupt government officials, travel, trade, communication and emigration" (A 25 ¶10). The enterprise purportedly consists of "domestic and foreign corporations, partnerships, individuals, government officials, law firms, organized crime gangs...and an Islamic terrorist and crime clan" (A 26 ¶11). Hollander's Brief clarifies that the enterprise named is the Russian mafia, and that the Defendants represent a segment of it (Hollander Brief pp. 3-5, 11-12).

The focus of the enterprise is alleged "to infiltrate and expand its illegal and ancillary legal activities into hard currency markets, especially in the United States, for the personal enrichment of the members of the Enterprise..." (A 25 ¶2). Hollander's brief confirms that this is the enterprise's "key goal" (Hollander Brief p. 6).

Even a cursory review of the Complaint makes evident that the entire foundation and configuration of the alleged enterprise centers around Shipilina and the people she purportedly met and the places she purportedly visited. The Complaint first tracks her encounter with Hollander in Russia, then details her

subsequent trips, jobs and dealings in Mexico, the United States, Russia and Cyprus (A 23-122). To this end, Hollander invents an enterprise allegedly operating worldwide and he names every entity, person and place that Shipilina ever allegedly encountered as members of the enterprise.

The Complaint, however, fails to offer any connection among the Defendants (and in particular between Mundy, Petrovich and the other Defendants) other than they have had some contact with Shipilina (A 23-122). Notably, the Complaint acknowledges that Mundy and Petrovich's only association with any of the Defendants arise out of Mundy's representation of Shipilina in the annulment/divorce proceedings and present immigrations matters involving Shipilina (A 23-113).

In fact, Hollander's opposition papers below confirm that he unaware of any connection between Mundy and Petrovich and the other Defendants, except they briefly came into contact with Shipilina to defend her divorce and she purportedly briefly came into contact with some of the other Defendants.

#### **ii. Hollander's Allegations against Mundy and Petrovich**

Mundy and Petrovich are alleged to be 3 of 19 domestic members of the enterprise, in addition to the countless foreign members. Specifically, Mundy is alleged, in conclusory fashion, to (1) act as consiliari and manager of United States immigration issues in New York for the enterprise; (2) operate a green card and



visa mill that fraudulently obtains United States visas, residency status and naturalization for Russian aliens; (3) advise its clients to commit perjury before the INS, IRS, Customs Service and the New York State Courts; (4) use coercion and intimidation against parties, witnesses and informants in proceedings; (5) participate in money laundering and the use of international facilities to aid a racketeering enterprise; and (6) mastermind and direct illegal activities to acquire United States visas, residency status and naturalization for the members of the enterprise (A 27 ¶¶27-32).

Petrovich is alleged to (1) assist Mundy in executing illegal activities necessary to import and keep in members of the enterprise in the United States and (2) be an attorney licensed in Russia, acting as an attorney in the United States, although not admitted, under the supervision of Mundy (A 28 ¶¶33-34).

The Complaint avers that Mundy and Petrovich, as members of the enterprise, engaged in illegal activities against Hollander by: (1) using fraudulent and/or illegal means to assist Shipilina in obtaining immigration benefits (A 42-45 ¶¶207, 222-225, 229, 230, 232, 234, 236-237, 239-241); (2) using illegal means to protect the enterprise and prevent Hollander from exposing the activities of the enterprise (A 45-52 ¶¶228, 243, 275-277, 316-318); (3) intimidating Hollander to settle divorce proceedings that he instituted against Shipilina (A 46-48 ¶¶243-245, 273);(4) intimidating witnesses from providing testimony to any United States

authorities/Courts including the Hollanders' divorce proceedings and any other U.S investigation such as by the INS (A 47-48 ¶¶265-268); (5) intimidating Hollander to dissuade him from trying to set aside the agreed upon divorce settlement (A 49 ¶¶280-284); (6) participating in tampering and bribery to prevent the deportation of Shipilina (A 47-51, ¶¶254-255, 286-290, 306-307); and (7) using illegal means of bribery in violation of the foreign corrupt practices act (money which came from illegal Russian mafia activities) including the bribing of a New York City Detective, intimidating Hollander and witnesses through Chechen Islamic Mafiosi in order to obstruct the criminal indictment against Inessa in Russia for defaming Hollander (which was closed as a result); (8) and preventing Hollander from cooperating with the INS, and laundering money through the international systems to carry out such intimidation and bribery (A 49-52 ¶¶286-290, 293-295, 298, 300-301, 306-307, 318).

Through the use of these outlandish, extremely broad and incredible allegations Hollander alleges that Mundy and Petrovich engaged in the following predicate criminal acts in furtherance of an alleged RICO conspiracy: (1) white slave trade and importing aliens for immoral purposes; (2) fraud and misuse of visas and the procurement of nationality unlawfully; (3) witness and informant tampering; (4) use of United States mail and interstate and international telephone

systems to further mail and wire frauds; (5) bribery using international facilities; (6) money laundering; and (7) aiding in racketeering activity (A 23-113).

Additionally, it is alleged that Mundy and Petrovich committed other criminal acts including (1) suborning perjury before the INS, IRS, Customs Service, New York State Courts and NYPD (A 90-92 ¶¶701, 703, 707-708, 724-725); (2) obstructing INS proceedings and aiding and abetting such proceedings with coercion and intimidation to obtain permanent residency for Shipilina (A 90-93 ¶¶702, 709-710, 715, 721, 726-727, 731, 737); (3) tampering with witnesses or victims including threats of injury, intimidation and coercion and aiding and abetting such tampering in connection with Hollander's divorce/annulment proceedings, the defamation case in Russia and the INS investigation against Shipilina (A 90-93 ¶¶704, 711-714, 716, 728-730, 732); (4) aiding and abetting bribery in violation of the foreign corrupt practices act by bribing Detective Henning (A 91-93 ¶¶717, 719, 733, 735); (5) aiding and abetting the laundering of money received from the Russian mafia and used to threaten witnesses and bribe Russian officials (A 91-93 ¶¶718, 734); (6) aiding and abetting the harassment of Hollander (A 91-93 ¶¶720, 736); and (7) conspiring to violate federal law, commit predicate acts and break New York criminal laws. (A 90-93 ¶¶705-706, 722-723, 738-739).

Accordingly, Hollander alleges seven causes of action against Mundy and Petrovich. The first, second, third and fourth causes of action allege violations of sections 18 U.S.C. 1962(a), (b), (c) and (d) respectively (A 110 ¶¶886-893). The fifth, sixth and seventh causes of action allege intentional infliction of emotional distress, abuse of process and malicious prosecution respectively (A 110 ¶¶894-899).<sup>10</sup>

### iii. Damages/Injuries Alleged by Hollander

Generally, Hollander claims that the enterprise damaged his "law and consulting business as well as drugged, defrauded, coerced and threatened [him] with severe bodily harm" (A 25 ¶3).

Hollander's more specific claims of damages are encompassed in paragraphs 900-907 of his Complaint (A 111 ¶¶900-907) while paragraphs 908 through 914 detail his requested relief (A 111-112 ¶¶908-914). Paragraphs 900 through 907 claim 3 categories of damages: (1) damage to Hollander's business and finances; (2) damage to his business reputation and good will; and (3) damages arising out of personal fear.

In respect to number 1 above, Hollander claims that his business and financial interests/assets have been damaged by: (A) "the use of funds from racketeering activities to finance the Enterprise's scheme (A 111 ¶900); (B) the

<sup>10</sup>Hollander's sixth and seventh causes of action alternatively alleging prima facie tort have been withdrawn.

depletion of his resources arising out of litigation with the enterprise (A 111 ¶¶901); (C) "racketeering activities used to acquire or preserve influence over some of the Enterprise's activities" (A 112 ¶904); (D) "[t]he predicate acts committed in furtherance of the Enterprise's Scheme against the plaintiff" (A 112 ¶905); (E) "overt criminal and tortuous acts done in furtherance of conspiracies" (A 112 ¶906); (F) loss of profits from his law and consulting business for over 2 years in the amount of \$200,000 resulting from the cessation of work as a result of bringing Shipilina to the United States and his investigation of the enterprise (A 112 ¶907(a)); (G) business interruption expenses of \$50,000 including the costs to bring his business back to operating level (A 112 ¶907(b)); (H) loss of business opportunities (A 112 ¶907(c)); and (I) expenses in the amount of \$100,000 for his investigation of the enterprise's bribery, perjury and tampering (A 112 ¶907(d)).

In respect to number 2 above, Hollander claims that he has been damaged: (A) by the bribery of public officials to subvert the proper administration of the law and thwart his efforts to rectify the harm done to his business reputation and goodwill (A 111 ¶902); (B) by funds from racketeering activities used to purchase intimidation of witnesses to thwart his efforts to rectify the harm to his business reputation and goodwill (A 112 ¶903); and (C) in the amount of \$500,000 arising out of damage to his reputation and good will due to false allegations waged against him (A 112 ¶907(e)).

In respect to number 3 above, Hollander claims that the predicate acts committed by the enterprise have imperiled his safety, life, liberty and right not to live in fear (A 112 ¶905).

**iv. These Facts Do Not Create A RICO Claim**

Despite Hollander's dramatic attempt to make this matter complex and turn it into a worldwide conspiracy, the facts, if summarized, are very simple.

Hollander met a woman in Russia. He pursued her, lived with her and fell in love with her. He was aware of the nature of her profession, or at least to a certain degree. He suspected dishonesty on her part, yet married her in Russia nonetheless. He then took her back to New York as his wife. When he further suspected infidelities, he was willing to accept them to a certain degree. The way he justifies being lured by his wife is that he was allegedly drugged for over two years, a statement so far-fetched it is uncertain how this obvious well-educated person can even believe it, let alone allege it.

In any event, Hollander and his wife eventually separated. She was forced to seek protection from the court due to his conduct. Hollander then sought an annulment. After being unsuccessful in procuring an annulment, a settlement was reached and the divorce finalized. Unable to let go and in an effort to re-live the marriage and divorce, Hollander investigated his wife for over a year. Simultaneously, he pursued an onslaught of frivolous litigation such as a

disciplinary action against his ex-wife's attorneys, a motion to set aside the divorce settlement, a Family Court proceeding seeking protection, a defamation case against his ex-mother-in-law, numerous other applications for protection with the courts, police department and FBI (all of which turned out unsuccessful), a state court action and the instant RICO action.

The only time Mundy's or Petrovich's names are mentioned in the context of these events is in defending Shipilina in the divorce and assisting her in immigration matters. It is not alleged that Mundy or Petrovich performed illegal activities for any Defendants other than Shipilina. In fact, Hollander knows of no connection between Mundy and Petrovich and the other Defendants.

At best, Hollander's investigation and allegations have uncovered that he may have been used by Shipilina for immigration purposes, that Shipilina may have been engaged in stripping or prostitution, that Shipilina may have been unfaithful to him, that Shipilina may have used drugs, that Hollander may have been threatened by a friend of Shipilina to curb his harassment, that Shipilina may never have cared about him and that she may have misled him, caused him embarrassment and humiliated him. There is an endless list of possibilities. What is perfectly clear, however, is that these isolated alleged incidents of wrongdoing set forth by Hollander do not establish entitlement to the relief requested in this action. At most, Hollander has set forth nothing more than allegations of isolated

acts, some criminal, some not. If anything, the proper authorities to deal with such allegations were the divorce court or possibly a criminal investigation by the NYPD, INS or the federal government, not this Court. The RICO statute was not designed to allow private citizens to redress the wrongs that Hollander claims here.

**D. Hollander's Further Requests for Orders of Protection After Serving His Complaint**

After serving his Complaint, Hollander wrote to the District Court on June 19, 2003 seeking another order of protection (D 18).<sup>11</sup> On July 7, 2003, Hollander again wrote to the District Court requesting yet another order of protection (D 21 Ex. O). The District Court denied his requests on July 28, 2003 (D 18).

**E. Defendants' Motions to Dismiss**

All appearing Defendants moved to dismiss Hollander's Complaint for failure to state a claim pursuant to Fed. R. Civ. P. 12(b)(6) and for failing to plead fraud with particularity pursuant to Fed. R. Civ. P. 9(b). Defendants' initial and reply motion papers were served from September 2003 through August 2004 (A 132, D 21-24, 26, 28-29, 49, 53-55, 62-66, 78). Hollander submitted his opposition in December 2003.

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<sup>11</sup> This letter confirms that Hollander has been involved in a series of investigations and complaints to state and federal authorities in connection with Shipilina, which have been dismissed or ignored (D 18).



#### **F. Hollander's Supplemental Complaint**

In August 2004, after receiving all of the Defendants' motions to dismiss, Hollander moved to supplement his complaint, with an attached 77 paragraph Supplemental Complaint (A 114-122).<sup>12</sup>

#### **G. The District Court's Order of Dismissal With Prejudice**

On September 28, 2004, after granting Hollander's application to file a Supplemental Complaint, the District Court dismissed the Complaint and Supplemental Complaint (A 131-147). The Court held that Hollander had no standing since he failed to allege the requisite causation and injury under section 18 U.S.C. §1964(c) to sustain his RICO claims. Since the Court found that Hollander failed to sufficiently allege causation and injury, it concluded that it was unnecessary to address whether Hollander adequately alleged a violation of the

<sup>12</sup> In addition to naming four new Defendants, the Supplemental Complaint alleges that: (1) Hollander received threatening telephone calls in June 2003 allegedly from, or at the behest of, Mundy, Petrovich and other Defendants aimed at preventing the filing of this action, which the authorities ignored after he reported the incident (D 109 ¶¶2-21); (2) that an FBI agent interfered with his investigation into this RICO case and advised a witness to file harassment charges against him (even though the FBI has investigated and dismissed this assertion) (D 109 ¶¶22-48 and Ex. A); (3) that Mundy's filing of a grievance against him was an attempt to obstruct justice and constituted mail fraud (D 109 ¶¶49-58); and (4) Shipilina submitted false information to the District Court in providing contact information regarding certain Defendants (D 109 ¶¶59-72). In respect to causation and damages, Hollander alleges that these additional illegal activities increased the harm to his business and property by causing loss of profits, business interruption expenses, loss of business opportunities and damage to his reputation and good will in the amount of \$100,000 (D 109 ¶77).

substantive RICO statute, and, the other arguments raised in the Defendants' Motions to Dismiss (A 144).<sup>13</sup>

The District Court further held that Hollander's action was dismissed with prejudice and leave to amend was denied (A 146-147). Lastly, the District Court declined to exercise supplemental jurisdiction over the remaining state law claims (A 144-146).

#### **H. Hollander's Motion For Recusal of Judge Castel and Motion for Reconsideration**

Infuriated by the Order, Hollander forwarded an offensive letter to Judge Castel on October 4, 2004 demanding his recusal and suggesting that he would not tolerate the Court's purported "back handed sniping" (D 90).

Thereafter, Hollander filed motions for recusal and reconsideration, which were opposed by the Defendants (D 91-98). The District Court denied Hollander's motions (A 150-157).<sup>14</sup>

#### **I. Notice of Appeal and Appellant's Brief**

On October 25, 2004 Hollander filed a Notice of Appeal of the District Court's decision dismissing the Complaint.

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<sup>13</sup>The District Court also granted Hollander's Motion to Strike exhibits Q-Z attached to Mundy and Petrovich's reply papers indicating that this action was dismissible without looking outside the Complaint and Supplemental Complaint (A 131-147).

<sup>14</sup> In denying Hollander's motion for reconsideration, however, the Court did modify the decision by deleting a phrase contained in the first footnote (A 156).

### STATEMENT OF STANDARD OF REVIEW

#### A. Standard of Review on a Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(6)

The Court is empowered to dismiss Hollander's Complaint and Supplemental Complaint for failure to state a claim pursuant to Fed. R. Civ. P. 12(b)(6) where it appears beyond doubt that he can prove no set of facts that would entitle him to relief. *King v. Simpson*, 189 F.3d 284, 287 (2d Cir. 1999); *Harris v. City of New York*, 186 F.3d 243, 247 (2d Cir. 1999); *Bernheim v. Litt*, 79 F.3d 318, 321 (2d Cir. 1996).

In reviewing a motion to dismiss under Fed. R. Civ. P. 12(b)(6), the Court is required to deem all factual allegations in the Complaint and Supplemental Complaint as true and draw all reasonable inferences in favor of Hollander. *Koppel v. 4987 Corp.*, 167 F.3d 125, 127 (2d Cir. 1999); *Jaghory v. New York State Dep't of Educ.*, 131 F.3d 326, 329 (2d Cir. 1997)<sup>15</sup>.

However, the Court must only accept as true well pleaded factual allegations contained in the Complaint and Supplemental Complaint, not bald conclusory statements. *Goldfine v. Sichenzia*, 118 F. Supp.2d 392, 396-97 (S.D.N.Y. 2000). "A complaint which consists of conclusory allegations unsupported by factual assertions fails even the liberal standard of Rule 12(b)(6)." *Lakonia Mgmt. Ltd. v.*

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<sup>15</sup> Notably, the District Court Order cited this rule of law and confirmed that it accepted all of Hollander's allegations as true and drew all inferences in his favor (A 136-137).

*Meriwether*, 106 F. Supp.2d 540, 543 (S.D.N.Y. 2000); *De Jesus v. Sears, Roebuck & Co.*, 87 F.3d 65, 70 (2d Cir. 1996). In addition, "legal conclusions, deductions, or opinions couched as factual allegations are not given a presumption of truthfulness." *Friedman v. U.S.*, 2003 WL 1460525 (S.D.N.Y. 2003); *L'Europeenne de Banque v. La Republica de Venezuela*, 700 F. Supp 114, 122 (S.D.N.Y. 1988).

Review of a motion to dismiss pursuant Fed. R. Civ. P. 12(b)(6) must be limited to the Complaint and documents attached or incorporated by reference thereto. *International Broth. of Teamsters v. Carey*, 163 F. Supp.2d 271, 279 (S.D.N.Y. 2001); *Kramer v. Time Warner Inc.* 937 F.2d 767, 773 (2d Cir. 1991). In this context, this Court has held that a Complaint is deemed to "include...documents that the plaintiff either possessed or knew about and upon which they relied in bringing the suit." *Rothman v. Gregor*, 220 F.3d 81, 88 (2d Cir. 2000).

#### **B. Threshold Requirements to Sustain RICO Claims**

18 U.S.C. §1962(a) specifically provides, in pertinent part, that:

It shall be unlawful for any person who has received any income derived, directly or indirectly, from a pattern of racketeering activity or through collection of an unlawful debt in which such person has participated as a principal within the meaning of Section 2, title 18, United States Code, to use or invest, directly or indirectly, any part of such income, or the proceeds of such income, in acquisition of any interest in, or the establishment or operation of, any enterprise which is engaged

in, or the activities of which affect, interstate or foreign commerce...

18 U.S.C. §1962(b) specifically provides that:

It shall be unlawful for any person through a pattern of racketeering activity or through collection of an unlawful debt to acquire or maintain, directly or indirectly, any interest in or control of any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce.

18 U.S.C. §1962(c) specifically provides that:

It shall be unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity or collection of unlawful debt.

18 U.S.C. §1962(d) specifically provides that:

It shall be unlawful for any person to conspire to violate any of the provisions of subsection (a), (b) or (c) of this section.

To prevail on a claim for damages under RICO, New York Federal Courts have consistently employed the standard set forth by the United States Supreme Court and specified that Hollander must first allege that the Defendants violated the substantive RICO statute, 18 U.S.C. §1962. In so doing, Hollander must properly allege the existence of seven constituent elements: (1) that the Defendants (2) through the commission of two or more acts (3) constituting a "pattern" (4) of "racketeering activity" (5) directly or indirectly invests in, or maintains an interest in, or participates in (6) an "enterprise" (7) the activities of which affect interstate

or foreign commerce. *Burell v. State Farm and Cas. Co.*, 226 F. Supp.2d 427, 443 (S.D.N.Y. 2002); *Citadel Mgmt., Inc. v. Telexis Trust Inc.*, 123 F. Supp.2d 133, 154 (S.D.N.Y. 2000); *Feeley v. The Whitman Corp.*, 65 F. Supp.2d 164, 174 (S.D.N.Y. 1999). Further, "the plaintiff only has standing if, and can only recover to the extent that, he has been injured in his business or property by the conduct constituting the violation" of section 1962. *Sedima S.P.R.L. v. Imrex Co., Inc.*, 473 U.S. 479, 496, 105 S.Ct. 3275, 3285 (1985).

The District Court correctly recognized that "to state a claim for civil remedies, including treble damages, under RICO, [Hollander] must allege both that the defendant has violated the substantive RICO statute, 18 U.S.C. §1962, and that he was 'injured in his business or property *by reason of* a violation of section 1962.' 18 U.S.C. § 1964(c) (emphasis added)" (A 137).

If one element is lacking, a Court will refuse to allow a party to add a RICO claim. *LaSalle Nat'l Bank v. Duff & Phelps Credit Rating Co.*, 951 F.Supp 1071, 1091 & n. 16 (S.D.N.Y. 1996). The Court mandates the sufficient pleading of these elements because it is "mindful of the potential abuse of the RICO statute." *Berk v. Tradewell*, 2003 WL 21664679 (S.D.N.Y. 2003).

### SUMMARY OF ARGUMENT

The District Court held that even taking Hollander's allegations as true and assuming, for the purposes of the Defendants' Motions to Dismiss, that his allegations would state a claim for a violation of 18 U.S.C. §1962(a)-(d), Hollander did not have standing as he failed to meet his burden with respect to pleading causation and injury, that he was injured by reason of any purported violation of 18 U.S.C. §1962-under 18 U.S.C. §1964(c) (A 138, 144). As such, the District Court noted that it was unnecessary for it to determine whether Hollander adequately alleged a violation of the substantive RICO statute (A 144).

Applying the applicable and controlling principles and legal precedent, the District Court correctly held that the damages claimed by Hollander are not the type of injuries to business or property actionable under RICO. Furthermore, even as to those injuries to business or property compensable under RICO, Hollander failed to allege that they were proximately caused by reason of the Defendant's alleged unlawful activity.

Moreover, although the District found it unnecessary to determine whether Hollander adequately alleged a violation of the substantive RICO statute (in light of his failure to demonstrate standing), Hollander utterly failed to adequately plead the other constituent elements necessary to establish a substantive RICO violation

against Mundy and Petrovich including (1) a pattern of racketeering activity and (2) that an enterprise exists.

Lastly, the District Court correctly denied Hollander the right to file an Amended Complaint.

### **ARGUMENT**

#### **POINT I**

#### **THE DISTRICT COURT CORRECTLY HELD THAT HOLLANDER FAILED TO ADEQUATELY ALLEGE THE INJURY AND CAUSATION NECESSARY TO SUSTAIN HIS RICO CLAIMS**

##### **A. The District Court Applied the Correct Legal Analysis to Determine that Hollander Must Have Standing by Sufficiently Pleading Causation and Injury to Assert a RICO Claim**

##### **i. The Test: Standing to Assert a RICO Claim**

In order for a plaintiff to state a claim for civil remedies under RICO, he must allege both that the defendants violated the substantive RICO statute, 18 U.S.C. §1962, and that he was "injured in his business or property by reason of a violation of section 1962." 18 U.S.C. §1964(c).

The Courts have reiterated that for a plaintiff to have standing to assert a RICO violation, he must sufficiently plead, at a minimum, (1) defendant's violation of the substantive RICO statute, 18 U.S.C. §1962; (2) injury to plaintiff's business or property; and (3) causation of the injury by the defendant's violation of section 1962. *Holmes v. Securities Investor Protection Corp.*, 503 U.S. 258, 265-



68, 112 S.Ct. 1311, 117 L.Ed.2d 532 (1992); *Ideal Steel Supply Corp. v. Anza*, 373 F.3d 251 (2d Cir. 2004); *Lerner v. Fleet Bank, N.A.*, 318 F.3d 113 (2d Cir. 2003); *First Nationwide Bank v. Gelt Funding Corp.*, 27 F.3d 763, 767 (2d Cir. 1994) *cert denied* 513 U.S. 1079 (1995); *Hecht v. Commerce Clearing House, Inc.*, 897 F.2d 21, 23 (2d Cir. 1990); *Bankers Trust Co. v. Rhoades*, 741 F.2d 511, 515 (2d Cir. 1984) *vacated on other grounds*, 473 U.S. 922, 105 S.Ct. 3550, 87 L.Ed.2d 673 (1985). In other words, in addition to having to show a substantive RICO violation, a plaintiff must satisfy the "by reason of" language of 18 U.S.C. §1964(c) by demonstrating both injury and causation. *State Farm Mut. Automobile Ins. Co. v. CPT Medical Services, P.C.*, 375 F. Supp.2d 141 (E.D.N.Y. 2005).

The District Court's clearly and properly set forth this standard in its Order.

## **ii. Injury must be to Business and Property**

In respect to element number 2 above (injury), the District Court correctly held that alleged injuries to business reputation and good will, and alleged peril to a person's safety, life, liberty and right not to live in fear do not constitute actionable injuries to business or property for RICO purposes (A 137-139).

The statute and cases consistently support the District Court's conclusion that that the injury must be to business or property and not physical, emotional or reputational harm or any economic aspect of such harm. See *Kimm v. Lee*, 2005 WL 89386 (S.D.N.Y. 2005) (harm to professional reputation is not compensable in

a RICO claim); *State Farm Mut. Automobile Ins. Co. v. CPT Medical Services, P.C.*, 375 F. Supp.2d 141 (Plaintiff must allege injury to business or property to state civil claim for RICO conspiracy, and not, for example, physical, emotional or reputational harm); *Burrowes v. Combs*, 312 F. Supp.2d 449 (S.D.N.Y. 2004) (damage to a person's professional reputation is not an injury cognizable under RICO); *Tsipouras v. W&M Properties, Inc.*, 9 F. Supp.2d 365 (S.D.N.Y. 1998) (mere injury to character, business reputation and intentional infliction of emotional distress are not actionable under civil RICO); *Roitman v. New York City Transit Authority*, 704 F. Supp. 346 (E.D.N.Y. 1989) (damage to Plaintiff's reputation was a personal injury as opposed to a property injury and thus not actionable); *See Bankers Trust Co. v. Rhoades*, 741 F.2d at 515 (the requirement that the injury be to plaintiff's business or property means that he must show proprietary type of damage. As an example, a person physically injured in a fire whose origin was arson is not given a right to recover for his personal injuries, rather only damage to his business or his building); *Shaw v. Rolex Watch U.S.A., Inc.*, 776 F. Supp. 128 (S.D.N.Y. 1991) (citing *Rafferty v. Halprin*, 1991 WL 148798 (S.D.N.Y. 1991), *James v. Lan-O-Tone Prods., Inc.*, 1989 WL 61852 (S.D.N.Y. 1989), *Pohlot v. Pohlot*, 664 F. Supp. 112 (S.D.N.Y. 1987)) (emotional distress and physical injury not cognizable under RICO); *Grogan v. Platt*, 835 F.2d 844, 847 (11<sup>th</sup> Cir.), *rehearing denied*, 851 F.2d 1423 (11<sup>th</sup> Cir.), *cert denied*, 488

U.S. 981, 109 S.Ct. 531, 102 L.Ed.2d 562 (1988) (pecuniary losses are so fundamentally a part of personal injuries that they should be considered something other than injury to business or property).

Further, the District Court correctly indicated that indefinite, speculative and unprovable damages are not recoverable under civil RICO actions. See *Tsipouras v. W&M Properties, Inc.*, 9 F. Supp.2d 365 (plaintiff's bonus was not recoverable under civil RICO because its accrual was speculative and its amount and nature unprovable); *Hecht v. Commerce Clearing House Inc.*, 897 F.2d at 24 (claim for lost commission too speculative); *Stochastic Decisions, Inc. v. DiDomenico*, 995 F.2d 1158, 1166 (2d Cir. 1993), *cert denied*, 510 U.S. 945, 114 S.Ct. 385, 126 L.Ed.2d 334 (1993) (RICO action dismissed for lack of standing where amount of injury was indefinite and unprovable). A cause of action under RICO does not accrue until the amount of damages becomes clear and definite. *Bankers Trust Co. v. Rhodes*, 859 F.2d at 1106 (2d Cir. 1988), *cert denied*, 490 U.S. 1007, 109 S.Ct. 1643 (1989). See also *First Nationwide Bank v. Gelt Funding Corp.*, 27 F.3d at 768 (amount of damages to sustain civil RICO must be clear and definite).

### iii. Causation

Standing to sue is limited to those persons whose injuries were both factually and proximately caused by the alleged RICO violation. *Lerner v. Fleet Bank, N.A.*, 318 F.3d 113; *Holmes v. Securities Investor Protection Corp.*, 503

U.S. 258, 268, 112 S.Ct. 1311, 1316-1318 (1992). While the term proximate cause is utilized, this Court has held that liability under statutes such as RICO does not "depend on whether there is proximate causation as that term is used at common law." *Abrahams v. Young & Rubicam Inc.*, 79 F.3d 234, 237 (2d Cir. 1996). Rather, with statutory claims, the issue is one of statutory intent: "was the plaintiff...in the category the statute meant to protect," and was "the harm that occurred . . . the 'mischief' the statute sought to avoid." *Id.*

In *re American Express Co. Shareholder Litig. v. Robinson*, 39 F.3d 395, 400 (2d Cir. 1994), the Court determined that plaintiffs must show that they were "the intended target" of the RICO violation, and that any alleged RICO injury must have been the "preconceived purpose" of the RICO activities to have standing. *Id.*

Likewise, in *G-I Holdings v. Baron & Budd*, 238 F.Supp.2d 521, 548 (S.D.N.Y. 2002), the Court held that while the term proximate cause is used, the Second Circuit has made clear that liability under the RICO statute does not depend on whether there is proximate causation as that term is defined in common law. Instead, the question is whether a plaintiff was in the category the statute meant to protect and whether the harm that occurred was the mischief the statute sought to avoid. Thus, the Court held that to have standing a plaintiff must show that he was the intended target of the RICO violation and that any RICO injury must have been the preconceived purpose of the RICO activities. *Id.* See also *Giro*

*v. Banco Espanol De Credito*, 208 F.3d 203, 2000 WL 287694 (2d Cir. 2000) (plaintiff must show that he is within the class the statute sought to protect and the harm done was one the statute sought to prevent); *BCCI Holdings (Luxemborg Societe Anonyme v. Pharon*, 43 F.Supp.2d 359 (S.D.N.Y. 1999) (plaintiff must show that he was the intended target of the RICO violations and that any injury was the preconceived purpose of the RICO activities); *Laborers Local 17 Health & Benefit Fund v. Phillip Morris, Inc.*, 191 F.3d 229, 236 (2d Cir. 1999) (the zone of interest test is an inquiry into whether the plaintiff is within the class of persons sought to benefit by the provision at issue).

These cases are still valid in this Circuit. In fact, many Courts have recently cited such cases and held consistently. For example, last year in *Ideal Steel Supply Corp. v. Anza*, this Court cited *In re American Express Co. Shareholder Litig.* and *Abrahams v. Young & Rubicam Inc.*, recognizing that dismissals in those actions were upheld because the injuries alleged were not the preconceived purpose nor the specifically intended target/consequence of the defendants' alleged acts. *Ideal Steel Supply Corp. v. Anza*, 373 F.3d at 258-260. In *Bona v. Barasch*, 2003 WL 1395932 \*24 (S.D.N.Y. 2003), the Court also cited to *In re American Express Co. Shareholder Litig.* for the same proposition. *Id.* See also *Information Resources, Inc. v. The Dunn and Bradstreet Corp.*, 260 F. Supp.2d 659 (S.D.N.Y. 2003) (with statutory claims, the issue is one of statutory intent: plaintiff must show that he is

within the class the statute meant to protect and that the harm done is one that the statute sought to avoid).

This Circuit has also discussed a varying approach to determine proximate cause in addition to the zone of interest-intended target analysis. See *Lerner v. Fleet Bank*, 318 F.3d 113. The Court in *Baisch v. Gallina*, 346 F.3d 366 (2d Cir. 2003) made clear, however, that this analysis incorporates the zone of interest-intended target test. *Id.* at 373.

The *Baisch* Court discussed the two part test for determining proximate causation discussed in *Lerner*. "First, the plaintiff's injury must have been 'proximately caused by a pattern of racketeering activity violating [18 U.S.C. §] 1962 or by individual RICO predicate acts.'" *Id.* at 373 (quoting *Hecht v. Commerce Clearing House, Inc.*, 897 F.2d at 23). In other words, the *Baisch* Court clarified that "a plaintiff does not have standing if he suffered an injury that was indirectly (and hence not proximately) caused by the racketeering activity or RICO predicate acts, even though the injury was proximately caused by some non-RICO violations committed by the defendants." *Id.*<sup>16</sup> Stated another way, the plaintiff

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<sup>16</sup> In applying this first part of the *Lerner* test, the Court in *Bona v. Barasch* referenced three policy reasons for RICO's directness requirement outlined in the Supreme Court Case of *Holmes v. Securities Investor Protection Corp.* First, the less direct an injury is, the more difficult it becomes to ascertain the amount of a plaintiff's damages attributable to the violations as distinct from other independent factors. Second, recognizing claims for the indirectly injured would force Courts to adopt complicated rules apportioning damages among plaintiff's removed at

must plead that the violation was not only the logical, or "but for," cause of the injury but also was its legally cognizable or proximate cause. *Ideal Steel Supply Corp. v. Anza*, 373 F.3d at 257.

"Second, the plaintiff must have suffered a direct injury that was foreseeable: Central to the notion of proximate cause is the idea that a person is not liable to all those who may have been injured by his conduct, but only those with respect to whom his acts were a substantial factor in the sequence of responsible causation, and whose injury was reasonably foreseeable or anticipated as a natural consequence." *Baisch v. Gallina*, 346 F.3d at 374 (quoting *Lerner v. Fleet Bank*, 318 F.3d at 123); *Hecht v. Commerce Clearing House, Inc.*, 897 F.2d at 23-24. This Court has repeatedly emphasized that this analysis incorporates the zone-of-interest analysis. *Baisch v. Gallina*, 346 F.3d at 374. In other words, "*Lerner* noted that 'the reasonably foreseeable victims of a RICO violation are the targets, competitors and intended victims of the racketeering enterprise.'" *Id.* (quoting *Lerner v. Fleet Bank*, 318 F.3d at 124). See also *Hecht v. Commerce Clearing House, Inc.*, 897 F.2d at 24; *Sperber v. Boesky*, 849 F.2d at 65.

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different levels of injury from the violative acts to obviate the risks of multiple recoveries. Third, the need to grapple with these problem is simply unjustified by the general interest in deterring injurious conduct since the directly injured victims can generally be counted on to vindicate the law as private attorneys general, without any of the problems attendant upon suits by plaintiffs injured more remotely. *Bona v. Barasch*, 2003 WL 1395932 \*24 (citing *Holmes v. Securities Investor Protection Corp.*, 503 U.S. 258, 112 S.Ct. 1311, 117 L.E.2d 532).

Regardless of the designation of the test utilized, this Circuit has been clear that the requirement "that a defendant's action be the proximate cause of a plaintiff's harm represents a policy choice premised on recognition of the impracticality of asserting liability based on the almost infinite expanse of actions that are in some sense casually related to an injury." *Ideal Steel Supply Corp. v. Anza*, 373 F.3d at 257 (citing *Sperber v. Boesky*, 849 F.2d 60, 63 (2d Cir. 1988). "In marking that boundary, the Supreme Court has emphasized that a plaintiff cannot complain of harm so remotely caused by a defendant's actions that imposing legal liability would transgress our 'ideas of what justice demands, or what is administratively possible and convenient.'" *Id.* (citing *Commercial Cleaning Services, L.L.C v. Colin Service Systems, Inc.*, 271 F.3d 374, 380 (2d Cir. 2001) quoting *Holmes v. Securities Investor Protection Corp.*, 5093 U.S at 268, 112 S.Ct. 1311).

Applying the aforementioned principles, this Circuit has routinely upheld the dismissal of a variety of civil RICO complaints where the alleged injury was too remote from the alleged racketeering activity to meet the proximate cause requirement (*i.e.* where the plaintiff's injuries are caused not by the RICO violations themselves but the exposure of those acts, or where Plaintiff seeks to recover for injuries caused by his refusal to aid and abet violations). See *Ideal Steel Supply Corp. v. Anza*, 373 F.3d 251. For example, in *Sperber v. Boesky*, plaintiffs



sought damages from a defendant convicted of insider trading alleging that they lost money investing in other companies in which the defendant was also a shareholder. Plaintiffs' theory was that defendant's reputation as a successful investor, gained as a result of the pattern of insider trading, artificially inflated the prices of stock purchased by them. Plaintiffs' alleged investment losses as the share prices fell following the defendants' insider trading conviction. This Court affirmed the dismissal since the alleged injuries were too remote from defendant's unlawful activity. *Sperber v. Boesky*, 849 F.2d at 62.

In *Hecht v. Commerce Clearing House, Inc.*, plaintiff brought a civil RICO action against his former employer and co-workers alleging they implemented a scheme to defraud customers in violation of mail and wire fraud statutes. Plaintiff alleged that he was injured by the scheme because clients whom he serviced discovered the frauds and ceased business with his employer, thereby costing him commissions he would have otherwise earned and because he was fired for refusing to participate in the frauds. This Court affirmed dismissal stating that the plaintiff was neither the target of the racketeering enterprise, nor the competitor, nor the customer of the racketeers, and that plaintiff's injuries were not reasonably foreseeable or the natural consequence of the RICO violations. *Hecht v. Commerce Clearing House, Inc.*, 897 F.2d at 22-24.

In *Lerner v. Fleet Bank*, plaintiffs, who had invested with an attorney that absconded their money, brought civil RICO claims against the banks in which their funds had been deposited. Plaintiffs claimed that the banks engaged in racketeering activity by sending back to payees bounced checks that the banks stamped "refer to maker" rather than "insufficient funds"; telling some payees their checks had been dishonored because of a computer error or the check had been written on the wrong account, rather than because the attorney had insufficient funds; and sending statements to the attorney that did not mention the dishonored checks. Plaintiffs alleged that the banks also failed to report the attorney's overdrafts and other defaults to disciplinary authorities, which would have caused the attorney to be disbarred and led plaintiffs to discontinue their investments with him. This Court held that plaintiffs' injuries and the banks' mailings were too attenuated to meet the proximate cause requirement. *Lerner v. Fleet Bank, N.A.*, 318 F.3d at 122-24.

In *re American Express Co. Shareholder Litig.*, this Court upheld the dismissal of a derivative action complaint by shareholders of American Express alleging that company officials had committed mail and wire frauds and bribery in an effort to defame Edmond Safra, an American Express competitor. When the fraudulent acts were discovered, American Express was injured by losing business and goodwill and having to pay millions of dollars in legal fees and settlements.

This Court upheld dismissal because the alleged injuries to the company were not proximately caused by the racketeering activities of fraud and bribery, but were caused by the fact that these activities did not have their intended effect and instead were discovered by their intended target. The target of the unlawful acts was the competitor Safra, not American Express. Accordingly, the injuries alleged were neither the preconceived purpose nor the specifically intended consequence of the RICO defendants' acts. Further, any losses to American Express were caused only because the scheme itself was exposed and failed. Therefore, the harm to American Express was neither the necessary result of the scheme, nor foreseeable. *In re American Express Co. Shareholder Litig. v. Robinson*, 39 F.3d 395-400.

Lastly, in *Abrahams v. Rount & Rubicam, Inc.*, the defendant advertising agency paid nearly \$1 million to 2 individual defendants who informed it, falsely, that Abrahams, then a Jamaican tourism official, could be bribed to grant the agency the Jamaican Tourism Board advertising business. Although none of the bribery money was given to Abrahams, he was indicted with the scheme's participants. After the charges were dropped, Abrahams commenced a civil RICO action alleging injuries to his reputation and emotional, financial, political and social status as a result of the public dissemination. This Court found that he was neither an intended target of the scheme nor an intended beneficiary of the laws prohibiting it, nor was he injured by the scheme itself, rather he was injured by the

fallout from the scheme's exposure. This Court upheld dismissal under 18 U.S.C. §1964(c). *Abrahams v. Young & Rubicam Inc.*, 79 F.3d at 234-39.

Significantly, the District Court provided, and incorporated, an accurate and comprehensive analysis of the proximate cause principles detailed above in its Order, recognizing that the current state of the law incorporates the zone of interest analysis and that alleged injuries too attenuated from the purported racketeering activity fails to meet the proximate cause requirement (A 136-144).

**B. The District Court Correctly Determined that Hollander Did Not Sustain the Requisite Injury to Business or Property**

Hollander claims that the Defendants' bribing of public officials subverted the proper administration of justice and thwarted his efforts to rectify the harm done to his business reputation and goodwill (A 111 ¶902), that the funds from racketeering activities were used to purchase intimidation of witnesses thwarting his efforts to rectify the harm to his business reputation and goodwill (A 112 ¶903), and that his reputation and good will have been damaged in the amount of \$500,000 arising out of the false allegations waged against him (A 112 ¶907(e)). Hollander also claims that the enterprise Defendants' predicate acts imperiled his safety, life, liberty and right not to live in fear (A 112 ¶905).

The District Court accurately determined that Hollander's claimed injuries to his business and reputation and goodwill (A 111-112 ¶¶902-903, 907(e)), and peril to "his safety, life, liberty and right not to live in fear" (A 112 ¶905) do not

constitute the type of injury to "business or property" actionable under RICO (A 138-139). See *Kimm v. Lee*, 2005 WL 89386; *State Farm Mut. Automobile Ins. Co. v. CPT Medical Services, P.C.*, 375 F. Supp.2d 141; *Burrowes v. Combs*, 312 F. Supp.2d 449; *Tsipouras v. W&M Properties, Inc.*, 9 F. Supp.2d 365; *Roitman v. New York City Transit Authority*, 704 F.Supp. 346; *Bankers Trust Co. v. Rhoades*, 741 F.2d 511; *Shaw v. Rolex Watch U.S.A., Inc.*, 776 F. Supp. 128; *Grogan v. Platt*, 835 F.2d 844. Hollander is unable to cite any cases in this Circuit to the contrary (Hollander Brief pp. 35-36).

**C. The District Court Correctly Determined that Hollander's Additional Claim of Damages Were Not Proximately Caused By A Reason of a Violation of 18 U.S.C. §1962**

Hollander claims additional damages to his business and financial interests, including the depletion of his resources arising out of litigation with the enterprise (A 111 ¶¶901), "loss of profits" from his law and consulting business in the amount of \$200,000 for bringing Shipilina to the United States and his investigation of the enterprise (A 112 ¶907(a)), "business interruption" expenses of \$50,000 to bring his business back to operating level (A 112 ¶907(b)), "loss of business opportunities" (A 112 ¶907(c)), and investigation of the enterprise expenses in the amount of \$100,000 (A 112 ¶907(d)).

The District Court analyzed Hollander's claims under this Circuit's two-step proximate cause analysis incorporating the zone-of-interest test. Even evaluating

Hollander's claims under this more relaxed analysis, the District Court still correctly found that, even if the aforementioned damages could constitute the type of injuries to business or property contemplated by the RICO statute, they were not caused by reason of the Defendants' purported violation of 18 U.S.C. §1962

The District Court first concluded that Hollander's purported injuries were not caused by the RICO violations themselves, but rather, exposure of those acts. Specifically, the District Court found that Hollander's injuries, including loss profits, business interruption expenses, loss of business opportunity and investigation expenses, arose not from a conspiracy directed at Hollander but from his investigation of the enterprise (A 141-142)

One factual example provided by the District Court in support was that Hollander alleged that the Defendants sought to infiltrate and expand their activities into hard currency markets (i.e. to generate profits in the United States from the enterprise's illegal prostitution, pornography, money laundering etc.) (A 24-26 ¶¶1-2, 13, A 141-142). The District Court noted that these activities, as admitted by Hollander's Complaint, predated Hollander's investigation of the scheme in August 2000 (A 43 ¶¶213-220, A 141-142). A further example provided by the District Court in support was Hollander's own words in the damages portion of his Complaint whereby he admits that he sustained damages as a result of his investigation of the enterprise. (A 112 ¶907(a)-(d), A 142). The

District Court noted that this is bolstered by the fact that Hollander "alleges that defendants took actions directed at him-including threats of physical harm...but as plaintiff himself asserts, any such injury... arose from his discovery of the Scheme in August 2000 and his 'investigation that continues to the present day' (Complaint ¶217)" (A 142).

The District Court also stated that to the extent Hollander portrays himself as a whistleblower sustaining retaliatory damages, like expenses for investigation and efforts to avoid and rectify his injury, such alleged damages arose out of his discovery and investigation of the scheme, which does not give rise to RICO standing (A 112 ¶907(a)-(e), 142-143).

The District Court was absolutely correct. Hollander failed to allege that his purported injuries were proximately/directly caused by a pattern of racketeering activity or predicate acts violating the RICO. If Hollander sustained any injury to his business or property, they were caused by his own actions and investigation, or at worst, by Shipilina and her alleged infidelities. Such purported indirect injuries cannot be said to have been proximately caused by the RICO acts<sup>17</sup>.

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<sup>17</sup> Hollander suggests that the District Court's Order wrongly stated that Hollander discovered the scheme in August 2000 as opposed to his actual discovery in July 2002 (Hollander Brief pp. 13-14). This has no bearing on the District's conclusion that the injuries alleged by Hollander arose out of his August 2000 and onward investigation. In any event, this appears to fly in the face of Hollander's Complaint whereby he suggested that he was aware of the alleged scheme, to some degree, in August 2000 or shortly thereafter after he commenced his investigation (A 43-44

The District Court additionally concluded that, while Hollander may have allegedly been a means of effecting the scheme, the object of the scheme was not to target Hollander and injure his reputation and business. Rather, it was to continue its activities and expand its illegal acts into the United States hard currency markets. In fact, the District Court noted that the alleged scheme therefore depended on lack of harm to Hollander so that they could succeed in infiltrating into the United States. The District Court lastly noted that even those alleged predicate acts aimed at Hollander directly (i.e. harassment, threats) was merely to prevent him from interfering with the Defendants, Shipilina's efforts to obtain residency and therefore extend the enterprise into the United States, not to injure his business and property. As such, the District Court held that the injuries claimed by Hollander were not the reasonably foreseeable consequence of the predicate acts alleged (A 143-144).

The District Court was absolutely correct. Although Hollander spends countless pages in his brief (i.e. Hollander Brief pp. 20, 25) citing damages allegedly sustained by him prior to and after August 2000, which the District Court supposedly ignored, Hollander still cannot get beyond the fact that the Defendants' acts were not a substantial factor in the sequence of responsible causation that led

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¶¶217-220).



to such alleged injuries, and were not reasonably foreseeable or anticipated as a natural consequence.

The damages claimed by Hollander here are not the mischief the RICO statute seeks to prevent. Indeed, any fair reading of the Complaint discloses that the preconceived purpose of the RICO activities was most assuredly not to cause loss to Hollander's reputation and business. Rather, the Complaint consistently alleges that the RICO Defendants' actions, however misguided and purportedly injurious to Hollander in the end, were undertaken to further their illegal activities and efforts to expand into the United States. If anything, Hollander's alleged harm was an unintended and unanticipated mere by-product of the alleged racketeering activity. Thus, the injuries alleged were not the preconceived purpose, nor the specifically intended consequence of the RICO Defendants' acts. Most tellingly, is Hollander's continued inability in his Brief to sufficiently explain how 63 persons, worldwide, are engaged in a RICO enterprise with the preconceived purpose of intentionally targeting his business and property for financial ruin. Since Hollander's alleged injuries are too remote and attenuated from the alleged racketeering activity to meet the proximate cause requirement, his action was properly dismissed.

**D. The District Court Correctly Determined that Hollander's Additional Claim of Damages Are Conclusory and Incomprehensible**

Hollander also claims damages to his business and financial interests/assets: "by the use of funds from racketeering activities to finance the Enterprise's Scheme" (A 111 ¶900), "from racketeering activities used to acquire or preserve influence over some of the Enterprise's activities" (A 112 ¶904), by "[t]he predicate acts committed in furtherance of the Enterprise's Scheme against the plaintiff" (A 112 ¶905), and "from overt criminal and tortuous acts done in furtherance of conspiracies" (A 112 ¶906).

These allegations do not indicate how Hollander has allegedly been harmed. Rather, they merely state which activities caused his purported harm. Such general, bald, conclusory allegations do nothing to bolster or add to Hollander's damage claims, and, thus, were properly rejected by the Court (A 142). Interestingly, Hollander's brief on this point does not explain how these allegations are not conclusory, or attempt to add (in substance) to his damage claims. Rather, he devotes three pages to chastising the District Court, providing this Court with a history lesson on pleading practice under the Federal Rules and citing inapposite case law (Hollander Brief pp. 22-25).

## POINT II

### **DESPITE THE DISTRICT COURT'S DETERMINATION THAT IT WAS UNNECESSARY TO ADDRESS THE SUBSTANTIVE RICO STATUTE HOLLANDER SIMILIARY FAILED TO PLEAD ITS ELEMENTS**

Although the District Court did not deem it necessary to address whether Hollander has failed to properly plead the elements necessary to establish a violation of the substantive RICO statute in light of its initial failure to establish standing-injury and causation, Hollander failed to plead, at least in respect to Mundy and Petrovich, (1) a pattern of racketeering activities and (2) that an enterprise exists.

#### **A. Hollander's Complaint Fails to Adequately Allege a Pattern of Racketeering Activity**

To sufficiently plead a pattern of racketeering activity, Hollander must allege "(1) at least two predicate acts of racketeering occurring within a ten-year period; (2) that the predicate acts are related to each other; and (3) that the predicate acts amount to or pose a threat of continuing criminal activity." *Price v. Gast*, 2000 WL 36981 \*6 (S.D.N.Y. Apr. 11, 2000); *H.J. Inc. v. Northwestern Bell Telephone Co.*, 492 U.S. 229, 239, 109 S.Ct. 2893, 2900 (1989).

"It is this factor of continuity plus relationship which combines to constitute a pattern." *H.J. Inc. v. Northwestern Bell Telephone Co.*, 492 U.S. at 238-39, 109 S.Ct. at 290 (citations omitted). To satisfy the "continued criminal activity" prong

in alleging a pattern of racketeering activity under a RICO claim, Hollander must make a showing of either "closed-ended continuity" or "open-ended continuity." *Id.*

**i. Closed-ended Continuity**

In order to measure whether closed-ended continuity exists, several factors may be considered including the length of time over which the alleged predicate acts took place, the number and variety of acts, the number of participants, the number of victims, and the presence of separate schemes. *GICC Capital Corp. v. Tech. Finance Group, Inc.*, 67 F.3d 463, 467 (2d Cir. 1995).

However, Hollander must prove a series of related predicates extending over a substantial period of time. *H.J. Inc. v. Northwestern Bell Telephone Co.*, 492 U.S. at 242, 109 S.Ct. at 2902. Predicate acts extending over a few weeks or months and threatening no future criminal conduct do not satisfy this requirement. *Id.* "Since the Supreme Court decided *H.J. Inc.*, this Court [Second Circuit] has never held a period of less than two years to constitute a 'substantial period of time,' for the purposes of the closed-ended continuity test. *De Falco v. Bernas*, 244 F.3d 286, 321 (2d Cir. 2001). See also *Cofacredit S.A. v. Windso Plumbing Supply Co. Inc.*, 187 F.3d 229, 242 (2d Cir. 1999); *Jacobson v. Cooper*, 882 F.2d 717, 720 (2d Cir. 1989).

In determining the duration of a pattern of racketeering activity, Courts focus solely on the predicate acts of racketeering each defendant is alleged to have

committed. *De Falco v. Bernas*, 244 F.3d at 321. Moreover, acts that do not constitute predicate racketeering activity are not included in the calculation for determining continuity. *Cofacredit, S.A. v. Windsor Plumbing Supply Co. Inc.*, 187 F.3d at 243.

Hollander's Complaint fails to properly plead a pattern of racketeering since closed-ended continuity is not sufficiently alleged. Hollander alleges that Mundy and Petrovich first met with Shipilina at the "end of October, 2000" (A 44 ¶223) (even though they did not appear on her behalf until after Hollander commenced the annulment/divorce proceedings in February, 2001). Therefore, no predicate act is even alleged to have been committed by Mundy or Petrovich prior to October, 2000. The allegations in the Complaint also reveal that neither Mundy nor Petrovich ever met with any other members of the purported enterprise prior to October, 2000 or participated with them in predicate acts. (A 23-113). The last predicate act alleged in the Complaint to have been committed by Mundy or Petrovich was in March, 2002. (A 50-52, 91 ¶¶293, 298, 315-318, 715). Hence, the period of time between the predicate acts purportedly committed by Mundy and Petrovich amounts to, at most, merely one year and five months. It is well settled that closed-ended continuity cannot exist over such an abbreviated period of time.

See *De Falco v. Bernas*, 244 F.3d at 321; *Cofacredit, S.A. v. Windsor Plumbing Supply Co. Inc.*, 187 F.3d at 243<sup>18</sup>.

## ii. Open-ended Continuity

To satisfy open-ended continuity, "the plaintiff need not show that the predicates extended over a substantial period of time but must show that there was a threat of continuing criminal activity beyond the period during which the predicate acts were performed." *Cofacredit, S.A. v. Windsor Plumbing Supply Co. Inc.*, 187 F.3d at 242; *The Jordan (Bermuda) Inv. Co. v. Hunter Green Inv. Ltd.*, 154 F.Supp.2d 682, 694 (S.D.N.Y. 2001).

In the Second Circuit, "cases assessing whether a threat of continuity exists have looked first to the nature of the predicate acts alleged or to the nature of the enterprise at whose behest the predicate acts were performed." *De Falco v. Bernas*, 244 F.3d at 323 (quoting *GICC Capital Corp. v. Technology Finance Group, Inc.*, 67 F.3d at 466 (internal quotations omitted)). "[W]here the enterprise primarily conducts a legitimate business, there must be some evidence from which it may be inferred that the predicate acts were the regular way of operating that business, or that the nature of the predicate acts themselves implies a threat of continued

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<sup>18</sup> Hollander's far-fetched and ridiculous suggestion in the Supplemental Complaint that Mundy's filing of a disciplinary grievance against him constitutes obstruction of justice and mail fraud cannot defeat this argument.

criminal activity.” *De Falco v. Bernas*, 244 F.3d at 323 (quoting *Cofacredit, S.A. v. Windsor Plumbing Supply Co. Inc.*, 187 F.3d at 243).

Hollander has similarly failed to sufficiently establish that there has been open-ended continuity. The predicate racketeering acts alleged to have been committed by Mundy and Petrovich occurred from October, 2000 through March, 2002, at best (or April 2003 if it is believed that the filing of a grievance can be deemed a predicate act as Hollander’s Supplemental Complaint absurdly alleges) (A 23-113,119-120). Even taking Hollander’s allegations as true, they go no further than describing past criminal acts by Mundy and Petrovich with finite goals, which were completed. Hollander’s allegations, taken at their face value, if proved, would establish, at most, that there was a “discrete and relatively short-lived scheme” to defraud him, which is insufficient to establish a claim of open-continuity. *Cofacredit, S.A. v. Windsor Plumbing Supply Co. Inc.*, 187 F.3d at 244.

In an apparent ploy, albeit unsuccessful, to plead his RICO claims, Hollander insufficiently chose to make broad and sweeping conclusions such as “on information and belief, member defendants’ predicate acts will repeat and multiply into the future,” instead of simply proving, or even alleging, continuing criminal activity beyond the period during which the predicate acts were performed by Mundy or Petrovich. (A 108 ¶¶876-877). There is not one iota of evidence to support Hollander’s conclusion that such acts even occurred, let alone will repeat

into the future. Thus, the Complaint is totally devoid of any specific allegation or factual basis to support his opinion and such legal conclusions and opinions couched as factual allegations are insufficient to demonstrate the threat of ongoing criminal activity.

**B. Hollander's Complaint Fails to Adequately Allege The Existence of a RICO Enterprise**

A RICO plaintiff must plead each defendant's participation in the "operation or management" of an "enterprise" as those terms are defined for the purposes of the statute. *Dietrich v. Bauer*, 76 F. Supp.2d 312, 347 (S.D.N.Y. 1999). A RICO enterprise is statutorily defined as "any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals *associated in fact* although not a legal entity." 18 U.S.C. §1691(4) (*emphasis added*).

A RICO enterprise as a "group of persons associated together for a common purpose or engaging in a common course of conduct...[It is] proved by evidence of an ongoing organization, formal or informal, and by any evidence that the various associates function as a continuing unit." *United States v. Turkette*, 452 U.S. 576, 583, 101 S.Ct. 2524, 2528 (1981); *First Nationwide Bank v. Gelt Funding Corp.* 820 F. Supp., 89 (S.D.N.Y. 1993).

"In determining whether the members of a purported association-in-fact functioned as a unit, '[c]ourts in the Second Circuit must look to the 'hierarchy, organization, and activities' of the association." *Schmidt v. Fleet Bank*, 16 F.



Supp.2d 340, 349 (S.D.N.Y. 1998) (quoting *First Nationwide Bank v. Gelt Funding Corp.*, 820 F. Supp. at 98).

Consistent with these standards, "a RICO enterprise must exhibit structural continuity over its alleged lifespan." *Kovian v. Fulton County Nat'l. Bank and Trust Co.*, No. 86- CV-154 1990 WL 36809, at 16 (N.D.N.Y. March 28, 1990). As the Eighth Circuit has explained, "continuity of structure exists where there is an organizational pattern or system of authority that provides a mechanism for directing the group's affairs on a continuing, rather than an ad hoc, basis." *Handeen v. LeMaire*, 112 F.3d 1339, 1351 (8th Cir. 1997) (quoting *United States v. Kragness*, 830 F.2d 842, 856 (8th Cir. 1987)).

*Schmidt v. Fleet Bank*, 16 F. Supp. 2d at 349.

In addition, "[i]t is firmly established that, to state a claim under RICO, a Plaintiff must allege and prove the existence of an enterprise which is 'separate and distinct from the alleged pattern of racketeering activity.'" *Goldfine v. Sichenzia*, 118 F. Supp.2d 392, 400 (S.D.N.Y. 2000) (quoting *Black Radio Network, Inc. v. NYNEX Corp.*, 44 F. Supp.2d 565, 580 (S.D.N.Y. 1999)). The United States Supreme Court held in *United States v. Turkette*, 452 U.S. at 583, 101 S.Ct. at 2524 that the "'enterprise' is not the 'pattern of racketeering activity'; it is an entity separate and apart from the pattern of activity in which it engages."

In *Black Radio Network, Inc. v. NYNEX Corp.*, the RICO claims were dismissed because the plaintiff did not allege an enterprise separate and apart from its pattern of racketeering activity. The Court found that even assuming that the

defendants were part of a continuing enterprise, it was part of that enterprise only by virtue of the alleged racketeering activity. Therefore, plaintiff had not alleged an ascertainable structure distinct from that inherent in the alleged pattern of racketeering activity, and the alleged enterprise including the defendants would not have existed were the predicate acts removed from the equation. *Black Radio Network, Inc. v. NYNEX Corp.*, 44 F. Supp. at 581.

In fact, many other Courts including this Circuit have agreed and followed the reasoning in the aforementioned cases. See *Brewer v. Village of Old Field*, 2004 WL 691715 (E.D.N.Y. 2004); *G-I Holdings Inc. v. Baron & Budd*, 238 F. Supp.2d 521 (2002); *Anatian v. Coutts Bank Switzerland Ltd*, 193 F.3d 85 (2d. Cir. 1999); *Mark v. J.I. Racing Inc.*, 1997 WL 403179 \*4 (E.D.N.Y. 1997); *Department of Economic Development v. Arthur Andersen & Co.*, 924 F. Supp. 449 (S.D.N.Y. 1996).

Hollander's RICO claims fail as a matter of law, because he has not pled an enterprise within the meaning of the RICO statute. The enterprise allegedly consists of all Defendants, which encompasses "domestic and foreign corporations, partnerships, individuals, government officials, law firms, [American, Russian and Chechen] organized crime gangs... and an Islamic terrorist and crime clan" (A 26 ¶11). This is purported to be a segment of the Russian mafia. The Complaint, however, is completely devoid of any sensible, logical, or coherent explanation as

to how Mundy and Petrovich are joined to all these other Defendants as a group of the Russian mafia to perpetrate the acts and frauds alleged in the Complaint.

The Complaint fails to allege any sufficient facts revealing a continuous structure of the enterprise, interrelationship of alleged actions or coordinated roles played by the members of the purported enterprise which include Mundy and Petrovich. The entire enterprise is based upon Shipilina and the people she purportedly encountered, places she purportedly traveled, and institutions she purported worked at or visited. There is no other connection among Mundy and Petrovich and the other 61 domestic and foreign defendants other than Mundy and Petrovich represented Shipilina in isolated matters (i.e her divorce and immigration matters).

Additionally, Hollander has not pled any details which would even remotely suggest that the purported enterprise would exist as a continuous structure, separate and distinct from the alleged pattern of racketeering activity. To the contrary, Hollander's allegations reveal that the Defendants are only part of the purported enterprise by virtue of the alleged racketeering activity. Hollander has not alleged that this purported segment of the mafia would still exists if the predicate acts were removed from the equation. Thus, Hollander's preposterous allegations of a RICO enterprise and ongoing organization between the Defendants may be the most damning evidence of the frivolous nature of this Complaint. Hollander's

allegations of the existence of a RICO enterprise, stretches the bounds and limits of even the most delusional imagination.

### POINT III

#### **THE DISTRICT COURT'S DETERMINATION TO DENY LEAVE TO AMEND THE COMPLAINT WAS PROPER**

The record cannot be clearer that Hollander has a long standing history of engaging in abusive, vexatious, duplicative and harassing litigation causing needless expense and burden to numerous parties and the Courts and their supporting personnel. His motive is a vindictive personal vendetta arising out of his marriage and divorce as opposed to an objective good faith expectation of prevailing on the merits of his applications. This is best evidenced by the fact that all of his applications and requests before the Courts and various law enforcement agencies have been found meritless.

The record speaks for itself. Hollander commenced an annulment proceeding, divorce action, motion to set aside the settlement of the divorce, two petitions to the New York County Court for orders of protection, a disciplinary complaint, an action for emotional distress in New York County, a defamation action in Russia, the instant RICO action against 63 parties/entities a Motion for Reconsideration, a Motion for Recusal and numerous applications to the FBI, INS, District Attorney, United States Attorney, the District Court and other governmental agencies for protection and to investigate the Defendants. All of the

allegations in these actions and investigations overlap. The length of his pleadings and motions before the Courts, and his repeated applications to law enforcement agencies can be described as nothing short of exhausting.

Hollander's abusive tactics are only further evidenced by the exhibits that he has set before the Courts, his admission in creating a repugnant website of Shipilina without her knowledge or consent and the fact that Shipilina has been compelled to file criminal complaints and seek orders of protection. His latest tactic is the solicitation of potential members of a class action lawsuit through his website, [www.been-scammed.com](http://www.been-scammed.com).

Hollander should have been enjoined by the District Court from proceeding any further. See *Lipin v. National Union Fire Ins. Co. of Pittsburgh, P.A.*, 202 F.Supp.2d 126 (S.D.N.Y. 2002); *Becker v. Dunkin Donuts of America, Inc.*, 665 F.Supp.2d 111 (S.D.N.Y. 1987). Instead, the District Court merely denied his right to Amend the Complaint. The District Court aptly recognized that Hollander is an attorney, that he is capable of drafting a detailed pleading (supplemented when necessary), that he has been afforded the opportunity to be heard and that his investigation disclosed in detail has demonstrated that he has set forth his best case for relief (evidenced by the fact that he was allowed to supplement his Complaint after being apprised of the basis of the Defendants' Motions to Dismiss). As such, the District Court correctly held, for these reasons and the fact that standing cannot

be established, that any amendment would be futile and unable to withstand a dismissal motion. See *Milanese v. Rust-Oleum Corp.*, 244 F.3d 104, 110 (2d Cir. 2001); *Whimsicality, Inc. v. Battat*, 27 F.Supp.2d 456, 466 (S.D.N.Y. 1998) (A 146-147).


### CONCLUSION

For the reasons stated above, it is respectfully submitted that the Order of the District Court dismissing Hollander's Complaint and Supplemental Complaint with prejudice be affirmed.

Dated: New York, New York  
October 12, 2005

Respectfully Submitted,

McManus, Collura & Richter, P.C.

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04-6700-cv(L)

04-6703(CON)

IN THE  
**United States Court of Appeals**  
FOR THE SECOND CIRCUIT

ROY DEN HOLLANDER,  
*Plaintiff-Appellant,*

- against -

AMERICAN ORGANIZED CRIME GANG 1, FLASH DANCERS  
GANGSTER 1, CALIFORNIA PIMP, OTHER AMERICAN

*(Caption Continued on Inside Cover)*

ON APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

**BRIEF OF DEFENDANTS-APPELLEES JAY-JAY CABARET, INC.  
D/B/A FLASHDANCERS, S/H/A "FLASH DANCERS TOPLESS  
CLUB," LYNN LEPOFSKY, "BARRY NIGHT MANAGER FLASH  
DANCERS" AND "FLASH DANCERS MANAGERS 1 TO 5"**

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In the Matter of the Petition

of the FlashDancers, et al.,

Plaintiffs v. FlashDancers, et al.,

Case No. 1:11-cv-00001-UNA

(U.S. District Court, District of Columbia)

Case No. 1:11-cv-00001-UNA

(U.S. District Court, District of Columbia)

FlashDancers, et al.,

Plaintiffs v. FlashDancers, et al.,

Case No. 1:11-cv-00001-UNA

(U.S. District Court, District of Columbia)

FlashDancers, et al.,

Plaintiffs v. FlashDancers, et al.,

Case No. 1:11-cv-00001-UNA



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**United States Court of Appeals  
For The Second Circuit**

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ROY DEN HOLLANDER, :

Plaintiff-Appellant, :

- against - :

AMERICAN ORGANIZED CRIME GANG I, :  
et al., :

Defendants, :

- and - :

FLASH DANCERS TOPLESS CLUB, :  
et al., :

Defendants-Appellees. :

-----X

**BRIEF OF DEFENDANTS-APPELLEES JAY-JAY CABARET, INC.  
D/B/A FLASHDANCERS, S/H/A "FLASH DANCERS TOPLESS CLUB,"  
LYNN LEPOFSKY, "BARRY NIGHT MANAGER FLASH DANCERS"  
AND "FLASH DANCERS MANAGERS 1 TO 5"**

Preliminary Statement

Plaintiff-appellant, Roy Den Hollander, a New York attorney, appeals from the Rule 12(b)(6) dismissal of his Civil RICO action against a variety of colorfully-named domestic and international defendants alleged by

appellant to be members of an international crime cartel engaged in a vast, world-wide criminal enterprise. As explained in a submission below, the Complaint “reads more like a Tom Clancy novel than a legal pleading.” (SDNY # 22, Memorandum of Law, at p. 2)<sup>1</sup>

This is the latest in a series of escalating legal actions taken by the plaintiff-appellant arising out of his failed marriage to and divorce from defendant-appellee Alina A. Shiplina.<sup>2</sup> By his own admission, plaintiff-appellant was “laughed” out of court in Queens County (JA 106 at ¶¶ 855-56); his various and sundry to complaints to the New York City Police Department and the Federal Bureau of Investigation did not result in any action being taken against any of the defendants-appellees (or anyone else) (JA 106-07 at ¶¶ 856-67); an application to “a New York County court” was denied (JA 107 at ¶¶ 868-70);<sup>3</sup> and plaintiff-appellant filed but then failed to prosecute a civil action commenced against nine (9) of the defendants-

<sup>1</sup> References in the form of “SDNY # \_\_\_\_” are to papers filed in the District Court and forming part of the Record on Appeal, but not included in the Appendix. The # is the document number as noted on the SDNY Docket for this action, reproduced at pages 7-22 of the Joint Appendix.

<sup>2</sup> See SDNY # 22 at pp. 3-5.

<sup>3</sup> This proceeding was brought in the Family Court, New York County, and dismissed after trial. See SDNY # 22 at p. 4.

appellees in Supreme Court, New York County.<sup>4</sup> Plaintiff-appellant also filed a grievance against Ms. Shipilina's matrimonial counsel, defendant-appellee Nicholas Mundy, which was dismissed by the Departmental Disciplinary Committee.<sup>5</sup>

Plaintiff-appellant's principal target clearly appears to be his ex-wife. He has also joined in this action, *inter alia*, his former mother-in-law, his wife's attorneys, and anyone whom he perceives as having had contact with her or in any way being supportive of her.

This brief is submitted on behalf of defendants-appellees Jay-Jay Cabaret, Inc. d/b/a FlashDancers, s/h/a "Flash Dancers Topless Club," Lynn Lepofsky, "Barry, Night Manager Flash Dancers" and "Flash Dancers Managers 1 to 5 (collectively, "FlashDancers Appellees),<sup>6</sup> who have apparently been named as parties because Ms. Shipilina was allegedly a dancer at FlashDancers (JA 43, at ¶ 213) and an unknown individual present at the time (whom plaintiff-appellant denominates "Flash Dancers Gangster

<sup>4</sup> See SDNY # 22 at p. 5.

<sup>5</sup> *Ibid.*

<sup>6</sup> "FlashDancers" is a registered trademark and the trade name of Jay-Jay Cabaret, Inc. There is no such juridical entity as "Flash Dancers Topless Club." The FlashDancers Appellees do not include defendant "Flash Dancers Gangster 1," an otherwise unidentified and unknown person whom appellant did not serve with process.

1") came to her aid when plaintiff-appellant's process server attempted to serve her while she was performing. (JA 45, at ¶¶ 247-52)

In order to avoid duplication, we address in this brief the allegations of the Complaint, as supplemented, in regard to the FlashDancers Appellees. Accordingly, and as in the Court below, we respectfully adopt on behalf of our clients and incorporate in this brief the arguments of general application made by the other defendants-appellees.

#### Counter-Statement of the Case

Plaintiff-appellant commenced this action by the filing of a 915-paragraph Complaint on April 18, 2003. (JA 7)

By letter dated June 19, 2003, plaintiff-appellant requested an "order of protection" against defendants. (JA 8, at SDNY # 18) The District Court (Mukasey, Ch. J.) denied this application on July 28, 2003. (JA 9, at SDNY # 19)

Discovery was stayed pending Rule 12(b) motion practice in accordance with a briefing schedule managed by the District Court. (JA 9, at SDNY ## 19 et seq.) Each of defendants-appellees moved to dismiss. (JA 9 et seq., at SDNY ## 21, 23, 26, 28, 50, 62)

The District Court assisted plaintiff-appellant in his quest to serve foreign defendants (JA 11 et seq., at SDNY ## 30-41 and 56-58), but denied his application to take default judgments against certain defendants, pending the further Order of the Court (JA 14, at SDNY # 45)

In the course of the Rule 12(b) motion practice, plaintiff-appellant (a) requested leave to file a 77-paragraph "Supplemental Complaint" alleging additional predicate acts and adding four (4) additional defendants (JA 114-122), and (b) moved to strike certain exhibits submitted by the Kuba, Mundy defendants "for failure to authenticate." (JA 15, at SDNY # 59) The District Court ultimately granted both applications. (JA 132, at note 1; JA 136)

At the request of the plaintiff-appellant, defendant Shipilina was ordered to provide the names and addresses of certain defendants, if known to her. (JA 16, at Minute Entry following SDNY # 66; see also JA 17 at # 67)

In a thorough and thoughtful Memorandum and Order dated September 28, 2004, Judge Castel granted the motions to dismiss and directed the Clerk to enter judgment dismissing the action, which the Clerk did. (JA 131-48)

Plaintiff-appellant then moved to disqualify Judge Castel and for reconsideration of the Memorandum and Order. (JA 19-20, SDNY ## 89 – 92). While those motions were pending, plaintiff-appellant filed his first Notice of Appeal. (JA 149)

Judge Castel denied the motion for disqualification in an Order dated October 27, 2004. (JA 150-55) The following day, His Honor granted the motion for reconsideration to the extent of correcting an inadvertent misstatement of fact in note 1 of the Memorandum and Order of September 28, 2004. (JA 156-57). Plaintiff-appellant then filed a new Notice of Appeal. (JA 158)

Following a Civil Appeals Management Plan (CAMP) Conference with Staff Counsel in this Court, plaintiff-appellant wrote to the District Court to confirm that the dismissal below was intended to finally determine the action in its entirety.<sup>7</sup> The District Court endorsed the letter to the effect that the September 28, 2004 Memorandum and Order “makes plain that ‘... plaintiff’s Complaint is dismissed with prejudice.’” (JA 21, at SDNY # 108)

level of generality and indefiniteness ... mask(s) any legal deficiencies and

... challenge. That ... only leads to essentially nothing

<sup>7</sup> In the same letter, plaintiff-appellant renewed his request for the costs of serving process on those defendants who had not voluntarily appeared pursuant to Fed.R.Civ.P. 4(d). The District Court directed deferred the issue pending issuance of the mandate of this Court. (JA 21, at SDNY # 108).



Argument

**THE ACTION WAS PROPERLY DISMISSED AS  
AGAINST THE FLASHDANCERS APPELLEES**

Plaintiff-appellant argues, essentially, that by alleging multiple bad acts, by multiple individuals, colorfully labeling them "gangsters," "pimps," "prostitutes," and "Russian Mafia," he may, and liberally employing terms of art such as "member," "enterprise" and "predicate acts," he has pleaded a cause of action under 18 U.S.C. § 1964 (Civil RICO) and thereby immunized his Complaint against attack under Fed.R.Civ.P. 12(b)(6) for failure to state a claim.

While this argument may even have superficial appeal, it does not survive critical scrutiny. (JA 131-47). Indeed, as other Courts have so often pointed out, prolix "dragnet" pleading is the antithesis of that which is intended by, or satisfies, the particularity requirements of Fed.R.Civ.P. 9(b). *See, e.g., Old Time Enters., Inc. v. Int'l Coffee Corp.*, 862 F.2d 1213 (4<sup>th</sup> Cir. 1988) (pleading "all even remotely conceivable theories while retaining a level of generality and indefiniteness ... mask[s] any legal deficiencies and precludes[s] effective challenge. That ... only leads to essentially nothing being alleged, for the needle in the haystack might as well not be there.");

*Lubin v. Sybendon Corp.*, 688 F.Supp. 1425 (S.D. Cal. 1988)

("indiscriminate[] grouping [of] all of the individual defendants into one wrongdoing monolith").

Moreover, the allegations of the Complaint and Supplemental Complaint do not state a claim against any of the FlashDancers Appellees under Civil RICO (First through Fourth Causes of Action), nor for intentional infliction of emotional distress (Fifth Cause of Action).<sup>8</sup>

Defendant-appellee "Flash Dancers Topless Club" is not a juridicial entity. "FlashDancers" is the trade name of defendant-appellee Jay-Jay Cabaret, Inc., and is the name of the nightclub operated by that defendant-appellee.

Defendant-appellee Jay-Jay Cabaret, Inc. d/b/a "FlashDancers" has been doing business at a single location (1674 Broadway) since in or about 1986; is duly licensed and regulated by the New York State Liquor Authority (SLA) and numerous New York City agencies with jurisdiction (e.g., Department of Consumer Affairs, Building Department, Police Department, Mayor's Midtown Task Force); and has never been even accused of any (much less all) of the incredible litany of felonies alleged by

<sup>8</sup> The remaining (Sixth and Seventh) Causes of Action are not asserted against the FlashDancers Appellees. (JA 111, at ¶¶ 896-99)

plaintiff-appellant in his Complaint. (See SDNY # 24, Declaration, at p. 6, ¶ 4).

Defendant-appellee Lynn Lepofsky is alleged to be “the chairman or chief executive officer of Jay-Jay Cabaret.” (JA 26, at ¶ 20).

Defendants-Appellees “Barry, Night Manager Flash Dancers” and “Flash Dancers Managers 1 to 5” are alleged to be individuals employed by Jay-Jay Cabaret, Inc. as managers. Their true identities are unpleaded and unknown.

All of the allegations against the FlashDancers Appellees are merely general and conclusory. See, e.g., JA 23-113, at ¶ 1 (“Listing of all defendants”); ¶ 2 (“Listing of all defendants with known addresses”); ¶ 3 (“Listing of all defendants with unknown addresses”); ¶¶ 16 – 23 (purportedly identifying “Domestic Members” of the “Enterprise”); ¶ 213 (alleging that the plaintiff’s wife, defendant Alina Shipilina (“A. Shipilina”), began working at the “FlashDancers” nightclub in July 2000); ¶¶ 281, 288, and 317 (alleging, generally, that defendant A. Shipilina and “FlashDancers” club managers “arranged” for another “member” of the alleged “Enterprise” to “make ... threatening phone call[s] to the plaintiff”); ¶¶ 326 – 329 (alleging, generally, “upon information and belief,” that the FlashDancers

Defendants, together with other named defendants, "entered into an agreement in 2000 with Members Smolin, Asypyan, Volchok, Raketa, Alina Shipilina, Albatross Club and Club Gangster 1 for the importation of prostitutes, pornography and narcotics into the U.S.; providing sponsors, petitioners and employees on visa applications for Russian prostitutes; and recruiting and hiring Russians unlawfully admitted to the U.S."; "sign on as sponsors, petitioners and employers in order to obtain visas for Russian prostitutes"; "swear or declare as true information concerning Russian prostitutes that is intentionally false or omits facts in order to obtain the visas"; and "employ the imported prostitutes to sell sexual services to club customers and Internet subscribers ..."; ¶ 331 (alleging, generally, "upon information and belief," that the FlashDancers Defendants "sell and distribute" "Krasnodar pornography" on the Internet); ¶ 333 – 334 (alleging, generally, "upon information and belief," that the defendant A. Shipilina and certain of the FlashDancers Defendants "agreed to surreptitiously feed imported narcotics to the prostitutes and lap-dancing customers at Flash Dancers in order to keep them returning" and "secretly slip narcotics to the prostitution and lap-dancing customers at Flash Dancers"); ¶¶ 402 and 408-410 (identical, general allegations "upon information and belief," of fraud in

immigration matters, but with respect to "Cypriot," rather than "Russian," "prostitutes"); ¶¶ 434 – 442 (general allegations, "upon information and belief," of "hir[ing] illegal Russian immigrants and Russian prostitutes to work as lap dancers and prostitutes"; "promot[ing] prostitution"; not "report[ing] to the Commissioner of Immigration and Naturalization that the club hires aliens for the purpose of prostitution and other immoral acts"; "fraudulent[ly] conceal[ing]" information from the New York State Liquor Authority"; "misrepresenting" information on a New York State Liquor Authority "license changes application"; "falsely represent[ing] to the U.S. and New York State tax authorities that the club's lap-dancers work as independent contractors when they are actually employees"; and "false[ly] reporting that its lap-dancers are independent contractors ..."); ¶¶ 466 – 481 (general allegations "upon information and belief" of "importing aliens for immoral purposes" in violation of 8 U.S.C. § 1328 and "white slavery" in violation of 18 U.S.C. § 2421, "material misrepresentations" in violation of 18 U.S.C. § 1546, "aid[ing] and abet[ting] fraud and misuse of visas" in violation of 18 U.S.C. § 1546, "failure to report to the INS on alien prostitutes" in violation of 18 U.S.C. § 2424, "importation by mail or otherwise for sale and distribution of pornography" in violation of 18 U.S.C.

§§ 1461, 1462 and 1465, "mail fraud" on the New York State Liquor Authority in violation of 18 U.S.C. § 1341, "acquir[ing] and dispens[ing] narcotics" in violation of 21 U.S.C. §§ 841 and 952, and "tampering with a witness and informant" in violation of 18 U.S.C. § 1512, all of which are further alleged to be predicate acts in violation of various sections of "RICO," 18 U.S.C. § 1962(a), (b), (c) and (d)); ¶¶ 684 – 699 (alleging "material and false statements" in violation of 18 U.S.C. § 1001 and 1621, and 28 U.S.C. § 1746, "hiring of Russian aliens not lawfully admitted to work in the U.S." and "failing to abide by the U.S. employment verification system for aliens" in violation of 8 U.S.C. § 1324a, "promotion of prostitution" in violation of New York Penal Law § 230.25, "false reporting of lap-dancers as independent contractors" in violation of 18 U.S.C. § 72 and "New York State Income Earnings and Corporate Taxes 1801," "conspiracies" in violation of 18 U.S.C. § 371 and New York Penal Law § 105, "coercion" and "intimidation" in violation of New York Penal Law §§ 135.65 and 215.15, "tampering with a witness" in violation of New York Penal Law § 215.10, "obstruction of an ongoing INS proceeding" in violation of 18 U.S.C. § 1505, and "unlawful imprisonment" of "the plaintiff's process server" in violation of New York Penal Law § 135.10, all

of which are alleged under the rubric of "Other Criminal Acts"; and ¶¶ 874m and p-r (activities of FlashDancers Defendants which affect interstate commerce).<sup>9</sup> See, also, JA 114-22 (Supplemental Complaint), at ¶¶ 2-12 (alleging that "Flash Dancers Topless Club," "Jay-Jay Cabaret," Lynn Lepofsky and "Barry-Night Manager Flash Dancers" were part of a group of defendants who had notice of the commencement of this action, knew that the plaintiff-appellant was an attorney admitted in the Southern District of New York "and therefore a Court officer," and that those defendants "or some group of them, most likely Mundy, Petrovich and Shipilina," arranged for another alleged (but non-specific) "threatening" telephone call to be made to the plaintiff-appellant).

These allegations do not state a claim against the FlashDancers Appellees for which relief may be granted, nor against any of the other defendants, for the reasons set forth by the District Court in its

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<sup>9</sup> In the course of the motion practice below, plaintiff-appellant criticized this list of the allegations against the FlashDancers Appellees as incomplete. (See SDNY # 44, Memorandum of Law, at pp. 139-142.) His criticism is not well taken, as the additional allegations to which he pointed are either already enumerated, not made against the FlashDancers Appellees, or cumulative. In any event, even taking the additional allegations cited by plaintiff-appellant into account, the Complaint and Supplemental Complaint fail to state a claim for all of the reasons set forth by the District Court, by the other appellees, and in this brief.

Memorandum and Order. (JA 131-47) *See, generally*, G. Joseph, Civil

RICO (2<sup>nd</sup> Ed. 2000) (hereinafter "Civil RICO"), § 23, pp. 157 et seq.:

The complexity of the RICO statute demands precision in pleading. \*\*\* RICO complaints are strictly scrutinized because "[t]he mere assertion of a RICO claim ... has an almost inevitable stigmatizing effect on those named as defendants. In fairness to innocent parties, courts should strive to flush out frivolous RICO allegations at an early stage of the litigation." *Figueroa Ruiz v. Alegria*, 896 F.2d 645, 650 (1<sup>st</sup> Cir. 1990).

The plaintiff must specifically identify, and factually plead, each element of a viable RICO claim. A trial judge is not "obligated to construct a cause of action from allegations and a complaint filed by a party who was unwilling or unable to plead the cause of action himself." *Glenn v. First Nat'l Bank in Grand Junction*, 868 F.2d 368 (10<sup>th</sup> Cir. 1989) ("The law recognizes a significant difference between notice pleading and 'shotgun' pleading"). In the First Circuit's formulation:

[T]he complaint must be anchored in a bed of facts, not allowed to float freely on a sea of bombast. That is to say, a court assessing a claim's sufficiency has no obligation to take matters on blind faith; "despite the highly deferential reading which we accord a litigant's complaint under Rule 12(b)(6), we need not credit bald assertions, periphrastic circumlocutions, unsubstantiated conclusions, or outright vituperation."

*Miranda v. Ponce Fed. Bank*, 948 F.2d 41, 44 (1<sup>st</sup> Cir. 1991) (citations omitted). [Emphasis added.]

As the First Circuit observed in *Correa-Martinez v. Arrillaga-Belendez*, 903 F.2d 49 (1<sup>st</sup> Cir. 1990):

In the menagerie of the Civil Rules, the tiger patrolling the courthouse gates is rather tame, but "not entirely . . . toothless." \*\*\*



Despite the highly deferential reading which we accord a litigant's complaint under Rule 12(b)(6), we need not credit bald assertions, periphrastic circumlocutions, unsubstantiated conclusions, or outright vituperation. \*\*\* Moreover, the rule does not entitle a plaintiff to rest on "subjective characterizations" or conclusory descriptions of "a general scenario which could be dominated by unpleaded facts." \*\*\* We understand that, for pleading purposes, the dividing line between sufficient facts and insufficient conclusions "is often blurred." \*\*\* But the line must be plotted:

It is only when such conclusions are logically compelled, or at least supported, by the stated facts, that is, when the suggested inference rises to what experience indicates is an acceptable level of probability, that 'conclusions' become 'facts' for pleading purposes.

[Citations omitted; emphasis added.]

As the appeal at bar proves beyond peradventure of doubt, "[g]auzy generalities, unsupported conclusions, subjective characterizations, and problematic suppositions can sprout as easily as crabgrass in an imaginative litigant's (or lawyer's) word processor." *The Dartmouth Review v. Dartmouth College*, 889 F.2d 13 (1<sup>st</sup> Cir. 1989) (emphasis added).

As Judge Robert Sweet recently explained in *West 79<sup>th</sup> Street Corp. v. Congregation Kahl Minchas Chinuch*, 2004 U.S. Dist. LEXIS 19501, No. 03 CV 8606 (S.D.N.Y. 2004):

It has been suggested that "the civil provisions of [RICO] are the most misused statutes in the federal corpus of law." *Spoto v. Herkimer County Trust*, 2000 U.S. Dist. LEXIS 6057, No. 99 Civ. 1476, 2000 WL 533293, at \*1 (N.D.N.Y. 2000); see also *Goldfine v. Sichenzia*,

118 F. Supp. 2d 392, 394 (S.D.N.Y. 2000) ("I surmise that every member of the federal bench has before him or her at least one -- and possibly more -- garden variety fraud or breach of contract cases that some Plaintiff has attempted to transform into a vehicle for treble damages by resort to what [has been] referred to as 'the litigation equivalent of a thermonuclear device' -- a civil RICO suit.") (quoting Schmidt v. Fleet Bank, 16 F. Supp. 2d 340, 346 (S.D.N.Y. 1998) (quoting Katzman v. Victoria's Secret Catalogue, 167 F.R.D. 649, 655 (S.D.N.Y. 1996) (citations omitted), aff'd, 113 F.3d 1229 (2d Cir. 1997))). "Because the 'mere assertion of a RICO claim . . . has an almost inevitable stigmatizing effect on those named as defendants, . . . courts should strive to flush out frivolous RICO allegations at an early stage of the litigation.'" Katzman, 167 F.R.D. at 655 (quoting Figueroa Ruiz v. Alegria, 896 F.2d 645, 650 (1st Cir. 1990)); accord Schmidt, 16 F. Supp. 2d at 346. To this end, courts must be wary of putative civil RICO claims that are nothing more than sheep masquerading in wolves' clothing. [Emphasis added.]

Moreover, plaintiff-appellant's only specific allegations of alleged wrong-doing by any of the FlashDancers Appellees - - his claim that Ms. Shipilina and either "Barry, Night Manager Flash Dancers" or "Flash Dancers Manager 3", "4" or "5" (as the case may - - or may not - - have been) "arranged" for an unknown individual to make three (3) telephone calls to plaintiff-appellant, over a period of six (6) months (JA 49 and 52, ¶¶ 281, 288, and 317; emphasis added) - - do not allege predicate Civil RICO acts by any of these FlashDancers Appellees, much

less by Jay-Jay Cabaret, Inc. or its "chairman/chief executive officer" (Ms. Lepofsky). In this regard, the Court's attention is called to plaintiff-appellant's careful delineation between the alleged decision to have the calls made for an allegedly illegal purpose, which plaintiff-appellant, in each instance, attributes only to "Members Mundy, Petrovich and Alina Shipilina" (see JA 49 and 52, at ¶¶ 280, 287, and 316), and his allegation of the actual conduct attributed to either "Barry, Night Manager Flash Dancers" or "Flash Dancers Manager 3", or "4" or "5". (JA 49 and 52, ¶¶ 281, 288, and 317). In each instance, the only alleged act of which the latter are accused is allegedly assisting Ms. Shipilina in "arranging" to have an unknown individual<sup>10</sup> make a telephone call on her behalf. There is no allegation that either "Barry, Night Manager Flash Dancers" or "Flash Dancers Manager 3", or "4" or "5", gave any instruction to the caller as to what to say, or how to say it, or had any knowledge whatsoever as to the alleged substance of any (much less all) of the calls.

<sup>10</sup> Plaintiff-appellant alleges that the caller used the fictitious aliases "John Madison" and John Pierre, and "upon information and belief ... is a member of American Organized Crime Gang 1." (JA 28, ¶¶ 44-45; JA 49, ¶ 282; JA 50, ¶ 289; JA 52, ¶ 318) The basis of plaintiff-appellant's "information and belief" is nowhere alleged.

These allegations do not support a Civil RICO claim against the FlashDancers Appellees. They do not implicate Jay-Jay Cabaret, Inc. nor Lynn Lepofsky in any way. Moreover, even as to "Barry, Night Manager Flash Dancers" or "Flash Dancers Manager 3", or "4" or "5", these bare-bones allegations of helping Ms. Shipilina "arrange" for telephone calls in furtherance of a scheme expressly attributed by the plaintiff-appellant to "Members Mundy, Petrovich and Alina Shipilina" (i.e., not to any of the FlashDancers Appellees, and particularly not to "Barry, Night Manager Flash Dancers" nor "Flash Dancers Manager 3", "4" or "5"), do not allege scienter, a specific predicate act, a nexus to interstate or foreign commerce,<sup>11</sup> or proximate causation of any injury to plaintiff-appellant's business or property. See, generally, Civil RICO, §§ 12 -15 and 23(B) (citing cases).

"Lumping" defendants together, so that it is not possible to ascertain which allegation is made against which specific defendant, is another ground for dismissal under Fed.R.Civ.P. 12(b)(6). See, e.g., *Goren v. New Vision Int'l, Inc.* 156 F.3d 721, 730 (7<sup>th</sup> Cir. 1988) ("a RICO plaintiff must plead

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<sup>11</sup> The calls are not alleged to be interstate or international.

the specified facts as to each defendant. It cannot avoid Rule 12(b)(6) by "lumping together the defendants."); *accord, In Re Mastercard Int'l Inc.*, 132 F.Supp.2d 468 (E.D. La. 2001). At bar, this rule applies both to plaintiff-appellant's many multi-defendant allegations, and particularly to his allegations that "Shipilina and [either] Barry, Night Manager Flash Dancers or Flash Dancers Manager 3" or "4" or "5" (as the case may - - or may not - - have been) "arranged" for the alleged telephone calls to be made - - classic "lumped" allegations making it impossible to determine what *mens rea* and what misconduct is attributed to Ms. Shipilina and what (if any) is actually attributed to the others.

**Conclusion**

For all of the reasons set forth in the District Court's Memorandum and Order (JA 131-47), as well as the reasons set forth above and in the accompanying briefs of all other defendants-appellees, the Judgment dismissing this action, with prejudice, should be affirmed on appeal, with costs.

Dated: New York, New York  
October 12, 2005

Respectfully submitted,

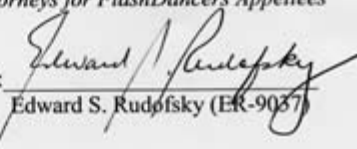
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Edward S. Rudofsky,  
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**03-6700-cv(L)**

**04-6703(CON)**

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IN THE

**UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT**

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—ooo000ooo—

ROY DEN HOLLANDER

*Appellant*

-against-

AMERICAN ORGANIZED CRIME GANG 1, FLASH DANCERS GANGSTER 1, CALIFORNIA  
PIMP, OTHER AMERICAN LAP-DANCING CLUBS, KHACHATURYAN ARARATOVICH  
ASYPYAN, RUSSIAN ORGANIZED CRIME BOSS, ASYPYAN CRIMINAL ASSOCIATION,  
VOLCHOK, AKA WOOLFY, RUSSIAN ORGANIZED CRIME MEMBER, RAKETA AKA ROCKET,  
RUSSIAN ORGANIZED CRIME MEMBER, ALBATROSS CLUB, RUSSIAN ORGANIZED CRIME  
SOCIAL C, ALEXEY SMOLIN, RUSSIAN ORGANIZED CRIME MEMBER, BARAEV ISLAMIC  
TERROR AND CRIME PLAN, OSTAPENKO, CHIEF OF THE INVESTIGATION OFFICE IN THE  
DEPARTMENT OF INTERNAL AFFAIRS FOR KRASNODAR, RUSSIA, PAVLOVNA KURILKO,

*(Caption continued inside front cover)*

ON APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

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**BRIEF FOR APPELLEE ALINA A. SHIPILINA**

---

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**PRELIMINARY STATEMENT**

Appellee Alina A. Shipilina ("Shipilina"), by her attorney, Jack Sachs, makes this submission in opposition to Appellant Roy Den Hollander's ("Hollander") appeal of the final order of the United States District Court, Southern District of New York (the "District Court"), Castel, J., *Hollander v. Flash Dancers Topless Club, et al.*, 340 F.Supp2d 453 (S.D.N.Y. 2004), dismissing the Complaint and Supplemental Complaint with prejudice.

**QUESTIONS PRESENTED**

1. Whether Hollander failed to adequately allege the constituent elements necessary to establish his claims against Shipilina for violations of the civil enforcement provisions of RICO?
2. Did the District Court correctly dismiss Hollander's Complaint and Supplemental Complaint with prejudice pursuant to Fed. R. Civ. P. 12(b)(6)?
3. Did the District Court correctly deny Hollander the opportunity to file an Amended Complaint?

**STATEMENT OF SHIPILINA'S POSITION**

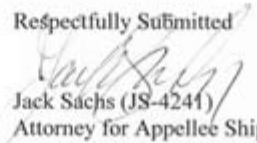
Appellees Kuba, Mundy & Associates, *et al.*, by their attorneys, McManus, Collura & Richter, P.C., have submitted to this Court a Reply Brief, dated October 12, 2005, which most clearly and comprehensively

outlines the case, including the flights of fancy in Hollander's pleadings, the florid and offensive language in his brief, and his continuous vilification of Shipilina throughout.

Appellee Shipilina, therefore, herewith joins in and endorses the brief submitted by Kuba, Mundy & Associates, *et al.*

Dated: New York, New York  
October 12, 2005

Respectfully Submitted

  
Jack Sachs (JS-4241)  
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# 04-6700-cv(L)

## 04-6703 (CON)

UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT

ROY DEN HOLLANDER,

Plaintiff-Appellant.

- against -

CYBERTECH INTERNET STRIP CLUB NETWORK, ALINA A. SHIPILINA, AKA CHIPILINA AKA ANGELINA, ANASTASIA VASILYEVA, JOHN MADISON, OR, JOHN PIERRE, AMERICAN ORGANIZED CRIME GANG 1, FLASH DANCERS GANGSTER 1, CALIFORNIA PIMP, OTHER AMERICAN LAP-DANCING CLUBS, KHACHATURYAN ARARATOVICH ASYPYAN, RUSSIAN ORGANIZED CRIME BOSS, ASYPYAN CRIMINAL ASSOCIATION, VOLCHOK, AKA WOOLFY-RUSSIAN ORGANIZED CRIME MEMBER, RAKETA, AKA ROCKET-RUSSIAN ORGANIZED CRIME MEMBER, ALBATROSS CLUB, RUSSIAN ORGANIZED CRIME SOCIAL C, ALEXEY SMOLIN, RUSSIAN ORGANIZED CRIME MEMBER, BARAEV ISLAMIC TERROR AND CRIME PLAN, OSTAPENKO, CHIEF OF THE INVESTIGATION OFFICE IN THE DEPARTMENT OF INTERNAL AFFAIRS FOR KRASNODAR, RUSSIA, PAVLOVNA KURILKO, CHIEF OF THE INQUEST OFFICE IN DEPARTMENT OF INTERNAL AFFAIRS FOR KRASNODAR, RUSSIA, OKSANA VIKTOROVNA BORISOVA, INVESTIGATOR IN THE INQUEST OFFICE IN THE DEPARTMENT OF INTERNAL AFFAIRS FOR KRASNODAR, RUSSIA, TATYANNA VASILYEVA FASHION HOUSE, TATYANNA VASILYEVA, DMITRI MOROSOV, REY, KRASNODAR, RUSSIA, PIMP, INESSA A. SHIPILINA, VLADIMIR GAVRILOVICH MINCHENKO, VICE RECTOR KRASNODAR STATE ACADEMY, PHODES STUDIO CO., LEONID PERLIN, PRESIDENT PHODES STUDIO CO., TANYA, PHODES STUDIO PROSTITUTE, VLADIMIR OF ST. PETERSBERG, ALBATROSS CLUB GANGSTER 1, KRASNODAR BRIBER 1, KRASNODAR STATE ACADEMY THUGS 1 AND 2, RUSSIAN CRIMINAL GANGS ITO 5, CHECHAN CRIMINAL GANGS 1 AND 2,

Defendants.

FLASH DANCERS TOPLESS CLUB, JAY-JAY CABARET, INC., LYNN LEPOFSKY, JAY-JAY CABARET, INC., BARRY, NIGHT MANAGER FLASH DANCERS, KUBA, MUNDY AND ASSOCIATES, NICHOLAS MUNDY, PETER PITROVICH, MARC L. PAULSEN, BOB HENNING, NEW YORK CITY POLICE DETECTIVE, FLASH DANCERS MANAGERS 1 TO 5, BANK OF CYPRUS.

Defendants-Appellees.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

### MUNICIPAL APPELLEE'S BRIEF

BARRY P. SCHWARTZ  
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October 12, 2005

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UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT

---

ROY DEN HOLLANDER,

Plaintiff-Appellant,

- against -

FLASH DANCERS, et al.,

Defendants-Appellees.

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MUNICIPAL APPELLEE'S BRIEF

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**PRELIMINARY STATEMENT**

This action alleges, *inter alia*, violations of the Racketeer Influenced and Corrupt Organization Act, 18 USC §1961-68 ("RICO"), and various pendant state law claims, including intentional infliction of emotional distress, abuse of process, and malicious prosecution. Plaintiff-appellant ("plaintiff"), appeals pro se from a judgment of the United States District Court for the Southern District (Castel, D.J.), entered September 30, 2004, which dismissed the RICO action for failure to state a claim, and declined to exercise pendent jurisdiction over the state law claims.

**QUESTIONS PRESENTED**

1. Did the District Court properly grant defendants' motions to dismiss the RICO causes of action?

2. Having granted defendants' motions to dismiss plaintiff's federal claims, did the District Court properly decline to exercise pendant subject matter jurisdiction over plaintiff's state law claims against the City?

3. In any event, were all state causes of action against the City barred by plaintiff's failure to file a timely notice of claim?

#### STATEMENT OF THE CASE

On or about April 18, 2003, plaintiff filed a summons and complaint in District Court (23-113).<sup>1</sup> The voluminous complaint alleged a wide-reaching international criminal enterprise, which allegedly "generate[d] profits worldwide from numerous criminal activities that include without limitation drug trafficking, money laundering, tax evasion, immigration fraud, prostitution, pornography, white slavery, bribery, mail and wire fraud, murder, extortion, coercion and terror" (24 ¶1). Plaintiff alleged such RICO violations on the part of numerous domestic and international participants, centering largely upon his estranged wife, Alina Shipilina ("Shipilina") and her attorneys, Nicholas J. Mundy ("Mundy") and Peter Petrovich ("Petrovich").

Robert Henning, a detective in the New York City Police Department ("Henning" or "the municipal appellee"), was also alleged to have participated in the criminal enterprise. According to the complaint, on March 27, 2002, Henning

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<sup>1</sup> Numbers in parentheses refer to pages in the Joint Appendix.



telephoned plaintiff "in the Kafkaesque hours before 9 a.m." and instructed him to surrender for arrest at a time worked out with his attorney, pursuant to Shipilina's report that he violated an order of protection (51 ¶308-09). The complaint alleged that Henning placed the call in exchange for "bribes or rewards in the form of money or sexual services" from Shipilina, for the purpose of intimidating plaintiff into ceasing cooperation with the Immigration and Naturalization Service ("INS") or reopening an alleged criminal investigation against Shipilina in Russia (51 ¶307). The order of protection was alleged to be invalid (52 ¶311). After a conversation with plaintiff's attorneys, Henning allegedly referred the matter to the Queens County District Attorney's office, which declined to prosecute (52 ¶314).

Plaintiff admitted in the complaint that Henning never placed him under arrest (52 ¶314). In fact, Henning was not alleged to have any further connection to the international crime ring.

The complaint alleged seven causes of action arising from Henning's participation in the purported criminal enterprises. The first, second, third and fourth causes of action alleged violations of RICO sections 18 U.S.C. §§ 1962(a), (b), (c) and (d) (110 ¶¶ 886-93). The fifth cause of action alleged intentional infliction of emotional distress (111 ¶¶ 894-95). The sixth cause of action alleged abuse of process (111 ¶¶ 898-99) and the seventh cause of action alleged malicious

prosecution (111 ¶¶ 896-99). Plaintiff's sixth and seventh causes of action alternatively alleged prima facie tort (111 ¶¶ 896-99).

On September 22, 2003, Mundy and Petrovich filed a motion to dismiss the complaint for, *inter alia*, failure to state a claim upon which relief could be granted, pursuant to Federal Rule of Civil Procedure ("FRCP") 12(b)(6) (9 ¶ 21).<sup>2</sup> On October 8, 2003, Henning filed a similar motion (11 ¶28). As to the federal claims, Henning joined in the arguments made by Mundy and Petrovich. As to the pendent state causes of action, Henning argued that they should also be dismissed. The claims were not only time-barred, but also fatally deficient in that plaintiff failed to file a timely notice of claim against the City of New York, a condition precedent to bringing a tort claim against a police officer.

Appended to the Henning's motion to dismiss was the Declaration of Assistant Corporation Counsel Vikrant Pawar, dated October 6, 2003 ("Pawar Declaration") (11 ¶28). Therein, Pawar established that the City of New York had searched its records and determined that no notice of claim had been received from plaintiff with respect to the incident alleged in the complaint.

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<sup>2</sup> The appendix does not contain the motions to dismiss, or, indeed, any of the papers filed by the various appellees. Accordingly, citations as to these papers refer to the relevant entries in the docket sheet of the District Court.

**DECISION BELOW**

Assuming plaintiff's evidence to be true, and granting him the benefit of every inference (136-37), the District Court, in its September 28, 2004 decision dismissing the complaint (131-147), found that the complaint failed to state a cause of action under RICO. Even assuming his complaint stated a claim for violations of the RICO statute, the District Court held that plaintiff failed to allege facts sufficient to show that "the unlawful activity in question was both the proximate cause of an injury compensable under the statute and the actual cause" (138). Moreover, the Court held that plaintiff failed to allege "that he was injured by reason of any purported violation of §1962" (144). Having dismissed the federal action, the District Court also declined to exercise pendent jurisdiction over the state law claims asserted against Henning and the other defendants (144-46).

## RELEVANT STATUTES

### New York General Municipal Law ("GML")

#### **§ 50-e. Notice of claim**

(1) When service required; time for service; upon whom service required.

In any case founded upon tort where a notice of claim is required by law as a condition precedent to the commencement of an action or special proceeding against a public corporation, as defined in the general construction law, or any officer, appointee or employee thereof, the notice of claim shall...be served...within ninety days after the claim arises... except that in wrongful death actions, the ninety days shall run from the appointment of a representative of the decedent's estate.

\* \* \*

#### **(5) Application for leave to serve a late notice.**

Upon application, the court, in its discretion, may extend the time to serve a notice of claim specified in paragraph (a) of subdivision one. The extension shall not exceed the time limited for the commencement of an action by the claimant against a public corporation.

\* \* \*

#### **§ 50-i Presentation of tort claims; commencement of actions.**

(1) No action or special proceeding shall be prosecuted or maintained against a city...for personal injury, wrongful death or damage to real or personal property alleged to have been sustained by reason of the negligence or

wrongful act of such city ... or of any officer, agent or employee thereof ... unless, (a) a notice of claim shall have been made and served upon the city ... in compliance with section fifty-e of this chapter, (b) it shall appear by and as an allegation in the complaint or moving papers that at least thirty days have elapsed since the service of such notice and that adjustment or payment thereof has been neglected or refused, and (c) the action or special proceeding shall be commenced within one year and ninety days after the happening of the event upon which the claim is based; except that wrongful death actions shall be commence within two years after the happening of the death.

**POINT I****THE DISTRICT COURT PROPERLY DISMISSED  
PLAINTIFF'S FEDERAL CAUSES OF ACTION  
FOR FAILURE TO STATE A CLAIM.**

With respect to the propriety of the District Court's dismissal of plaintiff's federal claims, the municipal appellee hereby adopts the thoughtful and well-reasoned arguments of appellees Mundy and Petrovich. For a full analysis of those issues, we respectfully refer the Court to the brief filed on their behalf.

**POINT II****ONCE IT DETERMINED THAT PLAINTIFF'S  
FEDERAL CLAIMS WERE MERITLESS, THE  
DISTRICT COURT PROPERLY DECLINED TO  
EXERCISE PENDENT JURISDICTION OVER  
PLAINTIFF'S STATE LAW CLAIMS.**

As plaintiff does not contest (App. Br., at 1-2), the District Court, having properly dismissed all federal claims contained in the complaint, correctly declined to exercise pendent jurisdiction over the remaining state law claims. "The decision to exercise pendent jurisdiction is vested in the sound discretion of the district court." *Grace v. Rosenstock*, 228 F.3d 40, 55 (2d Cir. 2000), citing *United Mine Workers of America v. Gibbs*, 383 U.S. 715, 725-28 (1966). "The discretion is limited, however, by the consideration that needless decisions of state law should be avoided." *Id.* Thus, far from being an abuse of discretion to decline to exercise pendent jurisdiction here, the District Court would have abused its discretion in maintaining jurisdiction over the pendent claims once it determined that the RICO

action was to be dismissed. Accordingly, this Court should affirm the dismissal of plaintiff's state law claims as a proper exercise of discretion.

### POINT III

**IN THE ALTERNATIVE, PLAINTIFF'S STATE  
LAW CLAIMS WERE PROPERLY DISMISSED  
BECAUSE HE FAILED TO FILE A TIMELY  
NOTICE OF CLAIM AS REQUIRED UNDER NEW  
YORK'S GENERAL MUNICIPAL LAW.**

Even assuming that the District Court erred in dismissing the federal causes of action, dismissal of the state law claims against Henning should be affirmed. Plaintiff failed to file a timely notice of claim with the City of New York, a condition precedent to bringing a tort action against a police officer. Moreover, as the relevant statute of limitations has now expired, plaintiff's state law claims are time-barred.

Under New York's General Municipal Law ("GML"), a notice of claim is a condition precedent to bringing a tort action against a municipality or any of its officers, agents or employees. GML §§50-e and 50-i. GML §50-e requires that a notice of claim be filed within ninety days of the accrual of the cause of action. That requirement has been strictly construed by the New York State Court of Appeals, as well as this Court. *Baez v. New York City Health and Hosp. Corp.*, 80 N.Y.2d 571, 576; 592 N.Y.S.2d 640 (1992); *Shakur v. McGrath*, 517 F.2d 983, 985 (2d. Cir. 1975).

The purpose of the notice of claim requirement is to provide a public corporation with an adequate opportunity to investigate the circumstances surrounding the incident, interview witnesses if possible, and to explore the merits of the claim while the information is still readily available. See *O'Brien v. City of Syracuse*, 54 N.Y.2d 353 (1981); *Adkins v. City of New York*, 43 N.Y.2d 346 (1977); *Gilliam v. City of New York*, 250 A.D.2d 680 (2d Dept., 1998); *Simms v. City of New York*, 207 A.D.2d 480 (2d Dept., 1994).

A plaintiff's failure to timely file a notice of claim requires dismissal of pendent state tort claims against the City or its employees in a federal action. *Brown v. Metropolitan Transportation Authority*, 717 F. Supp. 257, 259 (S.D.N.Y. 1989). In fact, under GML §50-i(1)(b), the mere failure to plead compliance with this requirement mandates dismissal for failure to state a cause of action. See *Alifieris v. American Airlines, Inc.*, 63 N.Y.2d 370 (1984); cf. *C.S.A. Contr. Corp. v. N.Y. City Sch. Constr. Auth.*, 5 N.Y.3d 189, 192 (2005); *Caban v. New York City Transit Auth.*, 207 A.D.2d 287, 288 (2d Dept. 1994).

Plaintiff did not allege in his complaint that he filed a notice of claim. In any event, assuming *arguendo* that the facts of the complaint are true, the cause of action against Henning accrued in the "Kafkaesque" early morning hours of March 27, 2002, when he allegedly placed the offending telephone call to plaintiff's home (111 ¶308). The 90-day period in which plaintiff could file his notice of claim



therefore expired on June 27, 2002. According to the Pawar Declaration, no notice of claim was ever filed by plaintiff, during the relevant time period or thereafter, prior to service and filing of the complaint. Thus, plaintiff failed to satisfy a condition precedent to filing a personal injury action against a City employee.

Furthermore, at no time did plaintiff move for permission to file a late notice of claim, nor may he do so at this juncture, because the time in which he might have been permitted to file a late notice of claim has already passed. The statute of limitations applicable to pendent state tort actions is determined by reference to the state's law regarding statute of limitations. *Guaranty Trust Co. v. York*, 326 U.S. 99 (1943). The time in which a late notice may be filed "shall not exceed the time limited for the commencement of an action by the claimant against the public corporation." GML §50-e(5); *Pierson v. City of New York*, 56 N.Y.2d 950, 954-55 (1982).

Under New York law, all personal injury claims brought against a city or any of its officers, agents or employees must be commenced within one year and ninety days after the occurrence of the event upon which the claim is based. GML §50-i; *Diggs-White v. City of New York*, 306 A.D.2d 371 (2d Dept. 2003); *Norr v. Spiegler*, 72 A.D.2d 20, 22-23 (1<sup>st</sup> Dept. 1980), *aff'd*, 53 N.Y.2d 661, (1981); *McLaurin v. New Rochelle Police Officers*, 373 F. Supp. 2d 385, 401 (S.D.N.Y.

2005). The statute of limitations in GML §50-i is strictly construed. *Galloway v. N.Y. City Police Dep't*, 7 A.D.3d 444, 445 (1<sup>st</sup> Dept. 2004).

Here, the statute of limitations expired on June 27, 2003. Plaintiff made no judicial application to file a late notice of claim prior to that date. Any conceivable state law claims must therefore be dismissed for failure to satisfy a condition precedent.

In sum, the District Court correctly determined that the complaint failed to state a cause of action under the federal RICO statute, and properly declined to exercise pendent jurisdiction over the state claims. Even if the RICO claims should be reinstated by this Court, however, the dismissal of the state causes of actions should be affirmed.

CONCLUSION

THE ORDER APPEALED FROM  
SHOULD BE AFFIRMED IN ALL  
RESPECTS, WITH COSTS.

Dated: New York, New York  
October 12, 2005

Respectfully submitted,  
  
MICHAEL A. CARDOZO  
Corporation Counsel,  
Attorney for Municipal Appellee.

By:   
DEBORAH A. BRENNER  
Assistant Corporation Counsel

BARRY P. SCHWARTZ,  
DEBORAH A. BRENNER,  
Of Counsel,

# 04-6700-cv(L)

## 04-6703(CON)

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IN THE  
**United States Court of Appeals**  
FOR THE SECOND CIRCUIT

---

ROY DEN HOLLANDER,  
*Plaintiff-Appellant,*  
—against—

AMERICAN ORGANIZED CRIME GANG 1, FLASH DANCERS GANGSTER 1,  
CALIFORNIA PIMP, OTHER AMERICAN LAP-DANCING CLUBS, KHACHATURYAN  
ARARATOVICH ASYPYAN, RUSSIAN ORGANIZED CRIME BOSS, ASYPYAN  
CRIMINAL ASSOCIATION, VOLCHOK, AKA WOOLFY-RUSSIAN ORGANIZED  
CRIME MEMBER, RAKETA, AKA ROCKET-RUSSIAN ORGANIZED CRIME MEMBER,  
ALBATROSS CLUB, RUSSIAN ORGANIZED CRIME SOCIAL C, ALEXEY SMOLIN,  
RUSSIAN ORGANIZED CRIME MEMBER, BARAEV ISLAMIC TERROR AND CRIME  
PLAN, OSTAPENKO, CHIEF OF THE INVESTIGATION OFFICE IN THE DEPARTMENT  
OF INTERNAL AFFAIRS FOR KRASNODAR, RUSSIA, PAVLOVNA KURILKO, CHIEF

*(Caption continued on inside front cover)*

ON APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

---

### REPLY BRIEF OF PLAINTIFF-APPELLANT

---

ROY DEN HOLLANDER, ESQ.  
ATTORNEY AT LAW  
545 East 14th Street  
New York, New York 10009  
(212) 995-5201  
*Plaintiff-Appellant*

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Mobile 917 687 0652  
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October 20, 2005

Stanley A. Bass, Staff Counsel  
U.S. Court of Appeals for the Second Circuit  
40 Foley Sq., Rm 622  
New York, N.Y. 10007

**Roy Den Hollander v. Flash Dancers Topless Club, et al.**  
**Second Circuit Court of Appeals, 04-6700-CV**

Dear Mr. Bass:

I am moving in the above captioned case to strike the entire brief of defendants-appellees Kuba, Mundy & Associates, Nicholas J. Mundy and Peter Petrovich for violation of Fed. R. App. P. §32 and Local Rule §32; or in the alternative, to strike various designated parts of that brief for violations of Fed. R. App. P. §§28, 30 and Local Rules §§11, 28 and the Blue Book's legal citation system; and for monetary sanctions.

In addition, I am requesting that various designated parts of the brief for defendant-appellees Flash Dancers Topless Club, Jay-Jay Cabaret, Inc., Lynn Lepofsky, Barry Night Manager and Flash Dancers Manager 1 to 5 be struck for violations of Fed. R. App. P. §30 and Local Rules §§11, 28 and for monetary sanctions.

The motion also requests rejecting the brief of defendant-appellee Municipal or Detective Robert Henning for violating Fed. R. App. P. §32; or in the alternative, striking various designated parts of the brief for violations of Fed. R. App. P. §30 and Local Rules §11; and for monetary sanctions.

A sentence in the defendant-appellee Alina A. Shipilina's brief is requested to be stricken in violation of Local Rule §28 and the motion asks for monetary sanctions.

Defendant-appellee Bank of Cyprus failed to file a brief for which the motion requests the decision below be reversed with respect to the Bank and monetary sanctions be levied.

One copy of the motion papers is enclosed.

Thank you for your time.

Sincerely,

Roy Den Hollander

CC Edward S. Rudofsky, Esq.  
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Greenfield, WI 53219



[Affidavit of Fact](#)

[Memorandum of Law](#)



UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT

-----X  
ROY DEN HOLLANDER

Plaintiff-Appellant,

Docket No. 03 CV 2717

- against -

**DECLARATION**

Flash Dancers Topless Club et al.

Defendant-Appellees  
-----X

Anne P. Richter, an attorney duly admitted to practice law before the Courts of the State of New York and the United States Court of Appeals for the Second Circuit, declares the following statements to be true under the penalties of perjury:

1. I am a member of the law firm of McManus, Collura & Richter, P.C., attorneys for Defendants-Appellees, Kuba, Mundy & Associates, Nicholas J. Mundy and Peter Petrovich (collectively "Mundy"), in the above entitled action and as such I am fully familiar with all the facts and proceedings previously had herein.

2. I submit this Declaration in opposition to the Plaintiff-Appellant, Roy Den Hollander's ("Hollander"), Motion to Strike the Brief, or portions of the Brief, of Mundy, as well as, the Briefs, or portions of the Briefs, of the other Defendants-Appellees, and for monetary sanctions, together with such other and further relief as this Court deems just and proper.

3. On September 28, 2004, Judge Castel of the United States District Court for the Southern District of New York (the "District Court") dismissed Hollander's *pro se* Complaint and Supplemental Complaint, filed against a purported segment of the "Russian mafia" (comprised of 63 domestic and foreign defendants worldwide), with prejudice (the "Order").

4. Hollander subsequently filed a Notice of Appeal of the Order to this Court. On June 14, 2005, Hollander called me to discuss the Joint Appendix. On June 15, 2005, I requested, in writing, that Hollander incorporate 26 documents listed on the District Court's Docket Report into the Joint Appendix. See Exhibit A attached to the Declaration of Edward S. Rudofsky in opposition to Hollander's Motion to Strike and for Sanctions. Thereafter, Hollander submitted his final designation of documents to be incorporated into the Joint Appendix, which failed to include the documents I requested. Instead, the Joint Appendix merely included the documents that he unilaterally selected. Although I initially requested that Hollander include various documents in the Joint Appendix, I did not object to his limited Joint Appendix at that time, because (a) the Rules of this Court provide that reference can be made to District Court Docket Report, (b) I did not want undue burden Hollander with the extensive costs of such inclusion and (c) I did not want engage in motion practice seeking to compel Hollander to include documents that can simply be cited by referencing the District Court Docket Report.

5. On August 9, 2005, Hollander filed his Brief in support of his appeal of the Order as well as his Joint Appendix. On October 12, 2005, Briefs were filed in opposition on behalf Mundy and the other Appellees.

6. Hollander has now filed a Motion to Strike Mundy's Brief, or have certain portions of the Brief redacted, and has requested monetary sanctions. In summary, the basis of his application is that: (1) Mundy violated Federal Rule of Appellate Procedure ("F.R.A.P.") §30, Local Rule 11(e) and Local Rule 28 by citing documents outside the Joint Appendix, including their Memorandum of Law below; (2) Mundy violated F.R.A.P. §28(a)(7) and Local Rule 28 by making remarks, irrelevant to the appeal, against Hollander; (3) Mundy violated F.R.A.P. §28(a)(6) as their Brief's "Statement of the Case" failed to include a proper description of the case's nature, course of proceedings and disposition; (4) Mundy violated F.R.A.P. §32(a)(4) and Local Rule 32(a) by submitting a Brief with the right and top margins less than one inch; and (5) Mundy violated the legal citations system of the Blue Book by failing to cite specific pages when referencing a case.

7. In respect to Hollander's first assertion that Mundy improperly cited documents outside the Joint Appendix in violation of F.R.A.P. §30, Local Rule 11(e) and Local Rule 28, Mundy is permitted to cite documents included in the record. F.R.A.P. §30(a)(2) explicitly states that "[p]arts of the record may be

relied on by the court or the parties even though not included in the appendix.” Similarly, F.R.A.P. §30(b)(1) indicates that, in determining the contents of the appendix, “[t]he parties must not engage in unnecessary designation of parts of the record, because the entire record is available to the court.” F.R.A.P. §10(a)(1) confirms that all original papers and exhibits, including the Memorandum of Law, filed in the District Court are part of the Record on Appeal.

8. The Rules are clear that Mundy was permitted to cite documents referenced listed on the District Court’s Docket Report and which are part of the record. Hence, Hollander’s frivolous attempt to shield this Court from reviewing the full record, which contains a realistic assessment of the procedural history and pertinent legal issues relating to this matter, should not be countenanced.

9. Hollander’s second assertion that Mundy violated F.R.A.P. §28 and Local Rule 28 by making remarks, irrelevant to the appeal, against Hollander is equally unavailing. The Brief set forth by Mundy and the facts contained therein are logically arranged, concise, supported by documentary evidence and provide a comprehensive and realistic assessment of the facts and history related to this litigation. In the event Hollander disagrees with certain assertions and characterizations, his remedy is to address such concerns in his Reply Brief, or this Court can simply decide to determine his appeal without reference to such facts.

The remedy he requests, namely to simply strike the facts he disagrees with or dislikes, is improper.

10. Likewise, Hollander's third assertion that Mundy violated F.R.A.P. §28 by failing to set forth a proper "Statement of the Case" is meritless. The Statement of the Case set forth in Mundy's Brief speaks for itself and provides a proper description of the course of proceedings related to this matter, the nature of the case, and the disposition below.

11. Hollander's fourth assertion that Mundy violated F.R.A.P. §32 and Local Rule 32(a) by submitting a Brief with the right and top margins less than one inch is simply absurd and shows the extent Hollander will go to abusively litigate this matter. I can personally attest that the margins on the Brief submitted by Mundy were set in my computer at one inch on all sides. Perhaps the appellate printer inadvertently copied the Brief to reflect margins slightly less than one inch. If the Court wants the brief reprinted to correct what appears to be less than 1/16" discrepancy. We will have the brief reprinted.

12. Lastly, Hollander asserts that Mundy violated the legal citation system of the Blue Book by failing to cite specific pages when referencing a case or proposition. Hollander fails to recognize that Mundy cited, in certain instances, to cases for general propositions as opposed to specific references. In the event Mundy's Brief fails to include a specific page number for a particular proposition,

this was inadvertent and Hollander's request that the Court reject the Brief is egregious.

13. Hollander's request for monetary sanctions is patently frivolous and is itself a sanctionable request.

Dated: New York, New York  
October 28, 2005

  
Anne P. Richter (5683)

UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT

-----X

ROY DEN HOLLANDER,	:	04-6700-cv
Plaintiff-Appellant,	:	
- against -	:	
FLASH DANCERS TOPLESS CLUB, et al,	:	<b>DECLARATION</b>
Defendants-Appellees.	:	<b>IN OPPOSITION</b>
	:	<b>TO MOTION TO</b>
	:	<b><u>STRIKE, ETC.</u></b>

-----X

**EDWARD S. RUDOFISKY** hereby declares the following to be true under the penalty of perjury:

1. I am a member of the firm of Zane and Rudofsky, attorneys for defendants-appellees Jay-Jay Cabaret, Inc. d/b/a FlashDancers (s/h/a "Flash Dancers Topless Club"), Lynn Lepofsky, "Barry Night Manager Flash Dancers," and "Flash Dancers Managers 1 to 5" (collectively, "FlashDancers Appellees"); am fully familiar with the facts and circumstances set forth herein; and submit this declaration in opposition to the motion of plaintiff-appellant, Roy Den Hollander, to strike certain portions of the brief filed herein on behalf of the FlashDancers Appellees ("FlashDancers Brief"), as well as portions of the briefs of other defendants-appellees, and for monetary sanctions.

2. In his moving papers, Mr. Hollander asserts that the FlashDancers Brief violates Fed.R.App.P. 30 by citing to documents not in the Joint Appendix and quoting from a memorandum of law filed in the District Court.

3. Mr. Hollander was requested by counsel for the Kuba, Mundy defendants-appellees, on her own behalf and on behalf of declarant, to include twenty-six (26) designated documents in the Joint Appendix (see Exhibit A hereto), but ultimately (and wrongfully) declined to do so.

4. Be that as it may, the FlashDancers Brief cites to documents included in the Record on Appeal as specifically permitted by Fed.R.App.P. 30(a)(2): "Parts of the record may be relied on by ... the parties even though not included in the appendix." (Emphasis added.)

5. In light of the portion of Fed.R.App.P. 30(a)(2) expressly permitting reliance on "parts of the record ... even though not included in the appendix," counsel for defendants-appellees were under no obligation to raise Mr. Hollander's refusal to include defendants-appellees' requested documents in the Appendix at the CAMP Conference with Staff Counsel.

6. Memoranda of law filed in the District Court are part of the Record on Appeal. See Fed.R.App.P. 10(a)(1). In objecting to a quotation from a memorandum of law filed by the Kuba, Mundy defendants-appellees, Mr. Hollander is confusing Fed. R.App.P. 10(a) (1) with the portion of Rule 30(a)(2) which prohibits the inclusion of memoranda of law in the Appendix unless they have independent relevance.

7. Mr. Hollander also asserts that certain assertions in the FlashDancers Brief are (according to Mr. Hollander) untrue and irrelevant, and thereafter (likewise according to Mr. Hollander) should be stricken pursuant to Local Court of Appeals Rule 28.



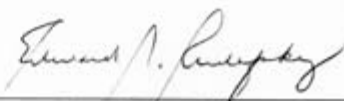
8. The 20 page-long FlashDancers Brief does not violate Local Rule 28. It is "logically arranged, with proper headings, concise and free from burdensome, immaterial and scandalous matter" in accordance with Local Rule 28[1]. Obviously, Mr. Hollander disagrees with certain assertions and characterizations made in the FlashDancers Brief. His remedy, however, is to address these items in his Reply Brief. Thereafter, should the Court, upon review, determine that any portion of the FlashDancers Brief is untrue or irrelevant (as Mr. Hollander claims, but which we respectfully urge is not the case), the Court will (obviously) disregard that portion in deciding the appeal, as it would in any other matter.

9. Furthermore, the branch of Mr. Hollander's motion alleging a violation of Local Rule 28 cannot be determined without review of the briefs and record. Accordingly, in the unlikely event this branch of the motion is not summarily denied as meritless on its face, it should be referred to the panel which hears the appeal.

10. The request for monetary sanctions is patently frivolous.

WHEREFORE, declarant urges the Court to deny the motion to strike in all respects, together with all such other, further and different relief as is just, necessary and proper.

Executed at New York, New York  
on the 26th day of October, 2005.



Edward S. Rudofsky



MICHAEL A. CARDOZO  
Corporation Counsel

The City of New York  
**LAW DEPARTMENT**  
100 CHURCH STREET  
NEW YORK, NY 10007

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dbrenner@law.nyc.gov

**BY HAND**

October 28, 2005

United States Court of Appeals for the Second Circuit  
Attn: Tracy Young  
40 Foley Square  
New York, N.Y. 10007

Re: *Hollander v. Flash Dancers Topless Club*  
Docket No. 04-6700-cv

Dear Ms. Young:

I am of counsel to Michael A. Cardozo, Corporation Counsel of the City of New York and the attorney of record for defendant-appellee Robert Henning ("the municipal appellee") on the above-entitled appeal. We oppose appellant's motion, dated October 20, 2005, to strike portions of the appellees' briefs and for sanctions.

First, as to appellant's allegation that the municipal appellee's brief violated FRAP §30, we respectfully direct the Court's attention to the Declaration of Edward S. Rudofsky in Opposition to Motion To Strike, dated October 26, 2005, and join in that well-reasoned opposition.

Appellant further contends that the municipal appellee's brief should be rejected because it did not contain the correct caption. He does not, however, indicate in what manner he believes the caption to be incorrect. Appended hereto are excerpts from the public docket sheet, setting forth the official caption for this matter. We believe it to be identical to the one utilized in our brief.

Respectfully submitted,

Deborah A. Brenner  
Assistant Corporation Counsel

UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT

-----X  
Roy Den Hollander

Appellant-Plaintiff,

Docket No. 04-6700-cv

v.

Flash Dancers Topless Club, et al.,

Appellees-Defendants.

-----X

**REPLY  
TO FLASHDANCERS AND HENNING’S RESPONSES TO MOTION TO  
REJECT CERTAIN DEFENDANT-APPELLEES’ BRIEFS OR STRIKE  
DESIGNATED PARTS OF BRIEFS AND FOR SANCTIONS.**

Plaintiff-appellant, Roy Den Hollander, submits this Reply to (1) Flash Dancers Topless Club, Jay-Jay Cabaret, Inc., Lynn Lepofsky, Barry Night Manager and Flash Dancers Manager 1 to 5 (collectively “FlashDancers”) and (2) Municipal or Robert Henning’s response to plaintiff’s motion to strike certain briefs or sections of briefs and for sanctions.

**FlashDancers Response**

The Federal Rules of Appellate Procedure (“F.R.A.P.”) §27(a)(2)(B)(ii) requires that an affidavit submitted with a motion “must contain only factual information, not legal argument” (emphasis added), and F.R.A.P. §27(a)(3)(A) applies this requirement to any response filed to a motion. FlashDancers’

attorneys submitted an affidavit titled “Declaration in Opposition to Motion to Strike, etc.” (“FlashDancers Opposition”) in which they mix factual assertions and legal arguments in violation of F.R.A.P. §27(a)(2)(B)(ii). Plaintiff requests rejection of this response filed by FlashDancers’ attorneys. Since the time to respond under F.R.A.P. §27(a)(3)(A) has now passed, they should not be permitted to correct this latest violation in their continuing disregard of the rules.

\*\*\*\*\*

FlashDancers’ attorneys try to excuse the references in the FlashDancers Brief to documents not in the Joint Appendix by falsely claiming plaintiff wrongly declined to include them. FlashDancers Opposition ¶13. To support this assertion, they include in FlashDancers Opposition at Exhibit A only the first of four letters detailing the negotiations over the Appendix. Taken together, the letters show that the defendants-appellees ignored their obligations under F.R.A.P. §30(b) in determining the contents of the Appendix:

June 15, 2005 letter, Exhibit A: Mundy and FlashDancers’ attorneys designated six memoranda of law totaling 168 pages, 29 extraneous exhibits consisting of 54 separate documents totaling 178 pages of which 10 exhibits made up of 23 separate documents and 54 pages were stricken by the District Court, Disqualify Order p.2-2, October 27, 2004, A-151, and various orders for time extensions.

July 16, 2005 letter, Exhibit B: Plaintiff revises his designation of the Joint Appendix to six documents and three pages of quotes from his District Court Memorandum in Opposition, A 126-130, to which defendants subsequently agreed. In this letter, plaintiff asked whether defendants had finalized their designations for the Appendix following the CAMP conference on June 21, 2005.

July 21, 2005 letter, Exhibit C: Mundy, FlashDancers and Shipilina's attorneys stated through Mundy's attorney "We do not have any objection to the documents you wish to include in the appendix ...," and went on to suggest the inclusion of the docket entries and the notice of appeal but no other documents.

July 23, 2005 letter [mistakenly dated July 16, 2005], Exhibit D: Plaintiff specifically states he is not including the extraneous documents Mundy and FlashDancers' lawyers originally designated in the June 15, 2005 letter.

F.R.A.P. §30(b)(2) requires that when the appellant informs the appellees that parts of their designations are unnecessary, it is the appellees' obligation to advance the costs to include those designations. Not only didn't Mundy and FlashDancers' attorneys advance any cost, they didn't even respond to the plaintiff denying most of their designations. Given the conduct of appellees' attorneys, a reasonable man would conclude they agreed to the plaintiff's final designation. A realistic man, however, would conclude they were trying to set a

trap by which they could use the extraneous documents they filed in the District Court to fabricate support for their misleading and irrelevant allegations in their appeal briefs—all without the cost of printing these documents in the Joint Appendix. In effect, their strategy is to manipulate this Court into doing their work for them, but if this Court chooses not to thumb through over a hundred pages without specific cites to check defendants’ factual allegations, they hope this Court will still accept their ad hominem and misrepresentations on faith and use them in reaching its decision.

Under Local Rule §11(e), FlashDancers’ lawyers have an “obligation under F.R.A.P. §30 to reproduce in an appendix to their briefs ... exhibits ... to which they ‘wish to direct the particular attention of the court.’” They didn’t do this although they had the opportunity.

While F.R.A.P. §30(a)(2) states: “Parts of the record may be relied on by the court or the parties even though not included in the appendix,” (emphasis added), FlashDancers’ lawyers abuse this rule that exists to prevent a procedural miscarriage of justice. By citing to Mundy’s Memorandum of Law in the District Court, which in turn refers to 21 extraneous documents totaling 114 pages, FlashDancers’ attorneys disguise the real number of documents they rely on outside the Joint Appendix to five as opposed to the 21 plus three memoranda of law. This ruse in citing also allows them to avoid giving the page or

paragraph numbers for particular documents, once again shifting their work and expenses to the Court while making factual allegations that belong in an answer at the District Court level.

The disregard of the rules by FlashDancers’ attorneys led them to citing three memoranda of law, Flash Dancers Brief p.2-1,2, n. 1-3, p.3-1, n. 4-5, p.9-1, p.13, n.9, and even arguing that a quote, FlashDancers Opposition ¶6, from Mundy’s memorandum to dismiss comparing the Complaint to a Tom Clancy novel, FlashDancers Brief p.2-1, had independent relevance.

\*\*\*\*\*

Flash Dancers’ attorneys quote Local Rule §28(1) but for some reason omitted the word “irrelevant.” FlashDancers Opposition ¶8. That’s what this motion accuses them of doing by making factual allegations irrelevant to the issues at hand. It does not accuse them of failing to submit admissible evidence as they indicate with the phrase “untrue or/and irrelevant,” id. ¶¶7, 8. And no, I’m not conceding their mountain of documents is admissible. The appeal before this Court is not from a summary judgment or trial verdict—no evidentiary hearing is needed by a panel of judges as FlashDancers’ attorneys request. Id. ¶¶8, 9. The legal remedy this motion requests is not a decision on whether FlashDancers’ factual allegations are true, but whether their allegations have any place on a Fed. R. Civ. P. 12(b)(6) appeal—which they don’t. In an

appeal of a Rule 12(b)(6) dismissal, this Court restricts its inquiry to “facts stated on the face of the complaint, in documents appended to the complaint or incorporated in the complaint by reference, and to matters of which judicial notice may be taken.” Allen v. WestPoint-Pepperell, Inc., 945 F.2d 40, 44 (2d Cir. 1991); see also Fed. R. Civ. P. 10(c). A search of over a hundred pages of documents is not necessary for this Court to reach a decision—just look to the Joint Appendix.

The FlashDancers Brief exposes another ploy also used by Mundy’s lawyers to shift their work to this Court, hide their misleading statements and which, in part, made the plaintiff’s motion necessary. FlashDancers’ lawyers rely on 14 cases, four of them are imbedded in block quotations from cases, which leaves 10 that they actually cite in their narrative. In seven of these 10 cases cited, they leave out the specific pages. The incomplete citations with their page and paragraph locations in the FlashDancers Brief are: Old Time Enters p.7-2, Lubin p.8-1, Glenn p.14-3, Correa-Martinez p.14-5, The Dartmouth Review, p.15-3, West 79<sup>th</sup> Street Corp. p.15-4, In re MasterCard Int’l Inc. p.19-1. FlashDancers’ attorneys know better, they have Blue Books that call for specific page citations “to allow the reader [Court] to locate a cited source accurately and efficiently.” Blue Book, §§1.2 to 1.4 (17<sup>th</sup> ed.). Yet, they disregard even these rules.



FlashDancers’ attorneys fault the plaintiff for engaging in motion practice, but when an opposing party violates rules of procedure, it’s better to resolve those violations before submitting a reply brief.

### **Henning’s Response**

The City’s attorneys fault the plaintiff for not indicating in what manner the caption of the case on their brief in opposition is incorrect. Are they blind? All they need do is go to PACER, copy off the caption, Exhibit E, and compare it to their cover. Or they can compare the caption on the Henning cover to the correct one on the Mundy, FlashDancers or Shipilina briefs.

Henning’s attorneys omitted the following defendants: Dima-Husband of Anastasia Vasilyeva, Krasnodar Prostitutes 1 to 3, Stephanos-Bank Employee, Melios Athanasiou Agencies, IRINIS 182C Entertainment Company, Melios Athanasiou-Owner and CEO Melios Athanasiou Agencies and IRINIS 182C, Irina Athanasiou-Owner and Executive of Melios Athanasiou Agencies and IRINIS 182C, Marios Athanasiou-Manager Zygots and Tramps Cabarets, A. Charalambous-Cyprus Immigration Chief, Julia Heart Agency, Maria-Prostitute Recruiter for Julia Heart Agency, The Men’s Club, Mexico City, Roberto & Rosa Elina Quilan-Managers Men’s Club, Max Gracia Appedole, Juginta Raszyukevichina a.k.a. Azul, Salvador-Partner Phodes Studio, Alfredo Ibarra Sotelo, Mexican Organized Criminal Gang 1.

Henning's attorneys list Alina A. Shipilina and Cybertech Internet Strip Club or Cybertech Internet Solutions as defendants when they are appellees.

## **Conclusion**

The strategy of FlashDancers and Henning's attorneys is clear: (1) make factual allegations that are irrelevant on the appeal of a Rule 12(b)(6) dismissal, (2) fill those allegations with lies, prevarications and dissemblings in the hope they will influence the Court, and (3) make it practically impossible for the Court to check these allegations by citing without page references to the mass of documents they filed in the District Court but failed to include in the Joint Appendix.

WHEREFORE, plaintiff requests FlashDancers' attorneys submit a brief that redacts the sections cited in the plaintiff's October 20, 2005 Memorandum of Law, pp 8 to 10, monetary sanctions levied for the violations of F.R.A.P. §30 and Local Rule §28 and reject FlashDancers Opposition for mixing fact and legal arguments in its declaration in violation of F.R.A.P. §27(a)(2)(B)(ii).

AND, the plaintiff requests the Henning Brief be rejected for filing a brief with the wrong case caption. In the alternative, Henning's attorneys redact p.4-2 & 3, n.2 from their brief and monetary sanctions be levied.

AND, if this Court rejects the Henning Brief or grants any redactions in the FlashDancers or Henning Briefs, plaintiff requests an extension of time from

November 9 to November 21 for filing his reply brief in order to make appropriate changes that will free up space for more complete arguments on the issues before this Court.

Dated:       October 31, 2005  
              New York, N.Y.

Roy Den Hollander, Esq.  
Attorney, pro se, plaintiff-appellant  
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New York, N.Y. 10009  
(212) 995-5201

UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT

-----X  
Roy Den Hollander

Plaintiff-Appellant,

Docket No. 04-6700-cv

v.

Flash Dancers Topless Club, et al.,

Defendants-Appellees.

-----X

**REPLY TO MUNDY’S RESPONSE TO PLAINTIFF’S MOTION TO  
STRIKE CERTAIN DEFENDANTS-APPELLEES’ BRIEFS OR STRIKE  
DESIGNATED PARTS OF BRIEFS AND FOR SANCTIONS.**

Plaintiff-appellant, Roy Den Hollander, submits this reply to the response of defendants-appellees Kuba, Mundy & Associates, Nicholas J. Mundy and Peter Petrovich (collectively “Mundy”) to the plaintiff’s motion to strike certain briefs or sections of briefs and for sanctions.

**Mixing Facts and Legal Arguments**

The Federal Rules of Appellate Procedure (“F.R.A.P.”) §27(a)(2)(B)(ii) requires that an affidavit submitted with a motion “must contain only factual information, not legal argument,” (emphasis added), and F.R.A.P. §27(a)(3)(A) applies this requirement to any response filed to a motion. Mundy’s attorneys submitted a declaration (“Mundy Opposition”), which has the same legal effect as an affidavit under 28 U.S.C. §1746, in which they mix factual assertions and

legal arguments in violation of F.R.A.P. §27(a)(2)(B)(ii). The plaintiff requests rejection of the response filed by Mundy's attorneys. Since the time to respond under F.R.A.P. §27(a)(3)(A) has now passed, they should not be permitted to correct this latest in a long line of violations of the rules.

### **Formatting**

Mundy's attorneys admit that the right and top margins of their appeal brief are not within the requirements of F.R.A.P. §32(a)(4) and Local Rule §32(a).<sup>1</sup> Mundy Opposition ¶11. But because the plaintiff calls them on it, they try to turn the tables by whining about "the extent [plaintiff] will go to abusively litigate this matter," id. ¶11. How can a plaintiff be "abusive" if he holds the defendants to follow the same rules that he must follow? He can't, but that doesn't stop Mundy's attorneys from appealing to Orwellian logic when in reality, it is they who are abusing the rules by failing to submit a brief in the proper format. Plaintiff requests that their brief be rejected.

### **Spinning**

Mundy's attorneys in the Mundy Opposition not only continue to fail to get the Complaint's allegations correct, but prevaricate and spin the procedural history of the Joint Appendix and misrepresent the Federal Rules of Appellate and Civil Procedure.

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<sup>1</sup> Mundy's attorneys claim that the margins are off by 1/16<sup>th</sup> of an inch, but it's really 1/8<sup>th</sup> or 2/16<sup>th</sup> of an inch. An objective fact that they still dissemble about.

The Complaint does not allege the defendants are a “purported segment of the Russian mafia” (“the Enterprise”), Mundy Opposition ¶3, rather the Complaint’s allegations “concern a portion of the Enterprise’s activities in America, Russia, Cyprus and Mexico and some of its Members, the defendants, who are alleged to engage in money laundering, prostitution, pornography, white slavery ....” (Complaint ¶15, A-26, emphasis added.) And the plaintiff, although pro se, is also an attorney, so this RICO case is treated under the Court’s rules as a counseled case with no special pro se considerations.

The history of the negotiations over the Appendix is laid out in the four letters included as exhibits in plaintiff’s reply to FlashDancers and Henning’s responses to the Motion to Strike. Reply FlashDancers, Exhibits A-D, October 31, 2005.

Mundy’s attorneys declare under the “penalties of perjury” that their June 15, 2005 letter, Reply FlashDancers, Exhibit A, requested the incorporation of 26 documents. Mundy Opposition ¶4 (emphasis added). That is false. Mundy and FlashDancers’ attorneys were actually designating 54 separate documents of which 23 had been stricken by the District Court, Disqualify Order p.2-2, October 27, 2004, A-151. The trick they use in misleading this Court over the number of documents designated is that when Mundy’s attorneys filed a paper in the District Court, they often included extraneous exhibits and many of those

exhibits had more than one document. When the 26 docket entries in the June 15, 2005 letter are examined, what Mundy and FlashDancers' attorneys actually designated were mixed legal argument and fact documents, 29 exhibits consisting of 54 separate documents totaling 178 pages and various orders for extensions of time.<sup>2</sup>

In the July 16, 2005 letter, Reply FlashDancers, Exhibit B, plaintiff revises his designation of the Joint Appendix to six documents and three pages of quotes from his District Court Memorandum in Opposition, A 126-130, to which defendants subsequently agreed. In this letter, plaintiff asked whether defendants had finalized their designations for the Appendix following the CAMP conference on June 21, 2005.

The July 21, 2005 letter, Reply FlashDancers, Exhibit C, has Mundy's attorneys saying, "We [which includes FlashDancers and Shipilina's lawyers] do not have any objection to the documents you wish to include in the appendix ..., " and goes on to suggest the inclusion of two additional documents, which were added, but requests no others. This contradicts the claim of Mundy's attorneys that the Appendix documents were "unilaterally selected," Mundy Opposition ¶4.

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<sup>2</sup> Plaintiff's Reply FlashDancers at p.2-3 mistakenly referred to six documents as legal memoranda when they were a mixture of legal argument and factual allegations and these documents did not comprise 168 pages but 20 pages.

In the July 23, 2005 letter [mistakenly dated July 16, 2005], Reply FlashDancers, Exhibit D, plaintiff specifically says he is not including the documents Mundy and FlashDancers' lawyers originally designated in the June 15, 2005 letter, except for the ones already agreed to.

Mundy's attorneys plead three reasons for their Joint Appendix nonfeasance, Mundy Opposition ¶4,: (a) F.R.A.P. §30(a)(2) states "[p]arts of the record may be relied on by the court or the parties even though not included in the appendix." This rule exists to prevent a procedural miscarriage of justice, not to allow attorneys to short circuit the purpose of a Joint Appendix or shift to this Court the expenses and burden of tracking down alleged support for defendants' factual averments that don't belong on a Fed. R. Civ. P. 12(b)(6) appeal; (b) Mundy's attorneys didn't want to "burden" plaintiff with the costs—no, they didn't want to burden their clients with the cost. F.R.A.P. §30(b)(2) requires that when the appellant, here the plaintiff, informs the appellees, here the defendants, that parts of their designations are unnecessary, it is the appellees' obligation to advance the costs to include those designations (emphasis added); and (c) Mundy's attorneys didn't want to engage in motion practice because, according to them, documents can simply be cited that are in the Docket Report. If that were the case, then there would be no need for a Joint Appendix or any Appendix as required by F.R.A.P. §30.



Further, Local Rule §11(e) places on Mundy’s lawyers an “obligation under F.R.A.P. §30 to reproduce in an appendix to their briefs ... exhibits ... to which they ‘wish to direct the particular attention of the court.’” They didn’t do that, and the real reasons were (a) to shift their work to the Court, (b) shift their expenses to the Court, (c) consume the plaintiff’s time and reply brief space with refuting their factual allegations that belong in an answer before the District Court, and (d) finesse this Court of Appeals into using extraneous material to reach a decision by including in their appeal brief these misleading defense allegations for which they point for support, usually without specific page cites, to hundreds of pages of documents, many unauthenticated.<sup>3</sup> “[T]he defendants seek to argue the merits ... in the context of a 12(b)(6) motion to dismiss, which is not the purpose of the motion.” T.S. Haulers, Inc. v. Town of Riverhead, 190 F.Supp.2d 455, 464 (E.D.N.Y. 2002)(citing *see Villager Pond Inc. v. Town of Darien*, 56 F.3d 375, 378 (2d Cir.1995)).

Mundy’s attorneys object that by the Motion to Strike, the plaintiff is engaging in a “frivolous attempt to shield this Court from reviewing the full record....” Mundy Opposition ¶8. If this Court wants to read the hundreds of pages of documents filed by defendants, including documents the District Court struck, or thumb through them to find the specific location of Mundy’s alleged

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<sup>3</sup> The Mundy Brief ends up citing to over 35 documents of more than 380 pages not in the Joint Appendix and many not even designated in the Mundy June 15, 2005 letter, such as their two memoranda of law in the District Court that totaled 148 pages.

support for their defense allegations, that's its privilege. But to be fair to the plaintiff, he should be granted additional space in his reply brief and time to counter these irrelevant averments on this Fed. R. Civ. P. 12(b)(6) appeal and reimbursed the cost of the Joint Appendix, since under Mundy's argument, Joint Appendices are superfluous—all attorneys need do is cite generally to a district court docket entry number.

Mundy's attorneys at Mundy Opposition ¶10 argue in effect that if the "Statement of the Case" contains the elements required in F.R.A.P. §28(a)(6), it can also be packed with vitriolic vituperative attacks on the opposing party and misleading factual allegations that are irrelevant to an appeal of a complaint's dismissal. Just because F.R.A.P. §28(a)(6) requires "thou shall" rather than "thou shall not," I doubt that even former President Clinton would construe it to allow the inclusion of the type of matter that Mundy's attorneys do.

Furthermore, their calumnies and irrelevancies still violate Local Rule §28.

### **Scandalous**

The Mundy Opposition ¶9 inappropriately omits part of the application of Local Rule §28 to the Mundy Brief. Plaintiff's motion specifies the sections of the Mundy Brief that violate Local Rule §28 because they are "irrelevant" and those sections that breach the rule for being "scandalous" by using many ad hominem vilifications of the plaintiff in the defendants' strategy of litigation by

character assassination. To be sure there are some overlaps: scandalous is often irrelevant, but irrelevant not always scandalous. Still, the Memorandum of Law in plaintiff's motion at pp 4-3 to 6-1 delineates which sections of the Mundy Brief violate which. The response of Mundy's attorneys simply ignores their brief's name-calling.

### **The Bluebook**

The case citations for which Mundy's attorneys fail to provide specific pages, Mundy Brief p.44-1, p.39-2 (Ideal Steel) and p.34-3 (Lerner), are not, as they claim, for general propositions but specific law: what constitutes a compensable RICO injury, proximate cause for exposure of or failing to assist in RICO acts and the RICO standing requirements. Mundy's attorneys also failed to include specific pages for an additional eight cases cited, Mundy Brief p.32-4 to p.33-1, but did include in parentheses what they claimed were the specific propositions those case supported concerning what didn't constitute "business" or "property" under RICO. Once again their strategy is to transfer their work and cost to this Court and overburden their opponent with tracking down their citations.

### **Sanctions**

Finally, Mundy's attorneys use their favorite word "frivolous" again in describing plaintiff's request for sanctions and claim that by making such a request is itself "sanctionable." The plaintiff-attorney has spent around 30 hours on this motion and incurred mailing costs that would not have been necessary had Mundy's attorneys not tried to play fast and loose with the rules. Rules of procedure exist not just for the efficient administration of justice but to protect a person's due process rights under the Constitution. When attorneys try to game the system by picking which rules they will follow and which ones they will ignore, it not only wastes everybody's time, but if successful, makes suspect the system of justice.

## **Conclusion**

This reply requests that the Mundy Opposition, Mundy's attorneys response to the Motion to Strike, be rejected for improperly mixing facts and legal arguments in an affidavit they label a "Declaration."

In addition to the relief requested in plaintiff's Motion to Strike Memorandum of Law, if the Mundy Brief is not rejected outright for formatting errors, Mundy's attorneys be required to provide the specific page cites for all the cases they cited without such.

In the event this Court rejects the Mundy Brief or grants any redactions, plaintiff requests an extension of time from November 9 to November 21 for

filing his reply brief in order to make appropriate changes in its draft that will free up space for more complete arguments on the issues before this Court.

Dated: November 2, 2005  
New York, N.Y.

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December 28, 2005

Stanley A. Bass, Staff Counsel  
U.S. Court of Appeals for the Second Circuit  
40 Foley Sq., Rm 622  
New York, N.Y. 10007

**Roy Den Hollander v. Flash Dancers Topless Club, et al.**  
**Second Circuit Court of Appeals, 04-6700-CV**

Dear Mr. Bass:

In October 2005, I submitted a Motion to Strike various briefs or sections of briefs and for sanctions. The return date on the motion was noticed as November 8, 2005, Exhibit A. The motion has not yet been decided although oral argument is scheduled for January 26, 2006. According to the Committee on Federal Courts of the Association of the Bar of the City of New York, Appeals to the Second Circuit, p. 50 (8<sup>th</sup> ed, 1997) "Except in the most unusual of cases [of which this is not one], by Friday afternoon of the same week, all motions have been decided."

It is now over seven weeks since the return date and the assignment on November 3, 2005 of the motion to the panel that will decide the appeal. Oral argument depends on the briefs and documents before the Court, but until the decision of the motion, those briefs and documents are unclear. It seems logical and also a matter of due process that the motion be decided at a reasonable time before oral argument on the appeal.

Do you have any indication as to when the Motion to Strike will be decided and is this delay normal?

Thank you for your time.

Sincerely,

Roy Den Hollander

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SDNY / NYOLY  
03-CV-2717  
Hon. Castel

UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT

SUMMARY ORDER

THIS SUMMARY ORDER WILL NOT BE PUBLISHED IN THE FEDERAL REPORTER AND MAY NOT BE CITED AS PRECEDENTIAL AUTHORITY TO THIS OR ANY OTHER COURT, BUT MAY BE CALLED TO THE ATTENTION OF THIS OR ANY OTHER COURT IN A SUBSEQUENT STAGE OF THIS CASE, IN A RELATED CASE, OR IN ANY CASE FOR PURPOSES OF COLLATERAL ESTOPPEL OR RES JUDICATA.

At a stated term of the United States Court of Appeals for the Second Circuit, held at the United States Courthouse, Foley Square, in the City of New York, on the 3rd day of February, Two thousand and six.

PRESENT:

HON. PIERRE N. LEVAL,  
HON. SONIA SOTOMAYOR,  
*Circuit Judges,*  
HON. MARK R. KRAVITZ,  
*District Judge.\**



-----X

ROY DEN HOLLANDER,  
*Plaintiff-Appellant,*

-v.-

No. 04-6700

FLASH DANCERS TOPLESS CLUB, et al.,  
*Defendants-Appellees.*

-----X

FOR PLAINTIFF-APPELLANT: ROY DEN HOLLANDER, New York, New York,  
*pro se.*

\* The Honorable Mark R. Kravitz, United States District Judge for the District of Connecticut, sitting by designation.



## FOR DEFENDANTS-APPELLEES:

ANNE P. RICHTER, McManus Collura & Richter P.C. (Bradley E. Dubin, *on the brief*), New York, New York, for Defendants-Appellees Kuba, Mundy & Associates, Nicholas J. Mundy and Peter Petrovich.

JACK SACHS, New York, New York, for Defendant-Appellee Alina A. Shipilina.

EDWARD S. RUDOFISKY, Zane and Rudofsky (Charles F. Axelrod, *on the brief*), New York, New York, for Defendants-Appellees Jay-Jay Cabaret, Inc. d/b/a/ Flashdancers, s/h/a "Flash Dancers Topless Club," Lynn Lepofsky, "Barry Night Manager Flash Dancers" and "Flash Dancers Managers 1 to 5."

DEBORAH A. BRENNER, Assistant Corporation Counsel (Michael A. Cardozo, Corporation Counsel of the City of New York, Barry P. Schwartz, *on the brief*), New York, New York, for the Municipal Defendants-Appellees.

DAVID L. FEINBERG, West Hempstead, New York, for Defendant-Appellee Cybertech Internet Solutions, Inc.

LANCE GOTTHOFFER, Reed Smith LLP, New York, New York, for Defendant-Appellee Bank of Cyprus Ltd.

UPON DUE CONSIDERATION it is hereby ORDERED, ADJUDGED, AND DECREED that the judgment of the United States District Court for the Southern District of New York (Castel, J.) is AFFIRMED.

Plaintiff-appellant Roy Den Hollander appeals from a September 28, 2004 order dismissing pursuant to Federal Rule of Civil Procedure 12(b)(6) Hollander's claims for civil remedies under the Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. §§ 1961-68, and denying leave to amend the complaint. We assume the parties' familiarity with the facts of the case, the relevant procedural background, and the issues on appeal.

We review a district court's grant of a motion to dismiss pursuant to Rule 12(b)(6) *de novo*, construing the complaint in the light most favorable to the plaintiff and accepting its

allegations as true. *Desiano v. Warner-Lambert Co.*, 326 F.3d 339, 347 (2d Cir. 2003). "A complaint should not be dismissed for failure to state a claim unless it appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief." *Todd v. Exxon Corp.*, 275 F.3d 191, 197-98 (2d Cir. 2001) (citations and quotation marks omitted).

#### **I. Injury to Business or Property and Proximate Causation**

Section 1964(c) of Title 18 authorizes suit by "[a]ny person injured in his business or property by reason of a violation of § 1962." Thus, a RICO plaintiff "only has standing if, and can only recover to the extent that, he has been injured in his business or property by the conduct constituting the violation." *Sedima, S.P.R.L. v. Imrex Co., Inc.*, 473 U.S. 479, 496 (1985). This injury must be proximately caused by the predicate acts of the RICO violation. See *Lerner v. Fleet Bank, N.A.*, 318 F.3d 113, 120 (2d Cir. 2003).

We have held that "the RICO pattern or acts proximately cause a plaintiff's injury if they are a substantial factor in the sequence of responsible causation, and if the injury is reasonably foreseeable or anticipated as a natural consequence." *Hecht v. Commerce Clearing House, Inc.*, 897 F.2d 21, 23-24 (2d Cir. 1990). Thus, we have affirmed the dismissal under Rule 12(b)(6) of a RICO complaint where the alleged injuries were proximately caused not by the alleged racketeering violations, but by the public exposure of those activities or their discovery by the victim and the consequences of that exposure or discovery. See *In re Am. Express Co. S'holders Litig.*, 39 F.3d 395, 400 (2d Cir. 1994) (holding that injury to American Express shareholders following disclosure of a scheme to discredit a competitor was not a foreseeable result of that scheme, although the disclosure resulted in business injury to American Express); *Burdick v. Am. Express Co.*, 865 F.2d 527, 529 (2d Cir. 1989) (holding that a plaintiff fired by the defendant company after he complained about racketeering activities and refused to participate in them could not show proximate causation, even though their actions allegedly interfered with his "ability . . . to earn a living for himself" and deprived him of his job).

Hollander's complaint deals primarily with damages stemming from the investigation he initiated, including "[l]oss of profits from the plaintiff's law and consulting business from cessation of normal work as the result of . . . the plaintiff's ongoing investigation of the Enterprise's Scheme"; "[b]usiness interruption expenses of \$50,000"; "[l]oss of business opportunities of \$150,000" and expenses of the investigation. These are the costs of Hollander's acts, not the defendants' RICO violations. Indeed, as the district court noted, the conspirators allegedly tried to prevent Hollander from investigating them, and thus from incurring the expenses he claims as damages.

One of the lost profit allegations appears to involve more than just the investigation: "Loss of profits from the plaintiff's law and consulting business . . . from cessation of normal work as a result of the initial success of the Enterprise's Scheme in defrauding the plaintiff into arranging for Member Alina Shipilina to enter the U.S. and, subsequently, the plaintiff's ongoing

investigation of the Enterprise's Scheme." (emphasis added). We take it that Hollander alleges that he ceased business while helping to arrange Shipilina's immigration, and that he lost money because he could have been gainfully employed instead of making those arrangements. Even if it was the criminal syndicate's intent to trick Hollander into "arranging for Member Alina Shipilina to enter the U.S.," it was not the object of the conspiracy to cause him to cease work and thereby lose profits in order to make those arrangements.

Other allegations involve efforts to "thwart" Hollander's efforts, via his investigation and this litigation, to recover unspecified injuries to his business. "Funds from racketeering activities have been used to build a litigation war chest to fund fraudulent proceedings against the plaintiff and fraudulently defend against legitimate proceedings . . ."; "Funds from racketeering activities have been used to bribe public employees into subverting the proper administration of the law . . . so as to thwart the plaintiff's efforts to rectify the Enterprise's harm done to his business reputation and goodwill." These allegations involve injury to the administration of law, which of course is not compensable under RICO, and the hindrance of the plaintiff's efforts to repair other damages. But injuries caused not by the alleged racketeering violations, but by the discovery of those actions and the consequences of that discovery, are not cognizable damages under RICO. See *In re Am. Express Co. S'holders Litig.*, 39 F.3d at 400; *Burdick*, 865 F.2d at 529.

Finally, the complaint also contains conclusory allegations that claim damages to financial interests, but do not specify how racketeering activities caused those damages. "The plaintiff has suffered damages to his business and financial interests by the use of funds from racketeering activities to finance the Enterprise's Scheme." "The predicate acts committed in furtherance of the Enterprise's Scheme against the plaintiff have caused damages to his business and financial assets as well as imperiled his safety, life, liberty and right not to live in fear." These paragraphs allege that damages to financial interests have been caused, but make no factual allegation from which an inference of proximate cause could reasonably be drawn. Merely restating the requirements of RICO in the form of an allegation does not suffice to state a claim without some factual allegation from which proximately caused financial injury may be inferred. See *In re Am. Express Co. S'holders Litig.*, 39 F.3d at 400 n.3 ("[W]hile the complaint does cursorily assert that American Express was a victim of the RICO defendants' acts and that these acts were the proximate cause of American Express's alleged injuries, these conclusory allegations of the legal status of the defendants' acts need not be accepted as true for the purposes of ruling on a motion to dismiss.").

Nor does the Supplemental Complaint indicate any damages to business or property proximately caused by racketeering violations. It alleges that the "additional illegal activities recounted in this supplemental complaint have increased the harm to the plaintiff's business and property by causing loss of profits, business interruption expenses, loss of business opportunities and damage to the plaintiff's reputation and good will in the amount of \$100,000." It fails to indicate how the alleged activities, principally threats against him and abuses of the justice system in response to his lawsuit, damaged his business in any direct way. Thus, Hollander has failed to state a claim under RICO.

## II. Leave to Amend

Hollander also challenges the district court's denial of leave to amend the complaint. We review the district court's denial of leave to file an amended complaint for abuse of discretion. *Milanese v. Rust-Oleum Corp.*, 244 F.3d 104, 110 (2d Cir. 2001). Leave to file an amended complaint "shall be freely given when justice so requires." Fed. R. Civ. P. 15(a). Although "it is rare that such leave should be denied, especially when there has been no prior amendment," *Ricciuti v. N.Y.C. Transit Auth.*, 941 F.2d 119, 123 (2d Cir. 1991) (citations omitted), it is "well established that leave to amend a complaint need not be granted when amendment would be futile." *Ellis v. Chao*, 336 F.3d 114, 127 (2d Cir. 2003).

In *In re Tamoxifen Citrate Antitrust Litig.*, 429 F.3d 370 (2d Cir. 2005) ("*Tamoxifen*"), we considered a cursory request for leave to amend "which appeared in a footnote in the middle of [the plaintiffs'] brief opposing the defendants' motion to dismiss."<sup>1</sup> *Id.* at 404. The additional allegations proposed by the plaintiffs on appeal were legally insufficient to state a claim on which relief could be granted, and so we found that any amendment would have been futile and that the denial of leave was not an abuse of discretion. *Id.* For the same reasons, Hollander's request for leave to amend was properly denied.

Hollander argues that, if allowed to amend his complaint, he would "make clear to even the District Court" that although the court found Hollander's damage allegations to stem from his investigation of the scheme beginning in 2000, in fact "Hollander did not discover the Scheme until two years later in July 2002." This amendment would not help Hollander's case, however, because he has failed to allege any injury to his business or property proximately caused in 2000, in 2002, or at any other time. "It appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief," *Tamoxifen*, 429 F.3d at 404-05 (quoting *Conley v. Gibson*, 355 U.S. 41, 45-46 (1957) (alterations omitted)), and so the denial of leave was not an abuse of discretion. *See id.*

---

<sup>1</sup> The district court stated in its opinion that "[p]laintiff made no request to file an amended Complaint in the event the motions to dismiss were granted." Hollander asserts that this is incorrect, citing to a document in the joint appendix labeled "Excerpts from Plaintiff's Memorandum of Law in Opposition to Certain Defendants' Motion to Dismiss." One of the "excerpts" states, "If this Court dismisses the Complaint or part of it under Rule 12(b)(6), then the plaintiff requests leave to amend." We have no reason to doubt that these "excerpts" accurately reproduce the filing in question. The district court thus appears to have erred in finding that leave to amend had not been requested.

Despite this error, the court engaged in a full analysis of whether leave was appropriate, and concluded that "[e]ven the most liberal reading of the Complaint and Supplemental Complaint fails to indicate that, however restated, any valid claim would survive." As discussed above, because Hollander has failed on appeal to identify any additional allegations he could make that might render his claim viable, the denial of leave was not an abuse of discretion.

### III. Conclusion

For the foregoing reasons, the judgment of the district court is hereby AFFIRMED. The pending motion to strike material in the appellees' briefs is DENIED.

FOR THE COURT:  
ROSEANN B. MACKECHNIE, Clerk

*Lucille Can*  
By: \_\_\_\_\_

UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT

-----X  
Hollander, :  
Appellants, :  
- against - : No. 04-6700-CV  
Flash Dancers, et al., :  
Appellees. :  
-----X

**DECLARATION OF EDWARD S. RUDOFISKY  
IN SUPPORT OF MOTION FOR EXTENSION  
OF TIME TO SERVE REPLY BRIEF**

(Bill of Cost)

EDWARD S. RUDOFISKY hereby declares the following to be true  
under the penalty of perjury:

1. I am a member of the firm of Zane and Rudofsky, attorneys for  
appellees Flash Dancers Topless Club, Jay-Jay Cabaret, Inc., Lynn  
Lepofsky, Barry, Night Manager Flash Dancers and Flash Dancers  
Managers 1 to 5 ("Flash Dancers Appellees"); am familiar with the matters

set forth herein; and submit this declaration in support of Appellees' motion to extension of time to serve and file the bill of costs.

2. Attached hereto is the itemized and verified bill of costs on behalf of the Flash Dancers Appellees, including the itemized bill of the Appellate Printer attached hereto and incorporated herein.

3. I am advised by the Clerk of the Court that the within itemized bill of costs was required to be served no later than February 17, 2006.

4. I was attending a Bar Association meeting in California when the Clerk's written notification regarding the submission of an itemized bill of costs was received and due to several sets of motion papers and briefs required to be filed in several other matters, immediately following my return to New York, I did not see this item until Tuesday, February 21, 2006.

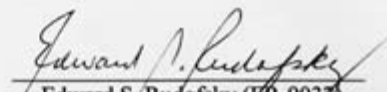
5. I respectfully apologize to the Court for my inadvertence in this regard.

6. There will be no prejudice to any party by the granting of the relief sought herein.

7. I have not contacted the appellant regarding this motion. In light of his *pro se* status and the nature of his claims, I do not feel that it would be appropriate to discuss this matter with him.

**WHEREFORE**, declarant requests that the Court grant an extension of time to file the within itemized and verified bill of costs to and including the date of the Court Order and that the Clerk be directed to accept the same for filing as of that date.

Executed under the penalty of perjury  
at New York, New York on the 22<sup>nd</sup>  
day of February, 2006

  
Edward S. Rudofsky (ER-9037)



## ITEMIZED AND VERIFIED BILL OF COSTS

United States Court of Appeals  
For the Second Circuit

-----  
HOLLANDER

-v-

Docket No. 04-6700-cv

FLASH DANCERS  
-----

Appellees Flash Dancers Topless Club, Jay-Jay Cabaret, Inc., Lynn Lepofsky, Barry, Night Manager Flash Dancers, and Flash Dancers Managers 1 to 5  
Counsel for ~~(hereinafter "Flash Dancers Appellees")~~ respectfully  
submits, pursuant to Rule 39 c) of the Federal Rules of Appellate Procedure the within  
bill of costs and requests the Clerk to prepare an itemized statement of costs taxed against  
the appellant and in favor of the Flash Dancers Appellees for  
insertion in the mandate.


Docketing Action .....

Costs of printing appendix (necessary copies \_\_\_\_\_) .....

Costs of printing brief (necessary copies \_\_\_\_\_) ..... 446.51

Costs of printing reply brief (necessary copies \_\_\_\_\_) .....

(VERIFICATION HERE) I HEREBY CERTIFY UNDER THE PENALTY OF PERJURY THAT THE ABOVE  
COSTS ARE ACCURATE AND WERE NECESSARILY INCURRED.

  
(Signature)  
Edward S. Rudofsky (ER-9037)

**Press of Fremont Payne, Inc.**

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 50 Broad Street, Suite 537  
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 (212) 966-6570 Fax: (212) 941-0956  
 e-mail: fremontpayne@aol.com

October 19, 2005  
 ORDER # 37905-B

**TO:** Zane & Rudofsky  
 The Starrett Lehigh Building  
 601 West 26th Street, Suite 1111  
 New York, New York 10001

Federal Tax ID # 13-5325830

10/12/05

For Reproducing 30 Copies of Brief of Defendants-Appellees:

1st 25 Covers Covers Set and Printed - Two-Sided	\$	95.00
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25 Pages Duplicated @ \$5.25/Page		131.25
5 Additional Copies @ .12/Copy		15.00
30 Books Bound @ \$2.00/Book		60.00
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		412.00
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<b>TOTAL . . . . .</b>	<b>\$</b>	<b>446.51</b>

"Hollander v. American Organized Crime Gang I, et al."

Counsel: Edward S. Rudofsky  
 Charles F. Axelrod

UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT

-----X  
Roy Den Hollander

Appellant-Plaintiff,

Docket No. 04-6700-cv

v.

Flash Dancers Topless Club, et al.,

Appellees-Defendants.

-----X

**AFFIRMATION OF FACT IN OPPOSITION TO DEFENDANT FLASH  
DANCERS' REQUEST—AFTER THE DEADLINE HAS PASSED—TO  
FILE A BILL OF COSTS AND AFFIRMATION IN SUPPORT OF  
PLAINTIFF'S MOTION FOR SANCTIONS**

I, Roy Den Hollander, am the attorney plaintiff-appellant, am familiar with the matters within, submit this affirmation in opposition to defendant-appellee Flash Dancers' request—after the deadline has passed—for an extension of time to file a bill of costs and submit this affirmation in support of a motion for sanctions against Flash Dancers' attorneys, the firm of Zane and Rudofsky.

1. The Second Circuit's Summary Order in this case was entered February 3, 2006.

2. Flash Dancers' attorneys had until February 17, 2006 to serve and file a bill of costs—they didn't.

3. The three member firm of Zane and Rudofsky blames its nonfeasance on a trip to California by Mr. Rudofsky and his overlooking a decision by the Second Circuit that was mailed to him, recorded in the New York Law Journal and listed on this Court's Pacer web site.

4. Zane and Rudofsky now seek that this Court punish plaintiff-appellant for that law firm's failure to perform its duty towards its client Flash Dancers.

5. Zane and Rudofsky's also seek that this Court charge plaintiff-appellant for more expenses then allowed: the bill improperly inflates the number of copies necessary and inappropriately includes delivery charges for serving and filing.

6. Granting Zane and Rudofsky's motion for an extension of time will prejudice plaintiff-appellant to the amount of \$446.51 that will be levied against him in violation of his due process rights as protected by the F.R.A.P. just to absolve Zane and Rudofsky of their negligence.

7. In order to respond to Zane and Rudofsky's motion, plaintiff-appellant was required to put in six and one half hours of work to draft, serve and file his opposition and incurred transportation and mailing expenses.

**WHEREFORE**, plaintiff-appellant Hollander requests that this Court:

(1) deny defendant-appellee Flash Dancer's motion for an extension of time to file the submitted bill of costs after it was due;

(2) provide affirmative relief against the firm of Zane and Rudofsky in the form of sanctions for its obvious failures to abide by F.R.A.P. and the Local Rules that have wasted this Court and plaintiff-appellant's time and caused unnecessary expenses; and

(3) schedule oral argument on Zane and Rudofsky substantive motion and plaintiff-appellant's motion for sanctions.

Executed under the penalty of perjury.

Dated: New York, New York  
February 27, 2006

Attorney plaintiff-appellant

---

Roy Den Hollander  
545 East 14 Street, 10D  
New York, NY 10009  
(212) 995-5201

UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT

-----X  
Roy Den Hollander

Appellant-Plaintiff,

Docket No. 04-6700-cv

v.

Flash Dancers Topless Club, et al.,

Appellees-Defendants.

-----X

**MEMORANDUM IN OPPOSITION TO FLASH DANCERS  
MOTION FOR EXTENSION OF TIME TO FILE BILL OF COSTS**

The plaintiff-appellant, Roy Den Hollander, strongly opposes any extension of time for Flash Dancer’s attorneys, the firm of Zane and Rudofsky, to submit a bill of costs after the time allotted for filing has already passed.

Federal Rules of Appellate Procedure (“F.R.A.P.”) § 39(d)(1) states “A party who wants costs taxed must—within 14 days after entry of judgment—file with the circuit clerk ... an itemized ... bill of costs.” (Emphasis added). “Must” means to be obliged, required, compelled or commanded to do something. American Heritage Dictionary, 2d College Ed. The three member firm of Zane and Rudofsky failed to comply with the rules.

Mr. Rudofsky tries to excuse the violation of this rule on a trip he took to California and inadvertently overlooking a decision by the Second Circuit that was mailed to him, recorded in the New York Law Journal and listed on this Court’s

Pacer web site. (Rudofsky Declaration ¶ 4). Mr. Rudofsky works for a three member firm—he is not a sole practitioner. Exhibit A. It seems unlikely that when Mr. Rudofsky is out-of-town or dealing with other cases, his firm does not have any procedures in place to prevent legal deadlines from falling due without appropriate action. At the very least someone must open his mail and keep him apprised of court decisions, as was the case here since the notification as to the submission of costs accompanied the Second Circuit’s Summary Order.

Of course, Zane and Rudofsky may not have procedures in place for tracking cases or may have failed to execute them—but that is not the fault of the plaintiff-appellant. Zane and Rudofsky are simply trying to shift the consequence of their negligence onto the plaintiff-appellant by asking this Court to suspend the F.R.A.P. for that firm’s mistake. This is not fair, and violates the plaintiff-appellant’s due process rights as protected by the F.R.A.P. The Plaintiff-appellant does not represent Flash Dancers— Zane and Rudofsky do! What harm may flow to Flash Dancers because of its attorneys nonfeasance is not the fault of plaintiff-appellant.

Mr. Rudofsky claims there will be no prejudice to any party by allowing for an extension of time. (Rudofsky Declaration ¶ 6). That’s false! The plaintiff-appellant will be prejudiced to the amount of \$446.51 that will be levied against him in violation of his rights under the F.R.A.P. just to absolve Zane and Rudofsky of their mistake.

Mr. Rudofsky not only asks this Court to off-load the consequences of his error onto the plaintiff-appellant but also to excuse his other violations of the local rules.

Mr. Rudofsky claims he failed to contact the plaintiff-appellant before making his motion for an extension of time because “[i]n light of [plaintiff-appellant’s] *pro se* status and the nature of his claims [Mr. Rudofsky did] not feel that it would be appropriate to discuss the matter with [the plaintiff-appellant].” (Rudofsky Declaration ¶ 7). Plaintiff-appellant is an attorney representing himself; therefore, this is not a *pro se* case under the Court’s rules but a “counseled” case. Mr. Rudofsky knows that. He also knows that throughout these proceedings, the lead attorneys for the defendants, Bradley E. Dubin and Anne P. Richter, have contacted the plaintiff-appellant numerous times on various matters. Those discussions have always been courteous, professional and without rancor. To the extent that Mr. Rudofsky implies his failure to contact the plaintiff-appellant was because it would somehow result in a difficult situation or be inappropriate is false, and he knows that.

Mr. Rudofsky’s bill of costs violates this Court’s requirements as set out in the letter from Clerk Roseann B. MacKechnie, Exhibit B. “[D]elivery charges,” of papers should not be included in a bill of costs, Exhibit B(8), but Mr. Rudofsky included such costs under “Service and Filed (7)” in the amount of \$106, Exhibit



C. In addition, only the number of “necessary copies” should be included in a bill of costs, Exhibit B(6), which in this case were 26 not 30 as claimed by Mr. Rudofsky, Exhibit C.

**In conclusion**, appellant-plaintiff Hollander requests that this Court:

- (1) deny defendant-appellee Flash Dancer’s motion for an extension of time to file the submitted bill of costs after it was due;
- (2) provide affirmative relief against the firm of Zane and Rudofsky in the form of sanctions for its obvious failures to abide by F.R.A.P. and the Local Rules that have wasted this Court and the plaintiff-appellant’s time and caused unnecessary expenses; and
- (3) schedule oral argument on Zane and Rudofsky substantive motion and the plaintiff-appellant’s motion for sanctions.

Dated: February 27, 2006

Roy Den Hollander, Esq.  
Attorney, plaintiff-appellant  
545 East 14 Street  
New York, N.Y. 10009  
(212) 995-5201

UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT

-----X  
Hollander, :  
Appellants, :  
- against - : No. 04-6700-CV  
Flash Dancers, et al., :  
Appellees. :  
-----X

**DECLARATION OF EDWARD S. RUDOFISKY  
IN OPPOSITION TO MOTION FOR SANCTIONS**

EDWARD S. RUDOFISKY hereby declares the following to be true  
under the penalty of perjury:

1. I am a member of the firm of Zane and Rudofisky, attorneys for  
appellees Flash Dancers Topless Club, Jay-Jay Cabaret, Inc., Lynn  
Lepofsky, Barry, Night Manager Flash Dancers and Flash Dancers  
Managers 1 to 5 ("Flash Dancers Appellees"); am familiar with the matters

set forth herein; and submit this declaration in response to appellant's motion for sanctions dated February 27, 2006.

2. Appellant's opposition to the underlying motion and appellant's own motion for sanctions are meritless. The Flash Dancers Appellees clearly incurred printing expenses for their brief on the appeal and clearly would have been entitled to timely submit a Bill of Costs as a matter of right. The only additional relief requested in Flash Dancers Appellees' motion was permission to do so "out of time." Whether that motion is granted or not, it is clearly not sanctionable.

3. In point of fact, prior to making the motion for leave to submit a Bill of Costs "out of time" I contacted the Clerk's Office and was instructed that such a motion was not only a proper motion but the only method for seeking permission to file a late Bill of Costs.

4. The itemized and verified Bill of Costs submitted clearly discloses the printer's charges. It is declarant's understanding that, should the relief requested in the underlying motion be granted, the Clerk will determine the allowable items and grant the Bill of Costs accordingly.


5. The present motion by appellant only underscores the correctness of the judgment not to contact him prior to moving for relief. We have no wish to debate with appellant the question of who opens declarant's mail when declarant is traveling or other such petty issues.

6. Declarant has been an honorable member of the Circuit Court Bar and practitioner in this Court for more than thirty (30) years. If the Court feels that declarant's forthright explanation for the delay in submitting a Bill of Costs is inappropriate or insufficient, declarant understands that the Court will deny the underlying motion. However, what appellant apparently does not understand is that declarant has a right to have the Court pass on the reasonableness of declarant's explanation for the delay, and that the making of the underlying motion in no way prejudiced appellant (who would have unquestionably been responsible for the Bill of Costs, to the extent allowed, had it been timely presented).

**WHEREFORE**, declarant requests that the Court (a) deny the motion for sanctions, and (b) grant the requested extension of time to file an itemized and verified bill of costs to and including the date of the Court

Order and that the Clerk be directed to accept the same for filing as of that date.

Executed under the penalty of perjury  
at New York, New York on the 8th  
day of March, 2006

  
\_\_\_\_\_  
Edward S. Rudofsky (ER-9037)

UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT

-----X

Roy Den Hollander,

Appellant-Plaintiff,

Docket No. 04-6700-cv

v.

Flash Dancers Topless Club, et al.,

Appellees-Defendants.

-----X

**AFFIRMATION OF FACT IN REPLY TO OPPOSITION TO PLAINTIFF'S  
MOTION FOR SANCTIONS**

I, Roy Den Hollander, am the attorney plaintiff-appellant, am familiar with the matters within and submit this affirmation in reply to Edward S. Rudofsky's opposition to plaintiff's motion for sanctions.

1. The issue for sanctions is not whether the Flash Dancers clients of Zane and Rudofsky incurred costs in printing their appeal brief, but whether the costs of the motion practice intentionally engaged in by Mr. Rudofsky as a result of his firm's negligent failure to file a bill of costs on time should be born by the plaintiff and this Court? The plaintiff believes it should not because no man should be allowed to escape the costs flowing from his own wrong, which is what negligence is.

2. Mr. Rudofsky tries to shift his responsibility for the costs of a motion to absolve him of his negligence onto the Clerk' Office. Rudofsky Opposition ¶ 3. As "an honorable member of the Circuit Court Bar and practitioner in this Court for more than thirty (30) years," Rudofsky Opposition ¶ 6, he should know by now that the Clerk's Office role is not to opine on whether a motion is "proper," Rudofsky Opposition ¶ 3, or sanctionable—that decision is for the judges. The Clerk's Office provides information on procedural options within this Court; it does not render judgments or make decisions for counsel. Mr. Rudofsky had the option to avoid wasting this Court and the plaintiff's time with a meritless motion, but he—not the Clerk—chose not to.

3. As for Mr. Rudofsky's inclusion of additional expenses in his bill of costs that are not permitted, he once again tries to shift to the Clerk's Office his responsibility and, in this instance, the work necessary for obeying the rules of this Court. Mr. Rudofsky claims it is up to the Clerk—not him—to weed out the allowable costs from the printers bill he submitted. Rudofsky Opposition ¶ 4. If that were so, then why did the Clerk go to the trouble of drafting and sending with the Summary Order a letter to counsel listing specifically which items can be included and those that cannot as well as including a specific form to be used, which Mr. Rudofsky didn't use or follow. Plaintiff's Motion Sanctions Exhibit B.

Mr. Rudofsky's failure to do the work required of him, or, worst, his scheme to slip unallowable costs by this Court and the plaintiff is grounds alone for sanctions.

4. Mr. Rudofsky declares that his firm's inabilities to track cases when he is on vacation are "petty issues." Rudofsky Opposition ¶ 5. Negligence by an attorney that results in missing a deadline under a court's rule is never petty.

5. What we have in Mr. Rudofsky's bill of costs motion and his opposition to plaintiff's sanction motion is not a law firm that got caught in a force majeure but rather a firm that shuts down when one of its three members is voluntarily in California because of an inept system or no system for tracking cases. That is not the fault of the plaintiff or this Court, and it is unbecoming of a long-time practitioner before this Court to blame everyone else for his firm's mistakes.

**WHEREFORE**, the plaintiff requests sanctions for Mr. Rudofsky's intentional efforts to engage in unnecessary motion practice not because of a force majeure but rather to shift the blame for his firm's negligence onto others, including this Court, and to have them bear the costs of his mistakes.

Executed under the penalty of perjury,

Dated: New York, New York  
March 11, 2006

Attorney plaintiff-appellant

---

Roy Den Hollander  
545 East 14 Street, 10D  
New York, NY 10009  
(212) 995-5201



UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT  
 Thurgood Marshall U.S. Courthouse at Foley Square 40 Centre Street, New York, NY 10007 Telephone: 212-857-8500

MOTION INFORMATION STATEMENT

Caption (use short title) \_\_\_\_\_

Docket Number(s): 04-6700-CV

Motion for: Ext. of time to file Bill of Costs  
 (Out of Time)

Set forth below precise, complete statement of relief sought:  
Order extending time to file Bill of Costs and  
directing Clerk to accept Bill of Costs for filing  
as of date of Order. (Out of time.)

MOVING PARTY: Flash Dancers, et. al. OPPOSING PARTY: Appellant  
☐ Plaintiff ☐ Defendant  
☐ Appellant/Petitioner ☒ Appellee/Respondent

MOVING ATTORNEY: Edward S. Rudofsky OPPOSING ATTORNEY (Name): Roy Den Hollander  
 [name of attorney, with firm, address, phone number and e-mail] [name of attorney, with firm, address, phone number and e-mail]

Zane and Rudofsky, The Starrett Lehigh Building 545 East 14th Street  
601 West 26th Street, Suite 1111 New York, New York 10009  
New York, New York 10001 (212) 995-5201  
(212) 245-2222



Court/Judge/Agency appealed from: P. Kevin Castel

Please check appropriate boxes:

Has consent of opposing counsel:  
 A. been sought? ☐ Yes ☒ No  
 B. been obtained? ☐ Yes ☒ No

Is oral argument requested? ☐ Yes ☒ No  
 (requests for oral argument will not necessarily be granted)

Has argument date of appeal been set? ☐ Yes ☒ No  
 If yes, enter date Appeal argued and decided

FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND  
 INJUNCTIONS PENDING APPEAL:  
 Has request for relief been made below? ☐ Yes ☒ No  
 Has this relief been previously sought  
 in this Court? ☐ Yes ☒ No  
 Requested return date and explanation of emergency: \_\_\_\_\_

Signature of Moving Attorney: [Signature] Date: Feb. 22, 2006  
 Has service been effected? ☒ Yes ☐ No  
 [Attach proof of service]

ORDER

IT IS HEREBY ORDERED THAT the motion is GRANTED

Date: APR 11 2006

FOR THE COURT:  
 ROSEANN B. MACKECHNIE, Clerk  
 by [Signature] Court  
 Arthur M. Heller, Motions Staff Attorney

Form T-1080 (Revised 10/31/02).



ITEMIZED AND VERIFIED BILL OF COSTS

United States Court of Appeals  
For the Second Circuit



Docket No. 04-6700-cv

HOLLANDER

FLASH DANCERS

Appellees Flash Dancers Topless Club, Jay-Jay Cabaret, Inc., Lynn Lepofsky, Barry, Night Manager Flash Dancers, and Flash Dancers Managers 1 to 5 (hereinafter "Flash Dancers Appellees") respectfully submits, pursuant to Rule 39 c) of the Federal Rules of Appellate Procedure the within bill of costs and requests the Clerk to prepare an itemized statement of costs taxed against the appellant and in favor of the Flash Dancers Appellees for insertion in the mandate.

Docketing Action .....

Costs of printing appendix (necessary copies .....)

Costs of printing brief (necessary copies ..... 446.51

Costs of printing reply brief (necessary copies .....)

(VERIFICATION HERE) I HEREBY CERTIFY UNDER THE PENALTY OF PERJURY THAT THE ABOVE COSTS ARE ACCURATE AND WERE NECESSARILY INCURRED.

*Edward S. Radofsky*  
(Signature)  
Edward S. Radofsky (ER-9037)

A TRUE COPY  
Roseann B. MacKechnie, CLERK

*[Signature]*  
DEPUTY CLERK

CERTIFIED: APR 12 2006

STATEMENT OF COSTS  
Taxed in the amount of \$446.51  
In favor of  
Appellees: Flash Dancers Topless Club, Jay-Jay Cabaret, Inc., Lynn Lepofsky, Barry, Night Manager Flash Dancers, and Flash Dancers Managers 1 to 5  
FOR THE COURT:  
APR 11 2006  
Roseann B. MacKechnie, Clerk  
Arthur M. Miller, Deputy Clerk

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

-----X  
Roy Den Hollander,

Docket No. 04-6700-cv

Plaintiff-Appellant,

**PETITION REHEARING  
EN BANC**

v.

American Organized Crime Gang 1, Flash Dancers Gangster 1, California Pimp, Other American Lap-Dancing Clubs, Khachaturyan Araratovich Aspyan, Russian Organized Crime Boss, Aspyan Criminal Association, Volchok, aka Woolfy-Russian Organized Crime Member, Raketa, aka Rocket-Russian Organized Crime Member, Albatross Club, Russian Organized Crime Social C, Alexey Smolin, Russian Organized Crime Member, Baraev Islamic Terror and Crime Clan, Ostapenko, Chief of the Investigation Office in the Department of Internal Affairs for Krasnodar, Russia, Pavlovna Kurilko, Chief of the Inquest Office in Department of Internal Affairs for Krasnodar, Russia, Oksana Viktorovna Borisova, Investigator in the Inquest Office in the Department of Internal Affairs for Krasnodar, Russia, Tatyanna Vasilyeva Fashion House, Tatyanna Vasilyeva, Dmitri Morosov, Rey, Krasnodar, Russia, Pimp, Inessa A. Shipilina, Vladimir Gavrilovich Minchenko, Vice Rector Krasnodar State Academy, Phodes Studio Co., Leonid Perlin, President Phodes Studio Co., Tanya, Phodes Studio Prostitute, Vladimir of St. Petersburg, Albatross Club Gangster 1, Krasnodar Briber 1, Krasnodar State Academy Thugs 1 and 2, Russian Criminal Gangs 1 to 5, Chechen Criminal Gangs 1 and 2, Dima Husband of Anastasia Vasilyeva, Krasnodar Prostitutes 1 to 3, Stephanos-Bank Employee, Melios Athanasiou Agencies, IRINIS 182C Entertainment Company, Melios Athanasiou-Owner and CEO Melios Athanasiou Agencies and IRINIS 182C, Irina Athanasiou-Owner and Executive of Melios Athanasiou Agencies and IRINIS 182C, Marios Athanasiou-Manager Zygos and Tramps Cabarets, A. Charalambous-Cyprus Immigration Chief, Julia Heart Agency, Maria-Prostitute Recruiter for Julia Heart Agency, The Men's Club, Mexico City, Roberto & Rosa Elina Queilan-Mangers Men's Club, Max Gracia Appedole, Juginta Raszyukevichina a.k.a. Azul, Salvador-Partner Phodes Studio, Alfredo Ibarra Sotelo, Mexican Organized Criminal Gang 1,

Defendants,

Flash Dancers Topless Club, Jay-Jay Cabaret, Inc., Cybertech Internet Strip Club Network, Lynn Lepofsky, Jay-Jay Cabaret, Inc., Barry, Night Manager

Flash Dancers, Kuba, Mundy & Associates, Nicholas J. Mundy, Peter Petrovich, Alina A. Shipilina, aka Chipilina aka Angelina, Marc L. Paulsen, Bob Henning New York City Police Detective, Anastasia Vasilyeva, John Madison, or John Pierre, Flash Dancers Managers 1 to 5, Bank of Cyprus,

Defendants-Appellees.

-----X

### **PETITION FOR REHEARING EN BANC**

The three-judge panel<sup>1</sup> presided over by J. Sonia Sotomayor has ruled that a bill of costs can be filed late without a showing of good cause, which conflicts with the Federal Rules of Appellate Procedure §§ 39(d)(1) & 26(b) and Apex Oil Co. v. Belcher Co. of N.Y., Inc., 865 F.2d 504, 505 (2d Cir. 1989), so consideration by the full court is therefore necessary to secure and maintain uniformity of the Court's decisions.

### **ARGUMENT**

Fed. R. App. P. 39(a)(d)(1) requires the prevailing party to file a bill of costs within 14 days after entry of judgment with the Circuit Clerk. The Summary Order in the civil RICO case Hollander v. Flash Dancers, 2006 U.S. App. Lexis 2781 or 2006 WL 267148, Docket 04-6700 Civ., was entered on February 3, 2006 and the prevailing party, appellee Flash Dancers, moved on February 23, 2006 to file its bill of costs late. Judge Sotomayor's panel granted

---

<sup>1</sup> The other judges are the Hon. Pierre N. Leval, Circuit Judge, and Hon. Mark R. Kravitz, District Judge.

Flash Dancers motion by denying appellant Hollander's objection to the late filing of Flash Dancers' bill of costs. Exhibit A, Panel Orders

This Court has the "discretion to relieve movants from the 14-day timeliness requirement of Rule 39 upon showing of just cause." Apex Oil Co., 865 F.2d at 505. That "discretion" is based on Fed. R. App. P. 26(b), which allows the circuit courts to enlarge time limits prescribed by the Federal Rules of Appellate Procedure "for good cause shown." Denofre v. Transportation Ins. Rating Bur., 560 F.2d 859, 860 (7<sup>th</sup> Cir. 1977).

The issue is whether Flash Dancers has shown "just" or "good" cause for filing its bill of costs after the 14-day time period expired?

The declaration of Flash Dancer's attorney states the reason for the late filing on a trip voluntarily taken and an office mistake:

"I was attending a Bar Association meeting in California when the Clerk's written notification regarding the submission of an itemized bill of costs was received and due to several sets of motion papers and briefs required to be filed in several other matters, immediately following my return to New York, I did not see this item until Tuesday, February 21, 2006. Exhibit B, Declaration of Edward Rudofsky ¶ 4.

The Clerk's written notification about filing a bill of costs was mailed with the Summary Order on February 3, 2006.

Flash Dancer's attorney has practiced before this Court for over thirty years, belongs to a three member firm, Exhibit C, Zane and Rudofsky, and is

most likely familiar with the Second Circuit's website that lists the rules of procedure and includes PACER for retrieving information on specific cases, which can be accessed by internet from California. This combination of experience with Second Circuit procedures, the benefit of having a firm that presumably tracks its cases, although in this situation was inattentive, and global access to Second Circuit information does not support a finding of "just" or "good" cause for noncompliance when compared with the decisions in other cases.

*Second Circuit:* Where an automatic stay prevented the prevailing party from timely filing a bill of costs in the Court of Appeals because the losing party was in bankruptcy, this Court ruled that the prevailing party should have made a motion in the bankruptcy court for relief from the stay within 14 days of judgment entry. Apex Oil Co. v. Belcher Co. of N.Y., Inc., 865 F.2d 504, 505 (2d Cir. 1989). This Court stated, "[w]e see no reason why the bankruptcy of the losing party on appeal should result in a windfall time enlargement for the prevailing party .... This holding is not only consistent with Rule 39 but also provides a bright-line test." *Id.* at 505-06.

*Fifth Circuit:* After an appeal was remanded back to the district court, the prevailing party failed to timely file its bill of costs. The Fifth Circuit labeled the prevailing party's attempt "to lay blame for its own failings at the doorstep

of the district court [as] pure sophistry.” Religious Technology Center v. Liebreich, 98 Fed. Appx. 979, 987 (2004).

In another Fifth Circuit case, one of the prevailing parties moved 10 days after the deadline for an extension of time to file its bill of costs. The attorneys argued they had “inadvertently misplaced the blank Bill of Costs form that accompanied their copy of the opinion” and they had not become aware of Rule 39(d)’s 14-day period until receiving a motion from another prevailing party. Sims v. Great-West Life Assur. Co., 941 F.2d 368, 370 (5<sup>th</sup> Cir. 1991). The Fifth Circuit found that “[t]hese are patently insufficient reasons to demonstrate good cause to enlarge the time limits in question.” *Id.* at 370 (citations omitted).

Good cause for filing a bill of costs late was found when the prevailing party, due to Christmas mailing delays, did not receive the Circuit’s opinion until after the 14-day period had expired. Knoblauch v. C.I.R., 752 F.2d 125, 128 (5<sup>th</sup> Cir. 1985). Flash Dancers’ attorney does not say when his firm received the Second Circuit’s opinion, but it was mailed on February 3, 2006—well after the traditional Christmas delays.

*Seventh Circuit:* In Denofre v. Transportation Ins. Rating Bur., 560 F.2d 859, 861 (7<sup>th</sup> Cir. 1977), the Court of Appeals stated, “[t]he fact that the attorney of record was absent from his office [out of town on other matters] during the relevant times [14-day period] does not save the situation [motion to file late].

We do not think that good cause is shown to enlarge a time period expressly specified in the Federal Rules of Appellate Procedure [previously 39(c)] by the mere in attendance to the daily chores in one's law office, particularly by a firm of fourteen lawyers.... If attention had been given promptly to incoming matters which ... involve deadlines, there was sufficient time at least to have filed within the fourteen days a motion for extension of time....”

*Ninth Circuit:* Good cause existed for the late filing of a bill of costs due to circumstances beyond counsel's control that delayed receipt of the court's opinion as a result of the shutdown in aviation, including U.S. Postal flights, following 911. Tickmor v. Choice Hotels International, Inc., 275 F.3d 1164, 1165 (9<sup>th</sup> Cir. 2002).

In another case, the Ninth Circuit ruled, “in attendance to office chores and good faith mistakes are not sufficient to show good cause.” Mollura v. Miller, 621 F.2d 334, 335(9<sup>th</sup> Cir. 1980). In Mollura, counsel for the prevailing party moved to file a bill of costs late because of a law office mistake in calendaring. The court held the “mere averment of mistake is insufficient under these circumstances to show good cause.” *Id.* at 336. “Claims for costs should be filed promptly after the entry of judgment. Rule 39(d)'s ... definite time limit must be scrupulously observed by litigants.” *Id.* at 336 (citation omitted).



Finding good cause “merely from a mistake in calendaring or from in attendance to office chores, would seriously undermine the policy of the rules.” *Id.*

### **CONCLUSION**

A busy schedule hardly constitutes good cause for failing to comply with the Federal Rules of Appellate Procedure. Plaintiff-appellant requests reversal of the panel’s order allowing Flash Dancers to file a bill of costs late because its attorney of record was volitionally out-of-town and the attorney’s three-member law firm was in attentive to office chores.

Dated: May 23, 2006

---

Roy Den Hollander, Esq.  
Attorney, plaintiff-appellant  
545 East 14 Street  
New York, N.Y. 10009  
(212) 995-5201

**ROY DEN HOLLANDER**  
**Attorney at Law**

545 East 14th Street  
995-5201  
New York, NY 10009

Tel. & Fax: (212)  
Mobile 917 687 0652

May 22, 2006

Satisha Gibbs  
Case Manager  
Clerk' Office  
U.S. Court of Appeals, Second Circuit  
40 Foley Sq., 18<sup>th</sup> Floor  
New York, N.Y. 10007

**Roy Den Hollander v. Flash Dancers Topless Club, et al.**  
**Second Circuit Court of Appeals, 04-6700-CV**

Dear Ms Gibbs:

Apparently, there is some continuing confusion over the "Petition for Rehearing En Banc" that I filed on March 24, 2006. I had assumed this Court's granting of my April 4, 2006 motion had resolved the confusion, but it has not.

The April motion requested the Second Circuit to direct you to docket my "Petition for Rehearing En Banc," which you had refused to do under the mistaken belief that petitions for rehearing en banc only applied to appeal decisions rather than "other proceedings" in the Second Circuit. Fed. R. App. P. § 35(a). The April motion was not, as the docket incorrectly indicates at 4/4/06, a motion for leave to file a late petition for rehearing of my appeal.

The March 24, 2006 Petition for Rehearing En Banc states in paragraph one that it concerns the panel's order granting defendant Flash Dancers leave to file its bill of costs late. It does not request a rehearing en banc of the panel's February 3, 2006 Summary Order denying my appeal from the District Court. Since the March 24, 2006 Petition for Rehearing En Banc concerns the panel's orders granting Flash Dancers leave to file a bill of costs late (April 11, 2006) and denying my opposition (March 15, 2006), the only orders required under Local Rule 35(a) are those two. Both are attached in Exhibit A of my second set of papers for Petition for Rehearing En Banc that includes the required change in caption that we discussed on Friday, May 19th. The April 11, 2006 order granting Flash Dancers' motion was not included in the March 24, 2006 Petition for Rehearing En Banc because the order was not docketed until after the filing of the petition.

The second set, which includes the full caption, is, as the original set, less than 15 pages, excluding material not counted under Rule 32, and is, as the original set, properly numbered with the exhibits following the argument and noted by letters in ascending order.

Finally, the applicable Rule is § 35 En Banc Determination, not Rule § 40: Petition for Panel Rehearing. I was not and am not requesting a rehearing by the panel.

Sincerely,

Roy Den Hollander

CC Chief Deputy Clerk, Thomas W. Asreen

UNITED STATES COURT OF APPEALS

FOR THE SECOND CIRCUIT

-----X  
Roy Den Hollander,

Appellant-Plaintiff,

Docket No. 04-6700-cv

**AFFIRMATION OF FACT**

v.

Flash Dancers Topless Club, et al.,

Appellees-Defendants.

-----X

**Affirmation in Support of a Motion Requesting this Court to Direct its  
Case Manager Satisha Gibbs to Docket a Petition for Rehearing En  
Banc of a Panel's Decision Permitting the Late Filing of a Bill of Costs  
Without a Showing of Good Cause.**

I, Roy Den Hollander, am the attorney plaintiff-appellant, am familiar with the matters within and submit this affirmation in support of this motion requiring the Second Circuit's case manager, Satisha Gibbs, to docket a petition for rehearing en banc of a panel's decision to allow the late filing of a bill of cost without a showing of good cause.

1. On March 15, 2006, a panel<sup>1</sup> of this Court granted defendant Flash Dancers' motion to file a bill of costs after the time period for submitting such had expired. Exhibit A, Panel Order.

2. On March 24, 20006, appellant Hollander submitted a petition for rehearing en banc requesting this Court to review the panel's granting of

<sup>1</sup> Hon. Sonia Sotomayor, Pierre N. Leval, *Circuit Judges*, Hon. Mark R. Kravitz, *District Judge*.

Flash Dancers' motion on the grounds that it conflicts with the decision of another panel of this Court set out in Apex Oil Co. v. Belcher Co. of N.Y., Inc., 865 F.2d 504, 505 (2d Cir. 1989), which requires a showing of good cause for enlarging the time limits prescribed in the Rules of Appellate Procedure. Exhibit B, Cover page of petition for rehearing en banc.

3. On March 29, 2006, Satisha Gibbs, the case manager for the above captioned case, mailed appellant Hollander a notice stating:

“This will advise you that we received and filed the petitiin (sic) for rehearing .... Upon review we have determined that it does not comply with the Federal Rules of Appellate Procedure or Second Circuit Rules in the following manner:

Missing information: Motion to file late petition for rehearing.

You are hereby notified to submit 1 original and 4 copies of the motion to file petition late to this office not later than 4/12/2006.” Exhibit C, Gibbs' Notice.

4. Ms. Gibbs clearly confused the petition as one referring to the panel's Summary Order disposing of this case's appeal from the District Court, which was entered on February 3, 2006. Any petition for rehearing of the Summary Order would have been out of time on March 24<sup>th</sup> and required an accompanying motion to file late.

5. The petition that was filed on March 24<sup>th</sup>, however, did not request review of the Summary Order but rehearing of the panel's decision to grant Flash Dancers' motion to file a bill of costs after the deadline had expired.

This reason for the petition is stated in the first sentence of its first paragraph. Exhibit B, Cover page of petition for rehearing en banc.

6. On March 31, 2006, at approximately 4:40 PM, appellant Hollander telephoned Ms. Gibbs who emphatically said that a petition for rehearing en banc was not permitted for requesting a review of the panel's decision on Flash Dancers' motion.

7. Ms. Gibbs then instructed appellant Hollander to file a motion, not a petition, requesting that the panel review its decision of Flash Dancers' motion.

**WHEREFORE**, Ms. Gibbs' interpretation of the Rules of Appellate Procedure is inaccurate as set out in the attached Memorandum of Law and appellant Hollander, by this motion, requests:

(1) This court instruct Ms. Gibbs to docket the petition for rehearing en banc as originally filed with the date of filing as March 24<sup>th</sup>;

(2) This Court rescind Ms. Gibbs' order to file an additional motion, whether to request a late filing of the petition or to request the panel's review of its decision; and

(3) Appellant Hollander be awarded costs in time of four hours at \$150 an hour and money for copying and mailing of \$13.20 for a total of

\$613.20 in making this motion that should never have been necessary in the first place.

Executed under the penalty of perjury.

Dated: New York, New York  
April 3, 2006

Attorney plaintiff-appellant

---

Roy Den Hollander  
545 East 14 Street, 10D  
New York, NY 10009  
(212) 995-5201

UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT

-----X  
Roy Den Hollander,

Appellant-Plaintiff,

Docket No. 04-6700-cv

v.

Flash Dancers Topless Club, et al.,

Appellees-Defendants.

-----X

**MEMORANDUM OF LAW**

The Federal Rules of Appellate Procedure § 35(a) states, “A majority of the circuit judges who are in regular active service may order that an

appeal or **other proceeding** be heard or reheard by the court of appeals en banc.” (Emphasis added). Case Manager Gibbs failed to docket appellant Hollander’s “Petition for Rehearing En Banc” (“Petition”) because it did not request a rehearing of this case’s appeal but rather a rehearing of the panel’s decision granting a motion. A panel’s decision on a motion is clearly within the statutory words of “other proceeding.”

Fed. R. App. P. § 46(c) states, “Cases and controversies shall be heard and determined by a ... panel ... unless a hearing or rehearing before the court en banc is ordered by a majority of judges ....” The motion order that is the subject of appellant Hollander’s Petition grows out of a case before this Court, Hollander v. Flash Dancer, et al., and involves a controversy over whether a panel of this Court can enlarge time limits prescribed by the Rules of Appellate Procedure without good cause and in contradiction of another panel’s decision in Apex Oil Co. v. Belcher Co. of N.Y., Inc., 865 F.2d 504, 505 (2d Cir. 1989).

An intra-circuit conflict can only be resolved by a Court of Appeals sitting en banc, *see* Tornay v. U.S., 840 F.2d 1424, 1427 n.3 (9<sup>th</sup> Cir. 1988); therefore, appellant Hollander’s Petition provides the only way of conforming this Court’s decisions on whether the deadlines of the Appellate Rules require a showing of good cause for any time extensions. Case



Manager Gibbs' refusal to docket appellant Hollander's petition prevents this Court from securing and maintaining uniformity of its decisions.

Dated: April 3, 2006

Roy Den Hollander, Esq.  
Attorney, plaintiff-appellant  
545 East 14 Street  
New York, N.Y. 10009  
(212) 995-5201

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT  
 Thurgood Marshall U.S. Courthouse at Foley Square 40 Centre Street, New York, NY 10007  
 Telephone: 212-857-8500

MOTION INFORMATION STATEMENT

Docket Number(s): 04-6780-cv

Motion for: Docketing of petition for rehearing  
 en banc and costs.

Set forth below precise, complete statement of relief sought:

The appellant requests the Court docket the petition  
 For rehearing en banc that was filed March 24, 2006  
 And award him costs for having to make this motion.

MOVING PARTY:

Roy Den Hollander, Appellant-Plaintiff

MOVING ATTORNEY:

Roy Den Hollander  
 545 East 14 St., 10D  
 New York, NY 10009  
 212 995 5201

Court/Judge/Agency appealed from: SDNY, Judge P. Kevin Castel

Has consent of opposing counsel:

A. been sought? No

B. been obtained?

Is oral argument requested? No

Has argument date of appeal been set? Argued and decided

If yes, enter date

Caption

Hollander

Appellant-Plaintiff

v.

Flash Dancers, et al.

Appellees-Defendants



OPPOSING PARTY:

Flash Dancers, et al. Appellees-Defendants

OPPOSING ATTORNEY:

See page 2

FOR EMERGENCY MOTIONS, MOTIONS FOR  
 STAYS AND INJUNCTIONS PENDING APPEAL:

Has request for relief been made below? NA

Has this relief been previously sought in this Court? No

Requested return date and explanation of emergency:

Signature of Moving Attorney:

*Roy Den Hollander*

Date: 4/4/06

Has service been effected? Yes



ORDER

Before: Hon. Pierre N. Leval, Hon. Sonia Sotomayor, Circuit Judges, Hon. Mark R. Kravitz, District Judge\*

IT IS HEREBY ORDERED that the motion for leave to file a petition for rehearing *en banc* is GRANTED; the  
 further motion for costs is DENIED.

FOR THE COURT:  
 ROSEANN B. MacKECHNIE, Clerk of Court

by

*Trace W. Young*  
 Trace W. Young, Motions Staff Attorney

APR 11 2006

Date

\* The Honorable Mark R. Kravitz of the United States District Court for the District of Connecticut, sitting by designation.

**ROY DEN HOLLANDER**  
**Attorney at Law**

545 East 14th Street  
New York, NY 10009

Tel. & Fax: (212) 995-5201  
Mobile 917 687 0652  
rdhh@erols.com

June 30, 2006

Chief Judge John M. Walker, Jr.  
U.S. Court of Appeals, Second Circuit  
40 Foley Square  
New York, N.Y. 10007

**Roy Den Hollander v. Flash Dancers Topless Club, et al.**  
**Second Circuit Court of Appeals, 04-6700-CV**

Dear Chief Judge Walker:

I am the appellant in the above captioned civil RICO case. This letter is my fourth attempt to have the case manager docket a Petition for Rehearing En Banc of a decision of a motion that allowed for the late filing of costs by one of the successful appellees.

A panel<sup>1</sup> of this Court upheld a Rule 12(b)(6) dismissal by the Southern District Court on February 3, 2006. Appellee Flash Dancers subsequently requested that it be allowed to move for costs after the 14-day deadline for making a cost motion had passed. Fed. R. App. P. § 39(d)(1). I opposed the motion for failure to show “good cause” for the delay. The panel granted Flash Dancers’ motion to file late along with some of its requested costs.

On March 24, 2006, I filed a Petition for Rehearing En Banc requesting this Court to review the granting of Flash Dancers’ motion on the grounds that the decision conflicts with the “good cause” requirement of another of this Court’s panel in Apex Oil Co. v. Belcher Co. of N.Y., Inc., 865 F.2d 504, 505 (2d Cir. 1989), and cases in other circuits.

Case manager Shatisa Gibbs refused to docket the Petition claiming that petitions for rehearing en banc were not permitted to request the review of a panel’s decision on a motion and were only allowed to review a panel’s decision of an appeal. However, Fed. R. App. P. § 35(a) states, “A majority of the circuit judges who are in regular active service may order that an appeal or **other proceeding** be heard or reheard by the court of appeals en banc.” (Emphasis added.)

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<sup>1</sup> The panel judges were Hon. Sonia Sotomayor, Hon. Pierre N. Leval, Circuit Judges, and Hon. Mark R. Kravitz, District Judge.

On April 4, 2006, I moved this Court to instruct Ms. Gibbs to docket my Petition for Rehearing En Banc of the panel's decision on the Flash Dancers' motion. Exhibit A, Motion for Gibbs to Docket Petition. Ms. Gibbs incorrectly docketed the motion as one for leave to file late a petition for rehearing. On April 11, 2006, this Court granted my motion, thereby requiring Ms. Gibbs to docket my Petition for Rehearing En Banc. Exhibit B, Court Order.

Unfortunately, Ms. Gibbs still refuses to docket the Petition. In a telephone conversation of May 19, 2006, Ms. Gibbs raised additional objections to docketing the Petition and directed me to comply with Fed. R. App. P. § 40 when the appropriate rule was § 35. The only objection she presented that carried some validity was the Petition's cover should include the full caption. I complied by submitting to Ms. Gibbs another original and 24 copies of the Petition, this time with a full caption, and providing Deputy Chief Clerk Arseen with a copy of my cover letter to Ms. Gibbs. Exhibit C, Cover Letter to Petition Copies. The petitions were delivered to Ms. Gibbs on May 30<sup>th</sup>, but, as of June 30<sup>th</sup>, the Petition has still not been docketed.

Thank you for your time.

Sincerely,

Roy Den Hollander

UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT  
UNITED STATES COURTHOUSE  
40 FOLEY SQUARE-ROOM 1702  
NEW YORK, NEW YORK 10007  
(212) 857-8500 PHONE  
(212) 857-8710 FACSIMILE

JOHN M. WALKER, JR.,  
CHIEF JUDGE

BRIANNE B. MACKECHNE,  
CLERK

August 25, 2006

Roy Den Hollander, Esq.  
545 East 14<sup>th</sup> Street  
New York, New York 10009

Re: Roy Den Hollander v. Flash Dancers Topless Club  
C/O No.04-6700

Dear Mr. Hollander:

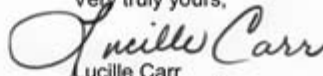
Chief Judge Walker forwarded your letter dated June 30, 2006, to me for response.

First of all, I would like to apologize for the delay in getting your petition for en banc review to the Court. There was apparently some initial confusion as to whether such a petition for en banc review was permitted as of right from the denial of a procedural motion. However, the Court granted your motion for en banc review in an order dated April 11, 2006. Following the grant of that motion, your petition should have been sent to the full Court. One of our case managers, however, improperly delayed transmission and your petition for en banc review was not docketed until June 5, 2006. It is now with the full Court and we will notify you as soon as the full Court issues its decision.

Again, I apologize for the delay in the handling of your motion. I have spoken to Ms. Gibbs, the case manager who was responsible for the delay, and explained to her how this case should have been processed. I sincerely regret the inconvenience this case has created for you, but I trust that future experiences at the Second Circuit will be more satisfactory. Should you ever have questions or problems in the future, please do not hesitate to call me. My direct line is 212-857-8599.

Thank you for your patience.

Very truly yours,

  
Lucille Carr  
Chief of Operations

UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT  
THURGOOD MARSHALL U.S. COURT HOUSE  
40 FOLEY SQUARE  
NEW YORK 10007

Roseann B. MacKechnie  
CLERK

Date:

Docket Number: 04-6700-cv  
Short Title: Hollander v. Flash Dancers  
DC Docket Number: 03-cv-2717  
DC: SDNY (NEW YORK CITY)  
DC Judge: Honorable P. Castel

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 31<sup>st</sup> day of August two thousand six.

Roy Den Hollander,

Plaintiff-Appellant,

v.

Flash Dancers Topless Club, Jay-Jay Cabaret, Inc., Cybertech Internet Strip Club Network  
Lynn Lepofsky, Jay-Jay Cabaret, Inc., Barry, Night Manager Flash Dancers, Kuba, Mundy &  
Associates, Nicholas J. Mundy, Peter Petrovich, Alina A. Shipilina, aka Chipilina aka Angelina,  
Marc L. Paulsen, Bob Henning, Anastasia Vasilyeva, John Madison, or John Pierre, New York  
City Police Detective, Flash Dancers Managers 1 to 5 and Bank of Cyprus,

Defendants-Appellees.

A petition for panel rehearing and a petition for rehearing en banc having been filed herein by the appellant Roy Den Hollander. Upon consideration by the panel that decided the appeal, it is Ordered that said petition for rehearing is **DENIED**.

It is further noted that the petition for rehearing en banc has been transmitted to the judges for the court in regular active service and to any other judge that heard the appeal and that no such judge has requested that a vote be taken thereon.

For the Court,  
Roseann B. MacKechnie, Clerk

By: [Signature]  
Motion Staff Attorney



No. 05-10635

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In The

**Supreme Court of the United States**

---

Roy Den Hollander,  
*Petitioner,*

vs.

Flash Dancers Topless Club, et al.,  
*Respondents.*

---

**PETITION FOR WRIT OF CERTIORARI  
TO THE UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT**

---

Roy Den Hollander  
Attorney, *pro se* petitioner  
545 East 14<sup>th</sup> Street, Apt. 10D  
New York, N.Y. 10009  
Tel: (212) 995-5201

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[Petition for Certiorari Preface](#)

[Petition for Certiorari Facts and Arguments](#)

CASE NO. 05-10635

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IN THE  
SUPREME COURT OF THE UNITED STATES

---

ROY DEN HOLLANDER,

PETITIONER,

-AGAINST-

FLASH DANCERS TOPLESS CLUB, ET AL.,

RESPONDENTS.

---

MEMORANDUM IN OPPOSITION TO PETITION  
FOR WRIT CERTIORARI TO THE  
UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT

---

ZANE AND RUDOFISKY  
ATTORNEYS FOR RESPONDENTS  
THE STARRETT LEHIGH BUILDING  
601 WEST 26<sup>TH</sup> STREET, SUITE 1111  
NEW YORK, NEW YORK 10001  
(212) 245-2222



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**CORPORATE DISCLOSURE STATEMENT**

Pursuant to Rule 29.6 of the Rules of the Supreme Court of the United States, counsel for respondents Jay-Jay Cabaret, Inc. d/b/a Flashdancers, s/h/a "Flash Dancers Topless Club," Lynn Lepofsky, "Barry- Night Manager Flash Dancers" and "Flash Dancers Managers 1-5" hereby states that respondent Jay-Jay Cabaret, Inc. has no parent corporation and that no publicly-held corporation owns any shares of stock of respondent Jay-Jay Cabaret, Inc.

Respectfully Submitted,

**ZANE and RUDOFISKY**  
The Starrett Lehigh Building  
601 West 26<sup>th</sup> Street, # 1111  
New York 10001  
(212) 245-2222

By:   
Edward S. Rudofsky

*Attorneys for Respondents Jay-Jay  
Cabaret, Inc., etc., Lynn Lepofsky,  
"Barry-Night Manager Flash  
Dancers" and "Flash Dancers  
Managers 1-5"*

---

**MEMORANDUM IN OPPOSITION TO PETITION FOR  
WRIT OF CERTIORARI TO THE UNITED STATES  
COURT OF APPEALS FOR THE SECOND CIRCUIT**

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This short form memorandum in opposition to the petition for certiorari is respectfully submitted on behalf of respondents Jay-Jay Cabaret, Inc. d/b/a Flashdancers, s/h/a Flash Dancers Topless Club, Lynn Leposky, "Barry – Night Manager Flash Dancers" and "Flash Dancers Managers 1-5" in accordance with the procedure outlined in Stern et al, Supreme Court Practice: 8<sup>th</sup> Edition, § 6.37(d), pp. 460-461, and Appendix IV, p. 1037 ("Short Forms of Opposition to Certiorari").

Petitioner seeks discretionary Supreme Court review of an Order of the United States Court of Appeals for the Second Circuit, \_\_ F.3d \_\_, 2006 U.S.App. LEXIS 2781, 2006 WL 267148 (Feb. 3, 2006) (Laval and Sotomayor, *CJJ.*, and Kravitz, *D.J.*), affirming an Order of the United States

District Court for the Southern District of New York (Castel, *D.J.*), dismissing petitioner's claim for civil remedies under Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C §§ 1961-1968, pursuant to Federal Rule of Civil Procedure 12(b)(6), for failure to state a claim for which relief can be granted.

The Supreme Court "has traditionally expended its limited time and resources on those cases that present issues of national importance..." (Stern et al, Supreme Court Practice: 8<sup>th</sup> Edition, § 4.2, p. 223). This is clearly not such a case. We annex hereto the *entire* dismissed Complaint and Supplemental Complaint, asserting a total of 988 patently incredible allegations against 67 defendants. In an effort to make his case seem reasonable and capable of review, petitioner has disingenuously included only 307 (31%) of these allegations in the appendix to his petition. However, his complaint (as supplemented) must be read in its entirety in order to understand the incredible nature of the allegations which the District Court faced in trying to ascertain which accusations were "well pleaded" and should be credited for purposes of Fed. R. Civ. P. 12(b)(6).

No District Court should be expected to have to deal with such patently vexatious and unreasonable litigation, particularly filed "pro se" by a member of the bar.\* As the First Circuit so aptly stated in Correa-Martinez v. Arrillaga-Belendez, 903 F.2d 49 (1<sup>st</sup> Cir. 1990):

In the menagerie of the Civil Rules, the tiger patrolling the courthouse gates is rather tame, but "not entirely... toothless."\*\*\* Despite the highly deferential reading which we accord a litigant's complaint under Rule 12(b)(6), we need not credit bald assertions, periphrastic circumlocutions, unsubstantiated conclusions, or outright vituperation. \*\*\* Moreover, the rule does not entitle a plaintiff to rest on "subjective characterizations" or conclusory descriptions of "a general scenario which could be dominated by unpleaded facts." \*\*\* We understand that, for pleading purposes, the dividing line between sufficient facts and insufficient conclusions "is often blurred." \*\*\* But the line must be plotted:

It is only when such conclusions are logically compelled, or at least supported, by the stated facts, that is, when the suggested inference rises to what experience indicates is an acceptable level of probability, that 'conclusions' become 'facts' for pleading purposes.

[Citations omitted; emphasis added.]

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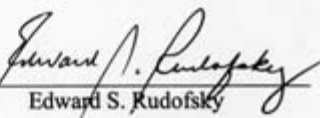
\* Any notion as to petitioner's good faith is quickly dispelled by review of his public website, [www.royandalina.com](http://www.royandalina.com), which he has titled "Stupid Frigging Fool: The tragicomedy of an American lawyer and a Russian mafia prostitute," and has dedicated "To Mother, May She burn in Hell."

WHEREFORE, we urge the Court to deny the petition for certiorari.

Respectfully submitted,

**EDWARD S. RUDOFISKY**  
**ZANE and RUDOFISKY**

The Starrett Lehigh Building  
601 West 26<sup>th</sup> Street, # 1111  
New York 10001  
(212) 245-2222

By:   
Edward S. Rudofsky

*Attorneys for Respondents Jay-Jay  
Cabaret, Inc., etc., Lynn Lepofsky,  
"Barry-Night Manager Flash  
Dancers" and "Flash Dancers  
Managers 1-5"*

No. 05-10635

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In The  
**Supreme Court of the United States**

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Roy Den Hollander,  
*Petitioner,*

vs.

Flash Dancers Topless Club, et al.,  
*Respondents.*

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**REPLY BRIEF TO RESPONDENT FLASH DANCERS OPPOSITION TO  
PETITION FOR WRIT OF CERTIORARI  
TO THE UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT**

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Roy Den Hollander  
Attorney, *pro se* petitioner  
545 East 14<sup>th</sup> Street, Apt. 10D  
New York, N.Y. 10009  
Tel: (212) 995-5201

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**REPLY BRIEF TO RESPONDENT FLASH DANCERS OPPOSITION TO  
PETITION FOR A WRIT OF CERTIORARI  
TO THE UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT**

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Once again the defendant-respondent Flash Dancers is attempting to avoid the legal issues by resorting to its strategy of litigation by personal destruction. Flash Dancers and the other respondents had frequently unleashed their canons of misinformation and character assassination in the lower courts, and now Flash Dancers does the same in this Court with its Opposition Memorandum (“Flash Dancers Opp.”).

Flash Dancers and its attorneys’ aim is clear: use ad hominem to shut down the argument and marginalize the plaintiff so that they do not have to argue the merits—try the person, not the issues. Character assassination and misinformation has all too often been successful for the unscrupulous by hiding their nefarious deeds under the cloak of patriotism, religion or other popular views depending on the particular time period in America’s history. Flash Dancers is attempting the same tactic by trying to stir emotions against the petitioner in order to deflect

attention from the legal issues before this Court that arose from Flash Dancers' RICO violations.

Flash Dancers' attorneys forget that the purpose behind the Bill of Rights, and of the First Amendment in particular, is to protect unpopular individuals from retaliation—and their ideas from suppression—at the hand of an intolerant society. McIntyre v. Ohio Elections Commission, 514 U.S. 334, 357, 115 S.Ct. 1511, 1524, 131 L. Ed. 2d 426 (Stevens, J.)(1995). “The proponents of the First Amendment ... were determined that every American should possess an unrestrained freedom to express his views, however odious they might be to vested interests whose power they might challenge.” Feldman v. United States, 322 U.S. 487, 501, 64 S.Ct. 1082, 1089, 88 L. Ed 1480 (Black, J. dissenting) (1944).

Respondent Flash Dancers openly operates a sexual bazaar in Times Square, New York City, which hardly puts it in a position to claim the allegations against it in this case are “subjective characterizations or conclusory descriptions,” Flash Dancers Opp., p. 4. A quick scan of Flash Dancers website, [www.flashdancersnyc.com](http://www.flashdancersnyc.com), reveals just some of the respondent's sordid activities. The site has been tamed down a great deal since this case started in the federal courts. Previously, the site sold pornography, escorts and the viewing of live sex acts over the internet in the same manner that New York Elites and Exotica 2000 did before U.S. Immigration and Customs Enforcement closed down those Russian

mafia operations for prostitution and money laundering.<sup>1</sup> Press Release U.S. Attorney Southern District of New York, SA-2.

Flash Dancers also characterizes the petitioner's allegations as "incredible," Flash Dancers Opp., p. 3, but on the *de novo* review of a Rule 12(b)(6) motion to dismiss, a defendant-appellees' protestations are not the pertinent legal standard. The standard as stated by this Court is that it "must ... take the allegations of the complaint at face value for the purpose of the motion." California Motor Transport Co. v. Trucking Unlimited, 404 U.S. 508, 515, 92 S.Ct. 609, 614, 30 L. Ed. 2d 642 (1972)(citing Walker Process Equip., Inc. v. Food Machinery & Chemical Corp., 382 U.S. 172, 174-175, 86 S.Ct. 347, 348-349, 15 L.Ed.2d 247 (1965)). The District Court in its opinion at p. 6 (A-12) stated, "[i]t is axiomatic that in deciding a motion to dismiss pursuant to Rule 12(b)(6), the Court must accept all factual allegations as true and draw all inferences in favor of plaintiff." Levy v. Southbrook International Investments, Ltd., 263 F.3d 10, 14 (2d Cir. 2001), *cert. denied* 535 U.S. 1054 (2002). Regardless of Flash Dancers opinion about the Complaint and Supplemental Complaint "[t]he issue is not whether a plaintiff will ultimately prevail but whether the claimant is entitled to offer evidence to support

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<sup>1</sup> Defendant-appellee Cybertech Internet Solutions, Flash Dancers' website administrator and designer, continues to advertise Flash Dancers at <http://www.stripclublist.com/c.asp?c=8534> with links to escort services that include travel packages sporting various prostitutes. Rather than continue to advertise such illegal interstate activity on its own website, Flash Dancers uses the vast internet network operated by Cybertech for selling just about everything involving sex. (Flash Dancers' other strip clubs, Private Eyes and NY Dolls, <http://www.nydollsclub.com/aboutus.asp>, are also advertised on the Cybertech network.)

the claims. Indeed it may appear on the face of the pleadings that a recovery is very remote and unlikely but that is not the test.” Scheuer v. Rhodes, 416 U.S. 232, 236, 94 S.Ct. 1683, 1686, 40 L.Ed.2d 90 (1974).

Flash Dancers further claims this case is “patently vexatious and unreasonable,” Flash Dancers Opp., p. 4, and Flash Dancers’ papers below have called this RICO action numerous names, the most favorite being “frivolous. But there has been no finding by either of the two courts below as to this case being vexatious, unreasonable or frivolous. How could there be when the allegations are against a portion of the Russian mafia’s operations in America.

The Russian mafia has been operating in the United States for years. Scott P. Boylan, Organized Crime and Corruption in Russia, Vol. 19, Fordham Int’l L.J., 1999, 2013 (1996). With the fall of the Soviet Union, the activities of Russian organized crime groups have spread to the United States and Europe. Id. “Not only does the Mafia kill and steal in Russia, it does so in the United States as well.” Id. at 2001. Mafia members are involved in "theft, extortion, money-laundering, gun-trafficking, drug running, prostitution, smuggling, loan sharking, contract killing and more." Id. “The U.S. Department of Justice has established task forces to deal with the Russian Mafia in New York, Los Angeles, and Miami.” Id. In 1994, the Russian mob had more than 300 members in the New York area alone, making it larger than the Bonanno, Colombo, or Lucchese crime families. Allan

Friedman, The Organizatsiya: Brooklyn's Booming Russian Mob is Slicker, Smarter, and Much Meaner than La Cosa Nostra, N.Y. Mag., Nov. 7, 1994, at 50. Russia's international professional criminals have caused the most economic damage in the U.S. Scott O'Neal, Russian Organized Crime, FBI Law Enforcement Bulletin, May 2000.

The issues raised in the petition for writ of certiorari go to the heart of whether Civil RICO will be effectively used in the future against the archetypal intimidating monsters of organized crime, which is what Congress intended in passing the statute. Flash Dancers hopes to convince this Court that such issues are not of "national importance" so that Flash Dancers and its compatriots in Russian organized crime can continue making lots of money in the shadows beyond the reach of the best disinfectant: the spotlight of public scrutiny.

\*\*\*\*\*

Flash Dancers accuses the petitioner of trying to deceive this Court by not including in his Appendix the entire Complaint and Supplemental Complaint. Flash Dancers Opp., p. 3. The Supreme Court's rules do not require the inclusion of pleadings in a petition for certiorari, but the petitioner included those sections of the pleadings that he believed essential to understanding the petition. Sup. Ct. R. 14(1)(i)(vi). The petitioner also followed the practice of the law firm he worked for just out of law school, Cravath Swaine and Moore, by not including all the

allegations. In addition, the District Court below stated many of the allegations were not necessary to its decision to dismiss, Dist. Order p. 3 ¶ 1, A-9.

Flash Dancers indicated that the abridged versions of the Complaint and Supplemental Complaint were also meant to disguise “bald assertions, periphrastic circumlocutions, unsubstantiated conclusions, or outright vituperation...subjective characterizations or conclusory descriptions....” Flash Dancers Opp., p. 4. But nowhere does Flash Dancers state which of the allegations excluded or, for that matter, included fit those descriptions. Apparently, Flash Dancers wants this Court to expend its limited time paging through the Flash Dancers’ appendix searching for allegations the respondent never cited. Flash Dancers’ attorneys chose the easy way out by making general conclusions unsupported by analysis or specifics.

Finally, the petitioner requests that Flash Dancers’ memorandum in opposition be rejected for failing to present pertinent arguments under Sup. Ct. R. 15(2) that address the issues raised in the petition for writ of certiorari.

Dated: New York, N.Y.  
June 3, 2006

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Roy Den Hollander  
Attorney, *pro se* petitioner  
545 East 14<sup>th</sup> Street, Apt. 10D  
New York, N.Y. 10009  
Tel: (212) 995-5201

**Supreme Court of the United States  
Office of the Clerk  
Washington, DC 20543-0001**

William K. Suter  
Clerk of the Court  
(202) 479-3011

October 2, 2006

Mr. Roy Den Hollander  
545 East 14th Street  
Apt. 10D  
New York, NY 10009

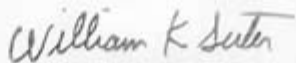
Re: Roy Den Hollander  
v. Flash Dancers Topless Club, et al.  
No. 05-10635

Dear Mr. Hollander:

The Court today entered the following order in the above-entitled case:

The petition for a writ of certiorari is denied.

Sincerely,



William K. Suter, Clerk



**Roy Den Hollander**

**Attorney at Law**

545 East 14 Street, Suite 10D, New York, NY 10009

Telephone & Fax: 212 995 5201

Mobile 917 687 0652

Email rdhh@erols.com

August 3, 2001

US Customs Service

Office of Investigations, New York Region

6 World Trade Center

New York, NY 10048

**Re: Shipilina, Alina A., INS A Number 047-202-363, SS Number 063 90 4695**

Dear Sir or Madam:

I am writing to inform you of the repeated violation of currency transport regulations by **Alina (aka Angelina) Alexandrovna Shipilina or Chipilina**, a Russian national who works as a stripper and prostitute here in New York City. Every two or three months, Ms. Shipilina transports well over \$15,000 in cash out of the country without notifying Customs. Ms. Shipilina carries the money hidden in her suitcase, the heels of her shoes, or internally. She transports the cash to either Russia or Cyprus where she has a bank account in Limassol. Ms. Shipilina is in the United States as a Conditional Permanent Resident. She first entered the United States on July 10, 2000. See Exhibit 1, copy of Permanent Resident Card, photographs and description.

A number of the below cites are to Exhibit 3 that contains a copy of Ms. Shipilina's diary, which was written in Russian, and an English translation.

Her main source of income and cash comes from working as a lap dancer at the topless club Flash Dancers, located at 1674 Broadway (212 315 5107) in New York City. See Exhibit 2, copies of some of her work schedules for 2000. She works at the club under the assumed name of "**Angelina**". The club charges her about \$140 a night to dance and her average net is between \$500 and \$600 a night. See Exhibit 3, pages 46, 47, 48 of the English translation, pages 127, 128, 129, 130 of her Russian diary. Her gross, therefore, averages \$640 to \$740 a night—all cash. She dances five nights a week, which gives her a monthly gross of around \$13,000 to \$15,000 in cash from just stripping. Her diary states that for a month and a half from the end of July to the beginning of September 2000 she netted between \$17,000 and \$18,000. See Exhibit 3, page 48 of the English translation, page 130 of her Russian diary. A sampling of her earnings just from stripping for the year 2000 is contained in Exhibit 4. Ms. Shipilina also engages in prostitution, but I do not have any figures on those earnings.

Ms. Shipilina's trips overseas in which she illegally transported cash to Russia or Cyprus follow:

1. September 9, 2000, departed JFK for Moscow on Aeroflot, the Russian International Airline. September 10, 2001, flew from Moscow to her home in Krasnodar. September 18 or 19 flew to Cyprus from Krasnodar. September 25 returned to Krasnodar from Cyprus. October 2, 2000, returned to New York on Aeroflot from Moscow.
2. December 21, 2000, Ms. Shipilina departs on Aeroflot from JFK to Moscow. Returned to New York from Moscow around January 18, 2001.
3. Over the last half of April and the first half of May, Ms. Shipilina traveled back to Krasnodar, Russia and Limassol, Cyprus.

Given her past record of transporting cash out of the country, Ms. Shipilina is due for another trip soon.

Before taking her cash back to Russia, Ms. Shipilina stores it in her safe deposit box (number 14299) at the Citibank at 411 Fifth Avenue, New York City. See Exhibit 3, page 47 of the English translation, page 129 of her Russian diary. The safe deposit box is under the name: **Alina A. Chipilina**. See Exhibit 5, copy of her safe deposit box agreement. She also has two bank accounts under the name **Alina A. Chipilina** at Citibank at 262 First Avenue, New York City (checking 67147197 and money market 67147234). See Exhibit 6, copy of her August 2000 bank statement. She also has a bank account in Limassol, Cyprus, under the name **Alina A. Chipilina**, but I am unaware of which bank it is with.

Ms. Shipilina is now living under the name of **Alina A. Chipilina** at the following address:

28-15 34 Street, Apt. 4H  
Astoria, New York 11103.

Her telephone number (718 274 4902) and mobile number (917 374 4713) are under the name **Alina A. Shipilina**.

Ms. Shipilina currently owns an apartment in Krasnodar, Russia at

138 Rashpilevskaya, Apt 8  
Krasnodar, 350020  
Telephone 55 67 71  
Mobile 63 66 95

Ms. Shipilina has two international passports issued by the Russian Government. A copy of three of the pages of the one that lists her last name as Chipilina is attached as Exhibit 7. She had a second international passport issued to her in April 2000. See Exhibit 3, page 40 of the English translation of Ms. Shipilina's diary; page 104 of the Russian version. I have also attached a copy of her internal Russian passport as Exhibit 8.

do not hesitate to contact me.

3

**ROY DEN HOLLANDER**  
**Attorney at Law**

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**Alina Alexandrovna Shipilina: DEA**

1. Chechen Connections:
  - a. Seen associating with Chechen gangsters in Sochi in 1999, according to Yulya Yurevna Kudinova.
  - b. Grew up in Gorzny from late 1970s until 1991, according to Alina and Alexey Dikov.
  - c. Lived in Gorzny with her mother, Inessa, and father, who was chief of police, according to Alina. There is some question as to whether Alina had a traditional father. In addition, Inessa told my driver that Alina's father was an Army officer.
  - a. A Chechen man who worked at the Vita S Movie Theater at the end of Krasnaya Ulitsa (54 75 77) helped Alina and her mother move from Grozny and find a place in Krasnodar when Alina's parents allegedly divorced, according to Alina. Alina introduced Roy Den Hollander to this man twice in 2000. Alexey Dikov believes the man is Arab and not Chechen.
  - d. Still has connections in Chechnya, according to Alina.
  - e. Still has connections with people whom she knew in Chechnya but now live in the Krasnodar area, such as Yulya Alyabyeva who lives in Kanevskaya, according to Alina.
2. Russian organized crime connections
  - a. Seen associating with Russian gangsters in Krasnodar, according to a male model of Anastasia Vasiljeva and her husband Dima.
  - b. Alina met Khachatryan Araratovich Aspyan at the Albatross Club in Krasnodar.
  - c. Albatross club is meeting place for criminals, some of whom protect Alina's interests.
  - d. Aspyan is a close contact person of Ded Khasan (Grandfather Khasan) who is a Russian mafia kingpin.
  - e. Alina was seen with Volchok (Woofy) and Raketa (Rocket) who are also criminal leaders in Krasnodar.
  - f. Two Krasnodar wise guys own Zygos brothel/strip club in Limassol, Cyprus, where Alina worked during the first half of 1999.
3. Narcotics Use
  - a. Surreptitiously puts narcotics into food or drink of sex customers to help keep them satisfied, according to Alinal.

- b. Put “salts and sugars” in Roy Den Hollander’s food without his knowledge, which caused narcotic like symptoms, according to Alina’s diary.
  - c. Brings into US an apparent narcotic, a green-brown powder that Alina obtains from her “herbalist” in Krasnodar, according to Alina. FBI tested sample but refused to tell Roy Den Hollander the results.
- 4. When Roy Den Hollander managed the Kroll Associates’ Moscow Office, Alina repeatedly inquired as to who were the company’s contacts with the FBI, how the FBI operated in Russia and the company’s sources of information in the FSB and MVD.
- 5. Alina has two Russian international passports.
  - a. 43 No. 7489821, issued Sept. 9, 1997, expired Sept 9, 2002. This passport she used to travel to the US.
  - b. 51 No 0207805, expires 4/4/05. This passport she uses to travel to Cyprus and other places she wants to keep hidden from US Customs.
- 6. Alina keeps an account at the Bank of Cyprus, Aigos Fylaeos 282, 3083 Aiga Fyaa, Limassol, Cyprus. The account is a Global Equity Fund, Number 54660, in the name Alina Alexandrovna Shipilina. Alina use to work as a lap dancer and prostitute in Limassol.
- 7. Every two or three months, Alina transports over \$15,000 in cash out of the country without notifying Customs.

#### Characters

1. **Alina (aka Angelina, Angela) Alexandrovna Shipilina (aka Chipilina)**, INS A Number 047-202-363, Social Security 063 90 4695. Born November 10, 1975.

Ms. Shipilina is now living under the name of **Alina A. Chipilina** at the following address in the Borough of Queens, New York City:

28-15 34 Street, Apt. 4H  
Astoria, New York 11103.

Her telephone number (718 274 4902) and mobile number (917 374 4713) are under the name **Alina A. Shipilina**.

Ms. Shipilina currently owns an apartment in Krasnodar, Russia where she maintains a residence with her mother, Inessa:

Rashpilevskaya, g 138, KB 8  
Krasnodar, 350020

Telephone 8612 55 67 71  
Mobile 8612 63 66 95

Ms. Shipilina works as a lap dancer and stripper at the topless club Flash Dancers, located at 1674 Broadway (212 315 5107) in New York City.

Ms. Shipilina stores cash in her safe deposit box (number 14299) at the Citibank at 411 Fifth Avenue, New York City. Her safe deposit box is under the name **Alina A. Chipilina**. She also has two bank accounts under the name **Alina A. Chiplina** at Citibank at 262 First Avenue, New York City (checking 67147197 and money market 67147234). Ms. Shipilina also has a PBC Credit Card issued in June 2001 with account number 4559 5422 0049 7293.

2. Alexey Dikov was Ms. Shipilina's main boy friend from 1995 to the end of 1999.

26 Gudmy, Apartment 46  
Krasnodar, Russia  
(H) 8612 62 09 28  
Mob 8612 63 55 58  
Mob 902 439 67 06  
Work: Auditorskaya Firm  
41 Odesskaya yl., 5<sup>th</sup> Floor  
(W) 8612 51 64 67

3. Anastasia Vasiljeva and her husband Dima. Both are now residents of the US and continue their business in Krasnodar.

Vasiljeva Fashion House  
158 Krasnaya Ulitsa  
(W) 8612 55 74 63  
(H) 8612 55 98 07  
Email [nastya\\_top\\_model@mail.kubsu.ru](mailto:nastya_top_model@mail.kubsu.ru)

In the US:  
Anastasia and Dima Vasilyeva  
2876A South 46 St  
Greenfield, WI 53219  
Tel. 414 545 1674

4. Yulya Yurevna Kudinova

Mobile 8612 63 73 74  
Mother's late at night 8612 55 03 69  
(W) 8612 53 73 22  
VIP Group 180 Krasnaya Ulitsa 314



## The Matter of Chiplina

Alina Alexandrovna Chiplina A.K.A. Alina Alexandrovna Chiplina International Russian Passport: #43 No. 7489821; when she worked in Cyprus from December 1998 to June 1999.

She worked as a stripper and a prostitute at Zygos Cabaret in Limassol Cyprus; Cyprus Alien Registration Certificate Number was #5326792; she obtained a three month extension from the Migration Office number #446727; Her internal Russian Passport number is XX111AG #701057.

Alina's US alien registration number is #A047-202-363; and her US Social Security Number is #063-90-4695; her present address is 28-1534 Street, Apartment 4H Astoria New York 11103; previous address is 545 East 14th Street, New York, New York 10009.

According to our sources, she left New York approximately in or around December 24, 2001 and flies Aeroflot Airlines to Krasnodar Russia where she has connections with the Chechen Organized Crime members, to obtain drugs which secretly gives to her sex customers in order to keep them as clients; According to sources, there are eye witnesses stating she has been seen associating in Krasnodar and Sochi with Chechen organized crime members.

She conducts this trip every two or three months. She is employed in New York at a strip club as a lap dancer "Flash Dancers" club which is located 1674 Broadway New York, New York, and according to sources is also operating as a prostitute.

Second Passport # 51 no. 0207805  
Expires 4/4/05

Blackburn



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New York, NY 10009

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Mobile 917 687 0652  
rdhhh@yahoo.com

February 13, 2002

Agents Mario Pisano and Vadim Thomas  
FBI  
26 Federal Plaza  
New York, NY

**Re: Alina (aka Angelina) Alexandrovna Shipilina (aka Chipilina)**

Dear Agents Pisano and Thomas:

In response to your request at our meeting on February 13<sup>th</sup>, I am enclosing the following information:

1. The telephone number for the man who made the two threatening phone calls is 212 802 7065. I have also attached a transcript of the threatening messages and the circumstances under which they were received.
2. The account in Cyprus where Alina Shipilina hides some of the money she earns in the US is a Global Equity Fund at the Bank of Cyprus, Aigos Fylaeos 282, 3083 Aiga Fyaa, Limassol, Cyprus, Account Number 54660. Once again, Ms. Shipilina does not know that I have this account information.
3. Photographs of Ms. Shipilina taken within the past two years.

Thank you for your time.

Sincerely,

Roy Den Hollander

**ROY DEN HOLLANDER**  
**Attorney at Law**

545 East 14th Street  
New York, NY 10009

Tel. & Fax: (212) 995-5201  
Mobile 917 687 0652  
rdhhh@yahoo.com

September 15, 2003

Mike Byrnes, Special Agent  
Federal Bureau of Investigation  
26 Federal Plaza  
New York, NY 10278

Dear Special Agent Byrnes:

In response to your telephone voicemail message of September 2, 2003, I am more than willing to provide you with information that may be helpful in your investigation, but in return I also need information.

As you know, the FBI has information concerning the identity of a man who made three threatening telephone calls to me, two of which are on an audiotape in the possession of the FBI. The information as to the man's identity will not only help prove some parts of my federal civil RICO case, 03 CV 2717, but may lead to the identity of the Russian man who most recently threaten me over the telephone, an audiotape of which is also in the FBI's possession.

The FBI has decided not to investigate any of the threats; however, I do not understand why the FBI will not release the information concerning the identity of the man who made the first three threatening calls. Given special agent Mario Pisano's statement that the FBI would not even interview the man because of what he might do to me and Pisano's added precautions not to open my door to anyone I don't know and to be careful when out in the public, I understand that the FBI does not want to bother with the safety of a tax-paying US citizen—fine. But that is no reason to thwart my efforts to protect myself. I am still fearful for my life, which causes me to periodically change my living pattern and, in accordance with Pisano's advice, take extra precautions when outside of my apartment.

In conclusion, I am willing to provide the FBI with information, but I need the information concerning the identity of the first threatening caller and the laboratory report on the substance that I turned over for testing to special agents Pisano and Thomas on February 13, 2002.

If you are not in a position to make these decisions, then please provide me with the name of the supervisor who can.

Sincerely,

Roy Den Hollander

CC: Jeffrey N. Drummond  
303 West 21 Street  
New York, NY 10011

*Refer Recorded  
Answers*

**ROY DEN HOLLANDER**  
**Attorney at Law**

545 East 14th Street  
New York, NY 10009

Tel. & Fax: (212) 995-5201  
Mobile 917 687 0652  
rdhhh@yahoo.com

September 15, 2003

Mike Byrnes, Special Agent  
Federal Bureau of Investigation  
26 Federal Plaza  
New York, NY 10278

Dear Special Agent Byrnes:

In response to your telephone voicemail message of September 2, 2003, I am more than willing to provide you with information that may be helpful in your investigation, but in return I also need information.

As you know, the FBI has information concerning the identity of a man who made three threatening telephone calls to me, two of which are on an audiotape in the possession of the FBI. The information as to the man's identity will not only help prove some parts of my federal civil RICO case, 03 CV 2717, but may lead to the identity of the Russian man who most recently threaten me over the telephone, an audiotape of which is also in the FBI's possession.

The FBI has decided not to investigate any of the threats; however, I do not understand why the FBI will not release the information concerning the identity of the man who made the first three threatening calls. Given special agent Mario Pisano's statement that the FBI would not even interview the man because of what he might do to me and Pisano's added precautions not to open my door to anyone I don't know and to be careful when out in the public, I understand that the FBI does not want to bother with the safety of a tax-paying US citizen—fine. But that is no reason to thwart my efforts to protect myself. I am still fearful for my life, which causes me to periodically change my living pattern and, in accordance with Pisano's advice, take extra precautions when outside of my apartment.

In conclusion, I am willing to provide the FBI with information, but I need the information concerning the identity of the first threatening caller and the laboratory report on the substance that I turned over for testing to special agents Pisano and Thomas on February 13, 2002.

If you are not in a position to make these decisions, then please provide me with the name of the supervisor who can.

**ROY DEN HOLLANDER**  
**Attorney at Law**

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Mobile 917 687 0652  
rdhhh@yahoo.com

July 28, 2003

Mike Byrnes, Special Agent  
Federal Bureau of Investigation  
26 Federal Plaza  
New York, NY 10278

Dear Special Agent Byrnes:

In accordance with our telephone conversation of July 28, 2003, I have enclosed a copy of the RICO complaint filed in the US Southern District Court.

I will be pleased to meet with you at your office to answer any further questions or provide any additional documentation.

Thank you for your time.

Sincerely,

Roy Den Hollander

**ROY DEN HOLLANDER**  
**Attorney at Law**

545 East 14th Street  
New York, NY 10009

Tel. & Fax: (212) 995-5201  
Mobile 917 687 0652  
rdhhh@yahoo.com

August 27, 2003

Mike Byrnes, Special Agent  
Federal Bureau of Investigation  
26 Federal Plaza  
New York, NY 10278

Dear Special Agent Byrnes:

This is a follow up to our telephone conversations of August 11, 2003. You may recall that you had telephoned me in the morning and told me that after reviewing the RICO complaint and the text of the threatening call I had received that the matter was not within the purview of the FBI. It was more a state and local matter.

About an hour later, you called back and apologized for being short in the previous call. You explained that during the first call someone was in your office before whom you didn't want to go into certain matters concerning the information I had provided. You said there were some items in the complaint that you were interested in obtaining more information about. We agreed that you would provide me with specific topics for which I would review my files for additional information contingent on my decision that the release of the information at this time was consistent with my legal strategy. So far, I have not received the list of topics from you.

Thank you for your time.

Sincerely,

Roy Den Hollander

## **FBI Interview II**

On February 13, 2001, I visited FBI at 26 Federal Plaza in order to have tested a substance that Alina Shipilina threatened to poison me with. I was interviewed by agents Mario Pisano, 212 384 2295, and Vadim Thomas, 212 384 3698. During the interview Mr. Thomas asked whether there had been any other threats at which point I informed about the two threats from a man calling himself alternatively John Madison or John Pierre who left two voicemails on my mobile, 917 687 0652, saying he was calling on behalf of Angelina, my ex wife's stripping and prostituting name, see John Who document for transcript of threats. The agents asked whether I had informed any other authorities. I told them the police, and I was thinking of informing Customs about the substance they were going to test. Both strongly suggested that I not actively pursue this matter with other authorities because it would end up in different agencies interfering with each other. The agents said that if the local police contact me, then tell them that the FBI was involved and of course cooperate with the local police if they had any requests, but make sure the police knew that the FBI was working on the matter. The agents also said they would test the substance, look into the matter further, requested some additional information and documents that I delivered on February 14, see FBI Substance Test Letter, and would get back to me.

February 26, Agent Pisano called me and said they would interview my ex wife and the man who made the threatening phone calls in order to put them on notice that the FBI was involved, and that Ms. Shipilina and John should not continue such conduct or make good on their threats. Mr. Pisano also told me the FBI had tested the substance but would not tell me the results.

March 8, Agent Pisano called me to say that they had contacted my ex wife, and she refused to talk to them on advise of her attorney Nicholas Mundy. He also said that they were not going to try to talk to the gentleman who made the threats because they thought it might prod him into some rash act against me. This new tact by Mr. Pisano seemed strange to me.

March 14, 2002, Agent Pisano returned my call requesting the name of the man who threatened me in order to provide it to the INS so they could interview him. Pisano said he has an idea of who the man is that made the call and is once again considering whether to go talk to him. He doesn't want to waste his time if he gets the same response he got from Alina when he went to talk to her, which was she refused to talk and referred him to her lawyer. Pisano didn't consider the call a threat and since the man hasn't called again, Pisano didn't seem too concerned. He said I should relax and let them do their job, and if they decide not to contact the man they suspect then they will notify me.

March 18, 2002, Agent Pisano called, said he talked over the telephone to the individual they think made the calls. The individual is going away and Agent Pisano will try to meet with the individual when he comes back. Pisano would not give me the individual's name or say what he did for a living. Pisano said he didn't think the threats made were credible.

### **FBI Interview**

Richard J. Schleck, Special Agent, 212 384 1000

When managing Kroll's Moscow Office, Alina wanted to know the company's clients, sources of information in the FSB and militia, contacts in the FBI and FBI operations in Moscow. Alina raised in Chechnya until 16, still has contacts with people she grew up with there. Alina visited the office often and once I caught her roaming around in my computer. Former boy friend's brother member FSB. When she need an airplane ticket to Moscow, she contacted her FSB contact. Associates with New Russians. Only girl released from Mexican immigration prison and sent home, no records. The others were kept for two weeks. In 1970s her mother traveled extensively in Europe as a dancer. Bank account Cyprus. Meets lots of men at Flash Dancers, including government and businessmen. Has two Russian international passports.



**ROY DEN HOLLANDER**  
**Attorney at Law**

545 East 14th Street  
New York, NY 10009

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Mobile 917 687 0652  
rdhhh@yahoo.com

March 9, 2002

Vadim Thomas  
Federal Bureau of Investigation  
26 Federal Plaza  
New York, NY 10007

Dear Agent Thomas:

When you and Agent Pisano interviewed me concerning the threats that my ex-wife, Alina Alexandrovna Shipilina, made against me via an unknown man, I mentioned that the brothel-strip club, Zygos, where she worked in Cyprus in 1999 is owned by a couple of organized crime figures from Krasnodar, Russia. I contacted my source of information in Cyprus through my Moscow attorney to obtain the names, but he is fearful about providing them. He did say that the manager of the club Marios Athanasiou, 357 557 9851, and his brother Melios Athanasiou, 357 574 8427, mobile 357 943 4626, know the true owners. Marios also manages another brothel-strip club called Tramps. Melios arranges for girls from various Krasnodar modeling agencies, such as Tatyanna Vasilyeva Fashion House, to obtain Cypriot visas as "artists" to work in both clubs. For what it is worth, my contact also mentioned that the names of the true owners are known within the Russian community of Cyprus.

If I can be of any further assistance, please contact me.

Sincerely

Roy Den Hollander

### **Telephone Call from Lu Lieber FBI Office of Professional Responsibility**

I received a call around 11:40am Wednesday, Feb. 4, 2004 from Lu Lieber (female) of the FBI's Office of Professional Responsibility. Part of the conversation is recorded on Tape 3 at meter 197to 250.

Lieber in a nasty and lame effort at pretending to be an authoritarian figure said:

1. the FBI would not tell me the results of the substance tested,
2. the FBI would not tell me the name of the man who made the threats, but did say they knew who the man was that made the threats, and
3. that the FBI has no obligation to provide information or the results of an on going investigation. The last part infers there is an on going investigation.

Lieber also stressed that the FBI was under no obligation to answer the professional responsibility complaint I made by telephone against Thomas and Pisano and that her telephone call was a courtesy. I responded that the courtesy was my listening to a nasty government bureaucrat tell a US citizen that the FBI was not going to help him. (John Madison in his second threatening telephone call also used the phrase this is a "courtesy call.")

Lieber refused to provide the FBI's decisions in writing.

UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION  
Receipt for Property Received/Returned/Released/Seized

File # \_\_\_\_\_

On (date) \_\_\_\_\_

2/13/02

item(s) listed below were:

- ☒
- Received From
- 
- ☐
- Returned To
- 
- ☐
- Released To
- 
- ☐
- Seized

(Name) \_\_\_\_\_

ROY. DON HOLLOMAN

(Street Address) \_\_\_\_\_

545 E 14TH ST #101

(City) \_\_\_\_\_

NY, NY

Description of Item(s):

- UNKNOWN SUBSTANCE IN SMALL PLASTIC VIAL -

- 2 SMALL AUDIO CASSETTES -

Received By: \_\_\_\_\_

(Signature)

Received From: \_\_\_\_\_

(Signature)

**ROY DEN HOLLANDER**  
**Attorney at Law**

545 East 14th Street  
New York, NY 10009

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Mobile 917 687 0652  
rdhhh@yahoo.com

August 30, 2003

Special Agent Vadim Thomas  
Federal Bureau of Investigation  
26 Federal Plaza  
New York, NY 10278

Dear Special Agent Thomas:

You may recall that in February 2002 I met with you and another agent at 26 Federal Plaza and requested the FBI test a substance believed to be a narcotic that my ex-wife had brought into the country.

In response to one of your questions, I also told you about two threatening telephone calls that had been made to me. Both of you listened to tape recordings of the calls, but unfortunately the FBI did not have a two speed tape player, so the unknown man making the threats sounded more like Mickey Mouse than an associate of Flash Dancers, which you suggested he probably was. I provided the two of you with a voicemail telephone number that the threatening man used.

The FBI subsequently determined the nature of the substance I had provided for testing and also tracked the telephone number to an individual. This letter is a request for the name and business address of the man to whom the voicemail number was traced and for the nature of the substance tested.

Thank you for your time.

Sincerely,

Roy Den Hollander

**ROY DEN HOLLANDER**  
**Attorney at Law**

545 East 14th Street  
New York, NY 10009

Tel. & Fax: (212) 995-5201  
Mobile 917 687 0652  
rdhhh@yahoo.com

September 17, 2003

Special Agent Vadim Thomas  
Federal Bureau of Investigation  
26 Federal Plaza  
New York, NY 10278

Dear Special Agent Thomas:

I have not received any response to my letter of August 30, 2003, which is attached. Would you please indicated why.

If I do not receive a response by October 10, 2003, I will resend the letter to an FBI supervisor.

Sincerely,

Roy Den Hollander

CC: Jeffrey N. Drummond  
303 West 21 Street  
New York, NY 10010

## **Additional Indications of Ms. Shipilina Selling Sexual Favors**

Dates refer to Ms. Shipilina's personal journal entries and page cites to Certified English translation and copy of her journal handwritten in Russian.

### Russia

1. In the fall of 1998 in Moscow, Ms. Shipilina made a sexually explicit video in which she masturbated for the camera in return for US dollars. See enclosed CD with video promotional scenes. Dr. Marc L. Paulsen shot the video, paid Ms. Shipilina for her time and for sex. Leonid Perlin of Photos Studio introduced Dr. Paulsen to Ms. Shipilina. Dr. Paulsen can be reached at Work: 310 530 9532, [marcpent@cnmnetwork.com](mailto:marcpent@cnmnetwork.com), [marcpent@aol.com](mailto:marcpent@aol.com), [mpaulsen@socall.rr.com](mailto:mpaulsen@socall.rr.com), 1944 West 237 Street, Torrance, Cal 90501.
2. Ms. Shipilina's masseuse in Krasnodar said in an April 2001 interview to Roy Hollander and his translator that "Everyone knows Alina is a prostitute." The masseuse is Andrei Sergeyvich Petrov, 190 Krasnaya Ul., Dinamo Stadium, 8612 59 74 79, 8 902 443 2840.

### Cyprus

3. January 19, 1999, "I danced for one customer a striptease and then a table dance but during time table dance he wanted striptease, and during striptease he came." P 3 English; p 6 Russian.
4. January 19, 1999, "In ZIGOS he kneeled before me and kissed me below navel - it happened before we left the club." Page 3 English; p 7 Russian.
5. March 21, 1999, "Yesterday Marios shouted at me because I went with Pannikos. He does not come to club, I have sex with him, I receive something for it and the club does not receive anything..." Page 8 English; p19 Russian.
6. April 3, 1999, "I told that without sex it would cost 40 pounds, with sex - 100 pounds." Page 9 English; p 20 Russian.
7. April 3, 1999, "I am glad, when a customer finishes during a private. Some persons finish this way for the first time." Page 9 English; p 21 Russian.
8. May 29, 1999, "When I was with one young customer I have nearly fallen out of cabin (room) for privates." Page 14 English; p 31 Russian.
9. June 23, 1999, "On Friday, at 18:06 I called up Stephanos. I told him that I shall go with another customers to Ayanapa." Page 16 English; p 35 Russian.
10. June 23, 1999, "On Sunday I worked without much effort - [?] privates, 4 tables and 8 drinks. Three customers wanted to take me - that son of a bitch Stelios, a fat man and Davie. I preferred to leave with Davie. I came back by motorbike. It was marvelous!" Page 16 English; p 35 Russian.
11. April 20, 2000, "On Friday we went to Leonid's party.... I persuaded girls to go to Mexico.... I will try to cooperate with him—look for girls ready to work in Mexico. Each girl will pay to me 100 dollars a month. My God, bless me!!!" Page 43 English; pp 107-08 Russian. Ms. Shipilina's friend, Yulya Kudinova (mobile 8612 42 81 19, Mobile 8 902 464 2405, Email [strelez@mailru.com](mailto:strelez@mailru.com), work

8612 53 73 22, VIP Group 180 Krasnaya Ul, 314, Krasnodar) told Mr. Hollander in a June 16, 2001, interview that Ms. Shipilina tried to sell a young girl overseas.

### Mexico

12. Defendant defrauded her Moscow agent, Leonid Perlin, out of part of his commission for her work in Mexico from September through November 1999.
  - a. April 20, 2000, "Leonid said that Salvador felt offended with me, because I had affair with Alfonso, I abandon him and he informed police. It is foolish. He simply feared that I can leave him and work for myself. I had to lie that I borrowed from Roy 10,000\$ because I told (Leonid) I lost 7,000\$ in the credit card account." Page 43 English; p 107 Russian.

### United States

13. In early August 2000 Ms. Shipilina told her husband that she wanted to go out with some of her "clients" at Flash Dancers. Ms. Shipilina admitted to her husband that she collected business cards from her clients. Since she only wore tong panties, she would fold the cards and put them inside her. Exhibit 2, various business cards. On the back of the card of a Nomura Manager, she wrote, "Romantic, tall, massage and kissing back." On the back of the card of Mr. Barrera, she wrote, "From Mexico, older man, likes Russian women". Mr. Hollander's telephone logs showed Ms. Shipilina making repeated calls to one of her customers that she admitted pursuing. Exhibit 3, telephone log. A private investigator tried to track the individual down but could not and concluded: "It is our opinion this person is most certainly hiding something but it is unclear as to the reasons for doing so. If there is a possibility anyone in your home could be involved with ...unlawful activities, that would explain the secrecy involved here." Exhibit 4, Investigator's July 31, 2000 Report.
14. In early September 2000, Ms. Shipilina engaged in an act of prostitution under New York State law in a private room at Flash Dancers. Her September 9, 2000, journal entry, "Besides, for the first time I went to a single room – I danced to a bearded man from TV. On Monday we sat there for 2 hours, I danced, .... I allowed him to touch me. I received a pleasure." Page 50 English; p 130 Russian.
15. Finally, in Krasnodar in September 2000 Ms. Shipilina told her husband that she never engaged in prostitution because afterwards, she goes to church and asks forgiveness, which God gives her, so it is as if it never happened. Then defendant told plaintiff, "If God can forgive me, why can't you?"

### **Information for Tracking Alina Alexandrovna Shipilina (aka Chipilina)**

Works as prostitute, stripper and lap dancer under the name “**Angelina**”.

Description: Tall, thin and very pretty, usually wears black.

Color: white

Height in street shoes: 6 feet 2 inches

Hair: long, blonde or auburn, which is her natural color, unless wearing a black wig or a white wig, then hair neck length.

Eyes: light blue

Age: 25 years

Sex: female

Weight: 145 lbs

Shoe: 11

Bust: 36 inches

Waist: 25.5 inches

Hips: 37.5 inches

Date of birth: November 10, 1975

Social Security: 063 90 4695

INS A# 047 202 363

Possesses Two Russian International Passports

1. 43No7489821, issued September 24, 1997, expired September 24, 2002

2. Unknown

Russian Internal Passport, XXIII AG 701057, issued September 17, 1993,

United States Address until November 30, 2001, may or may not renew lease at that time, under name of Chipilina:

28-15 34 Street, Apt 4H

Astoria, Queens 11103

Telephone: (H) 718 274 4902 Verizon

Mobile: 917 374 4713 AT&T

Landlord: S&P Assoc

c/o J. Previti

35-12 Bway

Long Island City, NY 11106

One year lease 12/1/00 to 11/30/01

Realty Broker: Michael 718 274 5656, Bway Astoria Realty

Russia Address: Ul. Rashpilevskaya 138, Apt 8

Krasnodar, Russia

350020

Telephone: (H) 8612 55 67 71

Mobile 8612 63 66 95



Mobile 8 902 694 3045

Also owns a house at

11/1 Skvoznaya  
Yablonovskiye, Krasnodar Krai  
353222

Work: Flash Dancers

1674 Broadway (52<sup>nd</sup> – 53<sup>rd</sup> Streets)

Telephone: 212 315 5107

Works there five nights a week from 8pm to 4pm, but the days could be any five.

Management knows her only as Angelina

Grace Del Marco Model Agency

Dee Simmons-Edelstein, Director

350 5<sup>th</sup> Avenue, Suite 3110

NY, NY 10118-1492

212 629 6404

Works under name “Angelina”

Freelance modeling for

Judy Vann Associates, 626 683 8615, Pasadena, California

Entertainment Partners, PO Box 7836, Burbank, California

United States Bank Accounts under the name Alina A. Chipilina

Citibank at 262 First Avenue, New York City

Checking 67147197

Preferred Money Market 67147234

ATM Pin number 3925

Safe Deposit Box under the name Alina A. Chipilina

Citibank at 411 Fifth Avenue, New York City

Box Number 14299

Cyprus Financial Account

Bank of Cyprus, Limassol, Cyprus

Global Equity Fund, Account number 54660

Associates who may know her whereabouts

#### America

1. Tatyanna, a friend who dances at Flash Dancers during the night shift 8pm to 4am
2. A Russian male, Boris Gitman, 210 172<sup>nd</sup> St., Miami, Florida, 33160 with telephone number 305 947 1358
3. Nikita, a friend who dances at Flash Dancers during the day shift, 12n to 8pm

4. Photographer Phillip Jarrell and stylist Caroline Bergonzi 212 280 1872, 917 545 6680, 294 Manhattan Ave, New York, NY 10026
5. Dentist with the first name Alexander, 718 934 7593, 243 Brighton Beach Avenue, Brooklyn, NY
6. Masseuse Zina Turovskaya, 718 368 0054, 2615 East 16<sup>th</sup> Street, Sheepshead Bay, Brooklyn
7. A black model acquaintance Alina Patten, 212 961 0979, husband Charlie Jones met Ms. Shipilina at Flash Dancers
8. Restaurants, frequents "Tatyanna" on the board walk in Brighton Beach
9. Clubs, frequents China Club, 212 398 3800, 268 West 47<sup>th</sup> Street, NY, NY, 10038
10. Often attends the regular Monday Night party at Spa 88 located at 88 Fulton Street, NY, NY 10038, 212 766 8600. Mainly Russians and some Americans who appear to have criminal associations attend the party. The party starts at 11pm and goes to 4pm.

#### Netherlands

1. Juginta Raszyukeichma, who strips under the name Azul, originally from Lithuania, but now living and working in Holland, 31 172 476 296, email [orange@is.lt](mailto:orange@is.lt), worked and traveled with Ms. Shipilina in Mexico. Azul is separated from her husband who lives at Naujoji 62-2, Alytus 4580, Lithuania, (H) 370 35 70590 (W) Tel/Fax: 370 35 35558.

#### Mexico

1. Prostitution client: Alfredo Ibarra Sotelo, Director General, Grupo Ibarra AISA, De C.V., Av. Chapuletec 444-503, 06700, Mexico, D.F., (M) 5 415 6795, (W) 5 207 3541, 5 511 7189, 5 514 2507, 5 209 9023.
2. Prostitution client: Manual Gamio, 503 Col. Sinatel, c.p. 09470, Mexico D.F., (M) 5 407 7331, (H) 5 674 5669.
3. Agent in Mexico City: Maria 5 514 9837.
4. Managers of the Gentlemen's Club in Mexico City where Ms. Shipilina worked as a lap dancer, Jilberto & Rosa Elina Quilan, 5 533 2224.
5. Prostitution client: Max Garcia Appedole, Labastida 2000, Plaza Rio De Jainero No 50, Col. Roma, c.p. 06700, Mexico D.F., (M) 5 629 9800 (W) 800 888 1236, 5 208 9725, 5 208 9718, 5 533 0131, email maxgarcia@mexico.com.

#### Russia

1. Former boyfriend, decent guy who has been helpful: Alexei Dikov, 26 Gudmy, KB 46, Krasnodar, 350063, (H) 8612 62 09 28, Mob 63 55 58, Mob 8 902 439 67 06.
11. Boy friend in St. Petersburg, Valodya 812 430 9508, Ul. Dibunovskaya 37, Apt 521, St Petersburg 197 183. He is a struggling small businessman who apparently sells custom jewelry.
2. Friend and lover: Natasha, Ul. Rashpilevskaya 138, Krasnodar, Russia 350020. [I am trying to find her apartment or telephone number.]
3. Friend and advisor in Krasnodar: Lena 8612 56 80 77, works as a nurse and prostitute in Krasnodar.

4. Friend in Krasnodar: Olga Ponomarenka 8612 57or59 99 86 was a friend of Ms. Shipilina and Lena.
5. Friend in Krasnodar who worked at Vasiljeva modeling agency: Inessa telephone 8612 55 85 14.
6. Pimp in Krasnodar: Reya who has a friend named Alexei and his telephone is 8612 56 16 50. [I will try to obtain Reya's number]
7. Friend in Krasnodar: Yulya Yurevna Kudinova, Mobile 8612 42 81 19, Mobile 8 902 464 2405, Email [strelez@mailru.com](mailto:strelez@mailru.com), Work 8612 53 73 22, VIP Group 180 Krasnaya Ul, 314, Krasnodar.
8. Nude photographer in Krasnodar: Dmitri Morosov, 201 Turgeneva. Ul. Apt 92, Krasnodar 350078, (H) 8612 56 00 23.
9. Friend from Krasnodar now living in Moscow who won Miss Charming and Miss Russian Radio titles in the 2000 Miss Krasnodar contest. [I will try to find her location.]

#### Cyprus

1. Agents in Limassol, Cyprus: Melios and Irina Athanasiou, Irinia 182C, PO Box 7384, Limassol, Cyprus 3022, (M) 357 943 4626, (W) 357 574 8427.
2. Cyprus pimp: Marios Athanasiou, owner of Zygos and Tramps Cabarets, 357 557 9851 Limassol, Cyprus.
3. Yiannos Christodulides, manager of Zygos or Tramps, 357 557 9851, knew Ms. Shipilina when she worked at Zygos.
4. Three prostitution clients: Stephanos, works in a bank, Rikos and Andreas. [I will have to try to track these guys down but it may be impossible. My only lead is they frequent the lap dancing/prostitution club Zygos where Ms. Shipilina worked in 1999.]



### **Authentication of Diary**

1. Admissions in Alina's answer and counterclaim.
2. Handwritten letters sent to Leo for comparison.
3. Fingerprints on the original pages of diary that I have to show those pages written by Alina, then compare with other pages.
4. Sample of handwriting from Academy records.
5. Alexei Dikov recognized her handwriting and knew she kept a diary.
6. Andrei Petrov, masseuse, recognized her writing.
7. People who recognized some of events written about:
  - a. Alexei Dikov
  - b. Vera Ivanasova
  - c. Katya Gerokaris
  - d. Azul Juginta Raszyukevichina
  - e. Cyprus visa documents shows when worked at Zygos
  - f. Leonid Perlin
  - g. Anastasia Vasiljeva and Dima
  - h. Vladimir in St. Petersburg.

**ROY DEN HOLLANDER**  
**Attorney at Law**

545 East 14th Street  
New York, NY 10009

Tel. & Fax: (212) 995-5201  
Mobile 917 687 0652  
rdhhh@yahoo.com

August 5, 2002

Brett,

As follow up to my email, I have enclosed a certified computer printout of Alina Shipilina's New York State Voter Registration in which she swears or affirms she is a US citizen. Also enclosed is a copy of the Board of Election records on her and various applicable laws—highlighted.

Next Monday, I have a trial in which I am trying to obtain a permanent order of protection against Alina to put a stop to the threatening telephone calls I notified you about previously. I am not optimistic since the lady judge has refused most by discovery requests and the FBI will not release the name of the man they think made the calls. Justice is hard to find for a man in America these days.

Roy

**ROY DEN HOLLANDER**  
Business and Law Consultant  
545 East 14th Street  
New York, NY 10009  
Tel. & Fax: (212) 995-5201  
Mobile 917 687 0652  
rdhhh@yahoo.com

November 5, 2001

Brett C. Stanley  
US Immigration and Naturalization Service  
American Embassy  
PSC 77 - INS  
APO, AE 09721  
Moscow, Russia

**Re: Shipilina, Alina Alexandrovna, INS A Number 047-202-363, Social Security 063 90 4695** (Also uses the last name of **Chipilina** and the first name of **Angelina**.)

Dear Brett,

I am resending these documents in case the ones I sent by Express mail did not reach you. As soon as I have the judge's ruling to terminate my marriage in document form, I will fax it or Fed Ex it to you.

I am enclosing a number of documents with accompanying exhibits that may be of assistance in the up coming INS hearing concerning Ms. Shipilina.

1. Information for Tracking Alina Shipilina that includes her addresses, addresses of friends, work addresses, physical description, bank accounts and passport information.
2. Ms. Shipilina Married for the Purpose of Procuring Admission as an Immigrant that lists quotes from her diary and interviews with a few of her associates indicating Ms. Shipilina did not enter a bona fide marriage.
3. Additional Indications of Ms. Shipilina Selling Sexual Favors that were not explicitly detailed in my lawyer's, Xenia Menshova, letter to you of May 1, 2001.
4. Copies of Two Handwritten Letters by Ms. Shipilina that she sent to Leonid Perlin when she was working as a prostitute and lap dancer at the Club Zygos in Limassol, Cyprus. One of the letters contains a return address for her Cyprus agent who is a part owner of Zygos: Melios Athanasiou. A CD with the photographs she refers to is included. I have the originals of the letters presumably with Ms. Shipilina's fingerprints, and I possess the original pages of her diary from May to September 2000 also presumably with her fingerprints. I assume both documents could be used to verify that she wrote her diary. In addition, paragraph 5(i) of her Answer in the divorce proceeding seems to admit the diary is hers.
5. Mexican Immigration Document, the document makes reference to Ms. Shipilina and one of her richer clients, Alfredo Ibarra, on the day Mexican Immigration kicked her out of the country.

6. A copy of the letter and exhibits I provided the Internal Revenue Service about her evasion of US taxes.

Let me know whether there is anything else I can provide.

Regards,

Roy



**ROY DEN HOLLANDER**  
**Attorney at Law**

545 East 14th Street  
New York, NY 10009

Tel. & Fax: (212) 995-5201  
Mobile 917 687 0652  
rdhhh@yahoo.com

November 26, 2001

Brett Stanley  
American Embassy-Moscow  
Attn. INS  
Bolshoi Devyatinski Pereulok #8  
Moscow, Russia 121099

Dear Brett,

I have enclosed four documents that evidence my divorce from Ms. Shipilina:

1. Stipulation of Settlement signed by both parties.
2. Transcript of the hearing in which Judge Joan Lobis granted both the Plaintiff and Defendant's motions for divorce. For your information on page 16, Ms. Shipilina says, "I cannot have new friends...." By friends she means going out with her customers.
3. Finding of Facts and Conclusions of Law agreed to by counsel for both sides.
4. Judgment for Divorce agreed to by counsel for both sides.

The Judge still has the perfunctory act of signing the Findings of Fact and the Judgment for recording with the clerk. Due to the back up in the system this may take a few weeks. As soon as it occurs, I will let you know.

Thanks again,

Roy

**ROY DEN HOLLANDER**  
**Attorney at Law**

545 East 14th Street  
New York, NY 10009

Tel. & Fax: (212) 995-5201  
Mobile 917 687 0652  
rdhhh@yahoo.com

December 11, 2001

Brett Stanley  
American Embassy-Moscow  
Attn. INS  
Bolshoi Devyatinski Pereulok #8  
Moscow, Russia 121099

**Re: Alina (aka Angelina) Alexandrovna Shipilina (aka Chipilina)**

Dear Brett,

Enclosed are some additional documents that may be of use to the US Attorney.

Exhibit 1 is the "Net Worth Statement" that Ms. Shipilina filed in our divorce proceeding. The statement grossly understates her income and expenses. Exhibit 2 provides an analysis of the misrepresentations and omissions made under oath by Ms. Shipilina in her Net worth Statement.

Ms. Shipilina began work at Flash Dancers' Topless Club on July 17, 2000. Exhibit 3 is a document from an Internet site set up by lap dancers that estimates the average take home pay per night for a dancer at Flash Dancers. Exhibit 4 lists the dates for the vacations that Ms. Shipilina has taken since she began working at Flash Dancers. Although Ms. Shipilina is a very aggressive worker who makes significantly more than the average dancer, Exhibits 3 and 4 will provide an understanding of the relatively large amounts of money on which she evades US taxes.

Exhibit 5 is the only Mexican immigration document I could find concerning Alina. At the bottom of page one it mentions her and Alfredo Ibarra, one of her prostitution clients and the man to whom she prostituted herself in Italy just three months after our marriage and a week before her interview at the US Embassy for her immigration visa. The document is dated November 29, 1999, which was when Mexican Immigration put her on a plane out of the country. All the other documents concerning her arrest and deportation from Mexico were literally torn out of the registers in Mexico. I didn't think she had such pull. She said she was deported for working without a visa, but it could have been anything.

As I mentioned previously, Ms. Shipilina grew up in Grozny, Chechnya, from the mid 1970s until 1991. Ms. Shipilina's acquaintances in Krasnodar, Russia, have told me that she has been seen associating with Chechen organized crime figures in Krasnodar and Sochi.

My Moscow attorney, Xenia Menshova (095 722 9035) who works with Dennis Whelan should be providing you with additional documents.

1. Alina's 50% ownership interest in her apartment in Krasnodar.
2. A copy of her application for a second international passport that she uses to travel to Cyprus where she banks some of her hidden US cash flow.
3. Writing sample.

Thanks much.

Roy

**ROY DEN HOLLANDER**  
**Attorney at Law**

545 East 14th Street  
New York, NY 10009

Tel. & Fax: (212) 995-5201  
Mobile 917 687 0652  
rdhhh@yahoo.com

December 21, 2001

Brett Stanley  
American Embassy—Moscow  
PSC 77 (INS)  
APO, AE 09721

Dear Brett,

Enclosed is a hard copy of the signed and certified divorce judgment. If you need a copy with the raised seal, please let me know.

Thanks again.

Roy

**ROY DEN HOLLANDER**  
**Attorney at Law**

545 East 14th Street  
New York, NY 10009

Tel. & Fax: (212) 995-5201  
Mobile 917 687 0652  
rdhhh@yahoo.com

April 11, 2002

Brett,

Is there anything you can tell me about the status of the proceedings against my ex-wife Alina Shipilina?

The following is an update on the latest developments here. I don't think they're particularly relevant to the INS proceedings, but I'm sure Alina's attorney, Nicholas Mundy, will try to make some mileage in his efforts to cast me in a negative light.

1. I've enclosed Mr. Mundy's answer to my Disciplinary Complaint against him and my response to his answer. Both refer to an allegation by Alina that she is pursuing that in June 2001 I allegedly violated a Temporary Order of Protection that was later dismissed in July 2001. I assume Mr. Mundy had Alina resurrect the allegation this March of 2002 to try to discredit me before the Disciplinary Committee, deter me from testifying in any potential INS hearing or to cast doubt on my credibility as a witness. The allegation will most likely end up in a trial.
2. I received another threatening telephone call from what sounded like the same man who made the two previous calls of which I recorded the two messages that he left on my voicemail. I was unable to record this third call because I answered the phone personally. He was more explicit this time probably because he wasn't leaving a voicemail. The one sided conversation went pretty much as follows:

Mr. Den Hollander, this is John Pierre calling on behalf of Angelina (once again that's the name Alina uses for stripping and other activities). I told you before to cease and desist with your legal actions. I'm warning you do not testify before the INS or we will meet and you don't want that. You understand what I mean. (In the background, I heard what sounded like Alina say 'About my mother and the prosecutor.') And do not try to get the case in Russia reopened. I'm watching you, I know everything about you, have a nice day.

He hung up before I got to say anything.

The next day I took out a Temporary Order of Protection against Alina to put a stop to these calls. The police, unfortunately closed their case on this matter because they didn't want to expend the resources and the FBI has done nothing further that I am aware of.

That's the latest in this soap opera. You know, I never liked those TV shows.

Hope all is well with you.

Roy

**ROY DEN HOLLANDER**  
**Attorney at Law**

545 East 14th Street  
New York, NY 10009

Tel. & Fax: (212) 995-5201  
Mobile 917 687 0652  
rdhhh@yahoo.com

March 7, 2002

Brett,

Enclosed is the affidavit I emailed you about from a private investigation firm in Mexico City on the strippers at the Men's Club historically engaging in prostitution.

If more specific information is needed from Mr. Molina, he is willing to provide it.

Roy

**ROY DEN HOLLANDER**  
Business and Law Consultant  
545 East 14th Street, Suite 10D  
New York, NY 10009  
Tel. & Fax: (212) 995-5201  
Mobile 917 687 0652  
rdhh@erols.com

July 5, 2001

James W. Zigler  
Commissioner of the Immigration and Naturalization Service  
425 I Street, NW  
Washington, DC 20536

Dear Mr. Zigler:

Over two months ago, I provided the INS with evidence that a Russian national, Alina A. Shipilina, fraudulently obtained conditional permanent residency, A 047 202 363, in the United States in order to work in the sex industry in New York City. Ms. Shipilina currently works as a lap dancer at the club Flash Dancers where she earns around \$15,000 a month on which she does not pay taxes.

In order to gain entry into the US, Ms. Shipilina made material misrepresentations on Form 230, Parts I and II:

1. She failed to answer "Yes" to Question 33(b) in Part II that she was coming to the United States to work as a prostitute and that she had worked as a prostitute within the last 10 year. In fact Ms. Shipilina engaged in prostitution in Cyprus, Mexico, Russia and Italy from at least the beginning of 1999 right up until a few days before receiving her visa on May 30, 2000. She continues her profession in New York City.
2. She failed to answer "Yes" to Question 34 in Part II that she had been arrested and imprisoned. Ms. Shipilina was arrested on November 26, 1999, at a lap dancing club in Mexico City. She was imprisoned and deported back to Russia on November 29, 1999.
3. She lied about her occupation in Cyprus on Question 21 in Part I. She did not work as an artist but as a prostitute and lap dancer at the clubs Tramps and Zygos in Limassol.

For some unknown reason the INS in New York does not want to take action over such blatant violations of the Immigration and Nationality Act. In fact, the agent assigned to this matter, Eugene Kazenko (212 264 5400), has failed to provide me the courtesy of returning even one of my four telephone calls that I made to his office. Perhaps your office will consider the violation of US laws less lightly than the New York Office.

I have enclosed copies of the materials provided to Mr. Kazenko, which include Ms. Shipilina's handwritten diary in Russian and a full certified English translation of which I have also provided to "60 Minutes". The cites in the March 26<sup>th</sup> letter to NYC INS have been updated to refer to the certified English translation.

Sincerely,

Roy Den Hollander, Esq.



U.S. Department of Justice  
Immigration and Naturalization Service

50/2.4

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*Eastern Regional Office  
70 Kimball Avenue  
South Burlington, Vermont 05403*

October 29, 2001

Roy Den Hollander, Esq.  
545 East 14<sup>th</sup> Street, Suite 10D  
New York, New York 10009

Dear Mr. Hollander:

This office has received your correspondence dated July 5, 2001, which was addressed to Commissioner Ziglar. As this office oversees the operations of the Immigration Service in New York, the Commissioner has asked that we review your concerns and provide you with a response.

As your letter indicates that further review may well be in order, we are forwarding a copy of your correspondence to the Immigration Service's District Office at New York. That office will evaluate the information and take all appropriate action consistent with the enforcement requirements and priorities of the Immigration and Nationality Act.

We very much appreciate your bringing these facts to our attention. Experience has shown that timely information furnished by concerned citizens such as yourself is instrumental in allowing the Immigration Service to maintain an effective and responsive enforcement program, both in New York and throughout the U.S.

Sincerely,

J. Scott Blackman  
Regional Director



## Prostitution Clients

Some of the man with whom, according to Ms. Shipilina's diary, she engaged in prostitution as defined by the laws of the State of New York.

Time Period: January 1999 to May 2000.

Pagination for Russian and English versions of Ms. Shipilina's diary.

Cyprus ( "Zigos", owner Marios, "headhunter" in Krasnodar – Anastasia Vasiljeva )

1 Cyprus £ = \$1.5

<i>N</i>	<i>Client</i>	<i>"Type of service"</i>	<i>Price</i>	<i>Page Russian</i>	<i>Page English</i>
1	Ibragim	intercourse and anal sex	£ 40	20	8
2	Wonderful man	ejaculated without entering	£ 100	20	8
3	Fat man	masturbated him in a hotel	£ 30	18	8
4	Anonymous customer 1	blow job	£ 10	24	10
5	Anton	a new customer to which the owner Marios gave her	"sale"	22	9
6	Andreas	full day accompany	£50	11-12	5
7	Akhmed	three days accompany		23,25	9
8	Grandpa	masturbated him + two naked pictures	£ 60 +10	35	15
9	Andreas and his son	Regular client	golden bracelet	21	9
10	Pannikos	Regular client – masturbated him	new dress - £ 37, ring of white gold	16,19,24	7, 10
11	Rikos	Regular client (intercourse)	Silver things, makeup, + £100	6,8-10,16	3, 4, 5, 7
12	Chris	Regular client (intercourse)	£ 50, 10, 20, 10 + digital watch	2-6,11,13,24	1-3, 5, 8
13	Doctor George	Regular client	£ 50 + 100, perfume, watch, alarm clock, earring with chain, bracelet and ring of gold, silver alarm clock	7, 17-18, 26	3, 7, 11
14	Devi	One night stand client from the club	£	35	15
15	Peirre	One night stand client	£ 20	33	14
16	"Fucker" from a bank	One night stand client	£	30	13

17	Stephanos	Regular client from Ayanapa	£ 30 + £ 40 dress –£ 23, pyjamas - £ 44	28, 31,35,37	12, 15, 16
18	Rich Arab 1	One night stand client	boombox	32	13
19	Rich Arab 2	One night stand client + with another girl from the club	£	31	14
20	Eric, good friend of Rikos	Regular client	digital watch, video camera, slippers, money for dentist , additional money	21, 28,31,37	13, 16

Mexico (Mexico city night club “MANS-CLUB”, “headhunter” in Moscow –Leonid)

<i>N</i>	<i>Client</i>	<i>“Type of service”</i>	<i>Price</i>	<i>Page Russian</i>	<i>Page English</i>
1	Anonymous client 1		\$60 but took away money	54	24
2	Mavro	Regular client		55,60	24
4	Yachingo – Boston guy	Three day stand client	For a trip to Acapulco	64	28
5	Sidney	Regular client		62	27, 28
6	Max Garcia Appedole	Regular client	For a visa assistance, golden chain, makeup	65, 73	28, 30
7	Manuel Gamio	Regular client	\$500, toilet water	69	29
8	Alfonso	Regular client	Chain for hand and foot, trip to Cancun, silver bracelet	72	29, 30
9	Alfredo	– favorite client started 02.10.1999– intercourse, performed oral sex on him	For money, various presents and trips, transporting cash to Russia, diamond ring, extra \$600, trip to Milan, Florence and Venice	58,60,71,73,83, 112, 113, 114	26, 27, 29, 30, 33, 38, 42, 43

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Printable View - Full Headers**Date:** Thu, 7 Mar 2002 08:03:27 -0800 (PST)**From:** "roy den" <rdhhh@yahoo.com> | [Block Address](#) | [Add to Address Book](#)**Subject:** Alina Accusations**To:** "Brett Stanley" <brett.c.stanley@usdoj.gov>

Brett,

The following is a list of some of the false accusations I believe Alina will make against me in order to attack my credibility.

1. I brought her to America to pimp her out. Copies of the love letters I wrote her before and immediately after our marriage refute this. I can provide copies, which I kept in English while my translator sent her the Russian versions. Also, she never mention this in her dairy where she tends to report even minor matters.

2. I tried to extort money from her. Her attorney Nicholas J. Mundy made that allegation to my attorney in order to pressure me into resolving the divorce suit to her liking and helping Alina obtain a permanent green card; that is, lying to the INS about our marriage being bona fide. When Mundy made the allegation he stated he had an audio tape of my trying to extort money from her or I would deport her but never produced it because it doesn't exist unless they doctored a tape together. On December 22, 2001, I filed a complaint against Mundy with the NY Supreme Court Appellate Division, First Department's Disciplinary Committee for violating not only the Disciplinary Rules for Attorneys but NY Penal Code 135.60 in using this type of tactic against an opposing litigant. See attached copy of complaint.

3. I repeatedly abused her physically. Mundy told one of my attorneys that he had medical records of the physical abuse but once again never produced them because they don't exist unless some Russian doctor created such false reports for a fee. My complaint against him includes that falsehood. See attached complaint.

4. I told her to lie about her past on her application for an immigrant visa. At the time she applied, I didn't know that she worked as a prostitute because I didn't read her diary until afterwards.

I'm sure she will invent a few more, but that's all I can come up with at the moment. I believe the Net Worth Statement in which Alina repeatedly lied under oath to the NY court may be useful to show her willingness to misrepresent and omit the truth. She believes that omissions do not constitute lying.

I will send you by Express Mail an affidavit from an investigation firm in Mexico City about the Men's Club where Alina worked from September through November 1999. The club's lap dancers are known for engaging in prostitution--for what it's worth.

Thanks again

Roy

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[Reply](#) [Reply All](#) [Forward](#) [as attachment](#)[Delete](#) [- Choose Folder -](#) [Move](#)[Prev](#) | [N](#)[Mark as](#)[Download A](#)[Printable View - F](#)[Flag This Message](#)**From:** Brett.C.Stanley@usdoj.gov | [Block Address](#) | [Add to Address Book](#)**Date:** Wed, 27 Feb 2002 7:14:00 -0400**Subject:** Re: Alina Witnesses**To:** rdhhh@yahoo.com

Hi!

As I told your attorney, any information that can confirm that she is a prostitute, helps us immensley. This can include sworn statements, affidavits, arrest records, anything. So, if any of these people are willing to put their knowledge on paper, that would help. Also, We have the Mexico thing, but it doesn't specifically state prostitution. Do you know if she has ever been picked up before, or had to register as a prostitute?

Let me know.

Regards,

Brett C. Stanley  
Immigration Officer  
Moscow, Russia

"America.....One Nation, under God, Indivisible, with Liberty and Justice for all."

Reply Separator

**Subject:** Alina Witnesses**Author:** rdhhh@yahoo.com**Date:** 2/26/02 2:12 PM

Brett,

My attorney, Xenia Menshova, tells me that INS needs a person to testify to Alina working as a prostitute.

Sent for rdhhh@yahoo.com

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Printable View - Full Headers**Date:** Wed, 6 Mar 2002 09:55:49 -0800 (PST)**From:** "roy den" <rdhhh@yahoo.com> | [Block Address](#) | [Add to Address Book](#)**Subject:** Re: Alina, Krasnodar Case**To:** Brett.C.Stanley@usdoj.gov

Brett,

Marc L. Paulsen has changed his telephone number, apparently recently. When I called the number to ask about a sworn statement, another person answered who said they had just gotten the number 310 530 9532. As of July 2001 the following information on Marc was correct:

Marc L. Paulsen, Medical Doctor licensed in California

1944 W 237 St.  
Torrance, Cal 90501  
310 530 9532  
Email: marcpent@cnmnetwork.com

I contacted the California Medical Board off the internet and got the attached information on Doctor Marc. I tried telephone information for Mission Viejo vicinity (code 949) and Torrance vicinity (code 310) but no public listings for a Doctor Marc. Perhaps the Government could track him down.

When I talked to Doctor Marc at the end of June 2001, he said he travels to Russian relatively often to make similar videos with Russian models and the implication was to engage in sex with them in return for money. He said he now uses Red Star models instead of Leo's girls. He also said that US Customs once gave him a "hard time" about the videos he was bringing back from Moscow.

Roy

--- Brett.C.Stanley@usdoj.gov wrote:

> Roy, is it possible to get a sworn statement from  
> the individual who took  
> the  
> video? She could come back and say she took it  
> herself, or a boyfriend took  
> it  
> as there is no law against making videos. However,

# CENTER FOR RUSSIAN LAW

MOSCOW, RUSSIAN FEDERATION  
HANOVER, NH USA

Reply to: Attorney Xenia Menshova  
mailto:Menshova@RussiaLaw.com

Immigration and Naturalization Service  
United State Embassy  
Moscow, Russia

**re: Shipilina, Alina**  
**A 047-202-363**  
**SSN 063 90 4695**

Dear Sir or Madam:

In the course of representing Roy Den Hollander, a US citizen, we became aware of material misrepresentation in the immigration application of his wife, Alina (aka Angelina) Alexandrovna Shipilina (aka Chipilina), who entered the United States on July 10, 2000, as a Conditional Permanent Resident. Mr. Den Hollander is currently suing for nullification of his marriage on the grounds of these misrepresentations, revealed in her own words in her diary, a copy of which is attached in relevant parts in both Russian and English. The primary misrepresentations are as follows:

I. Ms. Shipilina married Mr. Hollander, as she put it, as a “business” proposition in order to secure US permanent residency. See entries in diary attached as Exhibit 1.

April 5, 2000: refers to March 11 marriage, “Got married. It was fun, but for me it was not serious, just business.” Exhibit 1, page 101.

June 25, 2000: “The problem is his (i.e. her husband’s) real feeling for me. I am something that stimulated him. He sees me as a real wife – but that is absurd. I will never see him as a real husband.” Exhibit 1, page 120.

Exhibit 1, page 114, 117: Shipilina wanted to marry any foreigner in order to live abroad (Exhibit 1, page 82) and finally married Mr. Hollander to secure US citizenship on the basis of a marriage (Exhibit 1, page 95);

February 19, 2000: Shipilina states that her friends in Krasnodar (her city of permanent residence in Russia) knew about her real relation to Mr. Hollander and approved the idea of this kind of “marriage business.” Exhibit 1, page 100.

It is clear that Ms. Shipilina did not intend to enter a genuine marriage in Krasnodar on March 11, 2000. From her perspective, the marriage was a mechanism to allow her to pursue her career as a prostitute in America. Exhibit 1, page 108.

On the basis of this information, our client is filing for annulment of the marriage as a sham.

Other material misrepresentations relate to prostitution and arrest.

1. Ms. Shipilina answered “No” to Question 33(b), whether the applicant engaged in prostitution within 10 years prior to submitting the visa application. He diary suggests otherwise.

Exhibit 1 describes the period from January through June 1999, when Ms. Shipilina worked as a part time prostitute while stripping in a club called “Zygos” in Limassol, Cyprus. The Club offered the following services: strip dance, private dance, table dance, “accompany” (pages: 7, 18, 20 etc) to clients for a night, a day or couple of days.

Exhibit 1, page 17: Ms. Shipilina says that she was “trying to be the first [among club girls] in business.”

Exhibit 1, page 77,78, 95: in Mexico City, Mexico, where she worked for a madam by the name of Kitty and with an agent by the name of Maria Sorrato.

Exhibit 1, page 45: in Moscow, Russia her agent/pimp who organized her business in Moscow and Mexico is identified as Leonid.

Exhibit 3 contains a list of men who had used her services as a prostitute from January to November 1999 for money, presents, and other compensation. At times she would ask God to bless her clients and pray for good business (pages 21, 27, 30, etc.)

Exhibit 1, pages 101, 112, 113: Ms. Shipilina engaged in prostitution after the marriage, specifically in Krasnodar, Russia, and in Milan, Venice, and Florence, Italy, in April-May 2000.

See also:

Exhibit 1, page 130: Ms. Shipilina presently works as a “lap dancer” five nights a week at “Flash Dancers” in Manhattan under the assumed name “Angelina” where she earns ca. \$12,000.00 per month in cash. She claims to earn \$500 to \$600 a night or ca. \$50,000.00 in cash since entering the U.S.

Exhibit 1, page 130: Ms. Shipilina does not only dance at the club, she also allows clients to touch her as a “special service.”

Shipilina has two bank accounts at Citibank (checking 67147197 and money market 67147234) at 262 First Avenue and a safe deposit box (number 14299) at the Citibank at 411 Fifth Avenue.

Exhibit 1, page 129: During the fall Shipilina kept thousands of dollars in cash in the safe deposit box. The accounts and safe deposit box are under the name Alina A. Chipilina.

Exhibit 4 and Exhibit 1, page 104: Mr. Shipilina got a second Russian foreign passport for travel to Italy on May 2000 to join one of her Mexico clients (pages 111-114).

Exhibit 1, p. 39. Shipilina acknowledges that she performed masturbation every day for 1.5 years for clients.

Exhibit 1, p. 41, Shipilina hopes to find girls to send to work in Mexico, as each will pay her \$100 per month.

Exhibit 2: copy of Ms. Shipilina’s Cyprus “Alien Registration Certificate,” copy



of the Ms. Shipilina's work contract in "Zigos," copies of her schedule for July-December 2000. She also works as a part time model for the modeling agency "Grace Del Marco" also located in Manhattan.

2. Ms. Shipilina answered "No" to Question 34, which asks, inter alia, whether the applicant had been arrested or imprisoned.

Exhibit 1, page 76: On Friday November 26, 1999, while lap dancing in the Men's Club in Mexico City, Mexico, the local police raided the club and Ms. Shipilina was arrested for not having a working visa. She was taken to Police Headquarters where her name was taken (the police may have entered her name as Chipilina rather than Shipilina), and she was videotaped and locked up in immigration prison for three days. Since she had a plane ticket back to Russia for the following Monday, the police put her on that plane home rather than engage in any further proceeding.

Exhibit 1, page 91: Mexico police took away Ms. Shipilina's foreign passport.  
Exhibit 1, page 91: Ms. Shipilina refers to this incident as an arrest.

On February 2000 Ms. Shipilina tried to return to Mexico to the club to continued work, but her agent, Maria Sorrato, could not give her any guarantee of her safety in entering to Mexico. Exhibit 1, page 96: "...may be to Mexico, but only for only one month. This is risk but money."

Mr. Den Hollander and Ms. Shipilina have separated. Shipilina is now living under the name of Alina A. Chipilina at 28-15 34th Street, Apt.4H, Astoria, New York 11103

Shipilina's telephone number (718 274 4902) and mobile number (917 374 4713) are listed under the name Alina A. Shipilina.

Please confirm your receipt of this notice by posting the attached stamped, self-addressed envelope.

Sincerely,

Xenia Menshova, Esq.



Yahoo! - My Yahoo! - Help



Print - Close Window

**Date:** Mon, 5 Aug 2002 15:47:35 -0700 (PDT)**From:** "roy den" <rdhhh@yahoo.com>**Subject:** Deportable Offense**To:** "Xenia Menshova" <Menshova@RussiaLaw.com>

Brett,

Alina Shipilina falsey claimed US citizenship when she registered to vote in Queens, New York, where she lives. I have attached a copy of her registration and the NYC Board of Elections' record. I am sending by express mail a hard copy of Alina's registration statement certified by the Board of Elections.

By claiming to be a US citizen, she violated 8 USC 1227:

"Any alien who falsely represents, or falsely represented, herself to be a citizen of the United States for any purpose or benefit under...any Federal or State law is deportable."

She also violated New York State Election Law 5-210(6) for making a material false statement in an application for registration, which is a class E felony in New York, ie, a maximum of four years. I will send a copy of the law by express mail.

In addition, I beleive her act also violated the Federal Law on Elective Franchise 42 USSC 1973i(c), which has a maximum of 5 years in jail or \$10,000 fine. I will send a copy of the law by express mail.

Is this sufficient to deport her? What is the status of the proceedings?

Please confirm receipt of email.

Roy

---

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**ROY DEN HOLLANDER**  
Business and Law Consultant  
545 East 14th Street, Suite 10D  
New York, NY 10009  
Tel. & Fax: (212) 995-5201  
Mobile 917 687 0652  
rdhh@erols.com

May 31, 2001

Immigration and Naturalization Service  
Director, Office of Internal Audit  
425 I Street, NW  
Room 3260  
Washington, DC 20536

Dear Director:

Over two months ago, I provided the Investigation Division of the New York City Immigration and Naturalization Office evidence about a Russian national, Alina A. Shipilina, who fraudulently obtained an immigration visa to the United States and is currently living and working in New York City as part of Russia's international sex industry. As best as I can tell, the INS has done nothing concerning this case. I have tried to contact the investigator handling the matter, Eugene Kazenko (212 264 5400), a number of times. Unfortunately, Mr. Kazenko does not return my telephone calls. Perhaps your office could elicit a response from Mr. Kazenko.

I have enclosed a copies of the materials originally provided to Mr. Kazenko, which include evidence that the Ms. Shipilina has also been evading US income taxes since last July on the nearly \$15,000 in cash she makes each month as a lap dancer at Flash Dancers on Broadway in New York City. Flash Dancers also employs a number of illegal Russian aliens as lap dancers.

Thank you for your time.

Sincerely yours,

Roy Den Hollander



U.S. Department of Justice  
Immigration and Naturalization Service  
Office of Internal Audit

425 I Street NW  
Washington, DC 20536

JUN 12 2001

Roy Hollander  
545 East 14<sup>th</sup> St, Suite 10D  
New York, NY 10009

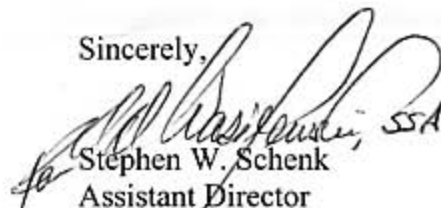
Dear Mr. Hollander:

Your complaint has been received by the Office of Internal Audit (OIA), Immigration and Naturalization Service, and has been assigned case number 01X03913. We have referred the matter to the head of the INS office concerned for information and any action deemed appropriate.

Resource constraints preclude us from initiating an inquiry or investigation into every complaint received. The OIA makes every effort to investigate those matters, which represent the most serious misconduct, and refers other matters to local managers for their review when appropriate. After careful review of this matter, we forwarded it to the appropriate management official for review and any action deemed warranted.

Thank you for bringing this matter to our attention. We trust that future contact with members of the Immigration and Naturalization Service will be of a more positive nature.

Sincerely,

  
Stephen W. Schenk  
Assistant Director  
Internal Investigations Branch

**ROY DEN HOLLANDER**  
Business and Law Consultant  
545 East 14th Street, Suite 10D  
New York, NY 10009  
Tel. & Fax: (212) 995-5201  
Mobile 917 687 0652  
rdhh@erols.com

September 5, 2001

Gene Kazenko  
US Immigration  
INV Correspondence  
26 Federal Plaza, Room 10-116  
New York, NY 10278

**Re: Shipilina, Alina A., INS A Number 047-202-363**

Dear Mr. Kazenko:

In March I provided you with information concerning my wife's, Alina A. Shipilina (aka Chipilina), violation of US Immigration laws.

The key document was a copy of Ms. Shipilina's Russian diary, which I am sure she denies as hers. I wanted to inform you that I have the original pages of her diary for May to September 2000, which are covered with her fingerprints. Perhaps this information will assist in proving the diary is actually hers.

Sincerely,

Roy Den Hollander

**ROY DEN HOLLANDER**  
Business and Law Consultant  
545 East 14th Street, Suite 10D  
New York, NY 10009  
Tel. & Fax: (212) 995-5201  
Mobile 917 687 0652  
rdhh@erols.com

September 16, 2001

Gene Kazenko  
US Immigration  
INV Correspondence  
26 Federal Plaza, Room 10-116  
New York, NY 10278

**Re: Shipilina, Alina A., INS A Number 047-202-363**

Dear Mr. Kazenko:

As further evidence that the diary I provided you is in fact Ms. Shipilina's authentic journal, I have enclosed Ms. Shipilina's Answer in the current Annulment/Divorce proceedings in which she admits the diary provided to you is hers. In paragraph 5(i) of the Answer, Ms. Shipilina states "...the Plaintiff (Mr. Hollander)...created an internet website entitled <http://www.alinashipilina.com> in which he posted the Defendant's (Ms. Shipilina) personal diary and naked photographs of the Defendant." A comparison of the diary I provided you with that referred to in Ms. Shipilina's Answer will show that they are one and the same.

Sincerely,

Roy Den Hollander

**ROY DEN HOLLANDER**  
Business and Law Consultant  
545 East 14th Street, Suite 10D  
New York, NY 10009  
Tel. & Fax: (212) 995-5201  
Mobile 917 687 0652  
rdhh@erols.com

April 6, 2001

Gene Kazenko  
US Immigration  
INV Correspondence  
26 Federal Plaza, Room 10-116  
New York, NY 10278

**Re: Shipilina, Alina A., INS A Number 047-202-363**

Dear Mr. Kazenko:

I recently received a complete certified English translation of Ms. Shipilina's diary, which I have enclosed. The pagination for this translation differs from the pagination included in the exhibits of my first letter to the INS. She is the young Russian lady who currently works at Flash Dancers and made material misrepresentations on her immigrant visa application about never having worked as a prostitute and never having been arrested. I added the underlining.

Sincerely,

Roy Den Hollander

**ROY DEN HOLLANDER**  
**Attorney at Law**

545 East 14th Street  
New York, NY 10009

Tel. & Fax: (212) 995-5201  
Mobile 917 687 0652  
rdhhh@yahoo.com

December 8, 2002

Karen Landsness  
US Immigration and Naturalization Service  
American Embassy  
Bolshoi Devyatinski Per 8  
Moscow, Russia 121099

Dear Ms. Landsness:

Attorney Daniel Retter suggested I provide you with the following information on a Russian alien living in the US against whom the INS initiated deportation proceedings, still ongoing, over a year ago.

Alina Alexandrovna Shipilina, INS A# 047 202 363, committed a deportable offense under 8 U.S.C. 1227(a)(3)(D) by falsely representing herself to be a citizen of the United States when she registered to vote in Queens County on February 22, 2001.

Ms. Shipilina is a Russian immigrant currently living in the United States as a conditional permanent resident. See attached copy of Shipilina's alien registration card. Her current address is 28-15 34 St, 4H, Astoria, NY 11103, telephones 718 274 4902, 917 374 4713.

When she registered to vote, she swore or affirmed that she was a U.S. citizen by signing the New York State Voter Registration form. See attached copy of N.Y. State Voter Registration and copy of Computer Voter Records.

By falsely claiming U.S. citizenship in order to register to vote, Ms. Shipilina also committed a crime in violation of 18 U.S.C. 1015(f) and New York State Election Law 5-210(6), which is a class E felony in New York.

If you have any questions, please feel free to contact my attorney, Xenia Menshova, at 979 4770 or 722 9035 or me at the above telephone numbers or email address.

Sincerely,

Roy Den Hollander



**ROY DEN HOLLANDER**  
Business and Law Consultant  
545 East 14th Street, Suite 10D  
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Mobile 917 687 0652  
rdhh@erols.com

August 21, 2001

Immigration and Naturalization Service  
New York District Office  
Status Section  
26 Federal Plaza  
New york, NY 10278

Dear Sir or Madame:

My wife, Alina Alexandrovna Shipilina, aka Chipilina, INS A# 047 202 363, DOB November 10 1975, is a conditional permanent resident residing in New York City. We are presently involved in a divorce proceeding. I would like to know whether Ms. Shipilina has filed for a Waiver of the Joint Petition and, if so, on what grounds.

Thank you for your assistance.

Sincerely yours,

Roy Den Hollander

**Alina Alexandrovna Shipilina Married for the Purpose of Procuring Admission as  
an Immigrant**

This document contains information evidencing that Alina Shipilina married Roy Den Hollander, a US citizen, for the purpose of procuring her admission to America as an immigrant. The document contains three parts. Part A consists of statements by Ms. Shipilina, Part B interviews with some of Ms. Shipilina's associates and Part C conduct of Ms. Shipilina. Ms. Shipilina married Roy Den Hollander in Krasnodar, Russia, on March 11, 2000.

**Part A**

The following are statements made by Ms. Shipilina in her personal journal before and during her marriage to Mr. Hollander and in correspondence to Mr. Hollander. Dates refer to the date a particular statement was written by Ms. Shipilina. The page cites are to a Certified English translation by attorney Dennis Whelan and to Ms. Shipilina's hand written journal in Russian.

1. December 10, 1999, "I want very much to find a foreigner and live abroad; I want to buy a flat and marry a foreigner, but I do not want to live in Krasnodar." Page 34 English; p 82 Russian.
2. January 17, 2000, "Roy says that I am the only happiness of his. He wants me to be near him.... If only he were younger...." Page 37 English; p 90 Russian.
3. January 27, 2000, "I do not know, but it worth while marrying him only for the purpose to receive American citizenship. He is not the person I need." Page 39 English; p 95 Russian.
4. January 29, 2000, "Roy is good as a friend and sexual partner, but Roy as a husband...." Page 39 English; p 97 Russian.
5. February 4, 2000, "....he (Mr. Hollander) began speaking about a paper according to which I will not have any right on his money in the case of divorce. So, in this case I will receive nothing.... In my turn I told him about a paper according to which he would have no right to send me out of the country." Page 40 English; p 98 Russian.
6. February 19, 2000, "Lena said as well that the business concerning Roy is very advantageous to me." Page 41 English; p 100 Russian.
7. Ms. Shipilina surreptitiously and repeatedly put substances into Mr. Hollander's meals just days before the wedding that caused narcotic-like symptoms in Mr. Hollander in order to induce him to go through with the wedding. A few days before the scheduled ceremony, Mr. Hollander told Ms. Shipilina that he was thinking of canceling the ceremony.
  - a. April 5, 2000, "Two days prior to registration he (Mr. Hollander) said that he might cancel everything because I told him that I did not like to speak with him about my past.... He infuriated me-I had to speak about Cyprus, about Mexico, that I was tired there and that I had not want and did not have sex there." Page 41 English; p 101 Russian. "....The clairvoyant gave me salt and sugar to admix into his food. His smile began to look like a smile of innocent angel." Page 42 English; p 105 Russian.

- b. July 12, 2000, "...I was admixing something in his (Mr. Hollander's) meals. He wanted to sleep even in the day. I had to tell him, that he was too aggressive towards me and I wanted to lower his level of aggression." Page 48 English; p 126 Russian.
8. April 5, 2000, "And on Saturday, March 11, 2000, we registered our marriage. It was merry! I did not accept it very seriously; for me it was only business. I become so tired of him...." Page 41 English; p 101 Russian.
9. April 5, 2000, "He wrote me a letter saying how it was difficult for him to be alone.... Frankly speaking, I cannot imagine what I will do with him in Moscow. Listen to his philosophy? To wash, to clean and to cook? And leave my mother all alone.... On one hand I would like that we remained friends, but he would not hinder my meetings with friends and I would give him freedom" Pages 41, 42 English; p 103 Russian. Just three days later in an April 8, 2000, postcard, Ms. Shipilina wrote to Mr. Hollander, "My love husband! I'm so miss on you but I must help my mother.... I send you this spring flowers from all my heart. I kiss and hold you." Exhibit 1
10. April 5, 2000, "It took a long time to make my second passport.... But thanks to God, I have now 2 passports. May be I will go for a week to Mexico and meet Alfred to earn some money. But I need a good reason for Roy. It is dangerous, but I will see...." Page 42 English; pp 104-05 Russian.
11. April 20, 2000, "For the first time he finished in me. Oh, my God, whom I allowed to do it...." Page 43 English; p 108 Russian.
12. April 20, 2000, "What will happen if I will not receive a visa to America? I will go—with Leonid's help—to Greece or Venezuela. In June I am sure to go somewhere!" Page 43 English; p 108 Russian.
13. April 5, 2000, "Then, when we went to the disco "Joy", Alexey told me that he wanted me and that I was driving him mad. He bought a bottle of Champaign. I was near to going with him.... I tried to seduce Alexey, to get him,...." Pages 41, 42, English; pp 102, 104 Russian. Then on April 22, 2000, Ms. Shipilina wrote to her husband a postcard, "My dear husband! Only come back and start to be alone again. It difficult, but I must to do a lot of things here.... But you in my heart. A lot of kisses to you." Exhibit 2 Alexey Smolin, 8 902 445 3049, 8612 62 34 13, told Mr. Hollander on June 16, 2001, "Alina offered herself to me. I could have slept with her if I wanted."
14. On May 19, 2000, Ms. Shipilina traveled to Italy to engage in adultery and prostitution with Alfredo Ibarra. Pages 44, 45 English; pp 112-14 Russian. Just days before the trip, Ms. Shipilina wrote on May 10, 2000, two postcards to her husband, "My dear husband! In Krasnodar hard. I try to written dissertation and help my mother.... Your wife." Exhibit 3 And, "You are present to me the best moments in my life. With special love your Angel." Exhibit 4
15. June 5, 2000, "We went with Roy to the forest, he wanted to have sex with me, but I refused because sometimes there were people passing by. The most important was that his age might be clearly seen. If he were a young boy...." Page 45 English; p 117 Russian.
16. June 5, 2000, "On May 31, 2000 I received visa!!! Praise to God! Page 45 English; p 117 Russian.

17. June 25, 2000, "The problem is in his real feelings to me. I am a stimulus for him. He sees me as a real wife, but it is absurd.... I will never see him as a real husband." Page 46 English; pp 120-21 Russian.
18. July 6, 2000, "I decided to go to America for now and make some money and then to get a divorce from him." Page 47 English; p 124 Russian.
19. July 12, 2000, "God be praised!!! I am in America." Page 48 English; p 126 Russian.
20. July 12, 2000, "I began working (Flash Dancers Topless Club) on Sunday and earned 400 dollars, then 540 and yesterday, on Wednesday, I earned 650 dollars. God be praised!!! Page 48 English; p 127 Russian.
21. September 9, 2000, "In total I earned 17-18 thousand dollars in 1.5 months, including everything – expenses, meals and presents." Page 50 English; p 130 Russian.

## **Part B**

The following associates of Ms. Shipilina made statements to Mr. Hollander about Ms. Shipilina's desire to leave Russia to make money:

22. Alexei Dikov, 26 Gudmy, KB 46, Krasnodar, 350063, (H) 8612 62 09 28, Mob 63 55 58, Mob 8 902 439 67 06, Ms. Shipilina's former boy friend, told Mr. Hollander on June 14, 2001, "Alina had one aim, to go outside of Russia."
23. Yulya Kudinova, mobile 8612 42 81 19, Mobile 8 902 464 2405, Email [strelez@mailru.com](mailto:strelez@mailru.com), work 8612 53 73 22, VIP Group 180 Krasnaya Ul, 314, Krasnodar, Ms. Shipilina's friend told Mr. Hollander on June 16, 2001, "Alina always thought about money and how to get it. She was a pit bull in her pursuit of money. She used all connections and a lot of men to get money. Alina didn't have money to start a career as a model and she used men to get it. Alina left Alexei Dikov because he didn't have money."
24. Anastasia Vasiljeva, 158 Krasnaya Ul, Krasnodar (W) 8612 55 74 63, (H) 8612 55 98 07, Email [nastya\\_top\\_model@mail.kubsu.ru](mailto:nastya_top_model@mail.kubsu.ru), Ms. Shipilina's model agent in Krasnodar, said, "Alina only wanted money and the luxury life."

## **Part C**

Ms. Shipilina's conduct during her marriage infers that she married for the purpose of procuring admission to the US as an immigrant. Dates refer to when Ms. Shipilina made entries in her diary, and the page cites refer to the Certified English translation and the Russian handwritten journal:

25. Ms. Shipilina wanted to give birth to her own children but knew that Mr. Hollander could not have children but she still married him.
26. April 5, 2000, Ms. Shipilina engaged in adultery in Krasnodar three weeks after her marriage with a man named Volodya. Page 41 English; p102 Russian.
27. Ms. Shipilina partied in Krasnodar rather than living with her husband in Moscow:

- a. April 5, 2000, "Katya and me went to discos. In "Joy" there was "Hit FM", nice music. Last time some boys wanted to get acquainted with us, but they did not succeed, because we sat to a taxi accompanied by guards." Page 42 English; p 105 Russian.
  - b. May 19, 2000, "On April 29 there was a show in dramatic theater. I was so glad to see Vitalik and my other acquaintances... A good show, it lasted for approximately 3 hours. There were 50 models participating in the show. Page p 43 English; p 109 Russian.
  - c. May 19, 2000, "Katya and me walked.... On the way from disco Katya got acquainted with Andrey, we went to his friend. I did not like. I went with Andrei and Katya to the same place I tried to seduce Alexei. When I was ready and said I was ready, it turned out that what Andrei wanted was a surprise. My friend Katya was against this and this upset Andrei and Andrei was left with nothing." Pages 43, 44 English; pp 109, 110 Russian.
  - d. May 19, 2000, "Ma went away and this time I did not bring anybody home with me although I wish I had. So I came to Volodya. I told him that I want to go to a picnic out of the city. He began to refuse; he said that he had already gone out of the city with Vladik. I insisted and he admitted that he is married, he has a child (2 years old), and he had married in 1998. His wife is from Kazakhstan but she is Russian. He lied, he wanted me and continued to lie. I was shocked." Pages 44 English; pp 109, 110 Russian.
28. May 19, 2000, Ms. Shipilina engaged in prostitution with Alfredo Ibarra Sotelo in Italy within three months of her marriage and just days before her successful interview for an immigrant visa at the US Embassy. Pages 44-45 English; p112-114 Russian.
29. Ms. Shipilina made a concerted effort to hide her prostitution in Italy for fear that Mr. Hollander would not take her to America. In her May 19, 2000, entry, "And now it is very important to me to extinguish all evidence. I closed package with adhesive tape and tried to hide gold and money. I hope so Roy did not learn anything. Amen! I thank God for everything; bless me!" Further in her June 5, 2000, entry, "I came to Roy. My cellular phone was disconnected. I had to open the door with keys and ring at the door. He looked Ms. Shipilina went to great lengths to hide her prostitution with Mr. Ibarra in so surprised when he saw me. He began to ask me – How I came, what and where and so on. He was inspecting me for a long time and got infuriated because he could not find anything. He thought that I spent time in Moscow with some boy friend and now came to him. .... Next day we went to take photos and when I asked to give me my bag, he took it and began to open all its section and watch what was in as if it was a joke. I was watching at him perplexedly and very calmly. He was examining me. After it I understood that he would examine my "Fa" bag. When Volodya (Mr. Hollander's driver) met me at registration in Moscow I gave him package with everything money, brilliants. I feared that he might tell something to Roy." Page 45 English; pages 114-16 Russian.
30. July 6, 2000, Ms. Shipilina engaged in another act of adultery four months after her marriage with a man named Valodya, 812 430 9508, Ul. Dibunovskaya 37, Apt 521, St Petersburg 197 183, a struggling small businessman. Page 47 English; p 123 Russian.

31. Ms. Shipilina maintained communication with Valodya from St. Petersburg while she was living in Mr. Hollander's apartment in the US. In a July 2000 postcard, Ms. Shipilina wrote to Valodya, "Good luck, peace, love and all the kindness to you. Hello Valodya, This is Angelina. How are you? I am okay. It was really difficult to come here. It turns out that my boss found out information about me from MVD and FSB. And now he watches me. I began to work. It is interesting. I like it a lot. I work about eight hours a day. I dance. (Flash Dancers) It is interesting to meet new people, to learn about different places. I think a lot about you and I miss you and it was great that we could understand each other. Do me a huge, huge favor, please, don't tell anybody, anybody, that I am here—no way. Only my mum knows about it and now you. I kiss you, I embrace you, I miss you." (Four lipstick kisses are on the card.) Exhibit 5
32. Ms. Shipilina dated other men in Krasnodar during the four months following her marriage:
- a. Arsen, pages 41, 42 English; p 102 Russian.
  - b. Roma, page 47 English; p 121 Russian.
33. September 9, 2000, "Besides, for the first time I went to a single room – I danced to a bearded man from TV. On Monday we sat there for 2 hours, I danced .... I allowed him to touch me. I received a pleasure." Page 50 English; p 130 Russian. Then just two days later on September 11, 2000, Ms. Shipilina wrote in a wedding anniversary card to her husband, "Always with you belief, hope, love unforgettable. Your Angel" Exhibit 6
34. Ms. Shipilina refused to allow her husband to travel with her to Krasnodar and Cyprus when she took a three-week vacation in September 2000. Ms. Shipilina later told her husband the names of three former friends with whom she had met in Cyprus. The three, however, were former prostitution and lap dancing clients.
- a. Rikos, pages 3, 4, 5, 7 English; pp 6, 8, 9, 10, 16 Russian.
  - b. Andrios, page 6 English; pp11, 12 Russian.
  - c. Stephanos, pages 12, 13, 15, 16 English; pp 28, 31, 35, 37 Russian.

**Date:** Tue, 22 Apr 2003 10:59:22 -0700 (PDT)  
**From:** "roy den" <rdhhh@yahoo.com>  [Add to Address Book](#)  
**Subject:**  Hollander/Shipilina Case  
**To:** Scott.X.Marvin@usdoj.gov

> Dear Mr. Marvin,

In reference to Alina Shipilina claiming to be a US citizen when she registered to vote, the New York City Board of Elections has referred Shipilina's violation of Federal law to the US Attorney for the Eastern District of NY and Shipilina's violation of New York law to the Queens District Attorney.

I have attached the Board of Elections letters of referral.

Thank you for your attention to this matter.

Roy Den Hollander

> Thanks for getting in touch with me.  
>  
> My attorney in Moscow, Xenia Menshova, (979 4770,  
> cell  
> 722 9035) has documents that show that Alina  
> Shipilina  
> registered to vote in New York City last year,  
> which,  
> in and of itself, is a deportable offense under 8  
> USC  
> 1227(a)(3)(D), a federal crime under 18 USC 1015(f)  
> and a felony in New York State under New York State  
> Election Law 5-210(6).  
>  
> If you can give me a number at which my attorney can  
> reach you, she can stop by the embassy to give you  
> the  
> documents. That is the way I often provided Brett  
> Stanley with documents in the past.  
>  
> Brett said that deportation proceedings were started  
> against Ms. Shipilina. Can you tell me the status  
> and  
> the procedure?  
>  
> The voter registration fraud is the latest  
> information  
> I have on Ms. Shipilina's nefarious activities.  
>  
> If you have any questions, please contact Xenia or  
> myself.  
>  
> Thanks for your time.  
>

> Roy  
> --- [Scott.X.Marvin@usdoj.gov](mailto:Scott.X.Marvin@usdoj.gov) wrote:  
> >  
> > Mr. Hollander,  
> >  
> > I wanted to introduce myself, as I recently  
> received  
> > the file on your former  
> > wife.  
> >  
> > Please feel free to forward any additional  
> > information and/or communicate  
> > with  
> > me at any time.  
> >  
> > Regards,  
> >  
> > Scott Marvin  
> > INS Moscow  
>



## **INS Misrepresentations**

### **1. Form 230 Part II**

- a. Question 21: Occupation while living in Cyprus: Artist
- b. Question 33 (b): Alina entered US to engage in prostitution and other immoral activity  
Alina engaged in prostitution within previous 10 years.
- c. Question 33 (f): Alina tried to get visa by lying.
- d. Question 34: Alina arrested and imprisoned in Mexico.

**ROY DEN HOLLANDER**  
**Attorney at Law**

545 East 14th Street  
New York, NY 10009

Tel. & Fax: (212) 995-5201  
Mobile 917 687 0652  
rdhhh@yahoo.com

September 7, 2002

US Immigration and Naturalization Service  
American Eambassy  
Moscow, Russia

Dear Sir or Madam:

Alina Alexandrovna Shipilina, INS A# 047 202 363, committed a deportable offense under 8 U.S.C. 1227(a)(3)(D) by falsely representing herself to be a citizen of the United States when she registered to vote in Queens County on February 22, 2001.

Ms. Shipilina is a Russian immigrant currently living in the United States as a conditional permanent resident. See attached copy of Shipilina's alien registration card. Her current address is 28-15 34 St, 4H, Astoria, NY 11103, telephones 718 274 4902, 917 374 4713.

When she registered to vote, she swore or affirmed that she was a U.S. citizen by signing the New York State Voter Registration form. See attached copy of N.Y. State Voter Registration and copy of Computer Voter Records.

By falsely claiming U.S. citizenship in order to register to vote, Ms. Shipilina also committed a crime in violation of 18 U.S.C. 1015(f) and New York State Election Law 5-210(6), which is a class E felony in New York.

If you have any questions, please feel free to contact my attorney, Xenia Menshova, at 979 4770 or 722 9035 or me at the above telephone numbers.

Sincerely,

Roy Den Hollander

**ROY DEN HOLLANDER**  
**Attorney at Law**

545 East 14th Street  
New York, NY 10009

Tel. & Fax: (212) 995-5201  
Mobile 917 687 0652  
rdhhh@yahoo.com

May 4, 2005

Officer-in-Charge  
U.S. Citizenship and Immigration Services  
Department of Homeland Security  
American Embassy  
PSC 77 - DHS  
APO, AE 09721

**Re: Alina A. Shipilina, INS A# 047 202 363**

Dear Sir:

In the removal proceedings concerning Alina A. Shipilina, INS A# 047 202 363, I have obtained three apostile affidavits from people in Krasnodar swearing to Ms. Shipilina working as a prostitute before applying for an immigrant visa to the U.S. in 2000.

The affidavits show Ms. Shipilina defrauded the Government by lying that she did not work as a prostitute within ten years prior to applying for conditional permanent residency.

Are you interested in me sending you the affidavits?

Sincerely,

Roy Den Hollander

**ROY DEN HOLLANDER**  
**Attorney at Law**

545 East 14th Street  
New York, NY 10009

Tel. & Fax: (212) 995-5201  
Mobile 917 687 0652  
rdhhh@yahoo.com

January 12, 2002

Elvis Paliska  
CID  
Internal Revenue Service  
625 Fulton Street  
Brooklyn, NY 11201

Dear Mr. Paliska:

In December, I provided your office with information concerning the evasion of taxes by a Russian immigrant, **Alina (aka Angelina) Alexandrovna Shipilina (aka Chipilina) - Social Security Number 063 90 4695**, living in Queens, New York.

This letter is to provide you with the street address of the Bank of Cyprus where she maintains a Global Equity Fund, account number 54660, which she did not report on her 2000 tax return. The account is located at

Bank Of Cyprus  
Aigos Fylaeos 282  
3083 Aiga Fyaa  
Limassol, Cyprus.

Ms. Shipilina is unaware that I know about this account.

If I can be of any further assistance, please do not hesitate to contact me.

Sincerely,

Roy Den Hollander

**ROY DEN HOLLANDER**  
**Attorney at Law**

545 East 14th Street  
New York, NY 10009

Tel. & Fax: (212) 995-5201  
Mobile 917 687 0652  
rdhhh@yahoo.com

September 14, 2002

Charles O. Rossotti, Commissioner  
Internal Revenue Service  
1111 Constitution Avenue, NW  
Washington, DC 20224

Dear Commissioner Rossotti:

As a former attorney with the I.R.S. Chief Counsel's Office, I applaud your decision to concentrate on high income tax evaders. As you noted in the New York Times article, limited I.R.S. resources should not be used to recover limited returns from low income evaders.

There is, however, one class of tax evaders whose members earn over \$100,000 year that the I.R.S. still fails to pursue. I roughly estimate the revenue from this class at \$13 billion a year. This class of tax evaders is made up of "lap-dancer" who work as independent contractors in the numerous "Gentlemen's Clubs" throughout America.

Take as an example "Flash Dancers" on Broadway in Manhattan. Each lap-dancer is required to work five days a week and the average lap-dancer on the night shift, 8pm to 4am, nets \$500 in cash every night. See the attached Club Reviews by Dancers from the Internet. Assuming the average lap-dancer takes six weeks vacation a year, she will net \$115,000—all cash.

On the night shift alone at Flash Dancers, seventy-five lap-dancers work as independent contractors every night of the year that results in a pool of untaxed cash revenue of over \$13 million a year from this one club. Assuming there are at least a thousand of these Gentlemen's Clubs in the country, then the untaxed revenue stream is \$13 billion a year.

Perhaps using similar guidelines for lap-dancers as the I.R.S. uses for bartenders and waitresses or classifying the lap-dancers as employees rather than independent contractors will recapture some of the lost taxes.

Thank you for your time.

Sincerely yours,

Roy Den Hollander

**ROY DEN HOLLANDER**  
**Attorney at Law**  
545 East 14th Street  
New York, NY 10009  
Tel. & Fax: (212) 995-5201  
Mobile 917 687 0652  
rdhhh@yahoo.com

September 14, 2001

Internal Revenue Service  
Attention I.C.E.  
Holtsville, NY 00501-0002

**Re: Alina Alexandrovna Shipilina (aka Chipilina), SS# 063 90 4695, INS A# 047 202  
363**

Dear Sir or Madam:

On March 5, 2001, I provided your office with a cover letter and various documents showing that Alina Alexandrovna Shipilina, my wife, evaded paying taxes. I am now providing notice that she made material misrepresentations on her tax returns as a result of her tax evasion.

Ms. Shipilina and I are currently involved in Annulment/Divorce proceedings. See Exhibit 1, Annulment/Divorce Complaint. As part of the court proceedings, Ms. Shipilina has turned over copies of her Federal and New York State tax returns and amended returns, which she affirmed under oath to the court that they are duplicates of the returns she filed with the IRS and New York tax authorities. See Exhibit 2, Federal and New York State tax returns.

Ms. Shipilina's 1040X reports her total income for the year 2000 as \$18,861, but in her diary she states that for just one and a half months during part of July, August and September she netted \$17 to \$18,000 dollars. See Exhibit 3, p 50 of a Certified English Translation and Exhibit 4, p 132 of the original documents provided your office in March, which is a copy of her Russian diary. Ms. Shipilina may deny that the document I provided you is her diary, but I possess the original pages of her diary for the months of May through September 2000, which include admissions as to her income and are covered with Ms. Shipilina's fingerprints.

Ms. Shipilina's 1040 lists her business as bartender when in fact she works as a lap dancer at Flash Dancers in Manhattan. I have attached as Exhibit 4 a copy of an affidavit of service for process served on Ms. Shipilina while working at Flash Dancers.

Ms. Shipilina falsely classified herself as single on her tax returns when in fact she was married and still is. See Exhibit 1.

Ms. Shipilina is now living under the name of **Alina A. Chipilina** at the following address:

28-15 34 Street, Apt. 4H

Astoria, New York 11103.

Her telephone number (718 274 4902) and mobile number (917 374 4713) are under the name **Alina A. Shipilina**.

I would appreciate confirmation of your receipt of this letter and accompanying materials by signing and dating the second copy of this letter.

If you have any questions, please do not hesitate to contact me.

Sincerely yours,

Roy Den Hollander

**ROY DEN HOLLANDER**  
**Attorney at Law**  
545 East 14th Street  
New York, NY 10009  
Tel. & Fax: (212) 995-5201  
Mobile 917 687 0652  
rdhhh@yahoo.com

September 30, 2001

Internal Revenue Service  
Attention I.C.E.  
Holtsville, NY 00501-0002

**Re: Alina Alexandrovana Shipilina (aka Chipilina), SS# 063 90 4695, INS A# 047 202 363**

Dear Sir or Madam:

On March 5 and again on September 16, 2001, I provided your office with various documents showing that Alina Alexandrovna Shipilina violated the Internal Revenue Code by evading taxes. I am now providing you with information that Ms. Shipilina, my wife, also violated the Code by failing to report on her tax returns for the year 2000 her Cyprus account at the Bank of Cyprus. Ms. Shipilina holds a Global Equity Fund, Account 54660, in the amount of around \$17,000USD in the Bank of Cyprus at

Limassol, Cyprus

The beneficiary and signatory is Alina Alexandrovana Shipilina.

I have enclosed a copy of her tax returns for the year 2000.

Sincerely yours,

Roy Den Hollander



**ROY DEN HOLLANDER**  
**Attorney at Law**  
545 East 14th Street  
New York, NY 10009  
Tel. & Fax: (212) 995-5201  
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rdhhh@yahoo.com

March 12, 2001

Internal Revenue Service  
Attention: John J. Boyle  
One Lefrak City Plaza, 4<sup>th</sup> Floor  
Corona, New York 11368

Dear Mr. Boyle:

Pursuant to our telephone conversation of Monday, March 12, I have enclosed the pertinent information and documentation concerning tax evasion and the illegal transport of cash out of the country by **Alina Alexandrovna Shipilina (aka Chipilina)** a Russian immigrant.

Ms. Shipilina is required to make quarterly filings with the IRS because she works as an independent contractor whose total gross monthly income is around \$15,000. She has not made any filings since she began working in the United States on July 17, 2000. Her **Social Security Number is 063 90 4695** and her **Immigration and Naturalization Service Alien Number is 047 202 363**. See Exhibit 1, identifying photographs of Ms. Shipilina and copy of her resident card. She was born on November 10, 1975, in Russia. Ms. Shipilina's income consists almost exclusively of cash. A number of the attached Exhibits contain pertinent sections of her diary, which was hand written in Russian. These Exhibits are accompanied by an English translation of the crucial passages.

1. Her main source of income and cash comes from working as an independent contractor giving lap dances and stripping at the topless club Flash Dancers, located at 1674 Broadway (212 315 5107) in New York City. See Exhibit 2, copies of some of her work schedules for 2000. She works at the club under the assumed name of "**Angelina**". The club charges her about \$140 a night to dance there, and her average net is between \$500 and \$600 a night. See Exhibit 3, pages 30, 31, 32 of the English translation, pages 129, 130, 131, 132 of her Russian diary. Her gross, therefore, averages \$640 to \$740 a night—all cash. She dances five nights a week, which gives her a monthly gross of around \$13,000 to \$15,000 in cash. Her diary states that for a month and a half from the end of July to the beginning of September she netted between \$17,000 and \$18,000. See Exhibit 4, page 32 of the English translation, page 132 of her Russian diary. A sampling of her daily earnings for last year is contained in Exhibit 5.
2. Last year Ms. Shipilina worked from July 17 through the first week in September when she flew back to Russia with over \$10,000 in cash that she did not report taking out of the country. She then returned to the US and worked from the beginning of October to the

third week in December when she once again returned to Russia with over \$10,000 in cash without reporting its transfer out of the country. She returned to the US on January 18, 2001, and has been working continuously since then at Flash Dancers. In the year 2000 she grossed in cash as a lap dancer between \$57,600 and \$66,000.

3. Before taking her cash back to Russia, she stores it in her safe deposit box (number 14299) at the Citibank at 411 Fifth Avenue, New York City. See Exhibit 6, page 31 of the English translation, page 131 of her Russian diary. The safe deposit box is under the name: **Alina A. Chipilina**. See Exhibit 7, copy of her safe deposit box agreement. She also has two bank accounts under the name **Alina A. Chiplina** at Citibank at 262 First Avenue, New York City (checking 67147197 and money market 67147234). See Exhibit 8, copy of her August bank statement. She also has a bank account in Limassol, Cyprus, under the name **Alina A. Chipilina**, but I am unaware of which bank it is with.
4. Ms. Shipilina also works part time as a model for the agency Grace Del Marco at 350 Fifth Avenue in New York City (212 629 6404) and as a freelance model. Her earnings are paid by check and generally amount to \$2,000 or more per month. As a model, she uses the assumed name "**Angelina**".

Ms. Shipilina is now living under the name of **Alina A. Chipilina** at the following address:

28-15 34 Street, Apt. 4H  
Astoria, New York 11103.

Her telephone number (718 274 4902) and mobile number (917 374 4713) are under the name **Alina A. Shipilina**.

As an attorney who formerly worked in the Office of the Chief Counsel of the IRS in Washington, DC, I am more than willing to provide any assistance whatsoever in this matter. Furthermore, I have recently filed for a divorce from Ms. Shipilina.

Sincerely yours,

Roy Den Hollander  
SS 141 40 7359

**ROY DEN HOLLANDER**  
**Attorney at Law**  
545 East 14th Street  
New York, NY 10009  
Tel. & Fax: (212) 995-5201  
Mobile 917 687 0652  
rdhhh@yahoo.com

September 14, 2001

Internal Revenue Service  
Criminal Investigation Division  
PO Box 558  
Church Street Station  
New York, NY 10008

**Re: Alina Alexandrovna Shipilina (aka Chipilina), SS# 063 90 4695, INS A# 047 202 363**

Dear Sir or Madam:

On March 5, 2001, I provided your office with a cover letter and various documents showing that Alina Alexandrovna Shipilina, my wife, evaded paying taxes. I am now providing notice that she made material misrepresentations on her tax returns as a result of her tax evasion.

Ms. Shipilina and I are currently involved in Annulment/Divorce proceedings. See Exhibit 1, Annulment/Divorce Complaint. As part of the court proceedings, Ms. Shipilina has turned over copies of her Federal and New York State tax returns and amended returns, which she affirmed under oath to the court that they are duplicates of the returns she filed with the IRS and New York tax authorities. See Exhibit 2, Federal and New York State tax returns.

Ms. Shipilina's 1040X reports her total income for the year 2000 as \$18,861, but in her diary she states that for just one and a half months during part of July, August and September she netted \$17 to \$18,000 dollars. See Exhibit 3, p 50 of a Certified English Translation and Exhibit 4, p 132 of the original documents provided your office in March, which is a copy of her Russian diary. Ms. Shipilina may deny that the document I provided you is her diary, but I possess the original pages of her diary for the months of May through September 2000, which include admissions as to her income and are covered with Ms. Shipilina's fingerprints.

Ms. Shipilina's 1040 lists her business as bartender when in fact she works as a lap dancer at Flash Dancers in Manhattan. I have attached as Exhibit 4 a copy of an affidavit of service for process served on Ms. Shipilina while working at Flash Dancers.

Ms. Shipilina falsely classified herself as "single" on her tax returns when in fact she was "married" and still is. See Exhibit 1.

Ms. Shipilina is now living under the name of **Alina A. Chipilina** at the following address:

28-15 34 Street, Apt. 4H  
Astoria, New York 11103.

Her telephone number (718 274 4902) and mobile number (917 374 4713) are under the name **Alina A. Shipilina.**

I would appreciate confirmation of your receipt of this letter and accompanying materials by signing and dating the second copy of this letter.

If you have any questions, please do not hesitate to contact me.

Sincerely yours,

Roy Den Hollander

**ROY DEN HOLLANDER**  
**Attorney at Law**  
545 East 14th Street  
New York, NY 10009  
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Mobile 917 687 0652  
rdhhh@yahoo.com

September 16, 2001

Internal Revenue Service  
Criminal Investigation Division  
PO Box 558  
Church Street Station  
New York, NY 10008

**Re: Alina Alexandrovna Shipilina (aka Chipilina), SS# 063 90 4695, INS A# 047 202 363**

Dear Sir or Madam:

On March 5, 2001, I provided your office with a cover letter and various documents showing that Alina Alexandrovna Shipilina, my wife, evaded paying taxes. I am now providing you with additional evidence that the key document evidencing her tax evasion—her personal diary—is authentic.

I have enclosed Ms. Shipilina's Answer in the current Annulment/Divorce proceedings in which she admits the diary provided your office is hers. In paragraph 5(i) of the Answer, Ms. Shipilina states "...the Plaintiff (Mr. Hollander)...created an internet website entitled <http://www.alinashipilina.com> in which he posted the Defendant's (Ms. Shipilina) personal diary and naked photographs of the Defendant." A comparison of the diary I provided your office with that referred to in Ms. Shipilina's Answer will show that they are one and the same.

Sincerely yours,

Roy Den Hollander

**ROY DEN HOLLANDER**  
**Attorney at Law**  
545 East 14th Street  
New York, NY 10009  
Tel. & Fax: (212) 995-5201  
Mobile 917 687 0652  
rdhhh@yahoo.com

September 30, 2001

Internal Revenue Service  
Criminal Investigation Division  
PO Box 558  
Church Street Station  
New York, NY 10008

**Re: Alina Alexandrovna Shipilina (aka Chipilina), SS# 063 90 4695, INS A# 047 202 363**

Dear Sir or Madam:

On March 5 and again on September 16, 2001, I provided your office with various documents showing that Alina Alexandrovna Shipilina violated the Internal Revenue Code by evading taxes. I am now providing you with information that Ms Shipilina, my wife, also violated the Code by failing to report on her tax returns for the year 2000 her Cyprus account at the Bank of Cyprus. Ms. Shipilina holds a Global Equity Fund, Account 54660, in the amount of around \$17,000USD in the Bank of Cyprus at

Limassol, Cyprus

The beneficiary and signatory is Alina Alexandrovna Shipilina.

I have enclosed a copy of her tax returns for the year 2000.

Sincerely yours,

Roy Den Hollander

**ROY DEN HOLLANDER**  
**Attorney at Law**  
545 East 14th Street  
New York, NY 10009  
Tel. & Fax: (212) 995-5201  
Mobile 917 687 0652  
rdhhh@yahoo.com

March 5, 2001

Internal Revenue Service  
Criminal Investigation Division  
PO Box 558  
Church Street Station  
New York, NY 10008

Dear Sir or Madam:

I previously worked as an attorney in the Office of the Chief Counsel for the IRS in Washington, D.C. I am writing to inform you of tax evasion and the illegal transport of cash out of the country by a Russian immigrant.

**Alina Alexandrovna Shipilina (aka Chipilina)** is required to make quarterly filings with the IRS because she works as an independent contractor whose total gross monthly income is around \$15,000. She has not made any filings since she began working in the United States on July 17, 2000. Her **Social Security Number is 063 90 4695** and her **Immigration and Naturalization Service Alien Number is 047 202 363**. See Exhibit 1, identifying photographs of Ms. Shipilina and copy of her resident card. She was born on November 10, 1975, in Russia. Ms. Shipilina's income consists almost exclusively of cash. A number of the attached Exhibits contain pertinent sections of her diary, which was hand written in Russian. These Exhibits are accompanied by an English translation of the crucial passages.

1. Her main source of income and cash comes from working as an independent contractor giving lap dances at the topless club Flash Dancers, located at 1674 Broadway (212 315 5107) in New York City. See Exhibit 2, copies of some of her work schedules for 2000. She works at the club under the assumed name of "**Angelina**". The club charges her about \$140 a night to dance there, and her average net is between \$500 and \$600 a night. See Exhibit 3, pages 30, 31, 32 of the English translation, pages 129, 130, 131, 132 of her Russian diary. Her gross, therefore, averages \$640 to \$740 a night—all cash. She dances five nights a week, which gives her a monthly gross of around \$13,000 to \$15,000 in cash. Her diary states that for a month and a half from the end of July to the beginning of September she netted between \$17,000 and \$18,000. See Exhibit 4, page 32 of the English translation, page 132 of her Russian diary. A sampling of her earnings for last year is contained in Exhibit 5.
2. Last year Ms. Shipilina worked from July 17 through the first week in September when she flew back to Russia with over \$10,000 in cash that she did not report taking out of the

country. She then returned to the US and worked from the beginning of October to the third week in December when she once again returned to Russia with over \$10,000 in cash without reporting its transfer out of the country. She returned to the US on January 18, 2001, and has been working continuously since then at Flash Dancers. In the year 2000 she grossed in cash as a lap dancer between \$57,600 and \$66,000.

3. Before taking her cash back to Russia, she stores it in her safe deposit box (number 14299) at the Citibank at 411 Fifth Avenue, New York City. See Exhibit 6, page 31 of the English translation, page 131 of her Russian diary. The safe deposit box is under the name: **Alina A. Chipilina**. See Exhibit 7, copy of her safe deposit box agreement. She also has two bank accounts under the name **Alina A. Chiplina** at Citibank at 262 First Avenue, New York City (checking 67147197 and money market 67147234). See Exhibit 8, copy of her August bank statement. She also has a bank account in Limassol, Cyprus, under the name **Alina A. Chipilina**, but I am unaware of which bank it is with.
4. Ms. Shipilina also works part time as a model for the agency Grace Del Marco at 350 Fifth Avenue in New York City (212 629 6404) and as a freelance model. Her earnings are paid by check and generally amount to \$1,000 to \$2,000 per month. As a model, she uses the assumed name "**Angelina**".

Ms. Shipilina is now living under the name of **Alina A. Chipilina** at the following address:

28-15 34 Street, Apt. 4H  
Astoria, New York 11103.

Her telephone number (718 274 4902) and mobile number (917 374 4713) are under the name **Alina A. Shipilina**.

I would appreciate confirmation of your receipt of this letter and accompanying materials by signing the second copy of this letter and returning it in the attached self-addressed stamped envelope.

If you have any questions, please do not hesitate to contact me.

Sincerely yours,

Roy Den Hollander  
SS 141 40 7359



**ROY DEN HOLLANDER**  
**Attorney at Law**  
545 East 14th Street  
New York, NY 10009  
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October 16, 2001

Internal Revenue Service  
Criminal Investigation Division  
PO Box 558  
Church Street Station  
New York, NY 10008

Dear Sir or Madam:

I previously worked as an attorney in the Office of the Chief Counsel for the IRS in Washington, D.C. I am writing to inform you of tax evasion and the illegal transportation of cash out of the country by a Russian immigrant who works as a lap dancer in New York City.

Much of the proof of the following facts come from Ms. Shipilina's personal journal, which was hand written in Russian. I have provided a certified English translation of that diary.

**Alina Alexandrovna Shipilina**, who also uses the last name **Chipilina** and the first name **Angelina**, reported her gross income for the year 2000 as \$18,861 when it was actually around \$62,000 with a net of about \$50,000. See Exhibit 1, 2000 US, New York State and New York City Income Tax Returns. For the year 2001, she has grossed around \$103,000 with a net of about \$82,000 as of October 14, 2001. Ms. Shipilina's income consists almost exclusively of cash earned as a stripper. Ms. Shipilina was born in Russia on November 10, 1975, immigrated to the United States on July 10, 2000, and began working as a lap dancer in the United States on July 17, 2000. Her **Social Security Number is 063 90 4695** and her **Immigration and Naturalization Service Alien Number is 047 202 363**. See Exhibit 2, identifying photographs of Ms. Shipilina and copy of her resident card.

Ms. Shipilina and I are currently involved in Annulment/Divorce proceedings. See Exhibits 3 and 4. As part of the court proceedings, Ms. Shipilina has turned over copies of her Federal, New York State and New York City tax returns and amended returns, which she affirmed under oath to the court were duplicates of the returns she filed with the IRS and New York tax authorities.

In her court filings, Ms. Shipilina admits the diary I am providing your office is hers. In paragraph 5(i) of her Answer to the New York Supreme Court, see Exhibit 4, Ms. Shipilina states "... the Plaintiff (Mr. Hollander)...created an internet website entitled <http://www.alinashipilina.com> in which he posted the Defendant's (Ms. Shipilina) personal diary...." A comparison of the diary that I am providing your office with that referred to in Ms.

Shipilina's Answer will show that they are one and the same. Further evidence that the diary is Ms. Shipilina's is that I possess the original pages of her diary for the months of May through September 2000, which are covered with Ms. Shipilina's fingerprints and include admissions as to her income.

1. Ms. Shipilina's main source of income and cash comes from working as a lap dancer and stripper at the topless club Flash Dancers, located at 1674 Broadway (212 315 5107) in New York City. See Exhibit 5, copies of most of her work schedules for 2000; Exhibit 6, copy of an affidavit of service on Ms. Shipilina while working at Flash Dancers; Exhibit 7, copy of private detective's report in which Ms. Shipilina was observed giving lap dances at Flash Dancers. She works at the club under the assumed name of "**Angelina**". The club charges her about \$140 a night to dance there, and her average net is around \$550 a night. See Exhibit 8, pages 48, 49, 50 of the English translation of Ms. Shipilina's diary; Exhibit 9, pages 127, 128, 129, 130 of her Russian diary. Her gross, therefore, averages \$690 a night—all cash. She dances five nights a week, which gives her a monthly gross of around \$14,000 in cash. Her diary states that for a month and a half from the end of July to the beginning of September 2000 she netted between \$17,000 and \$18,000. See Exhibit 8, page 50 of the English translation; Exhibit 9, page 130 of her Russian diary. A sampling of her earnings for last year is contained in Exhibit 10.
2. In the year 2000, Ms. Shipilina worked five nights a week for 18 weeks, so she grossed around \$62,000 with a net of about \$50,000. So far, for the year 2001, Ms. Shipilina has worked five nights a week for 30 weeks as of October 14, 2001, so she has grossed around \$103,000 with a net of about \$82,000.
3. Ms. Shipilina regularly transports over \$10,000 in cash out of the country without filing the required reports with the US Customs Service. She previously violated US Customs regulations by transporting over \$10,000 in cash out of the country on
  - a. September 9, 2000, when Ms. Shipilina flew aboard Aeroflot to Russia and then to Cyprus. She returned to New York City on September 29, 2000.
  - b. Around December 20, 2000, she flew aboard Aeroflot to Russia and then to Cyprus and returned to New York City on January 18, 2001.
  - c. Over the last half of April 2001 and the first half of May 2001, Ms. Shipilina traveled to Russia and Cyprus.

**Ms. Shipilina maintains a Global Equity Fund, account number 54660, at the Bank of Cyprus in the amount of over \$17,500 as of September 20, 2001.** She did not report this account on her 2000 Tax returns.

4. Before taking her cash back to Russia and Cyprus, Ms. Shipilina stores it in her safe deposit box (number 14299) at the Citibank at 411 Fifth Avenue, New York City. See Exhibit 8, page 50 of the English translation; Exhibit 9, page 129 of her Russian diary. Her safe deposit box is under the name: **Alina A. Chipilina**. See Exhibit 11, copy of her safe deposit box agreement. She also has two bank accounts under the name **Alina A. Chipilina** at Citibank at 262 First Avenue, New York City (checking 67147197 and money market 67147234). See Exhibit 12, copy of her August bank statement. Ms. Shipilina also has a PBC Credit Card issued in June 2001 with account number 4559 5422 0049 7293.

5. Ms. Shipilina also works part time as a model for the agency Grace Del Marco at 350 Fifth Avenue in New York City (212 629 6404) and as a freelance model. Her earnings are paid by check and generally amount to \$1,000 to \$2,000 per month. As a model, she uses the assumed name “**Angelina**”. See Exhibit 13, Ms. Shipilina’s Grace Del Marco Modeling Card.
6. Ms. Shipilina’s 1040 Tax Return falsely lists her business as “bartender” when in fact she works as a lap dancer at Flash Dancers in Manhattan. See above number 1.
7. Ms. Shipilina falsely classified herself as “single” on her tax returns when in fact she was “married” and still is. See Exhibit 3, Annulment/Divorce Complaint and Exhibit 4, Ms. Shipilina’s Answer.

Ms. Shipilina is now living under the name of **Alina A. Chipilina** at the following address:

28-15 34 Street, Apt. 4H  
Astoria, New York 11103.

Her telephone number with Verizon (718 274 4902) and mobile number with AT&T (917 374 4713) are under the name **Alina A. Shipilina**.

I would appreciate confirmation of your receipt of this letter and accompanying materials by signing the second copy of this letter and returning it in the attached self-addressed stamped envelope.

If you have any questions, please do not hesitate to contact me.

Sincerely yours,

Roy Den Hollander

**ROY DEN HOLLANDER**  
**Attorney at Law**  
545 East 14th Street  
New York, NY 10009  
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March 5, 2001

Internal Revenue Service  
Attention I.C.E.  
Holtsville, NY 00501-0002

Dear Sir or Madam:

I previously worked as an attorney in the Office of the Chief Counsel for the IRS in Washington, D.C. I am writing to inform you of tax evasion and the illegal transport of cash out of the country by a Russian immigrant.

**Alina Alexandrovna Shipilina (aka Chipilina)** is required to make quarterly filings with the IRS because she works as an independent contractor whose total gross monthly income is around \$15,000. She has not made any filings since she began working in the United States on July 17, 2000. Her **Social Security Number is 063 90 4695** and her **Immigration and Naturalization Service Alien Number is 047 202 363**. See Exhibit 1, identifying photographs of Ms. Shipilina and copy of her resident card. She was born on November 10, 1975, in Russia. Ms. Shipilina's income consists almost exclusively of cash. A number of the attached Exhibits contain pertinent sections of her diary, which was hand written in Russian. These Exhibits are accompanied by an English translation of the crucial passages.

1. Her main source of income and cash comes from working as an independent contractor giving lap dances at the topless club Flash Dancers, located at 1674 Broadway (212 315 5107) in New York City. See Exhibit 2, copies of some of her work schedules for 2000. She works at the club under the assumed name of "**Angelina**". The club charges her about \$140 a night to dance there, and her average net is between \$500 and \$600 a night. See Exhibit 3, pages 30, 31, 32 of the English translation, pages 129, 130, 131, 132 of her Russian diary. Her gross, therefore, averages \$640 to \$740 a night—all cash. She dances five nights a week, which gives her a monthly gross of around \$13,000 to \$15,000 in cash. Her diary states that for a month and a half from the end of July to the beginning of September she netted between \$17,000 and \$18,000. See Exhibit 4, page 32 of the English translation, page 132 of her Russian diary. A sampling of her earnings for last year is contained in Exhibit 5.
2. Last year Ms. Shipilina worked from July 17 through the first week in September when she flew back to Russia with over \$10,000 in cash that she did not report taking out of the country. She then returned to the US and worked from the beginning of October to the third week in December when she once again returned to Russia with over \$10,000 in

cash without reporting its transfer out of the country. She returned to the US on January 18, 2001, and has been working continuously since then at Flash Dancers. In the year 2000 she grossed in cash as a lap dancer between \$57,600 and \$66,000.

3. Before taking her cash back to Russia, she stores it in her safe deposit box (number 14299) at the Citibank at 411 Fifth Avenue, New York City. See Exhibit 6, page 31 of the English translation, page 131 of her Russian diary. The safe deposit box is under the name: **Alina A. Chipilina**. See Exhibit 7, copy of her safe deposit box agreement. She also has two bank accounts under the name **Alina A. Chiplina** at Citibank at 262 First Avenue, New York City (checking 67147197 and money market 67147234). See Exhibit 8, copy of her August bank statement. She also has a bank account in Limassol, Cyprus, under the name **Alina A. Chipilina**, but I am unaware of which bank it is with.
4. Ms. Shipilina also works part time as a model for the agency Grace Del Marco at 350 Fifth Avenue in New York City (212 629 6404) and as a freelance model. Her earnings are paid by check and generally amount to \$1,000 to \$2,000 per month. As a model, she uses the assumed name “**Angelina**”.

Ms. Shipilina is now living under the name of **Alina A. Chipilina** at the following address:

28-15 34 Street, Apt. 4H  
Astoria, New York 11103.

Her telephone number (718 274 4902) and mobile number (917 374 4713) are under the name **Alina A. Shipilina**.

I would appreciate confirmation of your receipt of this letter and accompanying materials by signing the second copy of this letter and returning it in the attached self-addressed stamped envelope.

If you have any questions, please do not hesitate to contact me.

Sincerely yours,

Roy Den Hollander  
SS 141 40 7359

**ROY DEN HOLLANDER**  
**Attorney at Law**

545 East 14th Street  
New York, NY 10009

Tel. & Fax: (212) 995-5201  
Mobile 917 687 0652  
rdhhh@yahoo.com

December 11, 2001

Supervisor Rivera  
New York City Department of Finance  
Tax Enforcement Unit  
345 Adam Street, 13<sup>th</sup> Floor  
Brooklyn, NY 11201

Dear Supervisor Rivera:

In early October, I provided your office with information concerning the evasion of taxes by a Russian immigrant, **Alina Alexandrovna Shipilina (aka Chipilina) - Social Security Number 063 90 4695**, living in Queens, New York.

This letter is to provide additional information that you may find useful. Exhibit 1 is the "Net worth Statement" that Ms. Shipilina filed in our divorce proceeding. The statement grossly understates her income and expenses. Exhibit 2 provides an analysis of the misrepresentations and omissions made under oath by Ms. Shipilina in her Net worth Statement.

Ms. Shipilina began work at Flash Dancers' Topless Club on July 17, 2000. In order to assist you in estimating her net income since then, Exhibit 3 is a document from an Internet site set up by lap dancers that estimates the average take home pay per night for a dancer at Flash Dancers. In addition, Exhibit 4 lists the dates for the vacations that Ms. Shipilina has taken since she began working at Flash Dancers. Although Ms. Shipilina is a very aggressive worker who makes significantly more than the average dancer, Exhibits 3 and 4 will provide an understanding of the relatively large amounts of money on which she evades taxes.

Finally, Ms. Shipilina grew up in Grozny, Chechnya, from the mid 1970s until 1991. Ms. Shipilina's acquaintances in Krasnodar, Russia, have told me that she is regularly seen associating with Chechen organized crime figures in Krasnodar and Sochi on the Black Sea.

If I can be of any further assistance, please do not hesitate to contact me.

Sincerely,

Roy Den Hollander

**ROY DEN HOLLANDER**  
**Attorney at Law**

545 East 14th Street  
New York, NY 10009

Tel. & Fax: (212) 995-5201  
Mobile 917 687 0652  
rdhhh@yahoo.com

January 12, 2002

Supervisor Rivera  
New York City Department of Finance  
Tax Enforcement Unit  
345 Adam Street, 13<sup>th</sup> Floor  
Brooklyn, NY 11201

Dear Supervisor Rivera:

In early October and again in December, I provided your office with information concerning the evasion of taxes by a Russian immigrant, **Alina (aka Angelina) Alexandrovna Shipilina (aka Chipilina) - Social Security Number 063 90 4695**, living in Queens, New York.

This letter is to provide you with the street address of the Bank of Cyprus where she maintains a Global Equity Fund, account number 54660, which she did not report on her 2000 tax return. The account is located at

Bank Of Cyprus  
Aigos Fylaeos 282  
3083 Aiga Fyaa  
Limassol, Cyprus.

Ms. Shipilina is unaware that I know about this account.

If I can be of any further assistance, please do not hesitate to contact me.

Sincerely,

Roy Den Hollander

**ROY DEN HOLLANDER**  
**Attorney at Law**  
545 East 14th Street  
New York, NY 10009  
Tel. & Fax: (212) 995-5201  
Mobile 917 687 0652  
rdhhh@yahoo.com

October 2, 2001

Supervisor Rivera  
New York City Department of Finance  
Tax Enforcement Unit  
345 Adam Street, 13<sup>th</sup> Floor  
Brooklyn, NY 11201

Dear Supervisor Rivera:

I am writing to inform you of tax evasion by a New York City resident who is also a Russian immigrant.

**Alina Alexandrovna Shipilina (aka Chipilina)** reported her income for the year 2000 as \$18,861 when it was actually over \$60,000. See Exhibit 1, 2000 US, New York State and New York City Income Tax Returns. Ms. Shipilina's income consists almost exclusively of cash earned as a stripper. Ms. Shipilina was born in Russia on November 10, 1975, immigrated to the United States on July 10, 2000, and began working as a lap dancer in the United States on July 17, 2000. Her **Social Security Number is 063 90 4695** and her **Immigration and Naturalization Service Alien Number is 047 202 363**. See Exhibit 2, identifying photographs of Ms. Shipilina and copy of her resident card. A number of the following references are to Ms. Shipilina's diary, which was hand written in Russian, and a certified English translation of that diary.

1. Ms. Shipilina's main source of income and cash comes from working as an independent contractor giving lap dances and stripping at the topless club Flash Dancers, located at 1674 Broadway (212 315 5107) in New York City. See Exhibit 3, copies of most of her work schedules for 2000 and Exhibit 4, copy of an affidavit of service on Ms. Shipilina while working at Flash Dancers. She works at the club under the assumed name of "**Angelina**". The club charges her about \$140 a night to dance there, and her average net is between \$500 and \$600 a night. See Exhibit 5, pages 48, 49, 50 of the English translation of Ms. Shipilina's diary; Exhibit 6, pages 127, 128, 129, 130 of her Russian diary. Her gross, therefore, averages \$640 to \$740 a night—all cash. She dances five nights a week, which gives her a monthly gross of around \$13,000 to \$15,000 in cash. Her diary states that for a month and a half from the end of July to the beginning of September 2000 she netted between \$17,000 and \$18,000. See Exhibit 5, page 50 of the English translation; Exhibit 6, page 130 of her Russian diary. A sampling of her earnings for last year is contained in Exhibit 7.



2. Last year Ms. Shipilina worked from July 17, 2000, through the first week in September 2000 when she flew back to Russia and then to Cyprus with over \$10,000 in cash that she did not report taking out of the country. She then returned to the US and worked from the beginning of October 2000 to the third week in December 2000 when she once again returned to Russia with over \$10,000 in cash without reporting its transfer out of the country. She returned to the US on January 18, 2001, and continued working at Flash Dancers until she took another trip out of the country from the middle of April 2001 to the middle of May 2001 without reporting her transfer of over \$10,000 in cash. This trip took her to Russia and Cyprus. On her return, she continued working at Flash Dancers. **Ms. Shipilina maintains a Global Equity Fund, account number 54660, at the Bank of Cyprus in the amount of over \$17,500 as of September 20, 2001.** She did not report this account on her 2000 Tax returns.
3. Before taking her cash back to Russia and Cyprus, Ms. Shipilina stores it in her safe deposit box (number 14299) at the Citibank at 411 Fifth Avenue, New York City. See Exhibit 5, page 50 of the English translation; Exhibit 6, page 129 of her Russian diary. Her safe deposit box is under the name: **Alina A. Chipilina**. See Exhibit 8, copy of her safe deposit box agreement. She also has two bank accounts under the name **Alina A. Chiplina** at Citibank at 262 First Avenue, New York City (checking 67147197 and money market 67147234). See Exhibit 9, copy of her August bank statement. Ms. Shipilina also has a PBC Credit Card issued in June 2001 with account number 4559 5422 0049 7293.
4. Ms. Shipilina also works part time as a model for the agency Grace Del Marco at 350 Fifth Avenue in New York City (212 629 6404) and as a freelance model. Her earnings are paid by check and generally amount to \$1,000 to \$2,000 per month. As a model, she uses the assumed name “**Angelina**”. Exhibit 10, Ms. Shipilina’s Grace Del Marco Modeling Card.
5. Ms. Shipilina’s 1040 Tax Return falsely lists her business as “bartender” when in fact she works primarily as a lap dancer at Flash Dancers in Manhattan. See above number 1.
6. Ms. Shipilina falsely classified herself as “single” on her tax returns when in fact she was “married” and still is. See Exhibit 11, Annulment/Divorce Complaint and Exhibit 12, Ms. Shipilina’s Answer.

Ms. Shipilina and I are currently involved in Annulment/Divorce proceedings. See Exhibits 11 and 12. As part of the court proceedings, Ms. Shipilina has turned over copies of her Federal, New York State and New York City tax returns and amended returns, which she affirmed under oath to the court were duplicates of the returns she filed with the IRS and New York tax authorities.

In her court filings, Ms. Shipilina admits the diary I am providing your office is hers. In paragraph 5(i) of her Answer to the New York Supreme Court, see Exhibit 12, Ms. Shipilina states “...the Plaintiff (Mr. Hollander)...created an internet website entitled <http://www.alinashipilina.com> in which he posted the Defendant’s (Ms. Shipilina) personal diary and naked photographs of the Defendant.” A comparison of the diary that I am providing your

office with that referred to in Ms. Shipilina's Answer will show that they are one and the same. Further evidence that the diary is Ms. Shipilina's is that I possess the original pages of her dairy for the months of May through September 2000, which are covered with Ms. Shipilina's fingerprints and include admissions as to her income.

Ms. Shipilina is now living under the name of **Alina A. Chipilina** at the following address:

28-15 34 Street, Apt. 4H  
Astoria, New York 11103.

Her telephone number with Verizon (718 274 4902) and mobile number with AT&T (917 374 4713) are under the name **Alina A. Shipilina**.

I would appreciate confirmation of your receipt of this letter and accompanying materials by signing the second copy of this letter and returning it in the attached self-addressed stamped envelope.

If you have any questions, please do not hesitate to contact me.

Sincerely yours,

Roy Den Hollander

**ROY DEN HOLLANDER**  
**Attorney at Law**

545 East 14th Street  
New York, NY 10009

Tel. & Fax: (212) 995-5201  
Mobile 917 687 0652  
rdhhh@yahoo.com

December 11, 2001

Lawrence Grinaldi  
New York State Department of Taxation and Finance  
55 Hanson Place  
Brooklyn, NY 11217

Dear Mr. Grinaldi:

In early October, I provided your office with information concerning the evasion of taxes by a Russian immigrant, **Alina Alexandrovna Shipilina (aka Chipilina) - Social Security Number 063 90 4695**, living in Queens, New York.

This letter is to provide additional information that you may find useful. Exhibit 1 is the "Net worth Statement" that Ms. Shipilina filed in our divorce proceeding. The statement grossly understates her income and expenses. Exhibit 2 provides an analysis of the misrepresentations and omissions made under oath by Ms. Shipilina in her Net worth Statement.

Ms. Shipilina began work at Flash Dancers' Topless Club on July 17, 2000. In order to assist you in estimating her net income since then, Exhibit 3 is a document from an Internet site set up by lap dancers that estimates the average take home pay per night for a dancer at Flash Dancers. In addition, Exhibit 4 lists the dates for the vacations that Ms. Shipilina has taken since she began working at Flash Dancers. Although Ms. Shipilina is a very aggressive worker who makes significantly more than the average dancer, Exhibits 3 and 4 will provide an understanding of the relatively large amounts of money on which she evades taxes.

Finally, Ms. Shipilina grew up in Grozny, Chechnya, from the mid 1970s until 1991. Ms. Shipilina's acquaintances in Krasnodar, Russia, have told me that she is regularly seen associating with Chechen organized crime figures in Krasnodar and Sochi on the Black Sea.

If I can be of any further assistance, please do not hesitate to contact me.

Sincerely,

Roy Den Hollander

**ROY DEN HOLLANDER**  
**Attorney at Law**  
545 East 14th Street  
New York, NY 10009  
Tel. & Fax: (212) 995-5201  
Mobile 917 687 0652  
rdhhh@yahoo.com

October 2, 2001

New York State Department of Taxation and Finance  
Tax Compliance Regional Director  
55 Hanson Place  
Brooklyn, NY 11217

Dear Sir or Madam:

I am writing to inform you of tax evasion by a New York City resident who is also a Russian immigrant.

**Alina Alexandrovna Shipilina (aka Chipilina)** reported her income for the year 2000 as \$18,861 when it was actually over \$60,000. See Exhibit 1, 2000 US, New York State and New York City Income Tax Returns. Ms. Shipilina's income consists almost exclusively of cash earned as a stripper. Ms. Shipilina was born in Russia on November 10, 1975, immigrated to the United States on July 10, 2000, and began working as a lap dancer in the United States on July 17, 2000. Her **Social Security Number is 063 90 4695** and her **Immigration and Naturalization Service Alien Number is 047 202 363**. See Exhibit 2, identifying photographs of Ms. Shipilina and copy of her resident card. A number of the following references are to Ms. Shipilina's diary, which was hand written in Russian, and a certified English translation of that diary.

1. Ms. Shipilina's main source of income and cash comes from working as an independent contractor giving lap dances and stripping at the topless club Flash Dancers, located at 1674 Broadway (212 315 5107) in New York City. See Exhibit 3, copies of most of her work schedules for 2000 and Exhibit 4, copy of an affidavit of service on Ms. Shipilina while working at Flash Dancers. She works at the club under the assumed name of "**Angelina**". The club charges her about \$140 a night to dance there, and her average net is between \$500 and \$600 a night. See Exhibit 5, pages 48, 49, 50 of the English translation of Ms. Shipilina's diary; Exhibit 6, pages 127, 128, 129, 130 of her Russian diary. Her gross, therefore, averages \$640 to \$740 a night—all cash. She dances five nights a week, which gives her a monthly gross of around \$13,000 to \$15,000 in cash. Her diary states that for a month and a half from the end of July to the beginning of September 2000 she netted between \$17,000 and \$18,000. See Exhibit 5, page 50 of the English translation; Exhibit 6, page 130 of her Russian diary. A sampling of her earnings for last year is contained in Exhibit 7.

2. Last year Ms. Shipilina worked from July 17, 2000, through the first week in September 2000 when she flew back to Russia and then to Cyprus with over \$10,000 in cash that she did not report taking out of the country. She then returned to the US and worked from the beginning of October 2000 to the third week in December 2000 when she once again returned to Russia with over \$10,000 in cash without reporting its transfer out of the country. She returned to the US on January 18, 2001, and continued working at Flash Dancers until she took another trip out of the country from the middle of April 2001 to the middle of May 2001 without reporting her transfer of over \$10,000 in cash. This trip took her to Russia and Cyprus. On her return, she continued working at Flash Dancers. **Ms. Shipilina maintains a Global Equity Fund, account number 54660, at the Bank of Cyprus in the amount of over \$17,500 as of September 20, 2001.** She did not report this account on her 2000 Tax returns.
3. Before taking her cash back to Russia and Cyprus, Ms. Shipilina stores it in her safe deposit box (number 14299) at the Citibank at 411 Fifth Avenue, New York City. See Exhibit 5, page 50 of the English translation; Exhibit 6, page 129 of her Russian diary. Her safe deposit box is under the name: **Alina A. Chipilina**. See Exhibit 8, copy of her safe deposit box agreement. She also has two bank accounts under the name **Alina A. Chiplina** at Citibank at 262 First Avenue, New York City (checking 67147197 and money market 67147234). See Exhibit 9, copy of her August bank statement. Ms. Shipilina also has a PBC Credit Card issued in June 2001 with account number 4559 5422 0049 7293.
4. Ms. Shipilina also works part time as a model for the agency Grace Del Marco at 350 Fifth Avenue in New York City (212 629 6404) and as a freelance model. Her earnings are paid by check and generally amount to \$1,000 to \$2,000 per month. As a model, she uses the assumed name “**Angelina**”. Exhibit 10, Ms. Shipilina’s Grace Del Marco Modeling Card.
5. Ms. Shipilina’s 1040 Tax Return falsely lists her business as “bartender” when in fact she works primarily as a lap dancer at Flash Dancers in Manhattan. See above number 1.
6. Ms. Shipilina falsely classified herself as “single” on her tax returns when in fact she was “married” and still is. See Exhibit 11, Annulment/Divorce Complaint and Exhibit 12, Ms. Shipilina’s Answer.

Ms. Shipilina and I are currently involved in Annulment/Divorce proceedings. See Exhibits 11 and 12. As part of the court proceedings, Ms. Shipilina has turned over copies of her Federal, New York State and New York City tax returns and amended returns, which she affirmed under oath to the court were duplicates of the returns she filed with the IRS and New York tax authorities.

In her court filings, Ms. Shipilina admits the diary I am providing your office is hers. In paragraph 5(i) of her Answer to the New York Supreme Court, see Exhibit 12, Ms. Shipilina states “...the Plaintiff (Mr. Hollander)...created an internet website entitled <http://www.alinashipilina.com> in which he posted the Defendant’s (Ms. Shipilina) personal diary and naked photographs of the Defendant.” A comparison of the diary that I am providing your

office with that referred to in Ms. Shipilina's Answer will show that they are one and the same. Further evidence that the diary is Ms. Shipilina's is that I possess the original pages of her dairy for the months of May through September 2000, which are covered with Ms. Shipilina's fingerprints and include admissions as to her income.

Ms. Shipilina is now living under the name of **Alina A. Chipilina** at the following address:

28-15 34 Street, Apt. 4H  
Astoria, New York 11103.

Her telephone number with Verizon (718 274 4902) and mobile number with AT&T (917 374 4713) are under the name **Alina A. Shipilina**.

I would appreciate confirmation of your receipt of this letter and accompanying materials by signing the second copy of this letter and returning it in the attached self-addressed stamped envelope.

If you have any questions, please do not hesitate to contact me.

Sincerely yours,

Roy Den Hollander

**ROY DEN HOLLANDER**  
**Attorney at Law**  
545 East 14th Street  
New York, NY 10009  
Tel. & Fax: (212) 995-5201  
Mobile 917 687 0652  
rdhhh@yahoo.com

October 4, 2001

New York State Tax Department  
Disclosure Office  
Building 9  
State Campus, Room 381  
Albany, NY 12227

Dear Sir or Madam:

I am writing to inform you of tax evasion by a New York City resident who is also a Russian immigrant.

**Alina Alexandrovna Shipilina (aka Chipilina)** reported her income for the year 2000 as \$18,861 when it was actually over \$60,000. See Exhibit 1, 2000 US, New York State and New York City Income Tax Returns. Ms. Shipilina's income consists almost exclusively of cash earned as a stripper. Ms. Shipilina was born in Russia on November 10, 1975, immigrated to the United States on July 10, 2000, and began working as a lap dancer in the United States on July 17, 2000. Her **Social Security Number is 063 90 4695** and her **Immigration and Naturalization Service Alien Number is 047 202 363**. See Exhibit 2, identifying photographs of Ms. Shipilina and copy of her resident card. A number of the following references are to Ms. Shipilina's diary, which was hand written in Russian, and a certified English translation of that diary.

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Ms. Shipilina and I are currently involved in Annulment/Divorce proceedings. See Exhibits 11 and 12. As part of the court proceedings, Ms. Shipilina has turned over copies of her Federal, New York State and New York City tax returns and amended returns, which she affirmed under oath to the court were duplicates of the returns she filed with the IRS and New York tax authorities.

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office with that referred to in Ms. Shipilina's Answer will show that they are one and the same. Further evidence that the diary is Ms. Shipilina's is that I possess the original pages of her dairy for the months of May through September 2000, which are covered with Ms. Shipilina's fingerprints and include admissions as to her income.

Ms. Shipilina is now living under the name of **Alina A. Chipilina** at the following address:

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Her telephone number with Verizon (718 274 4902) and mobile number with AT&T (917 374 4713) are under the name **Alina A. Shipilina**.

I would appreciate confirmation of your receipt of this letter and accompanying materials by signing the second copy of this letter and returning it in the attached self-addressed stamped envelope.

If you have any questions, please do not hesitate to contact me.

Sincerely yours,

Roy Den Hollander

**ROY DEN HOLLANDER**  
**Attorney at Law**

545 East 14th Street  
New York, NY 10009

Tel. & Fax: (212) 995-5201  
Mobile 917 687 0652  
rdhhh@yahoo.com

December 8, 2001

Assemblyman Thomas F. Barraga  
Albany Office  
LOB 629  
Albany, NY 12248

Dear Assemblyman Barraga:

I am inquiring as to why New York State does not tap the vast untaxed revenue stream of lap dancers and strippers who work in the many "gentlemen clubs" through out the state.

An average lap dancer at one of these establishments easily nets \$100,000 a year—all cash and all untaxed. The Taxation and Finance Department could readily develop guide lines, as it has for other cash businesses, in order to estimate a dancer's income from a particular club using club specific and industry wide information. For instance the attached "Club Reviews by Dancers", compiled by dancers themselves, lists average take home pay per night for a dancer for a number of different clubs.

Take for example Flash Dancers at 1674 Broadway in Manhattan. The club has a day shift from 12 noon to 8pm and a night shift from 8pm to 4am. The night shift uses around 75 girls each evening. Each girl on the night shift is required to work five nights a week. Assuming ten weeks vacation, not uncommon in the business, the average girl at Flash Dancers works 42 weeks a year and makes an average net income per night of \$500. For the year that equals \$105,000. For 75 girls the total is \$7,875,000 in taxable revenue generated from just one club that will never be reported. As a result, the rest of New York City's taxpayers underwrite lap dancer independence—not fair and not fiscally astute.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Roy Den Hollander

**ROY DEN HOLLANDER**  
**Attorney at Law**

545 East 14th Street  
New York, NY 10009

Tel. & Fax: (212) 995-5201  
Mobile 917 687 0652  
rdhhh@yahoo.com

December 8, 2001

Councilman Herbert E. Berman  
250 Broadway, 18<sup>th</sup> Floor  
New York, NY 10007

Dear Councilman Berman:

I am inquiring as to why New York City does not tap the vast untaxed revenue stream of lap dancers and strippers who work in the many "gentlemen clubs" through out the city.

An average lap dancer at one of these establishments easily nets \$100,000 a year—all cash and all untaxed. The Finance Department could readily develop guide lines, as it has for other cash businesses, in order to estimate a dancer's income from a particular club using club specific and industry wide information. For instance the attached "Club Reviews by Dancers", compiled by dancers themselves, lists average take home pay per night for a dancer for a number of different clubs.

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If you have any questions, please do not hesitate to contact me.

Sincerely,

Roy Den Hollander

**ROY DEN HOLLANDER**  
**Attorney at Law**

545 East 14th Street  
New York, NY 10009

Tel. & Fax: (212) 995-5201  
Mobile 917 687 0652  
rdhhh@yahoo.com

December 13, 2001

Mayor Rudolph W. Giuliani  
City Hall  
New York, NY 10007

Dear Mayor Giuliani:

I am inquiring as to why New York City does not tap the vast untaxed revenue stream of lap dancers and strippers who work in the many "gentlemen clubs" through out the city.

An average lap dancer at one of these establishments easily nets \$100,000 a year—all cash and all untaxed. The Finance Department could readily develop guide lines, as it has for other cash businesses, in order to estimate a dancer's income from a particular club using club specific and industry wide information. For instance the attached "Club Reviews by Dancers", compiled by dancers themselves, lists average take home pay per night for a dancer for a number of different clubs.

Take for example Flash Dancers at 1674 Broadway in Manhattan. The club has a day shift from 12 noon to 8pm and a night shift from 8pm to 4am. The night shift uses around 75 girls each evening. Each girl on the night shift is required to work five nights a week. Assuming ten weeks vacation, not uncommon in the business, the average girl at Flash Dancers works 42 weeks a year and makes an average net income per night of \$500. For the year that equals \$105,000. For 75 girls the total is \$7,875,000 in taxable revenue generated from just one club that will never be reported. As a result, the rest of New York City's taxpayers underwrite lap dancer independence—not fair and not fiscally astute.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Roy Den Hollander

**ROY DEN HOLLANDER**  
**Attorney at Law**

545 East 14th Street  
New York, NY 10009

Tel. & Fax: (212) 995-5201  
Mobile 917 687 0652  
rdhhh@yahoo.com

December 8, 2001

Senator Roy M. Goodman  
913 Legislative Office Building  
Albany, NY 12247

Dear Senator Goodman:

I am inquiring as to why New York State does not tap the vast untaxed revenue stream of lap dancers and strippers who work in the many "gentlemen clubs" through out the state.

An average lap dancer at one of these establishments nets around \$100,000 a year—all cash and all untaxed. The Taxation and Finance Department could readily develop guidelines, as it has for other cash businesses, in order to estimate a dancer's income from a particular club by using club specific and industry wide information. For instance the attached "Club Reviews by Dancers", compiled by dancers themselves, lists average take home pay per night for a dancer for a number of different clubs.

Take for example Flash Dancers at 1674 Broadway in Manhattan. The club has a day shift from 12 noon to 8pm and a night shift from 8pm to 4am. The night shift uses around 75 girls each evening. Each girl on the night shift is required to work five nights a week. Assuming ten weeks vacation, not uncommon in the business, the average girl at Flash Dancers works 42 weeks a year and makes an average net income per night of \$500. For the year that equals \$105,000. For 75 girls, the total is \$7,875,000 in taxable revenue generated from just one club that will never be reported. As a result, the rest of New York City's taxpayers underwrite lap dancer independence—not fair and not fiscally astute.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Roy Den Hollander

**Tina Laschiavo Conversation Fed 25, 2004**

Follow up call to Laschiavo at the Queens County District Attorney's office concerning Jan 28, 04 FOIL request. Time call 1:10pm.

Laschiavo said that she had not been able to find my name in the system. She had looked but could not find any records concerning me.

I informed her that Det Henning from the 114<sup>th</sup> Pct had referred an alleged violation to Queens ADA Robert Alexander in the Computer Crimes Division for review of whether a violation had been committed.

Laschiavo said that with this information she would continue looking for any record of such a request from Det. Henning, but so far, she had found nothing.

**Tina Loschiavo 5/24/04 re FOIL Queens DA**

Re Tape 4, M65-84

9:40am

Assigned to line assistant who conducted a thorough search and nothing was found.

**ROY DEN HOLLANDER**  
**Attorney at Law**

545 East 14th Street  
New York, NY 10009

Tel. & Fax: (212) 995-5201  
Mobile 917 687 0652  
rdhhh@yahoo.com

January 28, 2004

Tina Loschiavo  
FOIL Officer  
Queens District Attorney's Office  
125-01 Queens Blvd.  
Kew Gardens, NY 11415

Dear Ms. Laschiavo:

This is a request under the New York State Freedom of Information law for copies of any files, correspondence, documents, records, complaints or telephone notes created or received within the past four years by the Queens District Attorney's office concerning me. My full last name is Den Hollander, but at times different agencies mistakenly list my last name as Hollander or Denhollander. My social security is 141 40 7359.

If copying charges and search fees exceed \$50, please advise me before proceeding. Otherwise, please bill me at the above address.

Thank you for your time.

Sincerely,

Roy Den Hollander



**ROY DEN HOLLANDER**  
**Attorney at Law**

545 East 14th Street  
New York, NY 10009

Tel. & Fax: (212) 995-5201  
Mobile 917 687 0652  
rdhhh@yahoo.com

May 24, 2004

Tina Loschiavo  
FOIL Officer  
Queens District Attorney's Office  
125-01 Queens Blvd.  
Kew Gardens, NY 11415

Dear Ms. Laschiavo:

Thank you for your efforts so far in this matter.

Pursuant to our telephone discussion of May 24, 2004, I am providing more specific information concerning my FOIL request.

I request under the New York State Freedom of Information law copies of any files, correspondence, documents, records, complaints or telephone notes created or received in April, May or June 2002 regarding an apparent allegation against me for possible prosecution. Detective Robert W. Henning from the 114<sup>th</sup> Precinct in Queens may have referred the allegation to Robert Alexander in the Computer Crimes Division to determine whether the allegation was a violation or crime.

My full last name is Den Hollander, but at times different agencies mistakenly list my last name as Hollander or Denhollander. My social security is 141 40 7359.

If copying charges and search fees exceed \$50, please advise me before proceeding. Otherwise, please bill me at the above address.

Thank you for your time.

Sincerely,

Roy Den Hollander

**ROY DEN HOLLANDER**  
**Attorney at Law**

545 East 14th Street  
New York, NY 10009

Tel. & Fax: (212) 995-5201  
Mobile 917 687 0652  
rdhhh@yahoo.com

July 23, 2004

Gary Fidel  
Executive Asst. District Attorney  
Appeals Officer  
Office of the District Attorney Queens County  
80-02 Queens Boulevard  
Kew Gardens, NY 11415

Dear Mr. Fidel:

This is an appeal of a denial under FOIL for copies of documents in the possession of the Queens County District Attorney Computer Crime Division that concern any allegations or communications concerning alleged criminal activity by me.

Attached is a copy of the denial and the original request.

Thank you for your time.

Sincerely,

Roy Den Hollander

## **Publications**

### *Business World Weekly*

[A Fair Market Is Not a Free-For-All Market](#), June 9, 1992

[Doing Business with Americans](#), September 22, 1992

[More Nomenklatura Privatization](#), November 17, 1992

[A Fairer Form of Privatization](#), December 8, 1992

[The Need for a Constitutional Convention](#), April 23, 1993

### *Russian Academy of Sciences*

[Problems with Foreign Assistance](#), May 24-29, 1993

### *The Law Gazette*

[To Each According To His Ambition](#), No. 7-8 (120-121), 1994

[Russians Caught By the Throat](#), No. 25-26 (138-139), 1994

[What It Was?](#), No. 35 (148), 1994

[Preventing America from Transforming Russia into a Third World Nation](#), 1994

[The Danger Posed by the American Military-Industrial Complex](#), 1994

[A Ruble Backed by Gold Instead of the IMF](#), 1994

[Vile American](#), 1998

[Nomenklatura Looters](#), 1998

[Follow the Money](#), 1998

## **Papers Presented**

[Key Regulations for a Fair Economy](#), May 18-24, 1992

[Successful Privatization](#), November 16-20, 1992

[A Strategy to Generate Hard Currency from Russia's Foreign Debt](#), December 3, 1993



НА СНИМКЕ: перед участниками конгресса выступает В.И.ШЕИН, директор консорциума «Персонал управления».

**П.ТЕМНИКОВ**, Научно-исследовательский финансовый институт, г.Москва:

## «Максимально приблизить вопросы обучения к практике»

Сейчас нужнее всего деловому человеку информация. Тем более у нас, когда идет активная наработка правовой базы, идет экономическая реформа.

Вот почему мы так активно тянемся к встречам с людьми, причастными к разработке этих документов, с людьми, стоящими у истоков реформы.

Я второй раз присутствую на мероприятиях, проводимых «Интертрейнингом» (первый раз — на форуме), и в этом смысле могу высказать несколько соображений по организации этих несомненно нужных мероприятий.

Торжественное открытие конгресса в Кремлевском Дворце с внушительным президиумом, конечно, впечатляет и внушает уважение. Но и только. Пора внушительных президиумов прошла.

Пусть меня извинят академики, руководитель ЦБР, другие видные люди, но то, что они говорили нам с трибуны, мы так или иначе слышали либо из их уст по телевидению, либо читали их выступления в массовых изданиях. Так что, прослушав в первый день лекции самого высокого уровня, мы мало почерпнули конкретики, так нужной нам сейчас. И о работе секций. Я участвовал в обсуждении проблемы приватизации. Там мы услышали очень содержательные доклады руководителей управлений Госкомимущества РФ В.С.Палютин, А.Е.Абрамова, В.И.Чайки, оппонировавшего им Г.Я.Кипермана, а нам опять осталось мало времени, чтобы обсудить наши конкретные проблемы, идущие от практики.

Может, лучше было бы сделать так. На пленарных заседаниях рассматривать какие-то ключевые вопросы, которые волнуют всех. Ну, например, та же приватизация. А разойдясь по секциям, мы проблему могли бы обсудить поглубже — детально. Ведь столько вопросов у всех — тема! А то опять слушаем установочные лекции. Хорошо, если бы кто-то поделился реальным опытом приватизации: кто как выбирался из трудностей, кто какие шишки набил, кто с какими документами работал, сколько платил за услуги.

На каждом семинаре нашлось бы о чем поговорить — и бухгалтерам, и плановикам, и руководителям. Академичность в обучении уже зрелых специалистов порой пользы не приносит, в наше время, когда счет идет на недели, а то и на дни, очень важен конкретный практический опыт.

**Рой Холландер**, адвокат, США:

## «СУМЕЕТЕ ЛИ ВЫ «ПРИВАТИЗИРОВАТЬ» НОМЕНКЛАТУРУ?»

Интерес к процессам, идущим в России, у нас, в Штатах, настолько велик, что неудивительна та тяга ученых, специалистов, которая ведет их в Россию. Здесь проходит грандиозный эксперимент по возвращению громадной страны в русло нормальной экономики. Я с большим удовлетворением воспринял приглашение ассоциации «Интертрейнинг». Я и мои коллеги ехали в Москву с большим оптимизмом. Мы были убеждены, что, сбросив оковы принудительной плановой экономики, страна резко пошла вперед. Но, увы, мы этого не увидели. Скорее, наоборот. Кризис поразили все стороны вашей жизни — и экономический, и политический, и, наверное, нравственный кризис.

Причин тому, конечно, немало. Но одной из главных, причем самой очевидной, является та, что у основных рычагов власти на всех уровнях — от столицы до районов — стоят практически те же самые люди, что командовали вашей страной и до перестройки. Поразительно, но это так. На словах вы демонтировали всевластие одной партии, а на деле бывшие партийные функционеры, поменяв облик, сменив названия, по-прежнему управляют административными, выборными органами и даже теперь уже бизнесом. Действительно, власть номенклатуры безгранична.

Наивно думать, что люди, приведшие к краху экономику страны, сейчас выведут ее из кризиса. Ведь для номенклатуры самоцелью всегда была только власть, а вовсе не благо народа. Власть, да еще личное благо.

Неумелые руководители, правившие раньше с помощью принуждения, сейчас ищут новых хозяев, и вызывает удивление тот факт, что рекомендации (очень настойчивые) некогда отвергавшегося Международного валютного

фонда теперь выполняются очень быстро. Не думаю, что МВФ очень уж озабочен благосостоянием каждой российской семьи — это ведь не его забота. А инфляция, бешеный рост цен привели к тому, что идет повальное обнищание народа и стремительное обогащение номенклатуры. Нам удивительно, как это в то время, когда здесь повсеместная разруха, руководители ваших предприятий, советов, партий, общественных фондов зачастили в США, в Майами, на курорты Швейцарии, Испании. У многих из них есть валютные счета в зарубежных банках. И это тоже факты, лежащие на поверхности, а вовсе не плод домысла. Вы почитайте только свои газеты и увидите, сколь интенсивен поток номенклатурщиков, стремящихся за океан «за опытом».

Механизм сосредоточения огромных средств в руках кучки людей, греющихся у власти, не является секретом. Мы прошли через это в годы Великой депрессии в начале тридцатых годов: и безработица (до 25 процентов трудоспособных не имели работы), и инфляция, и рэкет, и взяточничество чиновников — все это у нас было. Энергичная политика президента Франклина Делано Рузвельта, названная им «новым курсом», принесла плоды. То была политика выхода из кризиса, направленная на улучшение жизни всех слоев населения.

Как «приватизировать» номенклатуру? Это сложный вопрос, особенно если учесть, что номенклатура сейчас обладает не только властью, но и финансовым могуществом, поскольку все мало-мальски крупные чиновники уже внедрились в коммерческие структуры, и многие приватизационные чеки, которые появились на рынке, уже в руках этих структур. Конечно, если бы удалось аннулировать выданные чеки и оставить

спекулянтов ими в проигрыше, а объявить выдачу именных (без права продажи) ваучеров — это было бы здорово, но это вряд ли возможно. Поэтому в ходе приватизации предприятий очень важен государственный контроль за этим процессом. Нужно, чтобы обязательно 51 процент акций остался в руках трудовых коллективов. И чтобы ни в коем случае в результате бюрократических махинаций контрольный пакет акций не перекочевал к администрации, номенклатуре. Опыт этот тоже имеется в разных странах, и им не грех воспользоваться.

Мы искренне желаем успеха реформ в России. Россия должна сохранить свое место в ряду великих держав, а для этого она должна быть сильной.



НА СНИМКЕ: (слева направо) — участники конгресса нач. кафедры Академии МВД РФ д.ю.н., проф. Г.А.СВЕРДЛЫК и президент Российского Фонда защиты прав человека, законности и правопорядка В.С.КОМИССАРОВ.

яя  
ТРАВДА

№ 229 [20909] ПЯТНИЦА, 29 НОЯБРЯ 1991 ГОДА

ВЫХОДИТ ЕЖЕДНЕВНО, КРОМЕ ВОСКРЕСЕНЬЯ И ПОНЕДЕЛЬНИКА

ЦЕНА 10 КОП.

# ТРАВДА

Завершились проходившие в Москве Дни мирового бизнеса, один из организаторов которых Международная ассоциация «Знание». Среди участников — 100 бизнесменов США, которые побывали не только в столице, но и других городах страны. Курск посетил г-н Рой Ден Холландер — бизнес-юрист, профессор Нью-Йоркского университета.

кие службы, которые бы следили за выполнением закона, исключив из него какие бы то ни было лазейки.

Систему регулирования надо принять как можно ско-

приятных в Америке, с кем установить контакт, чтобы организовать свое дело. Курские предприниматели показали мне свою продукцию, я попытаюсь заинтересовать ею деловых людей Америки, определить, с кем в дальнейшем можно сотрудничать.

— А что запомнилось из обыденной жизни нашей страны, из культурной программы?

— Самое большое впечатление произвели сами русские люди. В Москве на конференции многие говорили, что у русских не хватает инициативы. Но я убедился, что это не так. Во всяком случае, уже на улицах мне пытались что-то продать, так что дух предпринимательства безусловно есть. Ваши люди изобретательны, трудолюбивы и имеют цель.

Что касается культурной жизни, то она гораздо богаче американской. Особенно впечатляет Большой театр. В Курском ТЮЗе я посмотрел спектакль «Восточная трибуна» и считаю, что его можно смело играть на Бродвее. Правда, за разрешение надо заплатить 1 миллион долларов. Но можно не на самом Бродвее, а где-нибудь рядом — восприятие будет таким же.

Я не большой знаток живописи, но мне понравилась ваша картинная галерея. А краеведческий музей, вернее представленная там история, повергла в шок. Америка тоже переживала тяжелые времена, но это касалось негров. У вас же вся нация подвергалась жесточайшему террору. Теперь я воочию представляю, какой путь прошла Россия и что ей еще предстоит...

Вела беседу  
Т. АНТИПЕНКО.

## ИНТЕРВЬЮ ДЕЛОВОГО ЧЕЛОВЕКА

### «Я почувствовал

### дух

### предпринимательства»

— На Днях мирового бизнеса я получил сведения о некоторых проблемах нашей страны, как говорится, из первых рук. Прежде всего бросается в глаза неразбериха, несогласованность между союзным и Российским правительствами. Отсюда бизнесмены у нас между двух огней, они вынуждены подчиняться двойному бюрократическому гнету. А это — потеря денег и времени. При конфликте правительства расцвет бизнеса невозможен. Думаю, Союз должен заниматься только вопросами обороны, все остальное, в том числе бизнес, — дело России.

— Г-н Холландер, в прессе появляется немало публикаций как зарубежных специалистов, так и наших бывших соотечественников, которые пытаются указать пути развития России. Причем советы даются самые поларные: от полного копирования Запада до исключительно самобытного, русского варианта. У вас есть мнение по этому вопросу?

— На мой взгляд, вам нужно быстрее двигаться к честной, справедливой экономике в противовес свободной рыночной по западному образцу. Справедливые рыночные отношения предполагают наличие регуляторов, которые не позволяют Западу эксплуатировать ваши природные ресурсы и рабочую силу. И при этом они обеспечат прибыль как

вашим, так и иностранным бизнесменам.

А в свободной рыночной системе может произойти что угодно. Зарубежные партнеры могут загрязнить вашу окружающую среду, не платить налоги и получать огромную прибыль.

— Интересно, а есть где-нибудь справедливый рынок?

— Сейчас уже нигде в мире нет свободного рынка, но нет еще и справедливого. Америка находится где-то посередине между ними. В экономике нашей страны существует много регуляторов, защищающих бизнес и окружающую среду от эксплуатации. Но в то же время в законах много лазеек, оттого регуляторы действуют неэффективно.

Для того, чтобы России прийти к справедливому рынку, я бы предложил взять за основу американские правила регулирования и создать та-

кие и способствовать привлечению иностранного капитала. Чем дольше бюрократы будут затягивать этот процесс, кормя народ обещаниями, чем больше будут страдать люди, не ощущая прогресса, тем вероятней возможность появления нового диктатора. Ситуация в вашей стране очень напоминает Германию накануне прихода к власти Гитлера.

— Вы работали в Курске три дня. Встретились со специалистами ЦНТИ, коллективами научно-внедренческого предприятия «Эко-центр», ликероводочного завода, АПЗ-20. О чем шла речь на этих встречах?

— В основном о том, что я сейчас попытался коротко изложить вам в интервью. Я приехал, чтоб поддержать прогрессивные начинания в вашем городе и дать рекомендации как юрист. Посоветовал, как получать информацию о пред-

Вниманию почитателей Мельпомены!













## [Kremlin Speech](#)





[Models](#)



- [Abigail](#)
- [Adrianna](#)
- [Aja](#)
- [Alise](#)
- [Amanda](#)
- [Amber Easton](#)
- [Amy](#)
- [April](#)
- [Ariel](#)
- [Ashley Brandon](#)
- [Asiana Lee](#)
- [Britney](#)
- [Britney Alexander](#)
- [Buffy Van Norton](#)
- [Carmen](#)
- [Caroline](#)
- [Chennin Blanc](#)
- [Cindy](#)
- [Clarissa](#)
- [Claudia](#)
- [Devon](#)
- [Dominique Daynes](#)
- [Dylan](#)
- [Emmanualla](#)
- [Ericka](#)
- [Faith](#)
- [Gia](#)
- [Iris](#)
- [Jade](#)
- [Janet Taylor](#)
- [Jazzmine Foxxx](#)
- [Jennifer](#)
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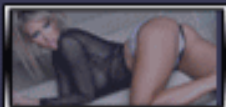
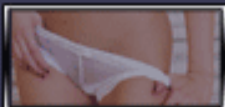
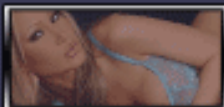


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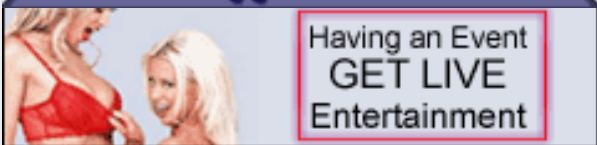
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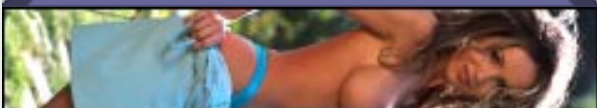
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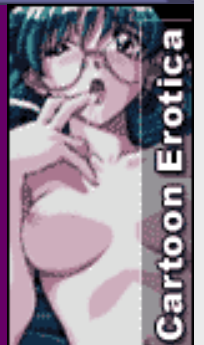
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**ROY DEN HOLLANDER**

545 East 14th  
Street  
Fax: (212) 995-5201  
New York, NY  
10009  
917 687 0652

Tel. &

Mobile

rdhhh@yahoo.com

July 22, 2002,

State Commission on Judicial Conduct  
801 Second Avenue  
New York, NY 10017

Dear Sir or Madam:

This is a complaint against Judge Fran L. Lubow of the Family Court of the State of New York, County of Queens for violating:

Judicial Canon 3 (B) (3) that requires a judge “shall be patient, dignified and courteous to litigants ... and others with whom the judge deals in an official capacity,....”

On February 16, 2001, I appeared before Judge Lubow as the petitioner in Roy Den Hollander v. Alina Shipilina, Docket No. O-02615/01, requesting a temporary order of protection against my wife, who grew up in Chechnya, for threatening me with grave bodily harm from her Russian organized crime associates. Judge Lubow discourteously cut me off when I began to explain my reasons for wanting a temporary order of protection. She jumped to the conclusion that I only wanted an order because my wife had previously obtained one against me. At that point both Judge Lubow and her law clerk laughed mockingly at me and Judge Lubow told me to seek any order of protection with the New York County Supreme Court where a divorce proceeding was pending.

I do not think such behavior is fitting for any official in any position of power in this country.

Sincerely yours,

Roy Den Hollander



NEW YORK STATE  
COMMISSION ON JUDICIAL CONDUCT

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CLERK

September 30, 2002

**CONFIDENTIAL**

Mr. Roy Den Hollander  
545 East 14th Street  
New York, New York 10009

Dear Mr. Hollander:

The State Commission on Judicial Conduct has reviewed your letters of complaint dated July 22, 2002 and August 1, 2002. The Commission has asked me to advise you that it has dismissed the complaints.

Upon careful consideration, the Commission concluded that there was insufficient indication of judicial misconduct to justify judicial discipline.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Jean M. Savanyu".

Jean M. Savanyu

JMS:ld

**ROY DEN HOLLANDER**  
**Attorney at Law**

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10009  
917 687 0652

Tel. &

Mobile

rdhhh@yahoo.com

August 1, 2002

State Commission on Judicial Conduct  
801 Second Avenue  
New York, NY 10017

Dear Sir or Madam:

This is a complaint against Judge Helen C. Sturm of the Family Court of the State of New York, County of New York for violating:

1. Judicial Canon 2 (A) that requires a judge to “act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary;” and
2. Judicial Canon 3 (6) that requires a judge to “accord to every person who has a legal interest in a proceeding ... the right to be heard according to law. A judge shall not initiate, permit or consider ex parte communications, or consider other communications made to the judge outside the presence of the parties or their lawyers concerning a pending ... proceeding, except....” for certain situations that do not apply here.

The alleged violations occurred on July 2, 2002, around 9:30 am in Part 8 of the Family Court of the State of New York, County of New York in the matter of Roy Den Hollander v. Shipilina, Docket No. O-03570/02, a petition for a permanent order of protection.

The chain of events began at a preliminary conference on May 6<sup>th</sup> where Judge Strum set a trial date of July 2<sup>nd</sup> and instructed the parties to engage in discovery. Petitioner served Respondent’s attorney, Nicholas J. Mundy, two requests for interrogatories, a request for inspection and copying of documents and a notice to admit—four requests in all. Mr. Mundy chose to completely ignore all the discovery requests, so Petitioner filed motions to compel discovery that were returnable on the scheduled trial date of July 2<sup>nd</sup>.

On July 2<sup>nd</sup> Petitioner, who represents himself, was instructed along with others to wait outside the courtroom while Mr. Mundy spent around fifteen minutes inside apparently engaged in ex parte communications with Judge Strum and/or her law clerk as inferred by the transcript, see attached Exhibit 1, Transcript of July 2, 2002, proceedings in Hollander v. Shipilina, Docket No. O-03570/02, and the manner in which Judge Strum conducted the proceeding.

Judge Sturm began the proceeding by calling on Respondent’s attorney, Mr. Mundy, even though the issue at hand concerned Petitioner’s motions to compel discovery. In addition, the tenor, flow and length of the initiating conversation between Judge Sturm and Mr. Mundy infer the continuation of previous ex parte talks and carrying out a prearranged decision to resolve quickly and in favor of Mr. Mundy’s client the issue over the motions to compel discovery.

As the transcript illustrates, Judge Sturm decided that Petitioner's discovery requests were intrusive before even affording Petitioner an opportunity to be heard through motion practice. See Exhibit 1, Transcript pp 6, 7, 8. True, Judge Sturm instructed Mr. Mundy and Petitioner to file motion papers for and against a protective order on discovery, but a hearing after the Judge has already made up her mind is no hearing at all. Due process is not met by filing papers after a "Star Chamber" like decision has obviated a party's right to notice and a hearing.

Subsequent events bear out the inevitable conclusion that Judge Sturm had no intention of providing and, in actuality, did not provide Petitioner a meaningful hearing on his discovery requests. Mr. Mundy's partner submitted the motion for a protective order at a proceeding before Judge Sturm on July 16, 2002, while Petitioner served his answer a few days later. Judge Sturm rendered her decision on July 29<sup>th</sup>. See attached Exhibit 2, Order Directing Discovery. Judge Sturm's ruling made a mockery of her directive of May 6<sup>th</sup> that the parties engage in discovery by eviscerating Petitioner's rights under discovery. Judge Sturm's ruling carried out her premature decision of July 2<sup>nd</sup> to deny Petitioner's discovery requests without a meaningful hearing. Motion practice as a mere matter of form over substance does not rise to the level of due process in this country.

In addition to denying Petitioner a proper hearing on discovery requests, the transcript of the July 2, 2002, hearing shows that the entire proceeding does not promote confidence in the integrity and impartiality of Judge Sturm's court.

Sincerely yours,

Roy Den Hollander



NEW YORK STATE  
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CLERK

September 30, 2002

**CONFIDENTIAL**

Mr. Roy Den Hollander  
545 East 14th Street  
New York, New York 10009

Dear Mr. Hollander:

The State Commission on Judicial Conduct has reviewed your letters of complaint dated July 22, 2002 and August 1, 2002. The Commission has asked me to advise you that it has dismissed the complaints.

Upon careful consideration, the Commission concluded that there was insufficient indication of judicial misconduct to justify judicial discipline.

Very truly yours,

Jean M. Savanyu

JMS:ld

**ROY DEN HOLLANDER**  
**Attorney at Law**

545 East 14th  
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Mobile 917 687 0652

rdhhh@yahoo.com

October 8, 2002

Gerald Stern

Tel.

Administrator and Counsel  
 State Commission on Judicial Conduct  
 801 Second Avenue  
 New York, NY 10017

Dear Mr. Stern:

It has been some time since the Marie Lambert case, and I hope the years have been good for you.

I'm contacting you now concerning the conduct of another New York judge: Helen C. Sturm of the Family Court in Manhattan. This is my second complaint against her, which was necessitated by improper conduct that occurred after I filed my first complaint. Your office dismissed that complaint.

The new violations of the Judicial Rules by Judge Sturm occurred during the discovery phase and trial in the case Roy Den Hollander v. Alina Shipilina, Docket No. O-03570/02. I brought the action to obtain an order of protection against the defendant in order to prevent an organized crime associate of the defendant from making good on his telephone threats.

The threats were made by a man, unknown to me, but whom the Federal Bureau of Investigation identified by tracking down a telephone number I provided them. One FBI agent said the man probably worked at Flash Dancers in Manhattan, the same club where the defendant works.

In my case, I claimed that the defendant, who grew up in Chechnya, had arranged for the man to make three threatening telephone calls in order to, among other things, keep me from testifying against the defendant before the U.S. Immigration and Naturalization Service.

Judge Sturm violated Rule 100.3(B)(1) by failing to "be faithful to the law" and Rule 100.3(B)(7) by failing to "dispose of all judicial matters...fairly" when:

1. Judge Sturm denied my discovery motion for a subpoena of Verizon telephone records for the same telephone number that the FBI used to determine the identity of the threatening caller. Exhibit 1, Motion for Verizon Records. The FBI had refused to provide me with the identity of the caller, and, as Judge Sturm knew, identifying the caller through Verizon records was key to proving my case.
2. At the beginning of the trial on August 12, 2002, I requested Judge Sturm to order the defendant to produce her mobile telephone, which she had in court with her, for examination in order to determine whether calls were made from defendant's mobile to my telephone number at the times and dates of the threatening calls.

During discovery, Judge Sturm had ordered defendant to produce telephone records for both defendant's mobile and home telephones if "in fact [defendant] has these documents." Exhibit 2, Order Directing Discovery, Document Requests, Item 2. In response to that order, defendant claimed not to have these records in her possession. Exhibit 3, Respondent's Response, Document Requests, Item 2. Despite her own order, Judge Sturm sharply denied my request to examine defendant's mobile telephone in court by saying, "I'm not going to allow him [plaintiff] to touch her phone." Exhibit 4, page 3, Transcript of August 12, 2002, Trial.

3. In the beginning of my case, I requested permission to play audio tape recordings I had made of two of the three threatening telephone calls that were voicemail messages left on my mobile telephone. In addition to the caller's words, the recordings captured his threatening demeanor that made clear I was in physical danger and that he was calling on behalf of the defendant. The recordings also noted the times and dates that the messages were left. Judge Sturm abruptly refused my admission of this key evidence by saying, "I am not going to take the Court's time to listen to the tape." Exhibit 4, page 6.

The above conduct also illustrates that Judge Sturm violated 100.3(B)(3): "A judge shall be patient..." and

100.3(B)(4): “ A judge shall perform judicial duties without bias or prejudice against or in favor of any person.” By denying key discovery requests and admission of crucial evidence, Judge Sturm made clear her impatience with the proceedings and her biased against plaintiff. It is clear to me that if the sexes of the parties had been reversed, Judge Strum would not have made the same rulings in her rush to judgment.

Thank you for your time.

Sincerely,

Roy Den Hollander



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**CONFIDENTIAL**

November 21, 2002

Mr. Roy Den Hollander  
545 East 14th Street  
New York, New York 10009

Dear Mr. Hollander:

The State Commission on Judicial Conduct has reviewed your letter of complaint dated October 8, 2002. The Commission has asked me to advise you that it has dismissed the complaint.

Upon careful consideration, the Commission concluded that there was no indication of judicial misconduct to justify judicial discipline. The Commission is not a court of law and does not have appellate authority to change a judge's decision or to review the merits of matters within a judge's discretion, such as the rulings in a particular case. Judges by law have broad discretion in such matters, and the law precludes the Commission from interfering in that discretion.

Very truly yours,

A handwritten signature in black ink that reads "Jean M. Savanyu".

Jean M. Savanyu

JMS:ld



## COMPLAINT AGAINST ATTORNEY STEVEN M. SILPE FOR MATERIAL MISREPRESENTATIONS TO CLIENT

1. Attorney Steven M. Silpe of the firm Cohen Goldstein & Silpe, LLP, (212 315 4400) represented me, Roy Den Hollander, in an annulment/divorce action last year, 2001, in the Supreme Court for New York County, Case No. 3500091/01.
2. Mr. Silpe violated Disciplinary Rule 1-102(A)(4) by making at least two material misrepresentations to me on which I relied to my detriment.
3. On July 26, 2001, just before the beginning of the Preliminary Conference before Judge Joan Lobis, Mr. Silpe said I had to make a choice concerning the divorce cause of action in my complaint on whether to pursue adultery or cruel and inhuman treatment because I could not pursue both issues of fault at the same time.
4. The complaint filed by Mr. Silpe on my behalf asked for an annulment or in the alternative a divorce on the grounds of adultery and cruel and inhuman treatment.
5. I told Mr. Silpe to pursue adultery and to accept a settlement on either annulment or adultery.
6. During the conference with Justice Lobis, both parties were asked by Justice Lobis to leave the room while the lawyers and the Justice discussed the case.
7. After the conference, Mr. Silpe told me there was no settlement and that there would be a trial on annulment and adultery in December 2001. This turned out to be misrepresentation number one.
8. Mr. Silpe instructed me to sign the Preliminary Conference Stipulation, which I did.
9. On arriving home, I reviewed the Stipulation and saw that it indicated the issue of fault had been resolved. I immediately call Mr. Silpe concerned that there had been a misunderstanding and that he had settled the case without my approval.
10. Mr. Silpe assured me that my concerns were groundless, that there was no settlement on the issue of fault and that I should continue my investigations in Russia on obtaining evidence for the December trial on the issues of annulment and adultery. This was misrepresentation two.
11. In reliance on Mr. Silpe's above two misrepresentations, I continued my investigations in Russia and preparation for the December trial that I believed would be on the issues of annulment and adultery.
12. In September, Mr. Silpe filed a motion for a default judgment in the annulment/divorce proceeding even though the opposing side had previously filed an answer. When I learned that the opposing side had filed an answer two months earlier and that Mr. Silpe had gone ahead with the default motion anyway, I fired Mr. Silpe and obtained new counsel.
13. At an October Compliance Conference with my new attorney, I learned for the first time from Justice Lobis and opposing counsel that Mr. Silpe had committed me at the July Preliminary Conference to a settlement in which both sides would admit to innocuous cruel and inhuman conduct.
14. I never gave Mr. Silpe the authority to make such a settlement, but he did so anyway and afterwards lied twice to me by saying he had not made any such settlement on the issue of fault.
15. My reliance on Mr. Silpe's intentional misrepresentations ultimately resulted in no trial on the issue of fault and cost me money and time by deceiving me into preparing for a trial that he knew would never happen.

Dated: September 8, 2002

Roy Den Hollander

212 995 5201

917 687 0652

THE LAW FIRM OF

RECEIVED  
2002 OCT 25 PM 3:29  
*Cohen Goldstein & Silpe, LLP*505 PARK AVENUE  
NEW YORK, N.Y. 10022

TELEPHONE: (212) 537-9000

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E-MAIL: cgs@cgs-lawny.comLOUIS A. MANSONE  
OF COUNSELJEFFREY R. COHEN  
GLENN S. GOLDSTEIN  
STEVEN M. SILPENATALIA GOURARI  
ALISON KEIL  
JACQUELINE MARK  
AMY SALTZMAN

October 25, 2002

Departmental Disciplinary Committee  
Supreme Court, Appellate Division  
First Judicial Department  
61 Broadway  
New York, N.Y. 10006Re: Answer to Complaint of  
Roy Den Hollander  
Docket No. 2002.2501

To Whom It May Concern:

I am in receipt of Mr. Den Hollander's complaint, dated September 8, 2002.

While I no longer have all of Mr. Den Hollander's file, having passed it on to my successor, Robert H. Moses, Esq., I recollect as follows:

1) Mr. Den Hollander retained us in May 2001, at which time he was being represented by another attorney and there was a Family Court proceeding pending that had been commenced by his ex-wife for, I believe, an Order of Protection against him.

2) After we were retained we commenced an action for divorce and/or annulment on the grounds of cruelty and adultery. The complaint set forth both causes of action in detail and included a specific cause of action for annulment on the ground of fraud. A copy of the complaint (unsigned, because it comes from my computer files) is attached. I did not say to Mr. Den Hollander that he could only pursue a single cause of action for divorce or annulment in the complaint. He himself is a lawyer and knows that is not the case. Furthermore the complaint that we prepared and served sought a divorce on both the grounds of cruelty and adultery, as well as a separate cause of action for an annulment, so I have no idea what Mr. Den Hollander is talking about in paragraph 3 of his complaint.

*Cohen Goldstein & Sippe, LLP*

Departmental Disciplinary Committee  
October 25, 2002  
Page 2

3) At the preliminary conference both sides were advised by the court's law secretary that insofar as both parties wanted a divorce, that is that neither side would be claiming that he/she wanted to remain married, that we should indicate on the preliminary conference form that fault was "resolved", otherwise the Court was going to bifurcate the case and proceed with an immediate trial on fault. Attached is the preliminary conference order. As the committee can see, the check mark that had been made under the heading "unresolved" was crossed off, and the category "resolved" was checked. Next to that, the law secretary wrote "will not be an issue." There was absolutely no agreement of any kind on the grounds for divorce/annulment that either party would or could pursue, nor does the preliminary conference form indicate such. Parenthetically, I will say, that at the time, Mr. Den Hollander said to me that he wanted a divorce on either adultery or cruelty grounds, and that was what we pleaded in his Verified Complaint. However, he now seems to be saying in his complaint to the committee that he only wanted an annulment. If that were the case, we would never have interposed cruelty and adultery causes of action for divorce. The information for them came entirely from him.

4) At the preliminary conference, at which Mr. Den Hollander was present, I fully explained to him the preliminary conference order prior to him signing it. I did say that it only provided that fault would not be an issue, i.e., that one or both of the parties would get a divorce or annulment. I also told him that no grounds had been specified or agreed upon, and that was true.

5) As further proof that the specific grounds for divorce were not resolved and there had been no agreement of any kind on an "innocuous" divorce (Den Hollander complaint, para. 13), on or about August 31, 2001, after not having received an Answer to the complaint, we moved for a judgment of divorce on default, on the grounds set forth in the complaint.

6) Upon receipt of our default motion, defendant's counsel advised us that they had already served an Answer. We had not received it (we checked our files, carefully). Nevertheless, although the Answer had not been timely, I knew a default judgment would not be granted and we withdrew our motion. Mr. Den Hollander complains about this (Den Hollander

*Cefen Goldstein & Silpe, LLP*

Departmental Disciplinary Committee  
October 25, 2002  
Page 3

complaint, para.12) but fails to advise the committee that I deleted all of our time charges in connection with the motion.

7) Mr. Den Hollander was quite upset at the fact that he believed we had received the Answer and had moved for a default judgment anyway. Although I advised Mr. Den Hollander that we had not received the Answer, he discharged us in September 2001. I promptly forwarded his file to our successor, Robert H. Moses, Esq., and did not hear from Mr. Den Hollander (or his counsel) until this complaint.

8) I am advised by Mr. Moses, with whom I spoke upon receipt of this complaint, that no one forced or coerced Mr. Den Hollander into proceeding with an "innocuous cruelty" divorce (Den Hollander complaint, para.13) and that he could have proceeded with a full blown divorce or annulment trial, however ill advised it might have been, if he wanted, on any available ground. As it was, after the parties reached a financial settlement I understand they obtained mutual divorces against one another, on the ground of cruelty.

*He never did not say this*

9) Mr. Den Hollander's former wife's counsel advised us that Mr. Den Hollander also filed a complaint against him, which complaint was recently dismissed as unfounded and he further advised us that after the financial settlement was made Mr. Den Hollander, acting pro se, moved to set it aside on the ground of coercion and duress. The motion was denied.

In summary, the preliminary conference order was entered into with the express understanding that only the fact of a divorce/annulment was being resolved, in so much as neither party was asserting their desire to remain married. The actual grounds themselves were not agreed upon and certainly no "innocuous" divorce ground was consented to and no agreements regarding the divorce or annulment were made which would have limited Mr. Den Hollander's rights to proceed with a contested divorce or annulment on any ground available. What I told him was correct.

As to the default motion, I can't understand what Mr. Den Hollander is complaining about, both because there was no prejudice to him from our making the motion, which was done in good faith, and because he was not charged for any of the time incurred.

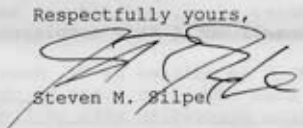
*Cohen Goldstein & Silpe, LLP*

Departmental Disciplinary Committee  
October 25, 2002  
Page 4

As I hope my recital of events makes clear, I did not misrepresent anything to Mr. Den Hollander and his rights were not prejudiced by me in any way.

Please do not hesitate to contact me if you require anything further.

Respectfully yours,

  
Steven M. Silpe

Encs.

SMS:ms

ROY DEN HOLLANDER

Attorney at Law

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Fax: (212) 995-5201  
New York, NY  
10009  
917 687 0652

Tel. &

Mobile

November 7, 2002

Thomas J. Cahill  
Departmental Disciplinary Committee  
Supreme Court, Appellate Division

First Judicial Department  
61 Broadway  
New York, NY 10006

**Matter of Steven M. Silpe, Esq. Docket No 2002.2501**

Dear Mr. Cahill:

This letter serves as my reply to Steven M. Silpe's answer in the above captioned disciplinary matter and incorporates the disciplinary complaint against him dated September 8, 2002.

Mr. Silpe's stipulation without my consent to forgo a trial on fault and his misrepresentation about that agreement.

Mr. Silpe goes to significant lengths in his answer to mischaracterize the disciplinary allegation against him concerning his misrepresentation on settling the issue of a trial on fault.

The allegation as stated in ¶10 of my complaint is that Mr. Silpe misrepresented to me that there had been no agreement on the issue of fault. In an apparent effort of obfuscation, Mr. Silpe's answer states he made no agreement on the specific grounds that would have supported a divorce or annulment. My complaint does not accuse Mr. Silpe of entering an agreement on the grounds for the divorce or an annulment and then lying about it. What Mr. Silpe did without my consent, and then lied about doing, was stipulating at the July 26, 2001 preliminary conference that there would be no trial on the issue of finding fault, whether in the divorce or annulment cause of action.

Because of Mr. Silpe's misrepresentations to me, his agreement to eliminate a trial on fault did not become fully evident until a compliance conference on October 4, 2001, before Justice Lobis. Her Honor said that the attorneys for both parties had agreed at the July 26, 2001 preliminary conference that a trial on the issue of fault would not take place. She emphasized to my new attorney, Robert Moses (212-949-5928), and me that whether there was to have been a trial on the issue of fault had previously been settled, and in order to set aside that stipulation entered into by Mr. Silpe, I would have to make a motion to the court.

Mr. Moses at the time told me that a motion to set aside the stipulation in order to have a trial on the issue of fault in the divorce and annulment causes of action would cost about \$5,000 and likely be denied. Mr. Silpe in ¶8 of his answer states that my attorney, Mr. Moses, recently told him that I could have proceeded with a "full blown divorce or annulment trial...if [I] wanted." Mr. Moses says he did not make that statement to Mr. Silpe. Once again Mr. Silpe is making a misrepresentation. It was my right to a trial on fault that Mr. Silpe stipulated away and then lied about doing so. As a result, I could not have proceeded to a "full blown divorce or annulment trial...if [I] wanted" unless I made a costly motion and the Justice granted that motion, which appeared unlikely.

Mr. Silpe also makes a misrepresentation in ¶4 of his answer. Mr. Silpe did not fully explain to me the preliminary conference order prior to my signing and did not say that the order only provided for fault as a non-issue. Jeffrey Drummond, an attorney who accompanied me to the conference as a friend, witnessed the end of the conference when Mr. Silpe presented me with the order. Mr. Drummond states that Mr. Silpe did not fully explain the order nor say that fault would not be an issue.

The preliminary conference along with the waiting lasted the entire morning on July 26<sup>th</sup> and comprised two meetings: first with Justice Lobis' law secretary and later with the Justice herself. At both meetings, the defendant and I were required to leave the discussions. As such, neither the defendant nor I were present when the stipulation was reached. I was, therefore, completely dependent on Mr. Silpe's characterization of what occurred in the meetings. After the final meeting, Mr. Silpe was in such a rush to leave for another appointment that he hurried me to sign the order, and all he said was I could continue my discovery in Russia in preparation for a December trial on adultery and annulment. Mr. Drummond witnessed this.

Mr. Silpe's misrepresentation about my having to choose between a cruelty or adultery cause of action for a divorce.

Mr. Silpe also mischaracterized ¶3 of my complaint. ¶3 does not state that Mr. Silpe said I could only pursue in

my complaint one cause of action for divorce and one cause of action for annulment. What Mr. Silpe falsely stated at the courthouse on the morning of July 26, 2001, before the preliminary conference started, was that in the divorce cause of action, it was necessary for me to choose between the grounds of adultery and cruelty. It was this statement at that point in time that constituted a misrepresentation on which I relied.

Mr. Silpe's excuse that I am a lawyer and therefore was not misled contradicts the reasons behind the often-repeated advice that a lawyer should not represent himself. I hired Mr. Silpe, trusted him and relied on his advice because he specialized in marital cases, an area of the law in which I had never previously practiced nor studied except for the bar exam. Unfortunately my reliance was misplaced.

I hope the issues in this proceeding are clear that Mr. Silpe's misrepresentations prejudiced my rights.

Thank for your time and if I can be of any further assistance please do not hesitate to contact me.

Sincerely yours,

Roy Den Hollander

ROY DEN HOLLANDER

Attorney at Law

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November 9, 2003

Thomas J. Cahill  
Departmental Disciplinary Committee  
Supreme Court, Appellate Division  
First Judicial Department  
61 Broadway  
New York, NY 10006

**Matter of Steven M. Silpe, Esq. Docket No 2002.2501**

Dear Mr. Cahill:

On November 7, 2002, I sent my reply to Mr. Silpe's answer to the disciplinary complaint I filed against him. A copy of that reply is attached.

In the reply, I noted that I had witnesses to two material misrepresentations that Mr. Silpe made in his answer to the Committee.

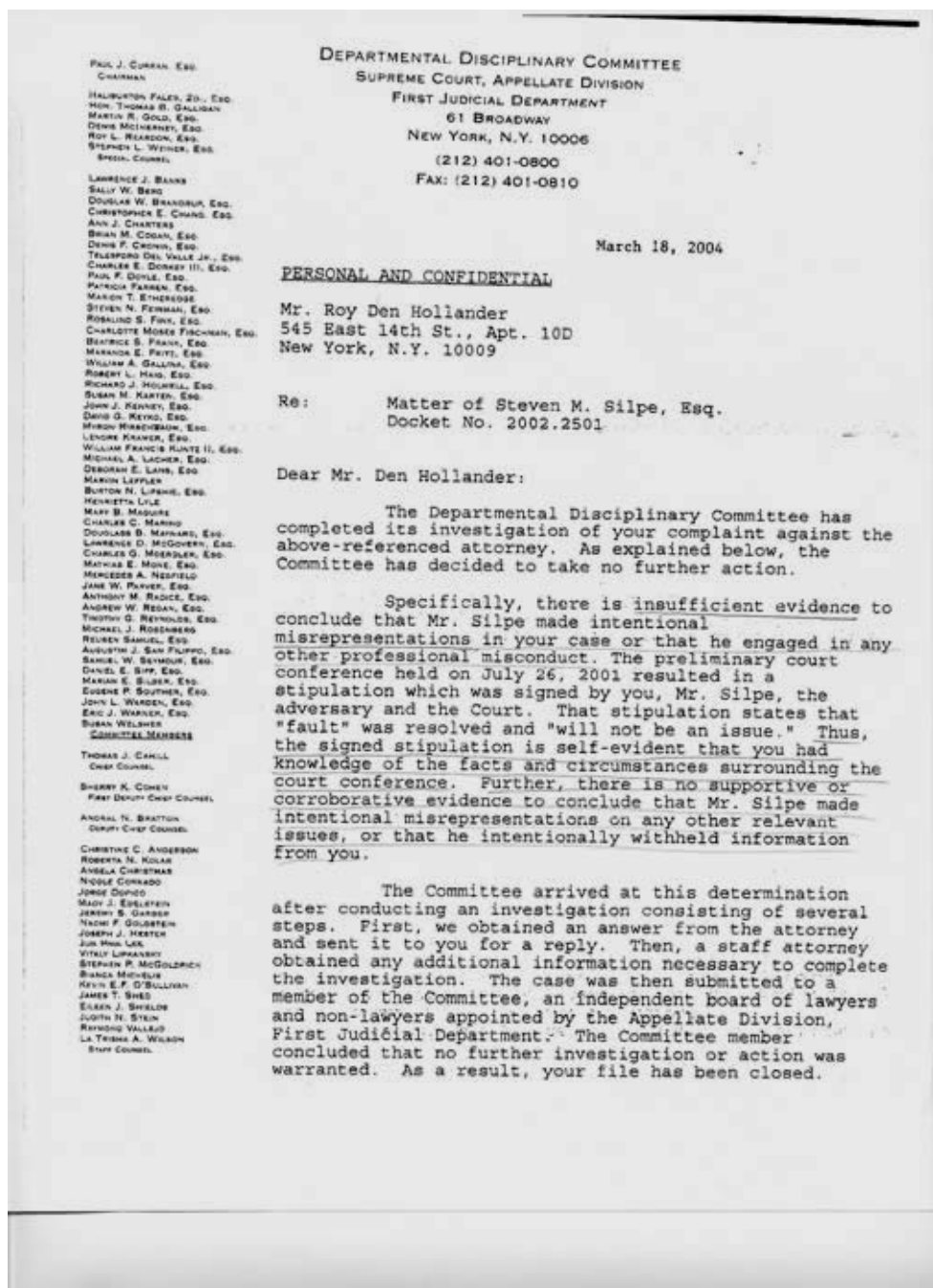
1. Mr. Silpe, in ¶8 of his answer, said that my attorney, Robert H. Moses (212 972 8911), told him that I could have proceeded with a "full blown divorce or annulment trial...if [I] wanted." Mr. Moses says he did not make that statement. So apparently, Mr. Silpe is making a misrepresentation. Mr. Silpe had stipulated away my right to a trial on fault and then lied about doing so. As a result, I could not have proceeded to a "full blown divorce or annulment trial...if [I] wanted" unless I made a costly motion and the Justice granted that motion. Please see Reply p. 2 ¶1.

2. Mr. Silpe also made a misrepresentation in ¶4 of his answer. Contrary to his statement in ¶4, Mr. Silpe did not fully explain to me the preliminary conference order prior to my signing it and did not say that the order only provided for fault as a non-issue. Jeffrey N. Drummond (212 352 9861), an attorney, had accompanied me to the conference as a friend and witnessed when Mr. Silpe presented me with the order for signing. Mr. Drummond confirms my statement that Mr. Silpe did not fully explain the order nor say that fault would not be an issue.

Since filing my reply on November 7, 2002, to my knowledge, neither of the above witnesses has been contacted by the Committee to confirm Mr. Silpe's misrepresentations to this Committee.

Sincerely,

Roy Den Hollander

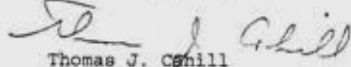




Page 2  
Matter of Steven M. Silpe, Esq.  
Docket No. 2002.2501

You may seek review of this decision by submitting a written request for reconsideration to this office at the above address within thirty (30) days of the date on this letter.

Very truly yours,

  
Thomas J. Cahill

TJC:NC

**ROY DEN HOLLANDER**  
**Attorney at Law**

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rdhhh@yahoo.com

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March 24, 2004

Thomas J. Cahill

Departmental Disciplinary Committee  
 Supreme Court, Appellate Division  
 First Judicial Department  
 61 Broadway  
 New York, NY 10006

**Matter of Steven M. Silpe, Esq. Docket No 2002.2501**

Dear Mr. Cahill:

In response to your summary dismissal of my complaint against Mr. Silpe in which you cavalierly ignored material evidence—I request a review. However, given the biased nature of your investigation by failing to interview two corroborating witnesses to Mr. Silpe’s misrepresentations, the review will most likely reach the same conclusion. A conclusion that is unsupported in light of all the evidence but supported by just that evidence hand picked to reach the conclusion desired. I, therefore, have two questions:

1. When the review upholds your decision, is there recourse to another tribunal, perhaps the Supreme Court?
2. Is there an inspector general or some other agency that looks into the Committee’s failure to do its duty, incompetence or worst?

You state in your letter of March 18, 2003 at ¶ 2 that my signing of the stipulation is “self-evident” that I had “knowledge of the facts and circumstances surrounding the court conference.” What kind of a standard of proof is “self-evident?” Is it preponderance, beyond a reasonable doubt, or, more likely, whatever an accused attorney says. Furthermore, since when does caveat emptor from the 19<sup>th</sup> century apply in the 21<sup>st</sup> to attorney-client relationships? I thought the attorney-client relationship was deemed so important by the law and the Committee that attorneys were held to a standard higher than the sharp practices of yesteryear where the person in the know used that information to deceive others.

Mr. Silpe was my attorney to whom I paid lots of money. He held himself out as competent in domestic relations law of which I never even had a course. I trusted and relied on him as clients are encouraged to do and for which the disciplinary and ethics rules were enacted so that such trust and reliance would only rarely be misplaced. Perhaps the rules exist to give clients a false sense of security that their attorney will act forthrightly.

You also state in ¶ 2 that “there is insufficient evidence to conclude that Mr. Silpe made intentional misrepresentations.... there is no supportive or corroborative evidence to conclude that Mr. Silpe made intentional misrepresentations on any other relevant issues, or that he intentionally withheld information ....” Basically you are calling me a liar, since my statements are evidence that Mr. Silpe made misrepresentations. You’re also telling any client who complains against a lawyer that the client’s words are useless—they will not be believed. Okay, let’s assume my statements mean zero and all clients are liars when they complain against august attorneys. What about the two corroborating witnesses to misrepresentations by Mr. Silpe? The two witnesses to whom you and your Committee never talked—Jeffrey Drummond and Robert Mosses.

As I stated in my November 7, 2002 reply to Mr. Silpe’s answer and again in my November 9, 2003 inquiry into the status of this case:

1. Mr. Silpe, in ¶8 of his answer, said that my attorney, Robert H. Moses (212 972 8911), told Mr. Silpe that I could have proceeded with a “full blown divorce or annulment trial...if [I] wanted.” Mr. Moses says he did not make that statement.

2. Mr. Silpe also made a misrepresentation in ¶4 of his answer. Contrary to his statement in ¶4, Mr. Silpe did not fully explain to me the preliminary conference order prior to my signing it and did not say that the order eliminate fault as a trial issue. Jeffrey N. Drummond (212 352 9861), an attorney, had accompanied me to the conference and witnessed what Mr. Silpe said when he presented me with the order for signing. Mr. Drummond confirms that Mr. Silpe did not

fully explain the order nor say that fault would not be an issue.

Mr. Drummond will also confirm that when Mr. Silpe presented me with the stipulation, he was rushing me to sign. Given the emotional nature of the situation, my trust in my attorney (something that will never happen again) and my reliance on Mr. Silpe, I signed the order under circumstances that current consumer law would classify as high-pressure salesmanship. As soon as I had left that emotionally charged situation and read the order, I telephoned Mr. Silpe as to its meaning, and he continued his lie that there was no settlement and I would have a trial in December on the issues of fault—annulment and adultery. Actually, the previous sentence written here is completely useless, since you have already made it clear that I am considered a liar in this proceeding. But how do you answer my corroborating witnesses—are they liars too? No, you just ignore their evidence.

Finally, Mr. Silpe's misrepresentations in ¶s 4 & 8 of his answer amount to hiding the truth from the Committee. But, I assume that is not considered professional misconduct.

Thank you for your time and I look forward to how you will twist this letter into charges against me—it's the American way these days; truth must be punished.

Sincerely,

Roy Den Hollander

**Complaint filed by Roy Den Hollander against Nicholas J. Mundy**

In the divorce and annulment proceedings of Roy Den Hollander v. Alina A. Shipilina, No.3500091/01, in the Supreme Court for New York County, Mr. Den Hollander was represented, in part, by Amy Saltzman of the firm Cohen Goldstein & Silpe (212 315 4400). Ms. Shipilina was represented, in part, by Nicholas J. Mundy of the firm Kuba, Mundy & Associates (212 732 5050).

Prior to the Preliminary Conference on July 26, 2001, and prior to receipt of Ms. Shipilina's Answer, Ms. Saltzman had a telephone conversation with Mr. Mundy concerning possible settlement of the above action. During that conversation, according to Ms. Saltzman, Mr. Mundy accused Mr. Den Hollander of extortion and said that he possessed an audiotape of Mr. Den Hollander on which Mr. Den Hollander attempted to extort money from his then wife, Ms. Shipilina, by threatening to have her deported unless she paid him money. Ms. Saltzman became so upset by Mr. Mundy's pronouncement that she notified her supervising partner, Steven Silpe, and the two immediately made a conference telephone call to Mr. Den Hollander. Mr. Silpe and Ms. Saltzman, both sounding upset, conveyed to Mr. Den Hollander that Mr. Mundy had accused Mr. Den Hollander of extortion, that Mr. Mundy had an audio tape of the attempted extortion and that the tape would be used at trial as part of the counterclaim of Ms. Shipilina. The clear inference to Mr. Den Hollander from Mr. Mundy was that unless Mr. Den Hollander settled the case on terms agreeable to his wife, he would be accused of extortion. Mr. Den Hollander immediately felt great fear that unless he settled the divorce case according to his wife's wishes, he would soon be facing unfounded criminal charges in addition to a bitter divorce suit. Months later the case was subsequently settled on grounds previously opposed by Mr. Den Hollander.

It is not only a violation of the Code of Professional Conduct but also of New York State Penal Code 135.60 on coercion or attempted coercion for an attorney to instill fear in an opposing party in a civil litigation by accusing that party of criminal wrong doing in order to induce that party into reaching a settlement favorable to the accusing attorney's client.

Mr. Mundy also violated the Professional Code of Responsibility sometime in March 2001 when, according to Mr. Den Hollander's original attorney in this matter, Judith Bader-York (212 688 9020), Mr. Mundy falsely told Ms. Bader-York that he possessed medical records that showed Mr. Den Hollander had repeatedly battered his wife. No such genuine records exist.

Attached are copies of the Complaint and Answer in the divorce/annulment proceedings.

Thank you for your time.

Sincerely,

Roy Den Hollander

December 21, 2001

KUBA, MUNDY & ASSOCIATES  
ATTORNEYS AT LAW

RONALD J. KUBA  
NICHOLAS J. MUNDY\*

\*ADMITTED IN N.Y. & N.J.

PAULETTE DETIBERIIS\*

\*ADMITTED IN N.Y. & CT.

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(845) 356-1313

NEW JERSEY OFFICE  
(201) 801-0601

March 20, 2002

Departmental Disciplinary Committee  
Supreme Court, Appellate Division  
First Judicial Department  
61 Broadway  
New York, New York 10006

Att: *Donns M. Killian, Legal Assistant*

Re: *Complaint of Mr. Roy DenHollander*  
*Docket Number 2001.3312*

Dear Ms. Killian:

This letter shall serve as my formal response to the above-mentioned complaint. Simply stated, to the extent Mr. Roy DenHollander's complaint is not a fabrication, it is a gross misrepresentation of fact.

This firm served as counsel to Ms. Angelina Shipilina in divorce/annulment proceedings commenced by her husband, Mr. Roy DenHollander. In his complaint, Mr. DenHollander leveled allegations of prostitution, drug use, and fraud against Ms. Shipilina. He sought to annul their marriage on the basis of fraud, and claimed that Ms. Shipilina threatened to injure him if he did not "lie to the Immigration and Naturalization Service to get her a green card". A copy of Mr. DenHollander's Divorce Complaint is enclosed herewith. Mr. DenHollander's Complaint is dated June 21, 2001.

In vast contradiction to Mr. DenHollander's Complaint, Ms. Shipilina's Answer contains a counterclaim alleging that, among other things, Mr. DenHollander threatened to have Ms. Shipilina deported "if she did not do everything he told her to", including payment of a large sum of money. Mr. Roy DenHollander also created a public website in Ms. Shipilina's name ([www.alinashipilina.com](http://www.alinashipilina.com)) where, pending divorce proceedings, he posted a copy of her personal diary and naked photographs of Ms. Shipilina, without her knowledge or consent. A copy of the Answer is enclosed herewith.

Each of Ms. Shipilina's above mentioned allegations were reported by Ms. Shipilina to the New York City Police Department (114<sup>th</sup> Precinct). These criminal matters are still active and pending. They are being handled by Detective Bob Henning of the 114<sup>th</sup> Precinct. Tellingly, the incident involving the alleged attempt to extort money from Ms. Shipilina predates Mr. DenHollander's divorce complaint (and thus his version of the facts) by six months. This is evidenced by copies of the Police Reports enclosed herewith.

The divorce action has since settled pursuant to stipulation. Mr. DenHollander was represented by several attorneys throughout the divorce proceeding. A copy of the Stipulation is enclosed herewith.

Mr. DenHollander's only complaint against this firm appears to stem from a telephone conversation with Mr. DenHollander's previous attorney, Amy Saltzman, Esq. Mr. DenHollander was not a party to that

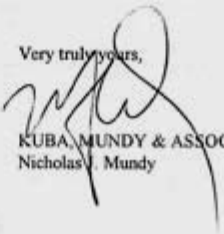
telephone conversation, and he has grossly misrepresented the sum and substance of my conversation with Ms. Saltzman. Simply stated, there was nothing improper about the conversation between Ms. Saltzman and myself. Indeed, this firm was under an affirmative obligation to advise Mr. DenHollander's attorney of any potential discovery they were entitled to. Ms. Shipilina advised this firm that she had a tape recording of a conversation between herself and Mr. DenHollander which was potentially discoverable, and which we may present into evidence in the divorce proceedings. I personally explained to Ms. Saltzman that I had not yet listened to the tape or had it transcribed, but would do so if necessary, and that I had an obligation to provide her a copy, if she desired.

There is no "inference ... that unless Mr. DenHollander settled the case on terms agreeable to his wife, he would be accused of extortion", as set forth in Mr. Hollander's complaint. This statement is absurd. Indeed, Ms. Shipilina's complaint was already filed and pending with the Police Department, and she continues to prosecute her complaints to this day. Furthermore, the divorce action has been settled per stipulation, and Mr. Roy DenHollander was represented by new counsel. The Stipulation was read into the record in open Court.

Accordingly, the complaint of Mr. Roy DenHollander is without merit and should be dismissed in it's entirety.

Thank you.

Very truly yours,

  
KUBA, MUNDY & ASSOCIATES  
BY: Nicholas J. Mundy

NJM/ab



Agency <b>NYPD</b>		City <b>NY</b>		New York State DOMESTIC INCIDENT REPORT (PRINT UPPER CASE)		SPRINT No. (NYSP) <b>U*</b>		Incident Report No.		Pct. of Report <b>1/4</b>	
Date of Report <b>12.13.00</b>	Time of Report <b>1615</b>	Date of Occur <b>12.12.00</b>	Time of Occur <b>1600</b>	Address of Occurrence <b>28-15 34th St</b>				Apt. No. <b>4H</b>	Sector	Beat	
Compl./Victim's Last Name, First, M.I. <b>SHILINA, ALINA</b>				Address <b>28-15 34th St Apt. 4H</b>				Sex <b>F</b>			
Date of Birth <b>11.10.75</b>	Age <b>25</b>	Home Telephone <b>(212) 274-4902</b>	Place of Birth <input checked="" type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> Other	Ethnic Origin <input type="checkbox"/> Indian <input type="checkbox"/> Asian <input type="checkbox"/> Link <input type="checkbox"/> Hispanic <input checked="" type="checkbox"/> Non-Hispanic <input type="checkbox"/> Unknown							
Suspect/Other Party Last Name, First, M.I. <b>HOLLANDER, ROY</b>				Address <b>545 E. 14th Manhattan #10D</b>				Sex <b>M</b>			
Date of Birth <b>10.26.47</b>	Age <b>53</b>	Home Telephone <b>(212) 995-5201</b>	Place of Birth <input checked="" type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> Other	Ethnic Origin <input type="checkbox"/> Indian <input type="checkbox"/> Asian <input type="checkbox"/> Link <input type="checkbox"/> Hispanic <input checked="" type="checkbox"/> Non-Hispanic <input type="checkbox"/> Unknown							
Suspect Relationship to the Complainant/Victim <b>Husband</b>				Suspect Present? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		Offense/Incident Involved: <input type="checkbox"/> Fel <input checked="" type="checkbox"/> Misd <input type="checkbox"/> Viol <input type="checkbox"/> Other		Description (Offenses) <b>Agg Harassment</b>			
Order of Protection? (Validated) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		Issuing Court <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		OP Registry Checked <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		Expir. Date		Complaint Report Prepared? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		Report Received <input checked="" type="checkbox"/> Walk-in <input type="checkbox"/> Radio Run	
Suspect Used/Threatened Weapons? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		Type:		Victim Injured? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		Describe		Arrested No.		Removed to Hospital? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
Arrest Made? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		Non Arrest Reason: <input type="checkbox"/> No Offense Committed <input type="checkbox"/> Not at Scene <input type="checkbox"/> Warrant Requested <input checked="" type="checkbox"/> Other								If Arrest Made, Did Perp. Resist? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
Charged (List All) <b>Aggravated Harassment</b>				Arrest No.							
Family/Household Members Present? <input checked="" type="checkbox"/> YES, Last Name, First				Date of Birth		Relationship					
Domestic Incident Report Receipt Issued? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO				If NO, Reason:		DV Notice Issued to Victim <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		Date <b>12.13.00</b>			
SUSPECT ACTIONS: <input type="checkbox"/> Stab <input type="checkbox"/> Choking <input type="checkbox"/> Destroying Property <input type="checkbox"/> Forcible Restraint <input type="checkbox"/> Grabbing <input type="checkbox"/> Hair Pulling <input type="checkbox"/> Humiliate <input type="checkbox"/> Injury to Child <input type="checkbox"/> Kicking <input type="checkbox"/> Pulling Fingers From Wall <input type="checkbox"/> Punching <input type="checkbox"/> Pushing <input type="checkbox"/> Pushing/Glaring Into Walls <input type="checkbox"/> Sexual Abuse <input type="checkbox"/> Slapping <input type="checkbox"/> Threats With Weapon(s) <input type="checkbox"/> Throwing Items <input type="checkbox"/> Using Weapon(s) <input checked="" type="checkbox"/> Verbal Abuse <input type="checkbox"/> Other:											
Narrative of the Incident: (Include results of investigation and basis for action taken) AT 7/10/01 DV states that her husband did call her on the telephone and stated that if she did not pay him \$20,000 dollars that he would have her deported back to Russia. DV states that perps actions did cause her annoyance and alarm. DV does not want to press charges at this time.											
Victim's Statement of Allegations: My husband (Roy Den Hollander) push to me give to him 20,000 \$ and he threaten me that I don't pay this money, he will send me back in Russia.											
False Statements made herein are punishable as a Class A Misdemeanor, pursuant to Section 210.45 of the Penal Law.				Victim's Signature <i>[Signature]</i>				Date <b>12.13.00</b>			
Other involved Agency(ies) Is There Reasonable Cause to Suspect A Child May Be The Victim of Abuse? Neglect or Maltreatment? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO If Yes, Reporting Officer Must Contact the NYS Child Abuse Hotline: Registry # 1-800-635-1522											
Any Guns In The House? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO Household Member Have a Pistol Permit? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Permit No. _____ Issuing County _____				Any Guns Seized? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO Permit Seized? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO							
Name of Person Notified: Date: _____ Time: _____ Notified By: _____				Reporting Officer's Signature (Include Rank) <i>[Signature]</i>				Officer I.D. No. <b>918952</b>		Date <b>12.13.00</b>	
Supervising Officer's Signature (Include Rank) <i>[Signature]</i>				Date <b>12.13.00</b>				Page of <b>2</b>		Pages	

Office Copy - Agency    Pink Copy - Victim  
 Canary Copy - DCJS    Goldenrod Copy - Victim

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## ROY DEN HOLLANDER

545 East 14th Street  
New York, NY 10009

Tel. & Fax: (212) 995-5201  
Mobile 917 687 0652

March 30, 2002

Departmental Disciplinary Committee  
Supreme Court, Appellate Division  
First Judicial Department  
61 Broadway  
New York, NY 10006



Att: **Donna M. Killian**

Re: **Matter of Nicholas J. Mundy, Esq.**  
**Docket No 2001.3312**

Dear Ms. Killian:

This letter serves as my response to Nicholas J. Mundy's answer in the above-mentioned disciplinary matter. To the extent that Mr. Mundy's answer does not labor on irrelevancies, it is a gross dissemblance. Mr. Mundy spends much of the beginning of his response rehashing old allegations, reciting extraneous matters and making false inferences in an effort to paint Mr. Den Hollander<sup>[1]</sup>, the complainant, in a negative light. An unfortunate but often used tactic of lawyers.

On the merits, Mr. Mundy completely ignored the allegation that he lied to the complainant's attorney, Judith Bader-York, by claiming to possess genuine medical records that showed the complainant battered his wife. Mr. Mundy's omission of a response can only mean that he admits this allegation.

The only allegation Mr. Mundy did address was his violation of the New York State Penal Code 135.60 when he instilled fear in Mr. Den Hollander by accusing him of criminal wrong doing and inferring exposure of an asserted fact injurious to Mr. Den Hollander in order to induce him into reaching a settlement favorable to Mr. Mundy's client, Alina Shipilina. Mr. Mundy made the communication to Mr. Den Hollander's attorney, Amy Saltzman, knowing full well that Ms. Saltzman would inform her client about it.

Mr. Mundy's specious response to this allegation ignores a number of facts:

1. Mr. Mundy states that his client, Ms. Shipilina, filed a complaint of attempted extortion against Mr. Den Hollander on December 13, 2000, well before Mr. Mundy's conversation with attorney Amy Saltzman about an audiotape evidencing the alleged extortion attempt. The false implication Mr. Mundy creates is that he could not have inferred that criminal charges would be brought against Mr. Den Hollander because Ms. Shipilina had already brought them. However, Ms. Shipilina's complaint, called a "Domestic Incident Report", states at the end of the section "Narrative of the Incident" that Ms. Shipilina "does not want to press charges at this time." So in truth, when Mr. Mundy discussed with Amy Saltzman the alleged extortion attempt, no criminal charges had been instituted. Mr. Mundy conveniently failed to note this fact.
2. Mr. Mundy misleadingly infers that the alleged extortion complaint was not connected to the divorce/annulment proceedings because the divorce/annulment complaint was not filed until six months later. Once again Mr. Mundy omitted crucial facts. Mr. Mundy's firm began representing Ms. Shipilina on both immigration and marital matters in October 2000. By December 2000, it was clear that his client would most likely be involved in a contested divorce. A contested divorce might raise issues that could hinder his client, a Russian alien who grew up in Chechnya, from becoming a permanent United States resident. In preparation for a divorce suit, Mr. Mundy evidently had his client file the Incident Report but held off on having her institute criminal charges against Mr. Den Hollander in order to strengthen his client's bargaining position. If Mr. Mundy had instructed his client to institute the criminal charges in December 2000, then there would have been no club, if needed, with which to cow Mr. Den Hollander and his attorney into submission during divorce negotiations. Furthermore, any reasonable person, not to mention an experienced attorney, knows that contingency plans for a contested divorce begin long before the filing of the complaint or even the notice of action. In Den Hollander v. Shipilina preparation for a potential divorce case clearly began in Mr. Mundy's office well before December 13, 2000, while formal proceedings commenced on February 13, 2001, and not, as Mr. Mundy falsely inferred, six months following the alleged incident of extortion. See attached Action For A Divorce.
3. Mr. Mundy also falsely states in his answer that Ms. Shipilina "continues to prosecute her complaints to this day." As of the date of this response, no action has been taken on the alleged extortion attempt.
4. Mr. Mundy's characterization of his telephone conversation with Ms. Saltzman is inconsistent with her description to

Mr. Den Hollander immediately following the telephone call, which is stated in paragraph two of the complaint against Mr. Mundy. See attached copy of Complaint. It appears that Ms. Saltzman's recollection and notes of the conversation, plus her statements made to her superior, Mr. Steven Silpe, would be useful to the Committee on this point.

5. Mr. Mundy's explanation that discussion of the audiotape with Ms. Saltzman arose because of discovery seems unlikely since Mr. Mundy's client had not yet filed an answer in the divorce/annulment case and the Preliminary Conference, which determines the extent of discovery in marital proceedings, had not yet been held.

Given Mr. Mundy's actions and the communications made to Mr. Den Hollander by Ms. Saltzman and Mr. Silpe, Mr. Mundy clearly violated the following sections of Penal Code 135.60, which states:

A person is guilty of coercion in the second degree when he compels or induces a person to engage in conduct which the latter has a legal right to abstain from engaging in, or to abstain from engaging in conduct in which he has a legal right to engage, by means of instilling in him a fear that, if the demand is not complied with, the actor or another will:

(Paragraphs 1 through 3 and 6 through 8 omitted.)

4. Accuse some person of a crime or cause criminal charges to be instituted against him; or

5. Expose a secret or publicize an asserted fact, whether true or false, tending to subject some person to hatred, contempt or ridicule; or

9. Perform any other act which would not in itself materially benefit the actor but which is calculated to harm another person materially with respect to his health, safety, business, calling, career, financial condition, reputation, or personal relationships.

With respect to recent developments, an unsettling event occurred that raises a serious question as to whether Mr. Mundy is instigating his client to harass Mr. Den Hollander as a form of retaliation for Mr. Den Hollander filing a Disciplinary Complaint against Mr. Mundy. After receiving the Disciplinary Complaint in early March 2002, Mr. Mundy apparently instructed his client to resurrect a Domestic Incident Report dating back to June 27, 2001, alleging a violation of a Temporary Order of Protection against Mr. Den Hollander that was dismissed on July 31, 2001. The matter will end up in another court hearing even though the parties are divorced and the allegations in the report grew out of the divorce/annulment proceedings.

In addition, there is also a Temporary Order of Protection pending in the New York County Family Court, Docket O-03570/02, against Ms. Shipilina for enlisting a gentlemen, unknown to Mr. Den Hollander, but apparently known to the United States Federal Bureau of Investigation, for making threatening telephone calls to Mr. Den Hollander to prevent him from testifying in a potential deportation hearing against Ms. Shipilina. Mr. Mundy will most likely be representing Ms. Shipilina in that matter.

In conclusion, Mr. Mundy's answer is without merit and disciplinary action against him should proceed.

Thank you for your time.

Very truly yours,

Roy Den Hollander

---

<sup>[1]</sup> I refer to myself in the third person in order to make it easier in distinguishing the players.

In October 2000, my then wife, a Russian immigrant, and I wanted to separate and divorce. She was concerned that either might negatively affect her chance to obtain permanent residency status from the United States Immigration and Naturalization Service. Seeking legal advice, we made an appointment with the law firm of Kuba, Mundy & Associates.

On October 30, 2000, my then wife, Alina Shipilina, and I met with Peter Petrovich, a paralegal for the law firm who worked under the supervision of attorney Nicholas J. Mundy. Despite Mr. Petrovich's lack of a license to practice law in New York State, Mr. Petrovich proceeded to provide my wife and me legal advice.

Mr. Petrovich counseled that we enter into a legal separation agreement that would state our separation as beginning in January or February 2001 even though we intended and did actually separate in December 2000. He said the reason for the false date of the beginning of our separation was because, "It would look better to the INS." According to Mr. Petrovich, our divorce would then become effective one year later. He further advised that with the separation agreement my then wife could still obtain permanent residency status provided I execute a sworn affidavit for the INS in which I would make false statements. I subsequently declined to make such an affidavit.

Mr. Petrovich's legal advice to my then wife and me constituted practicing law without a license while working under the supervision of attorney Nicholas J. Mundy.

Dated: July 10, 2002

Roy Den Hollander  
212 995 5201  
917 687 0652

DEPARTMENTAL DISCIPLINARY COMMITTEE  
 SUPREME COURT, APPELLATE DIVISION  
 FIRST JUDICIAL DEPARTMENT  
 61 BROADWAY  
 NEW YORK, NY 10006  
 (212) 401-0800  
 FAX: (212) 401-0810

October 16, 2002

PERSONAL AND CONFIDENTIAL

Mr. Roy DenHollander  
 545 East 14<sup>th</sup> Street, Apt. 10D  
 New York, New York 10009

Re: Matter of Nicholas J. Mundy, Esq.  
 Docket No. 2001.3312

Dear Mr. DenHollander:

The Departmental Disciplinary Committee has completed its investigation of your complaint against the above-referenced attorney. As explained below, the Committee has decided to take no further action.

Specifically, there is no evidence of a threat by Mr. Mundy to force you to settle the matrimonial case with your wife, whom he was representing. There was merely a statement from one counsel to another, concerning evidence that might be used in the case. Since the criminal charge by your wife had already been made at that time, there was no inappropriate threat by Mr. Mundy or a violation of the Disciplinary Code.

The Committee arrived at this determination after conducting an investigation consisting of several steps. First, we obtained an answer from the attorney and sent it to you for a reply. Then, a staff attorney obtained any additional information necessary to complete the investigation. The case was then submitted to a member of the Committee, an independent board of lawyers and non-lawyers appointed by the Appellate Division, First Judicial Department. The Committee member concluded that no further investigation or action was warranted. As a result, your file has been closed.

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October 26, 2002

Thomas J. Cahill

Tel.

Departmental Disciplinary Committee  
Supreme Court, Appellate Division  
First Judicial Department  
61 Broadway  
New York, NY 10006

**Matter of Nicholas J. Mundy, Esq.**  
**Docket No 2001.3312**

Dear Mr. Cahill:

This is a request for review of the Committee's decision in the above captioned matter and an additional complaint against Nicholas J. Mundy.

The Committee's decision failed to address the second allegation in the original complaint filed against Mundy in December 2001:

"Mr. Mundy also violated the Professional Code of Responsibility sometime in March 2001 when, according to Mr. Den Hollander's original attorney in this matter [Den Hollander v. Shipilina, No. 3500091/01], Judith Bader-York (212 688 9020), Mr. Mundy falsely told Ms. Bader-York that he possessed medical records that showed Mr. Den Hollander had repeatedly battered his wife. No such genuine records exist." See Ex. 1, Complaint Against Nicholas J. Mundy.

This conduct by Mundy violated DR 1-102[1200.3] of the Code of Professional Responsibility because it involved deceit and misrepresentation, since no such medical records existed and no such battery ever occurred.

Mundy's answer to the original complaint did not even address the above allegation as pointed out in the reply:

"On the merits, Mr. Mundy completely ignored the allegation that he lied to the complainant's attorney, Judith Bader-York, by claiming to possess genuine medical records that showed the complainant battered his wife. Mr. Mundy's omission of a response can only mean that he admits this allegation." See Ex. 2, Reply to Mundy's Answer.

In addition, Mundy's statement to Bader-York constituted coercion in the second degree under New York Penal Law 135.60. Mundy's clear inference to Den Hollander was that unless Den Hollander settled the case on terms agreeable to his wife, he would be accused of battery and face contempt or ridicule, or harm to his business, calling, career, financial condition or personal relationships by publication of that false statement. Mundy's misrepresentation instilled fear in Den Hollander.

This attempted coercion by Mundy was not a mere statement from one counsel to another, concerning evidence that might be used in the case, since no such evidence existed. Nor were such charges by Den Hollander's wife already made at the time of Mundy's attempted coercion.

In conclusion, Mundy engaged in conduct involving deceit and misrepresentation in an attempt to coerce Den Hollander to abstain from an activity in which he had a legal right to engage.

Sincerely yours,

Roy Den Hollander

DEPARTMENTAL DISCIPLINARY COMMITTEE  
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July 11, 2003

PERSONAL AND CONFIDENTIAL

Mr. Roy DenHollander  
 545 East 14th Street  
 Apt 10D  
 New York, NY 10009

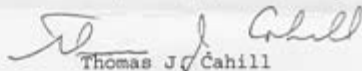
Re: Matter of Nicholas J. Mundy, Esq.  
 Docket No. 2001.3312

Dear Mr. DenHollander:

We have received your letter dated October 26, 2002 in which you have requested reconsideration of the determination by this Committee to dismiss your complaint against the above respondent-attorney. As a result of your request we forwarded your letter, together with the entire file, to a different member of the Departmental Disciplinary Committee than the person who originally reviewed and approved the staff recommendation of dismissal.

That independent review has now taken place. I have been formally advised that the second reviewing member is in accord with the original decision not to proceed further with your complaint. Accordingly, I regret to inform you that we cannot be of any further assistance in this matter.

Very truly yours,

  
 Thomas J. Cahill

HF:adp/P:RVT/A:JNS  
 DC540 (F420/TB501)

SUPREME COURT, APPELLATE DIVISION

First Department, June 1990

David Ross, J.P.  
Sidney H. Asch  
E. Leo Milonas  
Ernst H. Rosenberger  
Betty Weinberg Ellerlin, JJ.

**FILED**

OCT 11 1990

-----X  
In the Matter of Ronald J. Kuba, an :  
attorney and counselor-at-law:

~~Appellate Division, Supreme Court~~  
~~First Department~~

Departmental Disciplinary Committee :  
for the First Judicial Department,

M-2615

Petitioner, :

against :

Ronald J. Kuba, :

Respondent. :  
-----X

Disciplinary proceedings instituted by the Departmental

Disciplinary Committee for the First Judicial Department.

Respondent was admitted to the Bar at a Term of the Appellate

Division of the Supreme Court for the Second Judicial

Department on October 17, 1962. By order of this Court

made and entered on January 4, 1990 respondent was suspended

as an attorney and counselor-at-law in the State of New York.

Richard M. Maltz, of counsel (Hal R. Lieberman, attorney)  
for petitioner

Richard A. Greenberg, of counsel (Newman & Schwartz, attorneys)  
for respondent

Motion No. 2615 - returnable June 25, 1990

In re: Ronald J. Kuba, a Suspended Attorney

Per Curiam

Ronald J. Kuba, Esq. (respondent) was admitted to practice, as an attorney and counsellor-at-law in the Courts of the State of New York, by the Appellate Division, Second Judicial Department, on October 17, 1962, and, at all relevant times pertinent to this proceeding he has maintained an office for the practice of law, in this Department.

On or about July 24, 1989, in the United States District Court for the Southern District of New York, respondent pled guilty to the crime of filing a false tax return (26 U.S.C. §7201), which is a felony under the laws of the United States. Thereafter, he was sentenced to six months, supervised probation, 600 hours of community service, to be monitored by the Probation Department, and to pay the cost of his prosecution.

Respondent's conviction resulted from his filing a false income tax return for the calendar year 1982, which indicated his taxable income for that year was approximately \$24,165.84, and that the amount of tax due and owing thereon was \$6,363.18. In fact, respondent's true 1982 taxable income was approximately \$126,068.00, upon which there was due and owing an income tax of approximately \$53,512.40.



Following respondent's conviction, and sentence, in September 1989, the Departmental Disciplinary Committee (petitioner) filed a petition, seeking an order from this Court, finding that the crime of which respondent was convicted is a "serious crime", pursuant to the Judiciary law, §90, subdivision 4, paragraph d, and 22 NYCRR §603.12(b), suspending respondent from the practice of law, pursuant to the Judiciary Law, §90, subdivision 4, paragraph f, and, directing respondent to show cause, pursuant to the Judiciary Law, §90, subdivision 4, paragraph g, as to whether a final order of censure, suspension or removal from office should not be entered.

In response, respondent submitted an answer to the petition, and he cross-moved, pursuant to the Judiciary Law, §90, subdivision 4, paragraph h, and 22 NYCRR §603.12(a), for a Hearing. Respondent, in his answer, admitted that the crime of which he was convicted is a "serious crime", within the meaning of the Judiciary Law, §90, subdivision 4, paragraph d, and, 22 NYCRR §603.12(b), and he did not object to his immediate suspension, pursuant to the Judiciary Law, §90, subdivision 4, paragraph f.

By our order (M-5280, M-5768), entered January 4, 1990, we granted the petitioner's motion (M-5280), and found that respondent had committed a "serious crime" (Judiciary Law, §90, subdivision 4, paragraph d), suspended respondent from the practice of law, pending a final order of this Court (Judiciary Law, §90 subdivision 4, paragraph f), and directed respondent to show cause as to whether a final order of suspension, censure, or, removal from office should

not be entered (Judiciary Law, §90, subdivision 4, paragraph g). Further, we granted the respondent's cross-motion (M-5768), and referred the matter to the petitioner for a hearing.

At that hearing, respondent presented three witnesses, including two members of the Bar of this State, and all three testified as to the respondent's good character, and his fitness to practice law. Further, respondent, who is married, the father of three children, and an immigration lawyer, testified in his own behalf, and stated, in substance, that he is remorseful, and has fully cooperated with the Internal Revenue Service concerning the collection of the unpaid taxes, resulting from his crime.

Subsequent to hearing the witnesses, and examining the exhibits admitted into evidence, the Panel, in its written report (Report), dated May 11, 1990, found that the respondent had testified candidly before them. Also, the Panel stated, in pertinent part (see, Report, at page 3):

"The materials supplied to us from the official judicial record of his [respondent] prosecution apply only to the year 1982...

It is to ... [respondent's] credit that he candidly disclosed to us that there was also an unreported amount of some \$15,000 - \$20,000 for the year 1981. [respondent] stated further, without contradiction, that this unreported 1981 income has been disclosed to the Internal Revenue Service and that he has entered into a settlement with respect to 1981.

[Respondent] also testified that he had paid some \$100,000 to the IRS to cover the indictment year [1982]... ."

Finally, the Panel recommended (see, Report, at page 2):

"Balancing all the considerations, we

unanimously conclude that the appropriate sanction is public censure and a suspension of six(6) months to run from the date of ... [respondent's] intermediate suspension, January 4, 1990, after which we recommend automatic reinstatement upon his filing of proof of compliance with the suspension order ...".

By notice of motion, dated June 5, 1990, respondent moves to confirm the Panel's Report and Recommendation. Petitioner does not oppose this application.

We have reviewed the transcript of the hearing, and find that same indicates, inter alia, respondent's concession of the facts surrounding his conviction, his cooperation with the Federal government in the prosecution of the case, and his remorse.

In Matter of Rotwein, 20 AD2d 428, 429 (1st Dept. 1964), which was a disciplinary proceeding, involving a charge of Federal income tax evasion, we stated, in pertinent part:

"The inescapable fact is that respondent perpetrated a deliberate fraud on the Government. It was planned, premeditated and without the pressure of immediate necessity. Such conduct cannot escape some sanction...".

Based upon our analysis, supra, we agree with the Panel's recommendation, as to the sanction to be imposed.

Accordingly, we grant respondent's motion to confirm the Panel's Report and Recommendation, suspend respondent for a period of six (6) months, to run from January 4, 1990, the date of our order of intermediate suspension of respondent. Further, on expiration of that suspension, we direct respondent's automatic reinstatement.

All concur.

Order filed.

**KUBA, MUNDY & ASSOCIATES**  
ATTORNEYS AT LAW

RONALD J. KUBA  
NICHOLAS J. MUNDY  
\*ADMITTED IN N.Y. & N.J.\*

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April 23, 2003

Departmental Disciplinary Committee  
Supreme Court, Appellate Division  
First Judicial Department  
61 Broadway  
New York, New York 10006

**COMPLAINT AGAINST ROY DEN HOLLANDER, ESQ.**

Dear Sir or Madam:

Please consider this letter a formal complaint against Mr. Roy Den Hollander, Esq., and an urgent request to the Committee to investigate Mr. Den Hollander's fitness to practice law in the State of New York.

Although I make this complaint with much trepidation (as I had hoped that the need to make such indictments against a member of the bar would never arise), I verily believe that the facts set forth in this complaint will reveal that Mr. Den Hollander's reprehensible conduct has left me no choice. I submit that the proven conduct of Mr. Den Hollander will warrant censure and/or suspension from the practice of law. While I apologize for the voluminous nature of the exhibits attached to this complaint, it is the actual legal pleadings and motions of Mr. Den Hollander in various forums that form the facts and basis of this complaint, and which I urge this Committee to personally review. This is not a complaint comprised of allegations, but of simple facts evidenced by the exhibits attached hereto.

Simply stated, Mr. Den Hollander has been engaged in a relentless course of harassment, intimidation and persecution that all began with the commencement of divorce/annulment proceedings against his former wife, Angelina Shipilina, on or about June 21, 2001.

The facts are as follows:

This firm served as counsel to Ms. Angelina Shipilina in the divorce/annulment proceedings commenced by Mr. Den Hollander. In his complaint, Mr. Den Hollander leveled allegations of prostitution, drug use, and fraud against Ms. Shipilina. He sought to annul their marriage on the basis of fraud, and claimed that Ms. Shipilina threatened to injure him if he did not "lie to the Immigration and Naturalization Service to get her a green card". A copy of Mr. Den Hollander's Divorce Complaint is attached as Exhibit "A".

In vast contradiction to Mr. Den Hollander's Complaint, Ms. Shipilina's Answer contains a counterclaim alleging that, among other things, Mr. Den Hollander threatened to have Ms. Shipilina deported "if she did not do everything he told her to", including payment of a large sum of money. Mr. Den Hollander had the audacity to create a public website in Ms. Shipilina's name ([www.alinashipilina.com](http://www.alinashipilina.com)) where, pending divorce proceedings, he posted a copy of her personal diary and naked photographs of Ms. Shipilina, without her knowledge or consent. A copy of the Answer is attached as Exhibit "B".

The creation of this inappropriate and offensive website by Mr. Den Hollander prompted Ms. Shipilina to file a report with the New York City Police Department (114<sup>th</sup> Pct.). Upon information and belief, the criminal matters were being handled by Detective Bob Henning of the 114<sup>th</sup> Precinct. Tellingly, the incident involving the alleged attempt to extort money from Ms. Shipilina predates Mr. Den Hollander's divorce complaint by six months. This is evidenced by copies of the Police Reports attached as Exhibit "C".

The divorce action between the parties settled pursuant to Stipulation of Settlement dated November 2, 2001. The Stipulation of Settlement, Findings of Fact and Conclusions of Law and Divorce Judgment were all drafted by Mr. Den Hollander's retained attorney. A copy of same, along with a copy of the transcript of allocution, are combined as Exhibit "D".

Despite the above, in May, 2002 Mr. Den Hollander made a motion to vacate and set-aside the Stipulation, *pro se*, which motion was denied by the Honorable Joan B. Lobis by decision dated August 1, 2002. A copy of decision is attached as Exhibit "E". The outlandish, baseless and downright insulting allegations contained within Mr. Den Hollander's motion papers speak volumes about his fitness to practice law. The abuse of the Court system and use of litigation as a means to harass and intimidate are evident in his motion papers, which I urge the Committee to read. Without regard for ethics or even common decency, among the 22 exhibits attached to Mr. Den Hollander's frivolous motion was a CD Rom he labeled "Masturbation Video Promo Featuring Alina Shipilina". A copy of his Motion (without exhibits) is attached as Exhibit "F", and a photocopy of the said CD Rom is attached as Exhibit "G".

Concurrently, in March, 2002, Mr. Den Hollander commenced a Family Court proceeding against Ms. Shipilina, also *pro se*, seeking an order of protection. Ironically, Mr. Den Hollander's complaint alleged he was the victim of harassment (see Exhibit "H"). Once again, Mr. Den Hollander's very own legal papers provide all the evidence needed to support the conclusion that Mr. Den Hollander is unfit to practice law, improperly using the legal system as a vehicle to harass and incense. I urge the Committee to review Mr. Den Hollander's voluminous discovery demands, which were almost entirely stricken by the Court. They are offensive and repugnant. See Exhibit "I". Mr. Den Hollander's petition was dismissed after trial on August 12, 2002.

Additional harassment and intimidation is evidenced by Mr. Den Hollander's entirely fabricated and baseless disciplinary complaint against the undersigned, which he filed with this Committee in December 2001, and which he made public by annexing as an exhibit to his motion to set-aside the aforesaid divorce stipulation. The incredible and far-fetched allegations contained in Mr. Den Hollander's complaint still dumbfound and amaze me. The complaint was dismissed by the Committee on October 16, 2002. See Exhibit "J" and "K", respectively.

Despite all of the above, I hesitated to file formal charges against Mr. Den Hollander. I was hopeful that his course of harassment had ended. Then, last week, I was named as a defendant in two (2) separate law suits commenced by Mr. Den Hollander in the New York State Supreme Court and the United States District Court for the Southern District of New York. Ms. Shipilina, this law firm, and dozens of other innocent defendants were named as well. Amazingly, Mr. Den Hollander's allegations have actually become more frivolous and outlandish than ever before, alleging among other things, that I am part of a RICO conspiracy that spans the globe. Mr. Den Hollander's District Court complaint, prepared *pro se*, is 91 pages in length and contains 915 numbers paragraphs. It is a meandering, disorganized, prolix narrative, and an embarrassment to the justice system. A review of the caption alone should question whether Mr. Den Hollander is fit to practice law. See Exhibits "L" and "M".

By his very own words, Mr. Den Hollander claims to suffer from "deep emotional despair, depression and anxiety", and is under the influence of psychotropic medication necessitated by his apparent condition (see Mr. Den Hollander's affidavit in support of motion to set-aside divorce stipulation attached as Exhibit "F"). I cannot ignore the obvious conclusion one must draw from reading Mr. Den Hollander's very own words, to wit, that he may indeed be mentally incompetent to practice law. Mr. Den Hollander's allegations are not simply far-fetched and irresponsible, but paranoid delusional, if he truly believes them.

Decent people are being forced to defend themselves, time and time again, against Mr. Den Hollander's incredible charges and irrepressible, unrelenting harassment. The time and energy of the Court is being wasted. I urge the Committee to assist in any way possible in putting an end to Mr. Den Hollander's actionable conduct, unbecoming of an attorney licensed to practice law.

I conclude by stating, once again, that this complaint is based on simple fact and hard evidence, not unsubstantiated allegations. The Committee need look no further than the attached exhibits of Mr. Den Hollander's legal pleadings and motions as described above to form the conclusion that he is unfit to practice law and must be disciplined.

I thank the Committee in advance for considering this complaint. Please do not hesitate to contact me if any additional documentation and/or information is required.

Very truly yours,

Kuba, Mandy & Associates  
By: Nicholas J. Mundy

NJM/ab

ROY DEN HOLLANDER

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June 12, 2003

Thomas J. Cahill

Departmental Disciplinary Committee  
Supreme Court, Appellate Division  
First Judicial Department  
61 Broadway  
New York, NY 10006

**Complaint of Nicholas J. Mundy, Esq.**  
**Docket No 2,003.1105**

Dear Mr. Cahill:

This letter serves as my response to Nicholas J. Mundy's complaint. Mr. Mundy's complaint does not – and cannot – specify a single disciplinary rule or other regulation that I allegedly violated.

The real reason for his “complaint” is that his firm, and he personally, are defendants in a R.I.C.O. action that I filed in federal court on April 18, 2003. The R.I.C.O. complaint alleges a Russian-New York enterprise that violates R.I.C.O. and numerous other laws. The enterprise brings prostitutes to New York and other states in the U.S.A., passes drugs and huge sums of money back and forth between the countries, creates and traffics in pornography, and threatens physical violence to anyone who might get in the way. A central member and site of the enterprise's illegal actions is the establishment called “Flash Dancers Topless Club,” located on Broadway and 52d Street in New York City. In addition, the enterprise often acts in other countries where there is a link of some kind, such as a connection to a brothel in Cyprus that some defendants control, or to specific participants in the enterprise traveling in other places.

Unfortunately for me, one of the aims of the enterprise was for prostitutes in Moscow to deceive American businessmen into marrying them so that the prostitutes could gain legal entry into the U.S.A. I was one of the deceived husbands. In total – and naïve – good faith, I married Ms. Shipilina shortly before I returned to the U.S.A. from my Moscow consultancy with a large American company.

When we returned to the U.S.A., shortly thereafter, my “wife” immediately joined her cohorts in prostitution, working out of “Flash Dancers Topless Club,” tried to engage me in criminal activity, drugged my food to deter me from seeking an annulment or divorce, and threatened me with violence from her Russian associates once I sought an annulment/divorce.

I learned my “wife” worked as a prostitute and was using me for immigration purposes after translating a portion of her diary, which she kept in plain sight. When the annulment/divorce action commenced, I began searching in Russia for information and witnesses relevant to the court proceeding. My investigation discovered, among other culpable conduct, that she had created a pornographic video with very graphic acts and advertised her sexual services via naked photographs. In one case, there is direct evidence that she sold these naked photographs to a man for 10 Cypriot pounds after performing sexual acts on him when she worked in Cyprus for the brothel “Zygos”. The pornographic video, which was imported into America, was produced by a California doctor and Ms. Shipilina's Moscow procurer. The clips from the video that comprise the CD Rom are used to advertise the services sold by Ms. Shipilina's Moscow procurer.

Ms. Shipilina's own representative, Mr. Mundy, hypocritically criticizes the use of these photographs, CD and a portion of her diary that were employed in an attempt to discover even more evidence of her fraud on me and her criminal activities. The Russian language web site was created as a means to find new Russian witnesses, acquire additional information and communicate the truth to potential witnesses and informants after previously forthcoming witnesses and individuals with useful information were being threatened into silence. The web site contained only a small sampling of Ms. Shipilina's widely offered pornographic services and extensive criminal exploits. After a period of time, the web site was closed when it no longer produced evidence.

My investigation disclosed not only marriage fraud but also fraud on the Immigration and Naturalization Service, fraud on the U.S. Department of State, prostitution, pornography, drug smuggling, money laundering and other criminal conduct. As a result, unidentified men have called me by telephone to threaten my physical safety if I pursue my rights in the courts; I even have tape recordings of some of those telephone calls.

Mr. Mundy and his firm participate as full principals in some of this illegal conduct. Among other acts alleged in the R.I.C.O. complaint, and as described below, a firm employee, while I was in the firm's offices, urged me to lie to the Immigration and Naturalization Service, which I would not do.

Ultimately, I filed the R.I.C.O. complaint, asking for an injunctive order of protection for myself, together with damages and costs. That complaint was sent by mail to Mr. Mundy on April 21; his April 23 complaint to this body followed—two days later. Obviously he is not only trying to deter my use of the legal system by claiming that the filing of a R.I.C.O. complaint is evidence of unfitness to practice law, but he is also attempting to thwart the purpose of Congress in enacting the civil R.I.C.O. statute: “Those who have been wronged by organized crime should at least be given access to a legal remedy.” Congressional hearings quoted in Sedima, S.P.R.L. v. Imrex Co., Inc., 473 U.S. 479, 487, 105 S.Ct. 3275, 3280 (1985). Mr. Mundy is attempting to deny me access to a legal remedy by filing unproven and unfounded allegations with this Committee.

Mr. Mundy's “urgent request” to have this Committee censure or suspend me from practicing law is aimed at denying me the right to earn a living, and intends to allow Mr. Mundy to use character assassination in an effort to distract the federal court from the merits of the case. A unique R.I.C.O. defense, but that is Mr. Mundy's strategy: throw enough mud and maybe some will stick; make enough misrepresentations and maybe some will be believed.

The federal court will provide defendant Mundy the opportunity to refute the detailed allegations of the R.I.C.O. complaint where the trier of fact, and not he, will decide whether his characterizations of the complaint hold any merit.

On the whole, Mr. Mundy's complaint to this Committee is very general name-calling, but there are a number of false statements based on half-truths and deceptions, some of which, in their own right, may constitute mail fraud under the R.I.C.O. statute.

Page 1, paragraph 3. Mr. Mundy falsely states that our prior dealings began with my commencing a divorce and annulment action in June 2001. As stated in my July 10, 2002 disciplinary complaint against a Russian lawyer, who was not licensed to practice law but was doing so anyway while working for Mr. Mundy, our dealings began on October 30, 2000. See Exhibit A. On that date Ms. Shipilina, a Russian alien who grew up in Chechnya, and I met with the Russian lawyer for advice on separating. The Russian lawyer, after consulting with Mr. Mundy, suggested that the two of us lie to the Immigration and Naturalization Service (“I.N.S.”) about the date of our separation and that I lie to the I.N.S. in an affidavit to help obtain Ms. Shipilina a green card.

Other dealings with Mr. Mundy's office prior to June 2001 involved Ms. Shipilina filing for a temporary order of protection against me on January 31, 2001 in which she lied to the court. Five days later, Mr. Mundy sent me a letter stating that if I did not respond within seven days, he would commence “difficult” divorce proceedings against me. See Exhibit B. On advice of counsel, I commenced a divorce and annulment action on February 13, 2001. See Exhibit C. Then in March 2001, Mr. Mundy lied to my attorney in an effort to coerce me into a settlement by saying he possessed medical records showing I had repeatedly battered my wife. This is contained in my December 21, 2001 disciplinary complaint against Mr. Mundy, see Exhibit D, and my October 26, 2002 request for reconsideration of this Committee's decision, see Exhibit E.

Page 1, paragraph 4. Mr. Mundy appears to allege that the complaint filed in my divorce and annulment action is grounds for this Committee's sanctions. If he believes that, then logically he should file a disciplinary complaint against my lawyers who prepared the complaint. But, on information and belief, he has not, since it is my constitutional rights that Mr. Mundy wants to chill through state action and not those of my divorce lawyers.

Page 2, paragraph 2. I had consulted with an attorney friend on the advice given by the Kuba, Mundy & Associates law firm that I lie in an affidavit to the I.N.S. In no uncertain terms, my friend confirmed that my decision not to lie was the only acceptable course of action. I then notified Ms. Shipilina that I would not lie for her to the I.N.S. and subsequently she filed a false police report—not a complaint—with 114<sup>th</sup> Police Precinct. She declined to press charges at the time of filing. The report was most likely intended to create a false record by which Mr. Mundy could



pressure me into lying before the I.N.S. in order to obtain his client a green card. See July 10, 2002, Disciplinary Complaint, Exhibit A.

Page 2, paragraph 3. I agreed to settle the annulment/divorce action as a direct result of a threatening telephone call I received in October 2001 from an individual calling himself John Madison. The caller said he was telephoning on behalf of my “soon to be ex-wife, Angelina.” Ms. Shipilina uses the name Angelina when she strips at Flash Dancers Topless Club. I felt extremely threatened and decided not to take any chances with my physical safety.

If this Committee wishes, I can provide a tape of the threatening telephone call, a copy of which Mr. Mundy also possesses.

Page 2, paragraph 4. In an action for reformation of a divorce settlement that essentially requests damages for emotional distress, could anything demonstrate emotional distress more effectively than a man discovering that the woman he loved and cherished was, and apparently continued to be, a porn star who had deceived him into marriage so that she could ply her wares in a hard currency market? I don’t think so.

Mr. Mundy makes unspecified references to the motion for reformation as “outlandish, baseless and downright insulting.” If he would indicate the allegations to which he objects and why, rather than engaging in vituperative generalizations and asking this Committee to do his work by determining the sections that Mr. Mundy is referring to, then as required by your cover letter, I will provide specific responses.

Page 2, paragraph 5. Mr. Mundy omits that the action to obtain an order of protection in March 2002 occurred after two more threatening telephone calls were made by a man who sounded like the John Madison from the first menacing call in October 2001. In these two other calls, the man referred to himself as John Pierre, and once again said he was calling on behalf of Angelina. The purpose of these terrorizing calls was primarily to prevent me from providing information to the I.N.S. concerning Ms. Shipilina’s fraud on the I.N.S. and U.S. State Department in obtaining an immigrant visa.

After a February 2002 call, I filed a complaint with the 13<sup>th</sup> Police Precinct. The Federal Bureau of Investigation (“F.B.I.”) did start a preliminary investigation and apparently identified the man making the threats, but the F.B.I. agents refused to tell me his name. One of the agents, however, did tell me that the F.B.I. decided not to interview the man for fear he might cause me harm. Then in March 2002 I received another threatening call, and I filed for an order of protection in the Family Court. Unfortunately, the judge refused to grant me a discovery subpoena for telephone records that would have led to identifying the man making the threats and enable me through the discovery process to link that man with Ms. Shipilina.

If this Committee wishes, I can provide a tape of the February menacing call, a copy of which Mr. Mundy also possesses.

Page 2, paragraph 6. Mr. Mundy fails to mention my request for reconsideration of this Committee’s decision and the making of an additional complaint on October 26, 2002. See Exhibit E. Mr. Mundy claims the case is closed, but recently I received a card from this Committee stating that my request for reconsideration has been granted. See Exhibit F.

My request for reconsideration was based on this Committee not addressing the allegation that Mr. Mundy falsely told my divorce attorney that he possessed medical records showing I repeatedly beat my wife. Since no such records existed, Mr. Mundy’s statement violated DR 1-102[1200.3] for engaging in deceit and misrepresentation.

In addition, Mr. Mundy’s statement about records of wife beating constituted coercion in the second degree, N.Y. Penal 135.60, since the clear implication was that unless I settled the case on terms agreeable to his client, I would be accused of battery and face contempt or ridicule, or harm to my business, calling, career, financial condition or personal relationships by publication of that false statement. Furthermore, at the time of Mr. Mundy’s misrepresentation, which instilled fear in me, others had made no previous publication of such charges. See Exhibit E.

Page 3, paragraph 1. Mr. Mundy, who apparently didn't read the R.I.C.O. complaint, fails to state that the federal action includes the cause of action filed in the New York State Supreme Court. They are not two distinct lawsuits. The New York State court case was commenced by a "summons with notice" for procedural purposes and contains only one cause of action. This cause of action is included in the R.I.C.O. complaint and will most likely be removed to the federal court under that court's pendent jurisdiction.

Mr. Mundy argues against my right to file a federal R.I.C.O. complaint that was based on detailed and deep research, and which was drafted with the assistance of a very well-respected attorney. Mr. Mundy's argument, though, is only a set of sweeping generalizations that even claim that certain notorious Russian criminals are innocent victims.

If Mr. Mundy is concerned with the substance, length and perhaps even the weight of the R.I.C.O. complaint, it would appear to be more appropriate to take such matters up with the federal court rather than attempting to use this Committee as a surrogate for federal procedure.

Mr. Mundy goes so far as to request this Committee "to assist in any way possible in putting an end to Mr. Den Hollander's actionable conduct," which, in substance, is an attempt to misuse this Committee to deny me of my civil right to bring a R.I.C.O. suit. Before all the defendants have even been served, Mr. Mundy's strategy is clear: use this Committee to pressure me into withdrawing the federal claim.

In conclusion, Mr. Mundy seeks to have this Committee punish me for exercising my civil rights as a threatened and aggrieved individual. Mr. Mundy does not cite any ethical canons or disciplinary rules that I allegedly violated. Instead, he resorts to castigating me as mentally unfit to exercise my rights because while experiencing a terrible situation, in part, intentionally created by Mr. Mundy, I sought temporary, appropriate medical help.

I thank this Committee for reviewing my answer. Please contact me if any additional information is required.

Very truly yours,

Roy Den Hollander

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August 20, 2003

PERSONAL AND CONFIDENTIAL

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545 East 14th Street  
New York, NY 10009-3020

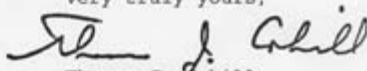
Re: Complaint of Nicholas J. Mundy, Esq.  
Docket No. 2003.1105

Dear Mr. Den Hollander:

As you know, there is pending litigation concerning the same or related facts which have been alleged here. We have found that a judicial resolution of such matters is helpful to the Committee. Accordingly, we have decided to close our investigation at this time.

The Committee arrived at this determination after the case was submitted to a member of the Committee, an independent board of lawyers and non-lawyers appointed by the Appellate Division, First Judicial Department. The Committee member concluded that we should await the conclusion of the litigation. We request, however, that you inform the Committee of any court decision or other event which should bear on our consideration of your professional conduct. Thank you for your anticipated cooperation.

Very truly yours,

  
Thomas J. Cahill

TJC:adp/P:RVT/A:SKC

D-PL/R(F475/TB520)

U.S. Department of Justice  
Executive Office for Immigration Review  
Immigration Court

Matter of

File A 47 202 363

ALINA SHIPILINA,

Respondent

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IN REMOVAL PROCEEDINGS

Transcript of Hearing

Before PAUL A. DEFONZO, Immigration Judge

Date: May 25, 2007

Place: New York, New York

Transcribed by DEPOSITION SERVICES, INC. at Rockville, Maryland

Official Interpreter:

Language:

Appearances:

For the Department of  
Homeland Security:

Khalilah Taylor, Esquire

For the Respondent:

Jack Sachs, Esquire

1 JUDGE FOR THE RECORD

2           These are continued removal proceedings in New York  
3 City, in the case of Alina Shipilina, A 47 202 363. The date is  
4 May 25th, 2007, Immigration Judge Paul A. DeFonzo presiding. The  
5 respondent is present in court today, with counsel, Jack Sachs,  
6 Esquire. For the Service, Khalilah Taylor, Esquire, Assistant  
7 Chief Counsel. We've been waiting the presentation of proof of  
8 the respondent filing a waiver of the requirement to file a joint  
9 petition.

10 JUDGE TO MR. SACHS

11           Q.   Where do we stand, Mr. Sachs?

12           A.   I'm sorry Judge, I wasn't given that information.

13           Q.   Well --

14           A.   About the waiver, otherwise, I certainly had  
15 plenty of time to do that.

16           Q.   The District Director issued a decision denying a  
17 good faith waiver application. We were to decide if she was to  
18 apply for a waiver based on hardship. If so, you were to give me  
19 proof of filing, if not, you were to give me a duplicate original  
20 or a copy of supporting documents so that I could then consider  
21 the good faith waiver application. How are you seeking to  
22 proceed?

23           A.   Well Judge, I could file it Monday. I mean,  
24 it's --

25           Q.   Well what relief are you seeking?

1 A. The adjudication of the I-751.

2 Q. Well, the I-751 has previously been denied by the  
3 District Director, is that correct?

4 A. Right, yes, Judge.

5 Q. So are you seeking to file a hardship waiver in  
6 this case or not?

7 A. I guess, if that's what's necessary.

8 Q. I'm not asking.

9 A. No, no, no, yes, Judge.

10 Q. I want to know what your strategy is in this case.

11 I mean, you were here on this case in July of last year, it's now  
12 May of 2007.

13 A. Yes, Judge.

14 Q. Are you giving me here a duplicate of her good  
15 faith waiver application?

16 A. No, I haven't made it yet, Judge.

17 Q. From July of 2006? I'd like to know why.

18 A. Well, I don't know if I can get it, there isn't a  
19 good reason, Judge, it wasn't done.

20 Q. Well what materials are you giving me today?

21 A. The materials concerning the relationship of what  
22 happened with her. The hardship waiver can be filed, my  
23 apologies to the Court, Judge, either later today or even Monday.

24 Q. Well I'm not waiting for that, I'm going to  
25 consider that your right to submit that application has been

pmp

1 waived. So these materials that you're giving me today, are  
2 these materials in support of the application for a good faith  
3 relationship?

4 A. Yes, Judge.

5 Q. Are the parties divorced?

6 A. Yes, Judge. I believe there was a huge file and I  
7 don't what's in the file here, but --

8 Q. Well I haven't had a chance to see nothing in this  
9 file. Whatever you submitted --

10 A. The prior attorney --

11 Q. Or whatever was submitted to the Immigration  
12 authorities, I do not have, that is, they have to be submitted to  
13 me by someone. Is there an I-751 in this packet that you have  
14 given me today?

15 A. Judge, all that stuff was in the original file,  
16 Judge.

17 Q. Yes, but that has no bearing on what I am doing.  
18 It is your responsibility to get me those materials, as you are  
19 the one seeking the relief from removal. I can give you until 1  
20 o'clock today to give me the I-751. If I do not get it, I will  
21 be denying that application today.

22 A. Okay.

23 MS. TAYLOR TO JUDGE

24 Q. Is this going to be a hardship waiver?

25 A. I understand that it's supposed to be a good faith

pmp

1 marriage waiver.

2 Q. I think that was denied initially. She initially  
3 filed a good faith marriage.

4 A. Well that's fine, but she can then renew that  
5 application before me.

6 Q. That's what I'm asking, is she renewing it or is  
7 she going to file a new one based on a separate ground.

8 MR. SACHS TO JUDGE

9 Q. Well, she's renewing it before the Judge.

10 MS. TAYLOR TO JUDGE

11 Q. Okay.

12 JUDGE TO MR. SACHS

13 Q. All right, so I need the I-751. I was presented  
14 with a packet today.

15 JUDGE TO MS. TAYLOR

16 Q. Do you have that, Ms. Taylor?

17 A. Yes, I do.

18 JUDGE FOR THE RECORD

19 That will be Group 3 for identification.

20 JUDGE TO MR. SACHS

21 Q. I'll put on you second call. Please come back by  
22 1 o'clock with the I-571.

23 A. I will, Your Honor.

24 JUDGE FOR THE RECORD

25 Hearing is adjourned.



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1 (OFF THE RECORD)

2 (ON THE RECORD)

3 JUDGE FOR THE RECORD

4 Back on the record in the case of Alina Shipilina, A 47  
5 202 363. It's still May 25th, 2007, counsel has returned with  
6 the respondent. Ms. Taylor continues to be present.

7 JUDGE TO MR. SACHS

8 Q. What do you have there, Mr. Sachs?

9 A. Your Honor.

10 Q. Thank you. Presented with an I-751 and supporting  
11 documents, including a receipt for an I-751.

12 JUDGE TO MS. TAYLOR

13 Q. Do you have those materials Ms. Taylor?

14 A. Yes, Your Honor.

15 JUDGE FOR THE RECORD

16 Group 4, for identification.

17 JUDGE TO MR. SACHS

18 Q. Are you ready to go do trial, Mr. Sachs?

19 A. Yes, Judge.

20 MS. TAYLOR TO JUDGE

21 Q. I have to stay with this, so a Monday, Tuesday or  
22 a Thursday.

23 A. Is good?

24 Q. Is good.

25 A. All right.

1 JUDGE TO MR. SACHS

2 Q. How about January 8th at 3 o'clock. Is that a  
3 good date for you?

4 A. Just one second Judge, it sounds good to me.

5 MS. TAYLOR TO JUDGE

6 Q. What day of the week is that?

7 A. That's a Tuesday.

8 Q. No, that's not good, I have another continued  
9 case.

10 A. All right.

11 Q. Maybe the following Tuesday?

12 MR. SACHS TO JUDGE

13 Q. It looks like I have nothing in January, so any  
14 day.

15 JUDGE TO MS. TAYLOR

16 Q. All right, how about the 22nd at 3:00, Ms. Taylor?

17 A. What day of the week is that?

18 Q. Also a Tuesday.

19 A. Okay.

20 JUDGE TO MR. SACHS

21 Q. Hearing notice for January 22nd, 2008, at 3  
22 o'clock.

23 A. At 3 o'clock.

24 MS. TAYLOR TO MR. SACHS

25 Q. You gave me two copies.

pp

1 A. Sorry?

2 Q. You gave me two copies.

3 A. Sorry.

4 JUDGE TO MS. SHIPILINA

5 Q. Ma'am, you speak English, correct?

6 A. Yes.

7 Q. Going to give you a hearing notice to come back  
8 for your trial on January 22nd at 3 o'clock. It's important that  
9 you return to court on that date. If you don't return to court,  
10 I may have to go ahead in this case without you. If that  
11 happens, I may have to order you deported because you are not  
12 present. Understand?

13 A. Yes, I do.

14 Q. I'm also going to give you a written sheet of  
15 warnings which repeat the warnings I have just made to you about  
16 the consequences of not appearing to court when you are supposed  
17 to. If you have any questions about any of that, you can discuss  
18 it with your lawyer. Are you continuing to reside on, I can't  
19 read this that well, 34th Street in Astoria?

20 A. Yes, that's correct.

21 Q. All right.

22 JUDGE TO COUNSEL

23 Q. Both parties will continue to have the opportunity  
24 to supplement the application with additional information or  
25 documentation. Any such materials should be submitted no later

1 than 10 days prior to the hearing date. If you do anticipate  
2 presenting any witnesses in support of the claim in addition to  
3 the respondent, please provide the Court with a witness list no  
4 later than 10 days prior to the hearing date identifying the  
5 witness or witnesses, together with their status in this country  
6 and A number, if applicable, their residence in this country in a  
7 brief proper.

8 JUDGE TO MS. TAYLOR

9 Q. Ms. Taylor, will the Service initiate database  
10 checks?

11 A. Yes, I'm going to give a BUCKS slip for  
12 fingerprints.

13 JUDGE TO MR. SACHS

14 Q. Your client must appear for a biometric scan  
15 appointment at the appropriate time. If she fails to do so, I  
16 may have to deny her application for failure to prosecute. Will  
17 you convey those instructions to her?

18 A. Yes, Your Honor.

19 JUDGE FOR THE RECORD

20 I will be denying the hardship waiver effective today,  
21 for failure to prosecute. We'll be proceeding on the basis of  
22 the good faith waive.

23 JUDGE TO MR. SACHS

24 Q. Anything else from the respondent today?

25 A. No, Your Honor.

1 JUDGE TO MS. TAYLOR

2 Q. Ms. Taylor?

3 A. Yes, I'm giving a BUCKS slip for fingerprints.

4 Q. So noted.

5 JUDGE FOR THE RECORD

6 Hearing is adjourned.

7 HEARING CONTINUED

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U.S. Department of Justice  
Executive Office for Immigration Review  
Immigration Court

Matter of

File A 47 202 363

ALINA SHIPILINA,

Respondent

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)

IN REMOVAL PROCEEDINGS

Transcript of Hearing

Before PAUL A. DEFONZO, Immigration Judge

Date: January 22, 2008

Place: New York, New York

Transcribed by DEPOSITION SERVICES, INC. at Rockville, Maryland

Official Interpreter:

Language:

Appearances:

For the Department of  
Homeland Security:

Khalilah Taylor, Esquire

For the Respondent:

Jack Sachs, Esquire

1 JUDGE FOR THE RECORD

2           These are continued removal proceedings in New York  
3 City, in the case of Alina Shipilina, A 47 202 363. The date is  
4 January 22nd, 2008, Immigration Judge Paul A. DeFonzo presiding.  
5 The respondent is present in court today, with counsel.

6 JUDGE TO MS. SHIPILINA

7           Q.   Ma'am, do you speak English?

8           A.   Yes.

9           Q.   Please stand up and raise your right hand. Do you  
10 swear that the testimony that you give today will be the truth,  
11 the whole truth, and nothing but the truth, so help you God?

12          A.   Yes.

13          Q.   Thank you, please take a seat on the end. Ma'am,  
14 are you fluent in English?

15          A.   Yes.

16          Q.   Are you continuing to reside on 34th Street in  
17 Astoria?

18 MR. SACHS TO JUDGE

19          Q.   Excuse me, Judge.

20          A.   She answered yes?

21 MS. SHIPILINA TO JUDGE

22          Q.   Not much.

23          A.   I'm sorry?

24          Q.   It's not much, (indiscernible) in Russian.

25          A.   Well I asked if you were fluent in English, you

1 said yes. Are you not fluent in English?

2 Q. I'm not fluent in English.

3 A. When you previously appeared in court in this case  
4 in July of 2006, you did indicate to me that you believed you  
5 could proceed in English. Do you still believe you can proceed  
6 in English, or do you require a Russian interpreter?

7 Q. I'll do my best to --

8 A. Well that's not what I'm asking you, since your  
9 best may be inadequate. Do you believe you can proceed with your  
10 trial which is today, in the English language, or do you require  
11 a Russian interpreter?

12 Q. I do English.

13 JUDGE FOR THE RECORD

14 The charging document in this case is a Notice To  
15 Appear, dated June 22nd, 2006, previously been marked into the  
16 record as Exhibit 1. Factual allegations have previously been  
17 admitted. Removability has previously been conceded.

18 JUDGE TO MS. SHIPILINA

19 Q. Are you continuing to reside on 34th Street in  
20 Astoria?

21 A. Yes.

22 Q. Are you working?

23 A. Yes.

24 Q. Where do you work?

25 A. I'm self-employed.



pmp

1 Q. What do you do?

2 A. I work as a model and entertainer.

3 Q. And where do you do that?

4 A. Where?

5 Q. Yes.

6 A. Modeling jobs, I do catalogue, runway. As

7 entertain, I do it at trade shows, promotional works.

8 Q. Do you do them in New York or do you do them

9 elsewhere?

10 A. I do New York mostly, Judge.

11 Q. The gentleman seated across from you, is he still

12 your attorney, authorized to speak for you?

13 A. Yeah.

14 JUDGE FOR THE RECORD

15 For the respondent, Jack Sachs, Esquire. For the

16 Service, Khalilah Taylor, Esquire, Assistant Chief Counsel.

17 JUDGE TO MR. SACHS

18 Q. Mr. Sachs, when we were last together on this on a

19 master calendar in May of last year, you then indicated the

20 respondent would be seeking a waiver of the requirement to file a

21 joint petition based on the good faith of her marriage. Is she

22 continuing to seek that relief today?

23 A. Yes, Judge.

24 JUDGE FOR THE RECORD

25 Also presented in this case is a packet marked Group 2

1 for identification, from the Service. Initially consisting of a  
2 copy of an I-551 for the respondent.

3 JUDGE TO MR. SACHS

4 Q. Is there any objection to that, Mr. Sachs?

5 A. Your Honor, there's so much in this, I don't know  
6 if I, I just have to refresh my recollection of it.

7 Q. That was presented at master calendar on July  
8 14th, 2006.

9 A. No, then I, no.

10 JUDGE FOR THE RECORD

11 That will be Exhibit 2-A. Also contained in that  
12 packet is a copy of a visa face for the respondent.

13 JUDGE TO MR. SACHS

14 Q. Any objection to that?

15 A. No, Your Honor.

16 JUDGE FOR THE RECORD

17 Two B, and the last item contained in that packet is  
18 the notice terminating the respondent's conditional resident  
19 status from the District Director in New York. That notice is  
20 dated October 1st, 2004.

21 JUDGE TO MR. SACHS

22 Q. Any objection to that?

23 A. No, Judge, no, Your Honor.

24 JUDGE FOR THE RECORD

25 That will be 2-C. That concludes that packet. I have

mp  
1 some submissions from the respondent in this case. A packet  
2 previously marked as 3, for identification, initially consisting  
3 of what is described as a stipulation of settlement referencing  
4 the respondent and Roy Dean Hollinder, dated November 4, <sup>00</sup>2991.

5 JUDGE TO MS. TAYLOR

6 Q. Do you have any objection to that, Ms. Taylor?

7 A. No, Judge.

8 JUDGE FOR THE RECORD

9 Three A. A letter dated February 2nd, 2006, from the  
10 Falcon Private Investigators.

11 JUDGE TO MS. TAYLOR

12 Q. Any objection to that?

13 A. I'm not sure if the examiner is available for  
14 cross-examination.

15 JUDGE TO MR. SACHS

16 Q. Is he available, Mr. Sachs?

17 A. Not today.

18 JUDGE FOR THE RECORD

19 Sustained as to the unavailability of the author for  
20 cross-examination. That will be 3-B for identification. There  
21 appears to be a statement of qualification and curriculum vitae  
22 for the author of the report. That will be considered part of  
23 3-B for identification. A letter from the State of Connecticut,  
24 dated March 3rd, 2004, again, referencing the author as a court.  
25 That will again be considered part of 3-B for identification. At

1 tab 3, I have the psycho-social assessment referencing the  
2 respondent, offered by a social worker, Nancy Kahn. My copy of  
3 that assessment is not signed.

4 JUDGE TO MS. TAYLOR

5 Q. Is your copy signed, Ms. Taylor?

6 A. No, it's not.

7 JUDGE TO MR. SACHS

8 Q. Do you have a signed copy, Mr. --

9 A. Yes, I do, Judge.

10 Q. Sachs?

11 A. Yes, I do. Once second, let me just look for it,

12 I have it here.

13 Q. We'll go off the record while you look for it.

14 A. Thank you, Judge.

15 (OFF THE RECORD)

16 (ON THE RECORD)

17 JUDGE FOR THE RECORD

18 Mr. Sachs has provided the Court with a signed copy of  
19 the report. I've provided a courtesy copy of the entire signed  
20 copy to both the Court's record of proceedings, as well as to the  
21 parties.

22 JUDGE TO MS. TAYLOR

23 Q. Any objection to that, Ms. Taylor?

24 A. I'm not sure if Ms. Kahn is available for cross-  
25 examination one, two, relevance because the son is substance of

1 this report, indicates that the respondent was a battered woman  
2 and subjected to domestic violence. This is a waiver based on  
3 the good faith of her marriage, not based on any battery or  
4 extreme cruelty.

5 JUDGE TO MR. SACHS

6 Q. Is the author available, Mr. Sachs?

7 A. Well I spoke to her and she didn't think she could  
8 make it today. She could be available at a future -- I had  
9 anticipated that and did speak to her, but her schedule wouldn't  
10 permit that.

11 JUDGE FOR THE RECORD

12 I'll sustain the objection as to her unavailability for  
13 cross-examination. So note Ms. Taylor's remarks as to the  
14 respective relevancy of the report. That will be 3-C for  
15 identification. Document described as a personal and business  
16 management agreement, referencing the respondent.

17 JUDGE TO MS. TAYLOR

18 Q. Any objection to that?

19 A. Relevance, and it's not signed by any party.

20 JUDGE TO MR. SACHS

21 Q. Do we have a signed copy of this, Mr. Sachs?

22 A. No, we don't, Judge. That's the one with the  
23 hearts on it.

24 JUDGE FOR THE RECORD

25 Well, I'll admit it into the record, but it's difficult

1 for me to give it any probative value as evidence in the case due  
2 to the fact that it's unsigned. Mark it 3-D into the record. A  
3 statement from Enessa Alexandrovna Shipilina (phonetic sp.).

4 JUDGE TO MS. TAYLOR

5 Q. Any objection to that?

6 A. Just note it's not notarized or sworn to.

7 JUDGE FOR THE RECORD

8 Nevertheless, I'll give it the weight I fell it  
9 deserves, given the totality of the evidence in the case. That  
10 will be 3-E. Statement from Demetri Morisal (phonetic sp.).

11 JUDGE TO MS. TAYLOR

12 Q. Same position as to that?

13 A. Same objection, Judge.

14 JUDGE FOR THE RECORD

15 Again, I'll overrule the objection, giving it the  
16 weight that I feel it deserves given the totality of the evidence  
17 in the case. That will be 3-F. That concludes that packet. I  
18 have an additional submission from the respondent, previously  
19 marked Group 4 for identification. Initially, consisting of an  
20 I-751 bearing a date of 05-21-02. That will be Exhibit 4-A. I  
21 have a receipt from the Regional Service Center in Saint Albans,  
22 Vermont. I appear to have the original. That will be 4-B. A  
23 letter from the Citizenship and Immigration Services, May 24th,  
24 2004.

25 JUDGE TO MS. TAYLOR

*V. H. W. A.  
W. H. W. A.  
H. W. A. T. N.*

1 Q. Any objection to that, Ms. Taylor?

2 A. No.

3 JUDGE FOR THE RECORD

4 Four C. Divorce decree, referencing the respondent.

5 JUDGE TO MS. TAYLOR

6 Q. Any objection to that?

7 A. No, Judge.

8 JUDGE FOR THE RECORD

9 Four D, and it appears to be a letter which is  
10 presented in some manner of chronological form.

11 JUDGE TO MS. TAYLOR

12 Q. Any objection to that?

13 A. No original Judge, and I'm not sure where it's  
14 taken from.

15 Q. I'm sorry, you're not sure?

16 A. Where it's taken from.

17 JUDGE TO MR. SACHS

18 Q. Do we have an original, Mr. Sachs?

19 A. I thought I had. That's the letter from?

20 Q. Signed with love, Roy. My copy of the original  
21 looks like this, two pages. We're off the record while you look  
22 for it.

23 (OFF THE RECORD)

24 (ON THE RECORD)

25 JUDGE TO MR. SACHS

1 Q. Mr. Sachs, have you been able to locate an  
2 original for that letter?

3 A. No, Your Honor.

4 JUDGE TO MS. TAYLOR

5 Q. What say you, as to the copy, Ms. Taylor?

6 A. Same object, Judge.

7 JUDGE FOR THE RECORD

8 Sustained for lack of the original. That will be 4-E  
9 for identification.

10 JUDGE TO MR. SACHS

11 Q. Well, should you locate the original before the  
12 conclusion of the hearing, you can bring that to my attention.

13 JUDGE FOR THE RECORD

14 I have an additional submission today from the  
15 respondent, a packet tabbed 1 through 6.

16 JUDGE TO MS. TAYLOR

17 Q. Do you have that, Ms. Taylor?

18 A. Yes, I do, Judge.

19 JUDGE FOR THE RECORD

20 It will be Group 5, for identification.

21 JUDGE TO MS. TAYLOR

22 Q. Would you like an opportunity to review it?

23 A. Yes, Judge.

24 Q. Go off the record while you do that.

25 (OFF THE RECORD)



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1

(ON THE RECORD)

2

JUDGE TO MS. TAYLOR

3

Q. Referring to the Group 5 packet, initially I have  
an affidavit from the respondent. Any objection to that?

5

A. Timeliness, Judge.

6

JUDGE FOR THE RECORD

7

Well, as the respondent is present in court today to be  
subjected to cross-examination with regard to that document, and  
it's only a 2-page document, I'll overrule the objection as to  
timeliness with regard to that. Mark it 5-A. Another copy of  
the correspondence from the District Director in New York, dated  
October 1st, 2004, previously marked 2-C. A decision and order  
with regard to the divorce action.

12

13

14

JUDGE TO MS. TAYLOR

15

Q. Any objection to that?

16

A. No, Judge.

17

JUDGE FOR THE RECORD

18

Five B. Another copy of the psycho-social assessment  
from the social worker, previously marked 3-C for identification.

19

20

MR. SACHS TO JUDGE

21

Q. That's the signed copy, right?

22

A. This copy is signed, but it's a photocopy, but  
it's the same copy that you presented earlier.

23

24

JUDGE FOR THE RECORD

25

A summons and complaint referencing Roy Dean Hollinder

1 as plaintiff.

2 JUDGE TO MS. TAYLOR

3 Q. What say you as to that?

4 A. Relevance, timeliness, and I haven't had a full  
5 opportunity to read over some of it.

6 JUDGE TO MR. SACHS

7 Q. This is a substantial submission, is there any  
8 special reason why it was not submitted within the 10-day  
9 submission deadline, Mr. Sachs?

10 A. No, I don't have a (indiscernible), Your Honor.

11 JUDGE FOR THE RECORD

12 Sustain the objection after the untimeliness of the  
13 submission, 5-C for identification. An order from the 2nd  
14 Circuit Court of Appeals referencing Roy Dean Hollinder as  
15 plaintiff, appellant.

16 JUDGE TO MS. TAYLOR

17 Q. What say you as to that, Ms. Taylor?

18 A. Again, timeliness, Judge.

19 JUDGE TO MR. SACHS

20 Q. Any special reason why that was not submitted  
21 within the submission deadline that I provided, Mr. Sachs?

22 A. No, Judge.

23 JUDGE FOR THE RECORD

24 Sustained, as to untimeliness, would appear to relate  
25 to the lengthy summons and complaint marked 5-C for

1 identification. Mark the order, 5-D for identification.

2 JUDGE TO MR. SACHS

3 Q. Is there anything additional in terms of  
4 documentary evidence from the respondent today, Mr. Sachs?

5 A. No, Your Honor.

6 Q. While off the record, you had indicated that you  
7 may have an original copy of the letter marked 4-E for  
8 identification?

9 A. I had it in my hand a minute ago, Judge.

10 Q. Well while you're looking for that --

11 JUDGE TO MS. TAYLOR

12 Q. Ms. Taylor, is there anything additional in terms  
13 of documentary evidence from the Service today?

14 A. No, Judge.

15 JUDGE TO MR. SACHS

16 Q. We'll go off the record while you look for it.

17 (OFF THE RECORD)

18 (ON THE RECORD)

19 JUDGE FOR THE RECORD

20 Mr. Sachs has presented a copy of the translation.  
21 Note that the translation does state at the top, translated from  
22 Russian, then parenthetically this text had been prior translated  
23 from English, however what has been presented to me does appear  
24 to be in the nature of a photocopy. There is no signature in any  
25 event, says With Love, Roy at the end and typewritten.

1 MR. SACHS TO JUDGE

2 Q. Well the Russian that is translated Judge, has his  
3 name typed on it.

4 A. Well again, parenthetically it says this text had  
5 been prior translated from English, which leads me to believe  
6 that the original of the document was supposed to be in English,  
7 but this document is completely typewritten and in fact, does  
8 appear to be a photocopy, looking at the translation stamp which  
9 is affixed thereto.

10 Q. That's the question I have, the way I put it to  
11 the other Judge is that he wrote a letter, gave it to someone to  
12 put into Russian, which is here, and then had this translated  
13 into English.

14 A. Well where is the letter that he wrote, that is  
15 the question?

16 Q. That's something that nobody knows.

17 A. Well in the absence of that original, I do feel  
18 compelled to sustain the objection as to lack of the original.

19 Q. Okay.

20 A. Well how are we seeking to proceed today, Mr.  
21 Sachs? I have sustained objections to some portion of your  
22 documentary evidence including the report from the detective. I  
23 don't know to what degree you are seeking to rely on the report.  
24 I'll also sustain the objection to the psycho-social report which  
25 Ms. Taylor believes also may have relevancy issues. Do you wish

1 to proceed in the absence of those materials?

2 Q. Yes, Judge.

3 A. Or would you like an opportunity to discuss with  
4 your client if she would like an opportunity to have those  
5 individuals made available.

6 Q. Yeah, the (indiscernible) May I have a moment?

7 A. Go off the record while you do that.

8 Q. Thank you.

9 (OFF THE RECORD)

10 (ON THE RECORD)

11 JUDGE FOR THE RECORD

12 We're back on the record. While off the record, Mr.  
13 Sachs has inquired as to where I might be adjourning this case.  
14 I do have an opening for March 20th at 9 o'clock.

15 JUDGE TO MR. SACHS

16 Q. In view of that, would you seeking to proceed  
17 today in the absence of the excluded evidence, Mr. Sachs, or  
18 would you be interested in having the case adjourned?

19 A. I would be interested in having the case  
20 adjourned, and I would request at this time, with enough time,  
21 that there be a Russian interpreter next time.

22 JUDGE TO MS. TAYLOR

23 Q. Ms. Taylor, what's the Service's position?

24 A. No objection, Judge.

25 JUDGE FOR THE RECORD

1 In view of the unopposed nature of the adjournment  
2 request and a consideration of the fact there is a first time,  
3 the case has been scheduled to the merits calendar. I will  
4 adjourn the case to March 20th, 2008, at 9 o'clock.

5 JUDGE TO MS. SHIPILINA

6 Q. Ma'am, I'm going to adjourn your case to March  
7 20th at 9 o'clock, in view of the fact that your attorney has  
8 some interest in an adjournment. Since I have been compelled to  
9 exclude various items of your documentary evidence today. I'm  
10 going to give you a new hearing notice for March 20th, at 9  
11 o'clock. It's important that you return to court at that time.  
12 If you don't, we may have to go ahead in this case without you.  
13 If that happens, we may have to order you deported because you  
14 are not here. Do you understand?

15 A. I understand.

16 Q. In addition to your new hearing notice, I'm also  
17 going to give you a written sheet of warnings which repeats the  
18 warnings I have just made to you concerning the consequences of  
19 not returning to court when you are supposed to. If you have any  
20 questions about any of that, you should discuss it with your  
21 lawyer.

22 JUDGE TO MS. TAYLOR

23 Q. Does the Service have any objection to the  
24 perspective witnesses appear telephonically in this case?

25 A. No, Judge.

1 Q. So noted, and that would apply to the social  
2 worker as well as to the preparer of the polygraph report?

3 A. That's fine.

4 JUDGE TO MR. SACHS

5 Q. If you do anticipate presenting any additional  
6 witnesses in the case besides those two, they would be expected  
7 to appear in person unless you have previously cleared with Ms.  
8 Taylor that they may also appear telephonically.

9 JUDGE FOR THE RECORD

10 Both parties will continue to have the opportunity to  
11 supplement the application with additional information or  
12 documentation. Any such materials should also be submitted no  
13 later than 10 days prior to the hearing date.

14 MR. SACHS TO JUDGE

15 Q. There is a (indiscernible) and understandably so,  
16 Judge, since it's put over until March 20th, can I grandfather  
17 these things that were excluded today, or should I resubmit them?

18 A. If you're referring to 5-C and 5-D\_for  
19 identification, there were two objections to those based first on  
20 timeliness. Naturally, that objection would be cured upon the  
21 next hearing date. As to the relevance objection, I would most  
22 likely just have to sustain that objection of connection  
23 depending on the contents of those materials. But certainly, the  
24 untimeliness objection as to those would be overruled in view of  
25 the fact that more than 10 days would have elapsed from their

1 original date of submission which was today, until the next  
2 hearing date.

3 Q. Well that's fine, Judge, and I believe I could  
4 develop the relevancy to both, Your Honor, to Ms. Taylor's  
5 satisfaction.

6 A. All right, well you'll have the opportunity to do  
7 that at the merits hearing.

8 Q. Yes, Judge.

9 A. As to the remaining item of excluded evidence, the  
10 letter, it is, of course, in your interest to try to locate the  
11 original of that, if you would like the Court to consider it.

12 Q. Yes, Judge.

13 JUDGE TO MS. TAYLOR

14 Q. Then Ms. Taylor, where do we stand with the checks  
15 at this time?

16 A. Her prints will still be good the next hearing  
17 date.

18 Q. Thank you.

19 JUDGE TO MR. SACHS

20 Q. Anything else from the respondent today?

21 A. No, Your Honor.

22 JUDGE TO MS. TAYLOR

23 Q. Ms. Taylor?

24 A. No, Judge.

25 JUDGE FOR THE RECORD



1 The hearing is adjourned.

2 HEARING CONTINUED

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U.S. Department of Justice  
Executive Office for Immigration Review  
Immigration Court

Matter of

File A 47 202 363

ALINA SHIPILINA,

Respondent

)  
)  
)  
)  
)

IN REMOVAL PROCEEDINGS

Transcript of Hearing

Before PAUL A. DEFONZO, Immigration Judge

Date: March 20, 2008

Place: New York, New York

Transcribed by DEPOSITION SERVICES, INC. at Rockville, Maryland

Official Interpreter: Edward Bot

Language: Russian

Appearances:

For the Department of  
Homeland Security:

Khalilah Taylor, Esquire

For the Respondent:

Jack Sachs, Esquire

1 JUDGE FOR THE RECORD

2           These are continued removal proceedings in New York  
3 City, in the case of Alina Shipilina, A 47 202 363. The date is  
4 March 20th, 2008, Immigration Judge Paul A. DeFonzo presiding.  
5 The respondent is present in court today, with counsel. Also  
6 present is an interpreter in the Russian language, Edward Bot  
7 (phonetic sp.).

8 JUDGE TO INTERPRETER

9           Q. Mr. Bot, would you please stand up and raise your  
10 right hand. Do you swear that the interpretation you perform  
11 today from the English to Russian and Russian to English  
12 languages will be true and accurate to the best of your ability?

13           A. I do.

14           Q. Thank you, please be seated.

15           A. Thank you.

16           Q. You're welcome. Would you please ask the  
17 respondent to stand up and to raise her right hand.

18 JUDGE TO MS. SHIPILINA

19           Q. Ma'am, do you swear that the testimony that you  
20 give today will be the truth, the whole truth, and nothing but  
21 the truth, so help you God?

22           A. Yes.

23           Q. Thank you, please be seated. Ma'am, can you  
24 understand the Russian being spoken by the interpreter?

25           A. Yes.

map

1 Q. Russian your best language?

2 A. Yes.

3 Q. You're residing on 34th Street in Astoria?

4 A. Yes.

5 Q. Are you working?

6 A. Yes.

7 Q. Where?

8 A. I work as a model, I do promotions and

9 conventions.

10 Q. The gentleman seated across you, is he still your  
11 attorney authorized to speak for you?

12 A. Yes.

13 JUDGE FOR THE RECORD

14 For the respondent, Jack Sachs, Esquire. For the  
15 Service, Khalilah Taylor, Esquire, Assistant Chief Counsel. We  
16 were last together on this case on the individual calendar in  
17 January. At that time, the case was adjourned to allow the  
18 respondent an opportunity to arrange for the presentation of  
19 witnesses. It had previously been represented that the  
20 respondent would be seeking to renew her application for a good  
21 faith waiver of the joint petition requirement pursuant to  
22 Section 216.

23 JUDGE TO MR. SACHS

24 Q. Is that the relief she's continuing to seek, Mr.  
25 Sachs?

map

1 A. Yes, Your Honor.

2 JUDGE FOR THE RECORD

3 Charging document in this case is the Notice To Appear,  
4 dated June 22nd, 2006, previously marked Exhibit 1. Factual  
5 allegations have previously been admitted, removability has  
6 previously been conceded. I have a packet from the Service  
7 previously marked Group 2, consisting of a copy of the front of  
8 an I-551 for the respondent marked Exhibit 2-A, a visa face for  
9 the respondent marked Exhibit 2-B, correspondence from the  
10 Department of Homeland Security dated August 1st, 2004,  
11 previously marked 2-C. That concludes that packet. I have a  
12 submission as well from the respondent previously marked Group 3  
13 for identification, initially consisting of a stipulation of  
14 settlement referencing the respondent marked Exhibit 3-A, a  
15 polygraph report referencing the respondent, dated February 2nd,  
16 2006. The Service had previously expressed an interest in cross-  
17 examining the author.

18 JUDGE TO MR. SACHS

19 Q. Has he been made available, Mr. Sachs?

20 A. Unfortunately, I spoke to him yesterday and he had  
21 mistaken the date, he was prepared to come in or even testify  
22 telephonically.

23 Q. So he's not available?

24 A. No, Judge.

25 JUDGE TO MS. TAYLOR

1 Q. Is the Service continuing to press that objection?

2 A. Yes, Judge.

3 JUDGE FOR THE RECORD

4 Sustain the objection for unavailability of the author  
5 for cross, that will be 3-B for identification. A psycho-social  
6 assessment referencing the respondent is marked 3-C for  
7 identification. The Service had also expressed an interest in  
8 cross-examining the author.

9 JUDGE TO MR. SACHS

10 Q. Is that author available?

11 A. She's sitting, as you instructed, she's in the  
12 courtroom.

13 Q. All right.

14 JUDGE FOR THE RECORD

15 The Service had also lodged a relevancy objection to  
16 that which I'll consider under advisement. Continue to mark it  
17 3-C pending the testimony of the author. A document described as  
18 a personal and business management agreement referencing the  
19 respondent, previously marked 3-D. A letter from Enessa  
20 Alexandrovna Shipilina, previously marked 3-E. A letter from  
21 Demetri Morisal, previously marked 3-F, and that concludes that  
22 packet. I have an additional submission from the respondent  
23 previously marked Group 4 for identification. Initially  
24 consisting of the I-751, re-questioning the good faith marriage  
25 waiver, previously marked Exhibit 4-A. Receipts from the

1 Regional Service Center in Saint Albans, already marked 4-B.  
2 A second letter from the Citizenship and Immigration Services  
3 Office, this one dated May 24th, 2004, previously marked 4-C.  
4 Divorce decree, referencing the respondent, previously marked  
5 4-D, and a letter, it appears to be a series letters which was  
6 marked 4-E for identification, in the absence of the original.  
7 JUDGE TO MR. SACHS

8 Q. Has the original been located, Mr. Sachs?

9 A. Which letter is that, sir?

10 Q. The document marked 4-E for identification? It  
11 appears to be a series of letter from the ex-husband.

12 A. No, Judge.

13 JUDGE FOR THE RECORD

14 Continue to mark it 4-E for identification in the  
15 absence of the original. Also from the respondent, packet marked  
16 Group 5 for identification, initially consisting of a statement  
17 from the respondent marked Exhibit 5-A. I have another copy of  
18 the service, for respondent, from October 1st, 2004, already  
19 marked 2-C. Court materials referencing the respondent, marked  
20 Exhibit 5-B. Another copy of Ms. Kahn's assessment, already  
21 marked 3-C for identification. A summons with additional court  
22 materials previously marked 5-C for identification. I have  
23 sustained an objection as to untimeliness of that submission.  
24 Submission is not rendered timely by the adjournment.

25 JUDGE TO MS. TAYLOR

1 Q. Any other objections to that Ms. Taylor?

2 A. Let me just locate it, Judge.

3 Q. That's at tab 5, in the Group 5 packet. Similar  
4 objection to the next item which is a summary order from the 2nd  
5 Circuit Court of Appeals.

6 A. Yes, just relevancy, Judge.

7 JUDGE FOR THE RECORD

8 I'll admit it and consider it for what it's worth, that  
9 will be 5-C.

10 JUDGE TO MS. TAYLOR

11 Q. And the 2nd Circuit order, same position as to  
12 that?

13 A. Yes, Judge.

14 JUDGE FOR THE RECORD

15 Admit that as well for what it's worth, that will be  
16 5-D. That concludes that packet.

17 JUDGE TO MR. SACHS

18 Q. Is there anything additional in terms of  
19 documentary evidence from the respondent today, Mr. Sachs?

20 A. I thought that I had submitted that huge complaint  
21 from the -- apparently not, I thought I did. I thought I saw it  
22 mentioned in one of my letters. If you had it, it's like an 85,  
23 89-page complaint.

24 Q. I believe that's the 5-C packet. The first item  
25 is a summons?



1 A. Yes.

2 Q. For the Southern District of New York?

3 A. Yes.

4 Q. Well that's Exhibit 5-C.

5 A. The whole, the complaint as well?

6 Q. This much stuff?

7 A. Right, right.

8 Q. Anything else in terms of documentary evidence

9 from the respondent today?

10 A. No, Your Honor.

11 JUDGE TO MS. TAYLOR

12 Q. Ms. Taylor, anything additional in terms of

13 documentary evidence from the Service today?

14 A. No, Judge.

15 JUDGE TO MR. SACHS

16 Q. And how are you seeking to proceed today,

17 initially with testimony from the respondent or from the witness?

18 A. Good question. I've never been given that option

19 before. It probably would make sense to have the witness

20 testify, then she could leave and go wherever she wants, and then

21 follow-up with the -- do you have any objection to that, Judge?

22 Well you suggested it. As I said, this is the first time I've

23 been offered that alternative.

24 Q. Is there any objection to the respondent being

25 sequestered while the witness testifies?

1 A. No.

2 JUDGE TO MS. SHIPILINA

3 Q. To the respondent, ma'am, your attorney has  
4 indicated that he will first be eliciting testimony from your  
5 witness. It is of some value to me that you do not hear your  
6 witness' testimony, so in a moment, I'm going to invite you to  
7 wait outside the courtroom in the waiting room until we are ready  
8 to hear from you. I do want to caution you that we may take a  
9 brief break or a recess in the proceedings this morning. During  
10 the course of any such break or recess, you're not to have any  
11 communication with the witness. Should it come to my attention  
12 that you have communicated with her, I will have to take that  
13 into account when I make the decision in your case. Do you  
14 understand?

15 A. Yes.

16 Q. Thank you, you are excused. Please shut the door  
17 behind you when you go out.

18 JUDGE TO WITNESS

19 Q. Ma'am, you can come forward.

20 JUDGE TO INTERPRETER

21 Q. You can take a break, Mr. Bot.

22 A. Thank you, should I wait outside also?

23 Q. If you want, or you can wait in here.

24 A. I'll wait in the back.

25 Q. Just don't disappear.

1 A. Okay.

2 JUDGE TO WITNESS

3 Q. Ma'am, please remain standing and raise your right  
4 hand. Do you swear that the testimony that you give today will  
5 be the truth, the whole truth, and nothing but the truth, so help  
6 you God?

7 A. I do.

8 Q. Thank you, please be seated. Ma'am, are you  
9 fluent in English?

10 A. Yes.

11 Q. At this time, Mr. Sachs is going to have the  
12 opportunity to ask you some questions. When he is finished, the  
13 attorney for the Government, Ms. Taylor, may ask you some  
14 questions. I may also ask you questions when they're finished,  
15 or by interrupting them from time-to-time. Please note, there's  
16 a microphone on the table in front of you, that's because we're  
17 tape recording the proceeding.

18 A. Okay.

19 Q. So when you speak, please do so in a loud and  
20 clear voice so that everyone can hear you.

21 A. Okay.

22 Q. Please make sure you do answer the questions,  
23 however I would ask that you please limit your answer to the  
24 questions that are put to you and if you're not sure of something  
25 or you don't remember something, you should let us know. Don't

1 make-up or guess at answers just to please us.

2 A. Okay.

3 Q. I see you have some materials in front of you,  
4 please put them one of the chairs or provide or give them to me.

5 A. I don't know (indiscernible)

6 Q. Because you shouldn't refer to materials during  
7 testimony unless you have (indiscernible) with the Court.

8 JUDGE TO MR. SACHS

9 Q. Go ahead, Mr. Sachs.

10 MR. SACHS TO WITNESS

11 Q. Ms. Kahn, could you please state your  
12 qualifications?

13 A. I'm a New York State Licensed Clinical Social  
14 Worker and I've been in practice for almost 35 years, post-  
15 masters from Boston University.

16 Q. Post-masters in what?

17 A. Social work.

18 Q. And, you're familiar with Ms. Shipilina, Alina?

19 A. Yes.

20 Q. Would you state the circumstances under which you  
21 came to know her?

22 A. I met with her in May of 2006, I understood at the  
23 time that she was filing a battered spouse petition, so I was  
24 hired to do a psycho-social evaluation in reference to that.

25 Q. And is that represented by this document that --

1 A. Yes.

2 Q. Okay, now how long did you spend with Ms.  
3 Shipilina?

4 A. I met with her in her home for about three hours.

5 Q. And since the reason for originally interviewing  
6 her was, as you said, a battered spouse petition, I presume that  
7 you spoke about her marriage at length?

8 A. Yes, at length.

9 Q. And what did she tell you about the marriage as to  
10 how or when she met her husband?

11 A. She met her husband, I believe, in Moscow, where  
12 she was for her work, and after she met him, he pursued her very  
13 vigorously, texting her, calling her, sending flowers and so  
14 forth.

15 Q. He pursued her?

16 A. He pursued her.

17 Q. And did she state, or did you find out when the  
18 subject of marriage came up?

19 A. After, I think, a couple of months of their  
20 knowing each other, he impulsively all the sudden, blurted out  
21 marry me.

22 Q. So as far as you were able to discover, that the  
23 idea of getting married was his idea?

24 A. That's correct. She said she was surprised at the  
25 time and needed a little time to think about it.

1 Q. And then what did she say?

2 A. And then she decided that she would marry him, she  
3 felt she was in love with him, and she felt they could help each  
4 other.

5 Q. Did the topic of coming to the United States as an  
6 immigrant ever come up?

7 A. No.

8 Q. So, to your knowledge, that was not the reason she  
9 married her husband?

10 A. That's correct.

11 Q. And then, did she describe some of the problems  
12 that led to the battered spouse petition?

13 MS. TAYLOR TO JUDGE

14 Q. Objection, Judge, there's not evidence of a  
15 battered spouse petition being filed within the court.

16 JUDGE TO MR. SACHS

17 Q. I don't have anything in the Court's record about  
18 it, Mr. Sachs, so where are we going with this?

19 A. Well, Ms. Kahn had said that's why she was  
20 originally hired to interview.

21 Q. Well that's fine, but I don't know the relevancy  
22 of it to this proceeding which is supported by a good faith and a  
23 marriage waiver. I mean, if a battered spouse petition was ever  
24 filed, it has not been brought to my attention. Do you know if  
25 one was filed?

1 A. Well apparently, but I've seen it, Judge. She  
2 mentioned --

3 Q. So you don't know anything about it?

4 A. Just what I've heard.

5 Q. All right, well if the witness has anything to  
6 relate with regard to the good faith nature of the marriage, you  
7 can illicit that from her, but I don't know that we need to get  
8 into the battered wife petition.

9 A. Okay.

10 Q. That no one is aware exists.

11 A. All right.

12 JUDGE TO MS. TAYLOR

13 Q. Unless you have some notice of it, Ms. Taylor?

14 A. I do not.

15 JUDGE TO MR. SACHS

16 Q. All right, go ahead.

17 MR. SACHS TO WITNESS

18 Q. Do you know whether she mentioned anything about  
19 her husband's attitude toward her immigration status?

20 A. Well initially, he said that he wanted her to come  
21 to the United States to see where he lived and I believe he got a  
22 visa for her at some point. And then she came a second time  
23 later on to stay with him. Later on in the marriage, as he  
24 became more and more abusive, he used her status or lack of  
25 status as a way to yield power over her and would periodically

p  
1 threaten her that he was going to notify the INS, that he had  
2 friends at the INS, that he would have her deported, and that was  
3 very frightening to her.

4 Q. I see, and did it come out as to yield power over  
5 her in what way?

6 MS. TAYLOR TO JUDGE

7 Q. Objection again, this goes to any type of abuse,  
8 which I don't think is relevant. I think (indiscernible).

9 MR. SACHS TO JUDGE

10 Q. No, I didn't say anything about abuse.

11 A. Well, I'll allow it, but I'll put you on a short  
12 leash, if it doesn't look like it's going in the right direction,  
13 Mr. Sachs. Go ahead.

14 MR. SACHS TO WITNESS

15 Q. What were some of the examples? Not necessarily  
16 physical abuse, but what were some of the examples?

17 A. Well as I said, he would threaten her if she  
18 didn't do what he wanted her to do, that he would report her to  
19 the INS. He would have her deported. That was menacing to her,  
20 so she tended to do things that she was uncomfortable with  
21 because of that.

22 Q. Any examples of things that she was uncomfortable  
23 with?

24 A. He got her a job at a topless dance club called  
25 Flash Dance, which she didn't want to do, but he kept threatening



1 her. It was very intimidating to her.

2 Q. So he was the one who arranged for the job?

3 A. Correct.

4 Q. Did you ever have any questions or reasons to talk  
5 about possible activities as a prostitute?

6 A. No, it never came up.

7 Q. Did you know of any actions in court, either he  
8 had against her or she had against him?

9 A. She told me that he had filed some suits against  
10 her, against her mother, against a lot of other people accusing  
11 her of illegal activities, one point even accusing her of being  
12 involved with Al Queda, and she felt that these were all, you  
13 know, things to harass her. That was actually after the marriage  
14 ended.

15 Q. So as far as you were able to determine, she did  
16 nothing to initiate the proceedings to bring her here as a  
17 immigrant, is that true?

18 A. That's correct.

19 MR. SACHS TO JUDGE

20 Q. I have no further questions at this time, Your  
21 Honor.

22 JUDGE TO MS. TAYLOR

23 Q. Ms. Taylor, cross-examination.

24 A. Thank you.

25 Q. You're welcome.

1 MS. TAYLOR TO WITNESS

2 Q. How many times did you meet with the respondent?

3 A. One time.

4 Q. Has she ever been married before, to your  
5 knowledge?

6 A. Not to my knowledge.

7 Q. Was there any particular reason that you met her  
8 in her home as opposed to your office?

9 A. I usually meet clients in their homes so that  
10 they're more comfortable and so that I can get a sense of, more  
11 of a sense of who they are and how they live.

12 Q. Now you said her ex-husband got her a job at a  
13 topless club, correct?

14 A. Correct.

15 Q. Do you know if she ever worked at a topless club  
16 before that?

17 A. Not to my knowledge.

18 Q. And how long was she married?

19 A. I think it was a year and a couple of months.

20 Q. And do you know how long they actually lived  
21 together?

22 A. I believe it was about a year, maybe slightly  
23 under a year.

24 Q. One year or slightly under a year, and you said  
25 that their courtship was a couple of months, by couple, does that

1 mean two?

2 A. Two, three months, I believe.

3 MS. TAYLOR TO JUDGE

4 Q. I don't have any other questions.

5 JUDGE TO MR. SACHS

6 Q. Mr. Sachs, redirect?

7 A. No, Your Honor.

8 JUDGE TO WITNESS

9 Q. Thank you, ma'am, your testimony is finished. I  
10 appreciate your taking the time to be with us today.

11 A. Thank you.

12 Q. You are excused.

13 JUDGE FOR THE RECORD

14 I'll mark the assessment into the record as Exhibit 3-C  
15 giving it the weight that I feel it deserves, given the totality  
16 of the evidence in the case. We're off the record.

17 (OFF THE RECORD)

18 (ON THE RECORD)

19 JUDGE FOR THE RECORD

20 We're rejoined by the respondent.

21 JUDGE TO MS. SHIPILINA

22 Q. Ma'am, at this time your attorney is going to have  
23 the opportunity to ask you some questions. When he is finished,  
24 the attorney for the Government will ask you some questions.

25 When they're both finished, I may ask you some questions. I may

1 also interrupt either one of them from time-to-time to ask you  
2 some questions. Ma'am, please note there is a microphone on the  
3 table in front of you, that's because we are tape recording these  
4 proceedings today. So when you speak, please do so in a loud and  
5 clear, excuse me, a loud and a clear voice so that everyone can  
6 hear you. If anything is said to you that you don't understand,  
7 do not try to please us by creating or by making-up an answer.  
8 You should indicate that you don't understand and I will endeavor  
9 to have the statement repeated or explained for you. Please do  
10 not speak while the interpreter is speaking, and the interpreter  
11 may signal you from time-to-time to stop speaking, if he requires  
12 additional time to complete his interpretation. When he is  
13 finished, you may complete your answer, if your answer was not  
14 done. Ma'am, in this kind of a case, your testimony is very  
15 important. You should understand that the burden of proof in  
16 this kind of a case is on your side, so when you're answering  
17 questions today, please insure that your answers are detailed,  
18 specific and responsive to the questions put to you by each of  
19 us. Please do not answer questions that have not been asked of  
20 you because I may have to consider such answers to be  
21 unresponsive or to be evasive in nature. Do you understand?

22 A. Yes.

23 Q. It's also important that you understand that if  
24 you are not sure of something that you will be telling us today,  
25 that it's your responsibility to inform us either that you are

1 not sure, or that you do not exactly remember. If you do not  
2 tell us that, I will then conclude that you are sure of whatever  
3 it is that you are saying. You understand?

4 A. Yes.

5 JUDGE TO MR. SACHS

6 Q. Go ahead, Mr. Sachs.

7 MR. SACHS TO MS. SHIPILINA

8 Q. When and where did you meet Roy Dean Hollinder?

9 A. I was in Moscow at the party for models and I  
10 spoke a little English. He used to live in this area. He walked  
11 by and he heard English spoken, he walked up and who was speaking  
12 English and I said I speak English and that's how we met, that's  
13 where we got acquainted.

14 Q. And what happened after that, did the relationship  
15 continue?

16 A. He liked me very much. He escorted me home. He  
17 started to give me flowers, and he started to ask me out to  
18 restaurants, and when I was leaving for Krasnodar, he asked me to  
19 give him my telephone number.

20 Q. And then did you see him after that?

21 A. Many times.

22 Q. And would you describe those circumstances?

23 A. He used to invite me and I came to Moscow, I used  
24 to spend time with him. He introduced me to everybody at work  
25 that he worked with, and I also invited him, used to invite him

1 to my home.

2 Q. Did the subject of marriage ever come up?

3 A. We talked, I talked with him and all of a sudden  
4 he says, why don't you marry me. I didn't agree right away  
5 because I had to think about it. I felt, you know, inside the  
6 connection with him to the degree that I felt very well with him,  
7 and after some time, I agreed.

8 Q. Was there any talk at that time either by you or  
9 by him as to you becoming an immigrant to the United States?

10 A. We got married through love, because of love, to  
11 be together.

12 Q. Did you have any idea of obtaining a green card by  
13 marrying him?

14 A. I didn't know anything about this.

15 Q. You didn't know anything about this when?

16 A. Before marriage, after marriage. For me, it was  
17 important just to be with the person I loved, not where we lived.

18 Q. So would it be fair to say that you did not marry  
19 Mr. Hollinder to get a green card, an immigrant visa to the  
20 United States?

21 A. No, absolutely not.

22 Q. When and where did you get married?

23 A. We got married the 11th of March 2000, in the city  
24 of Krasnodar.

25 Q. And do you know when the proceedings were started

1 to apply for a green card for you as a wife of a citizen?

2 A. I don't remember exactly, maybe some time in April  
3 or May.

4 Q. Okay, who's idea was it?

5 A. My husband's.

6 Q. And you next came to the United States when?

7 A. First time we came in January, and get acquainted  
8 with relatives and friends here. When I got the papers, we came  
9 here in July 2000 to live together, yes.

10 Q. And when did you start having problems with your  
11 husband?

12 A. Here.

13 Q. When?

14 A. When we moved, he stopped sharing things. He  
15 didn't want to buy things for me that I wanted to buy. He then  
16 started to, strangely, he started to ask me about my past  
17 relationships and it happened everyday and the background was  
18 that he started to humiliate me and call me names like a monster,  
19 and you know, ugly person.

20 Q. Was he ever involved with any employment, did he  
21 ever get you a job of any kind?

22 A. Yes, he bought a book about nightlife in New York  
23 and he managed in addition, for me to work in a strip club, but I  
24 wanted very much to work as a model, but I didn't have money for  
25 the portfolio.

1 Q. What was the name of the strip club, do you  
2 remember?

3 A. Flash Dance.

4 Q. And how long did you work there?

5 A. I worked there maybe two years. Every day he used  
6 to walk me, he used to meet me at 4:00 a.m. at home, and if I  
7 happen to be late home a few minutes, he started to abuse me that  
8 I already commenced to sleep with somebody, and this was like  
9 this every week.

10 Q. Did he ever visit you at the club?

11 A. Yes, he did.

12 Q. And what circumstances?

13 A. He used to come in and buy dances with his friends  
14 in front of my eyes, and he forced me to dance.

15 Q. What do you mean forced you to dance?

16 A. He used to pay my name, you cannot refuse.

17 Q. Well did he force you to dance with any specific  
18 people or just by yourself, be more specific.

19 A. He used to come, excuse me, with a friend and he  
20 forced me to dance for him in front of him.

21 Q. What kind of dance?

22 A. Lap dance, topless.

23 Q. Are you saying that he would force you to dance  
24 topless with a friend of his?

25 A. When he was next to me, and it was very hard for



1 me because it hurt me because I love my husband and I just wanted  
2 to only do this for my husband.

3 Q. And how long did you live together with him?

4 A. When we moved here, from that moment until  
5 December.

6 Q. I see now, had you already received the  
7 conditional, the first green card?

8 A. Yes.

9 Q. The petition to remove the condition, what they  
10 call the I-751, did you file that together with Roy, or did you  
11 file it by yourself?

12 A. When I arrived here, (indiscernible) later.

13 Q. There was another form that you had to fill out  
14 with Roy, so that your conditional residence would be  
15 approved to become permanent. Do you remember that, yes or no,  
16 do you remember that?

17 A. I don't remember exactly, but as far as I  
18 remember, I think that I applied it by myself for it, by myself.

19 Q. When did you separate from Roy, do you remember?

20 A. When we moved from December, I wanted to save our  
21 relationship and hoped that this would help us to straighten  
22 things out between each other.

23 Q. Well you finally wound up with a divorce, is that  
24 true?

25 A. True.

1 Q. And was that before you had your interview for the  
2 I-751?

3 A. After.

4 Q. Do you recall, I'm going to refer to the interview  
5 you had for that document which took place at the end of  
6 September of, excuse me a minute, September 9th, 2004. Do you  
7 remember that interview?

8 A. Yes.

9 Q. Okay, now as you know, the application was denied  
10 as a result of the interview and I'm going to ask you some  
11 question about what happened at the interview. You submitted  
12 some income tax returns for their consideration, is that true?

13 A. Yes.

14 Q. Now the income tax return for the year 2000, at  
15 the time, you were still married to Roy, is that true?

16 A. Yes.

17 Q. Now, it stated in the denial that, that return was  
18 filed as single, not at married. Is that true? Is that true,  
19 yes or no?

20 A. Yes.

21 Q. Okay, would you please explain why you filed it  
22 that way?

23 A. Oh, I went to the accountant and I wanted to say  
24 that I want to file as married, but he said that we cannot apply  
25 because I didn't have, I didn't know my husband's social security

1 number. I asked my husband to give me his social security  
2 number, but he refused me, and that's why I had to do it this  
3 way.

4 Q. Was that according to the accountant's  
5 instructions?

6 A. Yes.

7 Q. Did you have any intention of committing a fraud  
8 of the Immigration Service by filing it that way?

9 A. Absolutely not.

10 Q. Now there's mentioned in the denial about a diary  
11 and many things are quoted from supposedly that document. At the  
12 interview on September 9th, 2004, were you shown any document at  
13 all and asked for identify either as to your handwriting or what  
14 the document was?

15 A. No.

16 Q. Was there any mention during the interview of the  
17 diary?

18 A. No.

19 Q. Did the officer who interview you ask you for an  
20 example of your handwriting or something to identify your  
21 handwriting?

22 A. No.

23 Q. Do you have your diary?

24 A. I don't.

25 Q. Why not?

1 A. There isn't.

2 JUDGE TO MS. SHIPILINA

3 Q. I'm sorry, I didn't hear you.

4 A. There isn't.

5 Q. There isn't.

6 MR. SACHS TO MS. SHIPILINA

7 Q. Why do you not have it?

8 A. Because it was stolen from me.

9 Q. When, do you have any idea when?

10 A. Maybe in 2001.

11 JUDGE TO MS. SHIPILINA

12 Q. Ma'am, I need you to speak louder please, I can  
13 barely hear you.

14 A. Okay.

15 Q. If I'm having difficulty hearing you, your voice  
16 may not be picked-up on the tape.

17 JUDGE TO MR. SACHS

18 Q. Go ahead, Mr. Sachs.

19 MR. SACHS TO MS. SHIPILINA

20 Q. So that nothing at all was either said or done  
21 during that interview, to either identify or determine the  
22 document from which so many of your comments are taken, is that  
23 true?

24 A. Nothing, no.

25 Q. All right, have you ever been to Mexico?

1 A. Yes.

2 Q. Do you remember when?

3 A. In 1999.

4 Q. And how did you enter Mexico, with a visa?

5 A. Yes, with a visa.

6 Q. And describe how you left Mexico. Did you leave  
7 on your own terms, did you leave voluntarily?

8 A. My visa was just expired, I went there as a model  
9 through agencies.

10 Q. Were you deported from Mexico?

11 A. No.

12 Q. Just one more time, was it ever your intention to  
13 obtain an immigrant visa in the United States by marrying Ron  
14 Dean?

15 A. No.

16 Q. Okay now, what are some of the problems you had  
17 with him after you were divorced?

18 MS. TAYLOR TO JUDGE

19 Q. Objection, relevancy, Judge. Only a period of  
20 relevance is whether she entered the marriage in good faith and  
21 probably during her marriage, not after.

22 JUDGE TO MR. SACHS

23 Q. Where are we going with this, Mr. Sachs?

24 A. Well, according to the decision Judge, they made a  
25 whole section of the decision on a document that nobody ever

1 identified, that we don't know who's diary it was, who translated  
2 it, was it an original, who sent it, I mean it's just impossible.

3 Q. Okay, but what does that have to do with your  
4 question?

5 A. Because the -- I don't know whether that was Group  
6 5, Judge, of the Court, he had the pattern and the practice of  
7 doing incredibly crazy things trying to hurt her. The complaint  
8 in a Federal case, in which I represented her for close to three  
9 years, was like a 100 and some odd defendants boiled down that  
10 she was the cause of a conspiracy throughout the whole world,  
11 that the man was nuts, and he did anything he could to try and  
12 damage her. And as I said, with this, I'm sorry, I don't mean to  
13 be testifying as a witness, but I went through the whole thing.  
14 It was thrown out of the Court of Appeals, he went to the Supreme  
15 Court, they threw it out, but he did a lot of damage with it, and  
16 if you just look at the complaint, there are people all over the  
17 world who are accused of doing things without names, but every  
18 way he could, he made her to the monster.

19 Q. Well, I believe it's in the record, I can look at  
20 it. I don't know that anything that occurred after the divorce  
21 is necessarily germane to the reason that we're here today.

22 A. Well, specifically to the question of this what  
23 claims to be her diary and I don't know where they have it, where  
24 they got it, nothing. The prior attorney who represented her --

25 (OFF THE RECORD)

(ON THE RECORD)

JUDGE TO MR. SACHS

Q. Go ahead, Mr. Sachs, continue with your response.

A. Thank you, Your Honor. As I said, the reason for having presented that to the Court was just as an illustration that was obtainable as to the incredibly fantastic lengths this person went to harm her. Because that whole action was designed, assuming everybody in the whole world was focused on doing harm to her.

Q. Well, I'm sorry, go ahead.

A. No, I'm sorry, and it's similar to this and if he did supply something, it would not be beyond imagination, having seen what he did in this case, that things were either invented, falsified, whatever. That's things that he did.

Q. Well, the materials that you're making reference to are in the record, so I can consider them for what they're worth as evidence, but I don't see that things that occurred following the conclusion of the marital relationship really has a probative nature for the good faith marriage. So I'm going to sustain the objection.

A. Okay.

Q. Proceed.

A. Well I have no further questions at this time Judge, I would like to reserve redirect, if necessary.

Q. You'll have that opportunity.

mp

1 A. Thank you.

2 Q. You're welcome.

3 JUDGE FOR THE RECORD

4 Why don't we take a short break.

5 (OFF THE RECORD)

6 (ON THE RECORD)

7 JUDGE FOR THE RECORD

8 Back on the record.

9 JUDGE TO MS. TAYLOR

10 Q. Ms. Taylor, cross-examination.

11 MS. TAYLOR TO MS. SHIPILINA

12 Q. What was your job in Moscow?

13 A. I didn't work in Moscow.

14 Q. You said you met your husband at a party for  
15 models, were you working as a model at that time?

16 A. Yes, the modeling agency invited me to meet  
17 everybody.

18 Q. Okay, so were you working as a model in Moscow?

19 INTERPRETER TO JUDGE

20 Q. I'm sorry, Your Honor --

21 A. You can shut the door if you need to.

22 Q. Close the door, yes. Thank you.

23 JUDGE TO MS. TAYLOR

24 Q. Repeat the question, Ms. Taylor.

25 MS. TAYLOR TO MS. SHIPILINA



1 Q. Were you working as a model in Moscow?

2 A. Yes, yeah I did a few model jobs.

3 JUDGE FOR THE RECORD

4 Excuse me.

5 JUDGE TO MR. SACHS

6 Q. Mr. Sachs, where are you going?

7 A. I didn't realize he was on.

8 Q. Mr. Sachs, please don't leave the courtroom during  
9 trial without (indiscernible), if your phone is ringing, please  
10 shut it off.

11 A. Yes, I'm terribly sorry, Judge.

12 Q. Thank you.

13 A. I apologize, Judge.

14 JUDGE TO INTERPRETER

15 Q. Do you still have her answer, Mr. Bot?

16 A. I believe so, I filled several modeling jobs in  
17 Moscow.

18 JUDGE TO MS. TAYLOR

19 Q. Go ahead.

20 MS. TAYLOR TO MS. SHIPILINA

21 Q. Did you get paid for those jobs?

22 A. Yes.

23 Q. So that was your profession in Moscow, you were a  
24 model?

25 A. I was there for a very short period of time. Most

1 of my modeling job I did in Krasnodar.

2 Q. And how did your ex-husband come to be at this  
3 part for models in Moscow?

4 A. He lived in that building and the party was on the  
5 bottom, in the basement of the building, in the building.

6 Q. What was his job, if you know?

7 A. Clothes associate.

8 Q. Clothes?

9 A. Kroll K-R-O-L-L.

10 Q. What does that mean?

11 A. It's an investigation company.

12 Q. Okay, when did you first meet him?

13 A. My husband?

14 Q. Yes.

15 A. At the party.

16 Q. When?

17 A. It was in the summer, approximately July 1990.

18 Q. After that, did he propose marriage?

19 A. Approximately, half a year.

20 Q. Six months?

21 A. Approximately.

22 Q. In June until six months, how often did you see  
23 him?

24 A. I used to come to Moscow and we lived together in  
25 his apartment and then approximately half a month, and sometimes

1 he used to come to visit me, and New Years we spent together.

2 Q. And what's the length of time between the marriage  
3 proposal and the actual marriage ceremony?

4 A. I don't remember exactly, but approximately two  
5 months.

6 Q. How many times have you been to the United States?

7 A. First time in January 2000, when I met relatives  
8 and friends of his, and second time was in July when we got  
9 married.

10 Q. July of what year?

11 A. 2000.

12 Q. How old were you when you got married?

13 A. Twenty-five.

14 Q. How old was your ex-husband?

15 A. I don't know because in different documents, he  
16 had different age listed.

17 Q. How old did you believe him to be when you got  
18 married?

19 A. Approximately, 50-years-old.

20 Q. Did you meet any of his relatives or family  
21 members?

22 A. I met his close friends, but his mother and father  
23 who were deceased, I never met them.

24 Q. What about any siblings or brother and sisters he  
25 may have?

1 A. He has a brother, he is married, he's got two  
2 children.

3 Q. Have you met him?

4 A. We met very, very briefly.

5 Q. Who came to your wedding?

6 A. Nobody came because we decided that we kind of get  
7 married in secret, a surprise, then to make everybody happy, to  
8 spring the surprise on everybody.

9 Q. Has he ever met your parents?

10 A. Of course.

11 Q. And any other family members?

12 A. They live in different parts of Russia.

13 Q. When you met your ex-husband, were you dating or  
14 see anyone else at that time?

15 A. You have your mind on we, when we met?

16 Q. Yes.

17 A. My relationship was practically over with my  
18 boyfriend at that time.

19 Q. Were you dating anyone else at the same time while  
20 you were dating your ex-husband?

21 A. No.

22 Q. How long did you actually physically live with  
23 your ex-husband in the United States?

24 A. From July when we came here together until  
25 December.

amp

1 Q. So from July 2000 until December 2000?

2 A. Yes.

3 Q. Now you said that he made you work at a strip club  
4 called Flash Dance for two years, is that correct?

5 A. He didn't force me to work two years, he forced me  
6 to work when we came here and when I lived with him.

7 Q. Okay, how long did you work at Flash Dance?

8 A. I don't remember exactly, but I think about two  
9 years.

10 Q. Okay, when did you start working there? You can  
11 just give me the month and the year.

12 A. Approximately, the end of July, beginning of  
13 August.

14 Q. 2000?

15 A. Yes.

16 Q. Until when?

17 A. I don't remember exactly.

18 Q. Well, would you say it's about two years later?

19 INTERPRETER TO MS. TAYLOR

20 Q. I beg your pardon?

21 MS. TAYLOR TO MS. SHIPILINA

22 Q. Would you say it was two years later?

23 A. Approximately, but I don't remember.

24 Q. Okay, did you continue to work there after your  
25 divorce? Yes or no?

bmp

1 A. I don't remember.

2 Q. Well, when were you divorced?

3 A. In 2001, in December.

4 Q. Right, and if you worked at Flash Dance for two  
5 years starting in about July or August 2000, you were still  
6 working there when you were divorced, correct?

7 A. Approximately, yes, but I don't remember exactly  
8 the exact months.

9 Q. Okay, did you continue to work there after you  
10 stopped living with your husband in December of 2000?

11 A. Yes.

12 Q. Why?

13 A. Because I didn't know anybody. I didn't know  
14 where I can find a job.

15 Q. But at that point, he wasn't forcing you to work  
16 there because you and him did not live together anymore, correct?

17 A. I worked a very few days because my main goal was  
18 to work as a model, not to waste my life.

19 Q. But I still need a yes or no, ma'am.

20 A. Did I work two years?

21 Q. You continued to work there after you physically  
22 separated from your husband, correct?

23 A. Yes.

24 Q. Well my question is, he wasn't forcing you to work  
25 there as you and him did not live together anymore after that

mp

1 time, is that correct?

2 A. That's right, no.

3 Q. How much did you get paid as a dancer per week or  
4 per month?

5 A. It depends how many days.

6 Q. Approximately?

7 A. Sometimes \$100 a day, sometimes \$200, sometimes  
8 \$300.

9 Q. So about \$100 to \$300 a day, correct?

10 A. Approximately.

11 Q. And how many days did you work?

12 A. It varied.

13 Q. From what to what? From how many to how many?

14 A. Sometimes four days, sometimes once a week, and  
15 sometimes I didn't work at all, on vacation.

16 Q. Who initiated your divorce, you your husband?

17 A. I wanted to do it, but he beat me to it.

18 Q. So he actually filed the paperwork first?

19 A. Yes.

20 Q. Did you have a diary anywhere in the world? Yes  
21 or no?

22 A. I had a book that I had about my fantasies and  
23 some of them were real events.

24 Q. Well your attorney asked you if you had a diary  
25 and you said yes, and it was stolen from you in 2001, is that

mp

1 correct?

2 A. Yeah, that was my book.

3 Q. So, you had a diary or a book, as you call it?

4 A. Yes.

5 Q. How many?

6 A. One.

7 Q. Okay, when did you start writing in that book or  
8 diary?

9 A. Approximately, from '99.

10 Q. And when did you stop writing?

11 A. When I lived with my husband.

12 Q. What year and month?

13 A. August or September in 2000.

14 Q. Now you said it contained some relevance and some  
15 fantasies, is that correct?

16 A. Yes.

17 Q. Did you read, well you know that your initial  
18 petition was denied by the Immigration Service, correct?

19 A. Yes.

20 Q. Did you read that denial?

21 A. Yes.

22 Q. So you know what it says?

23 A. Yes.

24 Q. And as your attorney pointed out, it has some  
25 quotes from a diary that was alleged to be yours.



ap

1 A. Yes.

2 Q. I'm just going to read a quote that allegedly came  
3 from your diary.

4 MR. SACHS TO JUDGE

5 Q. Objection, Your Honor. We've been through this,  
6 and unless they're prepared to show where the quote came from,  
7 I'm going to object to it.

8 A. The quote is from the decision, the decision is in  
9 the record.

10 Q. Well I thought we went over it, okay.

11 A. And you read the decision as well as the Service,  
12 so I think in view of that, the objection ought to be sustained.  
13 I'm sorry, the objection ought to be overruled, excuse me.

14 Q. That's fine.

15 MS. TAYLOR TO JUDGE

16 Q. Thank you, I'll ask my question.

17 A. Go ahead.

18 MS. TAYLOR TO MS. SHIPILINA

19 Q. Part of the denial indicates a quote from your  
20 alleged diary. It states that on November 29th, 1999, you  
21 performed dances in Mexico for customers. Is that a fantasy or  
22 is that a real event?

23 MR. SACHS TO JUDGE

24 Q. Objection, Your Honor.

25 A. Basis?

1 Q. Well this is quoting from something that's never  
2 been either authenticated or proven, and now she's being asked to  
3 attest to the truth of the statement based on something which we  
4 don't know, it's like double or triple hearsay.

5 A. Sustained, after the form of the question.

6 JUDGE TO MS. TAYLOR

7 Q. You can rephrase the question.

8 A. Sure, Judge.

9 MS. TAYLOR TO MS. SHIPILINA

10 Q. Okay, the entry from November 29th, 1999, as  
11 written in the denial of the termination of condition of revenue  
12 status indicates that you performed dances with customers in  
13 Mexico. Do you have any knowledge of that?

14 INTERPRETER TO MS. TAYLOR

15 Q. What was the question again?

16 A. Do you knowledge of that?

17 Q. That I danced in Mexico?

18 Q. Yes.

19 A. Yes, I did dance.

20 Q. In Mexico?

21 A. Yes.

22 Q. At what type of establishment? Was it an  
23 establishment like Flash Dance in New York?

24 A. It was of a very high level.

25 Q. I don't know what that means?

1 A. It was also a club.  
2 Q. Was it a strip club?  
3 A. Yes.  
4 Q. Now you said you had a visa to go to Mexico, what  
5 visa did you have?  
6 A. It was a tourist visa.  
7 Q. Were you allowed to work in Mexico with that type  
8 of visa?  
9 A. No.  
10 Q. But you worked anyway, correct?  
11 A. Yes.  
12 Q. How long were you in Mexico, how many months?  
13 A. Few months.  
14 Q. What's a few months?  
15 A. Approximately, two, three months.  
16 Q. Were you ever arrested in Mexico?  
17 A. No.  
18 Q. What countries have you been to other than Mexico  
19 and the United States?  
20 MR. SACHS TO JUDGE  
21 Q. Objection, Your Honor, can we narrow that down,  
22 from the time she was born until --  
23 MS. TAYLOR TO MR. SACHS  
24 Q. Okay, I'll narrow it.  
25 A. Please.

1 MS. TAYLOR TO JUDGE

2 Q. Since you were 18-years-old, what countries have  
3 you been to besides the United States and Mexico?

4 A. Cyprus, Turkey, Italy and USA.

5 Q. Did you have visas to go to Cyprus, Turkey and  
6 Italy?

7 A. Yes, it's very easy.

8 Q. So you had visas to enter these countries?

9 A. Of course.

10 Q. What was the purpose of these trips?

11 A. Relaxation with my mother, and perhaps to find  
12 some work as modeling jobs.

13 Q. Did you ever work in any of those countries?

14 A. Yes.

15 Q. Which ones?

16 A. Cyprus.

17 Q. What about Turkey or Italy?

18 A. No.

19 Q. What was your work in Cyprus?

20 A. When?

21 Q. What was your work in Cyprus?

22 A. I was dancing.

23 Q. In a strip club also?

24 A. Yes.

25 Q. How long did you do that in Cyprus?

1           A.    Approximately, six months.

2 Q. Have you ever been a prostitute anywhere in the  
3 world since you turned 18?

4 A. No, never.

5                   Q.    Have you ever sold or trafficked any illegal  
6    drugs?

7 A. No.

8 Q. Now you said you worked in the United States,  
9 correct?

10                   A.    Yes.

11 Q. And you worked as a model for trade shows?

12 A. And also promotions.

13 Q. Okay, what type of trade shows?

14           A.     Software, hardware, food, wine, bars, light show,  
15     quarterly show.

16 Q. Okay, approximately, how much do you earn monthly  
17 or weekly?

18           A.    It varies.  Sometimes I have no work and sometimes  
19   a week I make as much as, you know, every two weeks.

20 Q. After you stopped working at Flash Dance, have you  
21 ever worked at any other strip club?

22                      A.       No.

23 Q. Have you ever been arrested anywhere in the world?

24 A. No.

25 Q. When was the last time you ever had any contact

1 with your ex-husband?

2 JUDGE TO MS. TAYLOR

3 Q. I didn't hear the question.

4 MS. TAYLOR TO MS. SHIPILINA

5 Q. When was the last time you had any contact with  
6 your ex-husband?

7 MR. SACHS TO JUDGE

8 Q. Excuse me, Your Honor, could we just clarify that  
9 personal contact, telephone contact?

10 MS. TAYLOR TO MS. SHIPILINA

11 Q. Any type of contact?

12 A. It was long time ago, but as far as I remember, it  
13 was when there was the divorce.

14 Q. Did your husband have any children?

15 A. No.

16 Q. Was he ever married before you?

17 A. Never.

18 MS. TAYLOR TO JUDGE

19 Q. I don't have any more questions.

20 JUDGE TO MS. SHIPILINA

21 Q. When were you working at the club in Mexico, what  
22 year?

23 A. Approximately, from August to November of 1990.

24 Q. And on that trip to Mexico, were you with your ex-  
25 husband?

1 A. No.  
2 Q. Had you met him yet by that time?  
3 A. Yes.  
4 Q. Did he in any way pressure you to work at the club  
5 in Mexico?

6 A. No.  
7 Q. And when did you work at the strip club in Cyprus?

8 A. We have not met yet.  
9 Q. Well do you know when you worked there, what year?

10 A. Approximately, from January to June, '99.

11 Q. You're claiming that you were working at a strip  
12 club in New York because essentially because your husband forced  
13 you to. It would appear, in fact, that you willingly worked in  
14 strip clubs even before that, and worked in the strip club in New  
15 York, even after you were separated from your husband. Can you  
16 explain that behavior?

17 A. When I worked in Cyprus, my mother and myself were  
18 refugees. In Mexico, we desperately needed money and when I came  
19 here I didn't want to do this anymore, and I wanted to work as a  
20 model, but my husband didn't give me any sources, any support and  
21 he told me that this is the only thing I can do.

22 Q. When Ms. Taylor asked you a few minutes ago about  
23 your trips to Cyprus, Turkey, Italy, she asked you the reason for  
24 the trips. You answered that they were relaxation trips with  
25 your mother, you didn't say anything about being a refugee in

1 Cyprus, is there any special reason why you didn't give that  
2 answer?

3 A. I don't understand the question.

4 Q. Well, a few minutes ago, Ms. Taylor was asking you  
5 about the countries you had visited. You responded that you had  
6 visited Cyprus, Turkey, Italy. Do you remember that?

7 A. Yes.

8 Q. She asked you if you had visas to go to those  
9 countries, you said that you did. Remember that?

10 A. Yes.

11 Q. She asked you the reasons for the visits to those  
12 countries. You answered that they were relaxation trips with  
13 your mother. Do you remember giving that answer?

14 A. Yes.

15 Q. Now you didn't say anything about being a refugee  
16 in Cyprus when Ms. Taylor asked you the question about those  
17 trips. Is there any special reason why you did not tell Ms.  
18 Taylor when she asked you the question, that you were a refugee  
19 in Cyprus?

20 A. I didn't mean that we were refugees on Cyprus,  
21 what I meant is that we were refugees in Russia. We left the  
22 area where there was war and we couldn't sell anything.

23 Q. Am I to understand from your answer then, that the  
24 reason you were dancing at a strip club in Cyprus was because you  
25 were suffering some manner of financial hardship?



1 A. Yes.

2 Q. Now, at the time that you were residing with your  
3 husband in the United States, now your ex-husband, did you ever  
4 have a bank account?

5 A. We didn't have a joint bank.

6 Q. Did you have a bank account?

7 A. Yes, I opened an account in bank.

8 Q. And where was that account?

9 A. Citibank.

10 Q. Is there any special reason why it was not a joint  
11 account with your husband?

12 A. I wanted, but he didn't want to show me how much  
13 money he has.

14 Q. I don't know if I understand your answer. Why  
15 would the amount of money that he has or does not have prevent  
16 you from creating a joint bank account with him?

17 A. He didn't want to, I don't know why.

18 Q. And from your testimony, it sounds like that you  
19 never joined in one of his bank accounts?

20 A. No.

21 Q. You've already explained the situation about your  
22 tax returns. When you lived with your husband in New York, what  
23 kind of place did you live in?

24 A. The address was 545 East 14th Street, Apartment  
25 10-D.

1 Q. Was that a co-op, a condo, a rental unit, do you  
2 know?

3 A. He said it was an apartment, it was a stable rent,  
4 as far as I remember, it was \$800.

5 Q. Was that a place that he was already living in or  
6 is that a place that the two of you found together?

7 A. He was already living there.

8 Q. Did you ever express an interest in being placed  
9 on the lease with him as a joint tenant?

10 A. He just only asked me half for the rent.

11 Q. So you were contributing to the rent?

12 A. Yes, for the television, for the lights.

13 Q. When you made these payments, did you make them  
14 directly to him or did you pay the landlord?

15 A. I paid to him personally.

16 Q. Did you ever purchase anything jointly with your  
17 ex-husband?

18 A. Yes.

19 Q. What?

20 A. Well I helped him buy clothing, jackets, from as  
21 far as furniture is concerned, he didn't want anything, he had  
22 everything he needed.

23 Q. Okay, but my question really goes to whether the  
24 two of you held any joint ownership of anything?

25 A. We had only, the only thing we had together was

1 Oxford Insurance.

2 Q. Can you describe what the nature of that was?

3 A. It was health insurance. He said that in this  
4 country it's very important to have, and I listened to him and  
5 together to feel healthy.

6 Q. Was that insurance through his job or through your  
7 employment, or what was the source of the insurance?

8 A. He had it and we just kind of split it, I don't  
9 know.

10 Q. Were the two of you named as beneficiaries on the  
11 insurance?

12 A. Yes.

13 Q. I don't happen to have anything which proves the  
14 existence of this insurance, is there any special reason why?

15 A. I remember I had paperwork, I had papers.

16 Q. Well I don't have the papers. Is there any  
17 special reason why you have not presented them in support of your  
18 case?

19 A. I don't know, maybe I lost them, but I have it.

20 Q. Do you mean by your answer that you do not know  
21 where the papers are now?

22 A. Yes, I don't remember.

23 Q. Did you ever have any life insurance when you  
24 lived with your ex-husband?

25 A. No.

1 Q. Any special reason why?

2 A. You know, in my culture, it's not common to have  
3 something like that, I didn't think about this.

4 Q. Now, when you were living with your ex-husband in  
5 the United States, did you or did the two of you commonly  
6 socialize with other people?

7 A. Yes.

8 Q. Now you told us about the visits to the Flash  
9 Dance Club. Was there any socializing independent of that, such  
10 as going out to dinner with people or having people over to your  
11 apartment?

12 A. No.

13 Q. Well what kind of socializing did you do, if any?

14 A. Well he was doing martial arts, and he has a  
15 teacher.

16 Q. What were you doing when you're socializing  
17 together?

18 A. And there was a girl and her boyfriend, she was  
19 Czechoslovakian, that lived in the apartment, and we went with  
20 them together to dinner.

21 Q. Lived in your apartment?

22 A. She lived there during the time that he was in  
23 Russia working.

24 Q. Have you maintained contact with that couple at  
25 all?

1 A. No, because my husband turned everybody against  
2 me, nobody wanted to socialize with me.

3 Q. The reason I'm asking you these questions, I'm  
4 trying to determine if there was any actual proof that the two of  
5 you had a legitimate relationship as husband and wife. I have no  
6 witnesses here who could attest to that. I have no documents in  
7 support of the joint relationship during the marriage. You did  
8 submit the un-executed business agreement, but it actually  
9 appears to be a proposed business agreement, not a document  
10 between a husband and wife. Did you make any efforts to contact  
11 the Oxford Insurance Company to confirm the two of you did have  
12 health insurance together?

13 A. I didn't call, but I can.

14 Q. Your trial is today, ma'am, is there any special  
15 reason why you didn't call?

16 A. I just don't understand the system.

17 Q. Well you have an attorney to advise you, that's  
18 why you have the attorney to assist you.

19 JUDGE TO MS. TAYLOR

20 Q. Ms. Taylor, do you have any questions based on my  
21 questions?

22 A. No, Judge.

23 JUDGE TO MR. SACHS

24 Q. Mr. Sachs, redirect?

25 A. There's just a couple, briefly, Judge.

1 Q. Go ahead.

2 MR. SACHS TO MS. SHIPILINA

3 Q. When and where did you get married?

4 JUDGE TO MR. SACHS

5 Q. I'm sorry, I didn't hear the question?

6 A. When and where did you get married?

7 Q. We, that's already in the record.

8 MS. TAYLOR TO JUDGE

9 Q. That's asked and answered.

10 MR. SACHS TO JUDGE

11 Q. Okay.

12 MR. SACHS TO MS. SHIPILINA

13 Q. After you got married, you were married in Russia,  
14 is that right?

15 A. Yes.

16 Q. Did you live with your husband after you got  
17 married?

18 A. Yes, he lived with us at home and I used to go  
19 visit him in Moscow where we used to live together in his  
20 apartment.

21 Q. So that, since you were married, other than here  
22 in the United States, you did live with your husband?

23 A. Yes, we lived.

24 Q. Okay, as far as your modeling work, have you ever  
25 had any jobs on television?

1 A. Yes.

2 Q. Can you describe some of them?

3 A. Here in America?

4 Q. Here in America.

5 A. I worked for Spike TV, CMBC, Good Morning America,  
6 in the movie, My Super Ex-Girlfriend --

7 Q. Well most of these you had as a model?

8 A. As a model, as an actress.

9 MR. SACHS TO JUDGE

10 Q. I have no further questions, Judge.

11 JUDGE TO MS. SHIPILINA

12 Q. Thank you, ma'am, your testimony is finished.

13 JUDGE TO MS. TAYLOR

14 Q. Ms. Taylor, where do we stand with the checks in  
15 this case?

16 A. They all are clear and complete, Judge.

17 Q. Thank you.

18 JUDGE RENDERS ORAL DECISION

19 JUDGE TO MR. SACHS

20 Q. Mr. Sachs, is the respondent reserving the right  
21 to appeal?

22 A. Yes, Your Honor.

23 Q. The appeal must be received at the Board by April  
24 21st, 2008.

25 JUDGE TO MS. TAYLOR

1 Q. Ms. Taylor, is the decision final as for the  
2 Service?

3 A. Yes, Judge.

4 JUDGE FOR THE RECORD

5 The hearing is closed.

6 HEARING CLOSED

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CERTIFICATE PAGE

I hereby certify that the attached proceeding  
before PAUL A. DEFONZO in the matter of:

ALINA SHIPILINA

A 47 202 363

New York, New York

was held as herein appears, and that this is the original  
transcript thereof for the file of the Executive Office for  
Immigration Review.

Pat M. Purnell  
Pat M. Purnell (Transcriber)

Deposition Services, Inc.  
6245 Executive Boulevard  
Rockville, Maryland 20852  
(301) 881-3344

May 7, 2008  
(Completion Date)

Falls Church, Virginia 22041

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File: A047 202 363 - New York, NY

Date: FEB 12 2009

In re: ALINA SHIPILINA

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Jack Sachs, Esquire

ON BEHALF OF DHS: Khalilah M. Taylor  
Assistant Chief Counsel

CHARGE:

Notice: Sec. 237(a)(1)(D)(i), I&N Act [8 U.S.C. § 1227(a)(1)(D)(i)] -  
Conditional resident status terminated

APPLICATION: Waiver of filing joint petition to remove conditions on status

The respondent, a native and citizen of Russia, appeals the March 20, 2008, denial of her request for a waiver under section 216(c)(4) of the Immigration and Nationality Act, 8 U.S.C. § 1186a(c)(4). *See also* 8 C.F.R. § 216.5. The appeal will be dismissed.

The respondent was admitted to the United States as a conditional permanent resident on July 10, 2000, based on her marriage to a United States citizen on March 11, 2000 (I.J. at 1-2; Exhs. 1 and 2C). After her marriage ended in divorce on December 18, 2001, she filed an application for a waiver of the joint petition filing requirements with the Department of Homeland Security ("DHS") on June 1, 2002 (I.J. at 2; Exh. 2C). The DHS denied this application on October 1, 2004, finding that she failed to establish that she entered into her marriage in good faith (I.J. at 2; Exh. 2C). The respondent renewed her application in these proceedings and the Immigration Judge similarly held that she failed to show that she entered into a good faith marriage (I.J. at 3-8).

On July 18, 2008, we rejected the respondent's motion to accept a late-filed brief. Thus, we consider only the arguments raised in the Notice of Appeal. The respondent generally avers that her "right to due process was violated at several stages of the adjudication process." We disagree, as the transcript demonstrates that she received a full and fair hearing below. The respondent also argues that the DHS's denial of her petition to remove the conditions on her residence was unfounded and based on unauthenticated evidence. Even if this were true, the Immigration Judge did not simply consider the DHS denial in determining that the respondent did not enter into her marriage in good faith. On the contrary, he supported this finding by noting: (a) the lack of evidence that she commingled assets and property with her ex-husband; (b) her filing of a tax return as "single" for

the calendar year during which she was married; (c) her lack of a joint bank account with her ex-husband; (d) her failure to submit corroborating evidence of joint health insurance with her former spouse; (e) the lack of children from the marriage; (f) the absence of witnesses with firsthand knowledge of the couple's cohabitation; and (g) the absence of other reliable documentation demonstrating a good faith marriage (I.J. at 4-7; Tr. at 63-64, 83, 85-90). *See* 8 C.F.R. § 216.5(e)(2). In addition, the respondent's assertion that her ex-husband forced her to work as a nude dancer in the United States is undermined by the fact that she worked in this profession before and after her divorce (I.J. at 6-7; Tr. at 60-62, 73-85). In any event, this claim does not relate to the pivotal issue of whether she entered into her marriage in good faith. For these reasons, we find no reversible error in the denial of the respondent's application for a waiver under section 216(c)(4) of the Act.

Accordingly, the following order is entered.

ORDER: The appeal is dismissed.

  
\_\_\_\_\_  
FOR THE BOARD

U.S. DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
IMMIGRATION COURT  
26 FEDERAL PLZ 12TH FL., RM1237  
NEW YORK, NY 10278

In the Matter of: (b) (6)

Case No.: A(b) (6)

IN REMOVAL PROCEEDINGS

OLGA FLOROFF, ESQ.  
87-10 QUEENS BLVD., 2ND FLOOR  
ELMHURST, NY 11373

DISTRICT COUNSEL, NYC DISTRICT, DHS

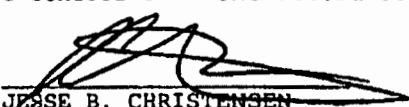
ORDER OF THE IMMIGRATION JUDGE

It is HEREBY ORDERED that the case be administratively closed for the following reason:

( ) Upon joint request by both parties.

(✓) Other: Avetisyan. Respondent's BIA appeal  
on denied 1-130 pending for more  
than a year. BIA reports it does not have the  
file.

This case remains under the jurisdiction and docket control of the immigration court. If either party in this case desires further action on this matter, at any time hereafter, a written motion to recalendar the case (including a certificate of service on the opposing party) must be filed with the Office of the Immigration Court having administrative control over the Record of Proceeding in this case.

  
JESSE B. CHRISTENSEN  
Immigration Judge  
Date: Jun 1, 2012

Appeal: NO APPEAL (A/I/B)

Appeal Due By:

Reserved by DHS (interlocutory)

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL (M) PERSONAL SERVICE (P)

TO: [ ] ALIEN [ ] ALIEN c/o Custodial Officer [ ] Alien's ATT/REP [ ] DHS

DATE: 6/11/12 BY: COURT STAFF me

Attachments: [ ] EOIR-33 [ ] EOIR-28 [ ] Legal Services List [ ] Other

Form EOIR 39 - 8T (Admin Close)

000008

**ROY DEN HOLLANDER**  
**Attorney at Law**

545 East 14th Street, 10D  
New York, N.Y. 10009

Tel: (917) 687-0652  
roy17den@gmail.com

August 19, 2014

Jeff Rosenblum, General Counsel  
Office of the General Counsel  
Executive Office for Immigration Review  
U.S. Department of Justice  
5107 Leesburg Pike  
Falls Church, VA 20530

Dear Mr. Rosenblum:

In the second removal proceeding of Alina Shipilina, 047 202 363, a Russian alien, the Immigration Judge administratively closed the proceeding because “BIA reports it does not have the file.” (Ex. A, Immigration Court Order, June 1, 2012).

I cannot provide you with the entire file, but I can provide a copy of a key document—her diary—that, in part, resulted in the Immigration Court upholding her removal in her first removal proceeding (Ex. B, Removal Proceeding Transcript, pp. 76 – 86), and the BIA affirming that decision (Ex. C, *In re Alina Shipilina*, page 2, February 12, 2009).

If E.O.I.R. is interested in replacing part of its “lost” file, please let me know.

Sincerely,

/S/

Roy Den Hollander



**U.S. Department of Justice**

Executive Office for Immigration Review

*Office of the General Counsel*

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5107 Leesburg Pike, Suite 2600  
Falls Church, Virginia 20530

September 24, 2014

Roy Den Hollander  
545 East 14th Street, 10D  
New York, NY 10009

Dear Mr. Hollander:

Your August 19, 2014, letter to the Executive Office for Immigration Review (EOIR) was referred to me for response. You offer to provide a diary belonging to Alina Shipilina, which you say is relevant to an appeal that was pending in 2012 with the Board of Immigration Appeals (Board) relating to a visa petition filed on Ms. Shipilina's behalf. In appeals involving visa petitions, the file is transferred directly from the Department of Homeland Security, United States Citizenship and Immigration Services, to the Board. The Board makes its decision based on materials in the file, as well as those submitted by parties. EOIR does not accept documents, such as Ms. Shipilina's diary, from non-parties.

Sincerely,



Emmett Soper  
Associate General Counsel

**ROY DEN HOLLANDER**  
**Attorney at Law**

545 East 14th Street, 10D  
New York, N.Y. 10009

Tel: (917) 687-0652  
roy17den@gmail.com

October 25, 2014

Michael E. Horowitz  
Inspector General  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W., Ste. 4706  
Washington, D.C. 20530-0001

Dear Mr. Horowitz:

On February 12, 2009, the Board of Immigration Appeals upheld an Immigration Court's decision to remove the alien Alina Shipilina (INA 047-202-363), an associate of the Chechen Special Islamic Regiment, for marriage fraud. (Ex. A, B.I.A. Decision).

Prior to the B.I.A.'s decision, Ms. Shipilina for a second time had married and divorced an American. Upon the B.I.A.'s dismissal of her appeal, she once again filed for a VAWA waiver. USCIS denied that waiver based, in part, on the contents of her file from her application for a VAWA waiver concerning her first marriage. USCIS concluded Ms. Shipilina's second marriage was fraudulent as was the first and placed her into removal proceedings.

Ms. Shipilina appealed the USCIS's second denial to the B.I.A. On March 30, 2012, the Immigration Judge adjourned her Master Hearing to June 1, 2012, in order to obtain confirmation that Ms. Shipilina was appealing USCIS's second decision to have her removed.

On June 1, 2012, the Immigration Judge administratively closed the removal proceeding against Ms. Shipilina because B.I.A. "does not have [her] file." (Ex. B, Order of the Immigration Judge).

Apparently Ms. Shipilina's file, which contained reports from the F.B.I. and D.E.A. concerning her, has disappeared, so she remains within this country. Such occurrences are common in her homelands of Russia and Chechnya, but I thought they no longer happened here.

If there are any questions, please contact me.

Thank you for your time.

Sincerely,

/S/

Roy Den Hollander

**ROY DEN HOLLANDER**  
**Attorney at Law**

545 East 14th Street, 10D  
New York, N.Y. 10009

Tel: (917) 687-0652  
roy17den@gmail.com

February 20, 2015

Senator Chuck Grassley  
Senate Judiciary Committee Chairman  
224 Dirksen Senate Office Building  
Washington, D.C. 20510-6050

Dear Senator Grassley:

The immigration file on a Russian associate of the Chechen Special Islamic Regiment disappeared when the alien appealed a U.S.C.I.S. removal decision to the D.O.J. Board of Immigration Appeals. The file included reports by the Federal Bureau of Investigation, the Drug Enforcement Agency and the Defense Intelligence Agency.

Neither the General Counsel for the D.O.J. Executive Office for Immigration Review nor the D.O.J. Inspector General is concerned over how such a file could disappear.

In response to a letter notifying General Counsel Jeff Rosenblum of the disappearance, his office ignored that the file had disappeared and ignored that the case was administratively closed as a result. (Ex. A, Response & Ex. B, Order of the Immigration Judge). Inspector General Michael E. Horowitz has not even bother to respond to an October 25, 2014, notification. (Ex. C).

The alien is a Russian raised in Grozny, Chechnya: Alina Shipilina (INA 047-202-363). U.S.C.I.S. denied her application for a V.A.W.A. waiver based on the contents of the disappeared file by concluding that Ms. Shipilina's second marriage to a U.S. citizen was fraudulent—just as was her first marriage to a U.S. citizen—and placed her in a removal proceeding.

On March 30, 2012, Immigration Judge Jesse B. Christensen adjourned her removal hearing to June 1, 2012, in order to obtain confirmation that Ms. Shipilina was appealing to the B.I.A. U.S.C.I.S.'s second decision to have her removed.

On June 1, 2012, the Immigration Judge administratively closed the removal proceeding against Ms. Shipilina because B.I.A. "reports it does not have the file." (Ex. B).

As a former manager of Kroll Associates in Moscow, I know such occurrences are common in Ms. Shipilina's homelands of Russia and Chechnya, but I had mistakenly believed they no longer happened here.

Thank you for your time.

Sincerely,

/S/ Roy Den Hollander



**ROY DEN HOLLANDER**  
**Attorney at Law**

545 East 14th Street, 10D  
New York, N.Y. 10009

Tel: (917) 687-0652  
rdenhollander97@gsb.columbia.edu

May 1, 2017

Jefferson B. Sessions  
Attorney General of the United States  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530-0001

Dear Attorney General Sessions:

Immigration Judge Jesse B. Christensen, appointed by the Obama Administration, dismissed the second removal proceeding against a Russian national with ties to the Chechen Barayev crime organization because the Russian's immigration file had disappeared. (Exhibit A, Avetisyan Dismissal because the Board of Immigration Appeal "does not have the file.").

As a former manager of Kroll Associates in Moscow, Russia, I was aware of crucial files disappearing from government offices in both Russia and Mexico through bribery, but never realized that the practice had apparently reached America under the Obama Administration.

The Russian national is Alina Alexandrovna Shipilina (INA 047-202-363), raised in Grozny, Chechnya, and still living and working in New York City.

On October 1, 2004, the Department of Homeland Security denied her first application for a waiver under the Immigration and Nationality Act, 8 U.S.C. § 1186a(c)(4), based on the contents of her file and placed her in a removal proceeding. Her file contained reports from the Federal Bureau of Investigation, the Drug Enforcement Agency and the Defense Intelligence Agency.

On March 20, 2008, Immigration Judge Paul A. DeFonzo ruled that she be deported. Ms. Shipilina appealed to the B.I.A., which denied her appeal on February 2, 2009. (Exhibit B, B.I.A. decision denying appeal).

While her appeal was still pending, Ms. Shipilina married an American for a second time and subsequently filed once again for a waiver under 8 U.S.C. § 1186a(c)(4). The Department of Homeland Security for a second time denied her application once again based on the contents of her file and placed her in a removal proceeding for a second time.

On March 30, 2012, Immigration Judge Jesse B. Christensen adjourned her removal hearing to June 1, 2012, in order to obtain confirmation that Ms. Shipilina was again appealing to the B.I.A. the Department of Homeland Security's second decision to have her removed.

On June 1, 2012, Immigration Judge Jesse B. Christensen administratively closed the removal proceeding against Ms. Shipilina because B.I.A. “reports it does not have the file.” (Ex. A).

In 2015, the above information was provided to the General Counsel for the D.O.J. Executive Office for Immigration Review and the D.O.J. Inspector General, but given the Obama Administration’s policies, neither took any action.

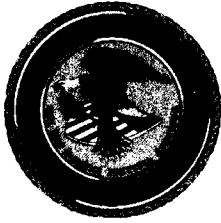
Perhaps now with you as Attorney General, the Department of Justice may look into this micro-aggression against the rule of law.

Thank you for your time.

Sincerely,

/s/

Roy Den Hollander



**U.S. Department of Justice**

Executive Office for Immigration Review

*Office of the General Counsel*

---

5107 Leesburg Pike, Suite 2600  
Falls Church, Virginia 22041

June 5, 2017

Roy Den Hollander  
545 East 14<sup>th</sup> Street, 10D  
New York, NY 10009

Dear Mr. Hollander:

This letter is in response to your correspondence to the Attorney General, Jefferson B. Sessions III, of the United States Department of Justice, dated February 2017. Your letter has been referred the Executive Office for Immigration Review (EOIR), Office of the General Counsel, for response. In your letter, you expressed concern regarding an Immigration Judge's adjudication of a removal proceeding in 2012.

EOIR's primary mission is to adjudicate immigration cases by fairly, expeditiously, and uniformly interpreting and administering the Nation's immigration laws. Under delegated authority of the Attorney General, EOIR conducts immigration court proceedings in the 58 immigration courts located throughout the Nation. In addition, EOIR includes the Board of Immigration Appeals (BIA), which is the highest administrative body for interpreting and applying immigration laws. The BIA has nationwide jurisdiction to hear appeals from certain decisions made by immigration judges and by district directors of the Department of Homeland Security (DHS). Most BIA decisions are subject to judicial review in the federal courts of appeals and, ultimately, by the United States Supreme Court. Throughout its daily operations, EOIR is committed to adjudicating immigration cases and rendering immigration decisions in a careful and timely manner, guided by the standards of due process and fair treatment for all parties involved.

Your letter will be sent to the Office of the Chief Immigration Judge, who has established a procedure that allows any person to file a complaint about the conduct of an Immigration Judge. Thank you again for your letter to the Attorney General and for your suggestions on how to improve the immigration system.

Sincerely,

A handwritten signature in black ink, appearing to read "Christina Baptista", is written over a horizontal line.

Christina Baptista  
Senior Counsel



**U.S. Department of Justice**  
Executive Office for Immigration Review

*Office of the Chief Immigration Judge*

---

5107 Leesburg Pike, Suite 2500  
Falls Church, Virginia 22041

July 27, 2017

Roy Den Hollander  
545 East 14th Street, 10D  
New York, NY 10009

Dear Mr. Hollander:

We received your letter dated May 1, 2017. However, we are unable to take action on your concerns at this time.

This office handles complaints about immigration judge misconduct. Your message does not specifically allege that an immigration judge has engaged in misconduct, and following a complete review of your concerns, we have determined that no judicial misconduct occurred. Accordingly, this matter is considered closed.

Sincerely,

Conduct and Professionalism Unit  
Office of the Chief Immigration Judge

**Responses to Frank Meo's Questions 7/24/18, re: Alina ("Angelina") Aexandrovna Shipilina**

1. Any government officials pursue investigations?
  - a. Brett C. Stanley, US Immigration and Naturalization Service, American Embassy, PSC 77 – INS, APO, AE 09721, Moscow, Russia, initiated deportation proceedings against Shipilina.
  - b. NYC Board of Elections referred Shipilina's registering to vote to the Queens' DA and the U.S. Attorney for the Eastern District in .
2. Anyone in the U.S. who may know about Shipilina's activities past and present?
  - a. Shipilina's only friend in the U.S. whom I met was Tatyanna, another stripper at Flash Dancers in November 2000 and a martial arts student at what I recall was World Oyama Karate - Matsumoto Dojo during that time. It is now at 754 9th Ave, New York, NY 10019. I can not find her last name, if I ever knew it.
  - b. Anastasia Anatolyevna Vasilyeva and Nicolay ("Dima") N. Vasilyev: Dima took his wife's last name. The two ran the Tatyanna Vasilyeva House of Fashion, a call girl operation in Krasnodar, Russia. They sent Shipilina and other girls to work in Cyprus brothels and brothels in other countries. They expanded their operations to Valentina Women's Clothing Store and Custom Tailoring at 18900 W. Bluemound Rd., Brookfield, Wisc 53045, tel. 262 796 0434.  
  
As of July 2003: Anastasia A. Vasilyeva, Social Security number 395-21-8413 Permanent resident card (green card) number 047-469-650, 2876 A SOUTH 46TH STREET, MILWAUKEE WISCONSIN 53219. Nicolay N. Vasilyev, Social security number 395-21-8414, Permanent resident card (green card) number 047-469-651, 2876 A SOUTH 46<sup>TH</sup> STREET, MILWAUKEE, WISCONSIN 53219, (414) 545-16-74
  - c. Barry P. Babler: FBI special agent in Milwaukee who told Cynthia D. Zahnow, an associate of the Vasilyevas, to file a harassment complaint with Brookfield Police against Den Hollander, according to what Zahnow told the Brookfield Police. Zahnow worked at Valentina Women's Clothing Store or at Custom Tailoring.
  - d. Bob Henning: New York City detective from the 114<sup>th</sup> Precinct in Astoria, Queens. Tried to arrest Den Hollander for violating an order of protection that had been dismissed. Apparently, knew Shipilina personally.
  - e. Gene Kazenko: INS agent to whom Den Hollander complained about Shipilina lying on her immigration papers. Kazenko subsequently claimed he interviewed

Shipilina but could not do anything because he had no confirmation that she was connected to organized crime.

- f. Grace Del Marco Models for Print and TV, Dee Simmons-Edelstein Director: Shipilina's first New York City model agency, then located in the Empire State Building.
- g. Inessa Alexnadrovna Shipilina is Shipilina's mother whom she may have sponsored for a green card under the family exemption.
- h. Jack Sachs: Shipilina's lawyer for her first removal proceeding.
- i. John Madison or John Pierre: Threatened Den Hollander three times not to pursue activities in divorce/annulment proceedings and the indictment of Inessa Shipilina in Russia for criminal defamation. True identity known to Mario Pisano, FBI agent, 212 384 2295, and Vadim Thomas, FBI, 212 384 3698, agent, with whom Den Hollander met February 13, 2002, at 26 Federal Plaza.
- j. Lu Lieber FBI Office of Professional Responsibility: Telephone call from her around 11:40am Wednesday, Feb. 4, 2004, in which Lieber said the FBI would not tell me the results of the substance tested, the FBI would not tell me the name of the man who made the threats, but did say they knew who the man was that made the threats, and that the FBI has no obligation to provide information or the results of an on going investigation. [Pisano and Thomas never said there was an on going investigation when they refused to provide Den Hollander with any information.]

Lieber also stressed that the FBI was under no obligation to answer the professional responsibility complaint I made by telephone against Thomas and Pisano and that her telephone call was a courtesy. I responded that the courtesy was my listening to a nasty government bureaucrat tell a US citizen that the FBI was not going to help him. (John Madison in his second threatening telephone call also used the phrase this is a "courtesy call."). Lieber refused to provide the FBI's decisions in writing.

- k. Dr. Marc L. Paulsen: California doctor who produces pornography in Russia and imports it to Southern California. At one point, Custom's seized some of his pornography that he was bringing into the U.S.
  - l. Nicholas Mundy: Shipilina's first immigration lawyer and employer of Peter Petrovich. Both tried to get Den Hollander to lie on an affidavit to the INS in order for Shipilina to obtain a permanent residency.
3. Did Shipilina have any connections to Russian Intelligence?

- a. Her former boy friend in Krasnodar had a brother who worked for the FSB. She went to him for assistance such as obtaining Aeroflot tickets quickly.

**BERGEN COUNTY**

## Man who created apartment fort filled with weapons and drugs, sentenced

Updated May 1, 2018;  
Posted May 1, 2018

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**By Taylor Tiamoyo Harris,** [tharris@njadvancemedia.com](mailto:tharris@njadvancemedia.com),  
NJ Advance Media for NJ.com

A Fort Lee man with weapons charges stemming from a 2014 police raid was sentenced to five years in state prison.

Originally charged with multiple weapons and drugs charges, Onn Rapeika, a former pizza shop owner, pleaded guilty to a single charge of unlawful possession of an assault weapon.

He must serve at least 3 1/2 years, according to the Bergen County Prosecutor's Office. He was sentenced Friday.

When police entered Rapeika's apartment in 2014, they quickly spotted surveillance cameras and discovered that the doors and windows were fortified with locks and steel bars. There was also a "false wall," according to the Fort Lee Daily News.





**Daily Voice Bergen County**

about 3 months ago

A self-described bullion dealer from [#Alpine](#) was sentenced to five years in prison and ordered to forfeit dozens of guns that authorities found -- along with drugs and compressed gas -- inside a fortified apartment he kept in [#FortLee](#). [#dailyvoice](#)

**Alpine Man With Fortified Fort Lee Apartment Gets 5 Year**

FORT LEE, N.J. -- A self-described bullion dealer from Alpine was sentenced to fiv...

FORTLEE.DAILYVOICE.COM

1

Comment

2

In total, more than 30 firearms, including assault weapons, and a "large quantity of narcotics" were seized by police from Rapeika's Fort Lee home by police.

Thousands of rounds of ammunition, cocaine, marijuana, marijuana wax, molly, prescription drugs, and portable compressed gas tanks were also confiscated in the raid.

Police also found explosive devices in Rapeika's garage, according to Fort Lee Police Chief Keith M. Bendul. The bomb squad determined they were inert and not a danger.

In 2017, a Bergen County judge dismissed Rapeika's \$8 million lawsuit against the Fort Lee Police Department as a result of the raid according to a complaint filed in U.S. District Court in New Jersey.

1



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Rapeika claimed \$250,000 of his property was destroyed, damaged, seized and unaccounted for during the raid.

*Taylor Tiamoyo Harris may be reached at [tharris@njadvancemedia.com](mailto:tharris@njadvancemedia.com). Follow her on Twitter [@ladytiamoyo](https://twitter.com/ladytiamoyo).*

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## **PRELIMINARY STATEMENT**

Plaintiff-appellant Hollander appeals from a final order to dismiss with prejudice under Rule 12(b)(6), reported at 340 F.Supp.2d 453 (S.D.N.Y. 2004) (Castel, J.).

Throughout this brief, the following nomenclature applies: cites to the Complaint or Supplemental Complaint (Supp. Complaint) are to numbered paragraphs; cites to the District Court's Memorandum and Order ("Order"), Order not to disqualify ("Disqualify") and excerpts from Plaintiff's Memorandum of Law in Opposition to Certain Defendants' Motions to Dismiss ("Opposition") are to a page number hyphen paragraph, which may or may not be a full paragraph. References to documents in the Appendix are designated by "A" hyphen page number.

## **SUBJECT MATTER JURISDICTION**

The Southern District Court had jurisdiction pursuant to 18 U.S.C. §1964(c) of the Racketeer Influenced and Corrupt Organization Act ("RICO"), 18 U.S.C. §§1961-68. The District Court had pendent jurisdiction under 28 U.S.C. §1367 over state law claims. This Court has jurisdiction under 28 U.S.C. §1291.

## **ISSUES FOR REVIEW**

1. Did the District Court misapply the law for determining a Rule 12(b)(6) motion to dismiss?

2. Did the District Court contradict the U.S. Supreme Court, Second Circuit and other courts on what constitutes an injury to business or property under civil RICO 18 U.S.C. 1964(c)?

3. Did the District Court contravene holdings of the U.S. Supreme Court, the Second Circuit and other courts by wrongly stating and misapplying the proximate causation element for standing under civil RICO on a motion to dismiss?

4. Did the District Court abuse its discretion by fabricating a fact, creating a Catch-22, using a trivial excuse and relying on its key misrepresentation of the Complaint to slam the door on even one leave to amend the Complaint?

5. Did the District Court violate the plaintiff's due process rights by mixing pro se and attorney standards in deciding to dismiss with prejudice and ignoring the policy behind Fed. R. Civ. P. 15(d) for allowing supplemental complaints?

### **CASE STATEMENT**

The Complaint and Supplemental Complaint of this civil RICO action against a relatively few members and associates of the Russian mafia were dismissed with prejudice, denying plaintiff-appellant leave to file even one amended complaint. A supplemental complaint is not an amended complaint although the same standard is used in deciding whether to grant either. Plaintiff-

appellant filed post-judgment motions to disqualify and reconsider, both were denied.

### **FACTS**

The term “Russian mafia” means the Russian International Crime Organization or the “Enterprise” as stated in the Complaint ¶¶ 1, 10-15, A-24, 25-26. It includes members and associates, such as the defendants; those identified as Russian Mafiosi by law enforcement agencies, including the Federal Bureau of Investigation’s unit on Russian organized crime; various Russian, Chechen, American, Cypriot, Mexican and gangsters of other nationalities; assorted Chechen Islamic terrorists; and the more than thirty Russian gangs now operating in the U.S., notably New York and Miami, Robert I. Friedman, Red Mafiya: How the Russian Mob Has Invaded America, p. xix-xx, Little Brown & Company (2002). The defendants in this case comprise a small portion (Complaint ¶ 15, A-26, Opposition pp 1-1, 3-1, 28-2, 135-2, A-128) of the very large Russian mafia that reaches across international borders, according to former Central Intelligence Agency Director John Deutch, Emergency Net News Service, May 3, 1996, Vol. 2-124. Former F.B.I. Director Louis Freeh said, “Evidence that organized crime activity from [Russia] is expanding and will continue to expand to the United States is well-documented.” Id. Russian criminal operations in America, such as money laundering, illegal money transactions, prostitution, narcotics trafficking,

extortion and fraud are often carried out in cooperation with La Cosa Nostra.

Report on Russian Organized Crime, 1997, Task Force headed by William H. Webster, Center for Strategic and International Studies.

The Russian mob, once a hierarchical structure under the Soviet Union, diffused with the end of Communist Party power into a confederation of crime groups using modern-day management principles—something along the lines of a diversified worldwide conglomerate with all its attendant business relationships. (Complaint ¶¶ 10, 14, 874, A-25, 26, 107-08.) Freed from scheming for rubles, the smarter members of the Russian mafia chased hard currency by expanding their criminal operations to the wealthy West: full of suckers and sensitive law enforcement officials. (Complaint ¶ 13, A-26.) Bringing Russian crime to Western shores meant the continual transplanting of money-making assets into foreign markets where their successful utilization required a strategy of (a) using money from criminal activities to set up and expand Russian mob businesses, such as prostitution, pornography, strip joints, drug pushing and money laundering; (b) protecting those businesses through criminal activities, such as tampering with informants and witnesses, obstructing justice, bribery and coercion; and (c) running the operations by engaging in crimes, such as white slavery, immigration fraud, importing pornography, drug smuggling and the improper use of international facilities. The Russian mafia uses a complex, intertwined web of

predicate acts to maintain and continue expanding its activities in an insatiable drive for new targets and more money, causing widespread and varied harm.

(Complaint ¶¶ 879-85, A-109, 110.)

This crime syndicate, as with all organizations, consists of and acts through people, and no one victim, or unwitting customer, comes into contact with all the decision-makers and support personnel that go into making that enterprise successful. But they are there in the shadows supporting those on the front lines, giving aid and direction in order to reach its goals.

This RICO case concerns just one specific string of events and injuries arising out of the Russian mob bringing prostitutes to New York and other states, passing drugs and large sums of money back and forth between countries, creating and trafficking in pornography, and threatening physical violence to anyone who might get in its way.

The defendants include the Baraev Chechen crime group (responsible for the 2002 Moscow Theater hostage taking) that defendants Alina and Inessa Shipilina used to threaten plaintiff-appellant Hollander and various witnesses in Krasnodar, Russia; assorted Russian Mafiosi, including a crime boss for southern Russia; corrupt Russian government officials; movers and shakers of Krasnodar; pimps; prostitutes; pornographers; pushers; strip joints and brothels, euphemistically called “exotic dancing clubs” by the District Court, Order 1-1, A-131; Internet call



girl operations, euphemistically called “escort agencies” by the District Court, id.; threatening goons; a less than honest City cop; an ex-wife Russian prostitute and procurer; a Russian mother-in-law; and, of course, lawyers.

The defendants work hard and ingeniously to enrich themselves in furthering a key goal of the Russian mafia: to infiltrate and expand its illegal and ancillary legal activities into hard currency markets, especially the U.S. (Complaint ¶¶ 2, 13, 27-28, 36, 320-22, 329, 331, 350, 352, 363, 366, 370-71, 375, 377-79, 381-83, 387-88, 390, 403, 410, 426, 429-30, 434-35, 874(m)-(r), A-25, 26-28, 52-63, 108.) In order to grow and supply the Russian mafia’s sex business in America, the mob uses various methods, such as suckering American men into sponsoring and financing Russian mob prostitutes and procurers for U.S. residency and citizenship involving, unbeknown to the American, a fraudulent marriage. (Complaint ¶¶ 135-38, 164, 360-61, 883, A-36, 38, 56, 109.) The fraudulent marriage for citizenship contrivance is the part that ensnared Hollander in the Russian mafia’s Scheme to expand into hard currency markets. (Complaint ¶¶ 165, 170-72, 174-80, 183, 360-66, 880, A-38, 39-40, 56-57, 109.) This contrivance falsely depicts Russian mafia prostitutes as honest, moral ladies who want to commit to a marriage since if the truth were told, American men would run the other way. (Complaint ¶ 883, A-109.) So, with lies and drugs secretly fed the marks (Complaint ¶¶ 137, 171-72,

175-79, 180, 185, 206, 216, A-36, 39-40, 42-43), American men are convinced they've found the one, but it's really a costly pig in a poke.

Because the trail of harm involves fraudulent marriages, residencies and naturalizations rather than fraudulent business transactions, the injuries to property interests are no less serious. A scheme to defraud is measured against a standard of "moral uprightness, of fundamental honesty, fair play and right dealing in the general and business life of members of society." Gregory v. US, 253 F.2d 104, 109 (5<sup>th</sup> Cir.1958). When criminal instrumentalities exploit human emotions of the heart rather than the pocketbook, a man does not lose his rights under U.S. law, or, at least, that's the way it used to work in this country.

The success of the Russian mafia's Scheme for one of its cash generating assets, such as defendant Shipilina, first requires transferring the human capital to the New World and slotting her into one or more mob businesses—prostitution, stripping, pornography or procuring. That step involves the predicate acts of white slavery, 18 U.S.C. 2421 & 2422, importing an alien for immoral purposes, 8 U.S.C. 1328, fraud and the misuse of visas, 18 U.S.C. 1546, failure to file statement about an alien, 18 U.S.C. 2424, and eventually procurement of nationality unlawfully, 18 U.S.C. 1425. To keep the customers coming back for more from the new asset often means drugs, 21 U.S.C. 841 and 952. A Russian prostitute and lap-dancer in America easily generates \$150,000 tax-free a year.

The income stream can be threatened if the husband or boy-friend finds out the truth and complains to the authorities, or, at least, that's the way it worked in the old movies. Protecting the mob's human capital from deportation, arrest or imprisonment, which would ruin the purpose of its Scheme for any particular asset, often requires mail and wire fraud, 18 U.S.C. 1341 & 1343, use of interstate or international facilities in aid of a racketeering enterprise, 18 U.S.C. 1952, bribery 18 U.S.C. 201, attempting to obstruct a criminal investigation 18 U.S.C. 1510, tampering with a witness and informant, 18 U.S.C. 1512, and even conspiracy to commit murder-for-hire 18 U.S.C. 1958, as in this case. To assure that the mob's profits from its asset escape the taxman, money laundering, 18 U.S.C. 1956, and failing to file reports on exporting amounts of over \$10,000, 31 U.S.C. 5316, are used. The Russian mafia's expansion into the West has created a vertically integrated business of supply, service, protection, profit maximization and reinvestment with a huge appetite for new assets.

Certain defendants, playing her or his part in the success of the mob's expansion, committed various predicate acts to get defendant Shipilina into the U.S., keep her here and profit from the ongoing value she creates.

### **ARGUMENT SUMMARY**

“While not all district courts are hostile to RICO, ... [they] often use various devices to restrict it.” Rakoff & Goldstein, RICO Civil and Criminal, § 2.03[1], at

2-41 (2005 ed.) The District Court did just that by rewriting the allegations in the Complaint and Supplemental Complaint, then mistakenly stating and misapplying the law to its newly invented averments to bounce this case out of the lower court for failure to allege a compensable injury and proximate cause.

The District Court claims: Hollander discovered the RICO Scheme involving defendant Shipilina in August 2000—false; the Complaint alleges harm from RICO violations after August 2000 as mostly resulting from Hollander’s discovery of the Scheme—false; allegations of other injuries after August 2000 were general and conclusory—contradicts Supreme Court rulings; the Complaint didn’t allege RICO injuries prior to August 2000—false; employee termination and shareholder RICO actions apply for determining proximate cause—wrong, Hollander was not an employee of the Russian mob and not terminated by it (at least not yet) and didn’t own its stock; injuries were not to business or property—wrong; the Scheme involving defendant Shipilina only aimed at entry into the U.S.—false; the Complaint did not allege Hollander was an intended victim or target—false, the Court wrongly applied this questionable test; and Hollander did not request leave to amend the Complaint—false.

## **ARGUMENT**

### **I. Rule 12(b)(6) Errors**

Did the District Court misapply the law on deciding a Rule 12(b)(6) motion to dismiss?

After reciting the law for determining a Rule 12(b)(6) dismissal, Order 6-3, 7-2, A-136, 137, the District Court proceeded to misapply it. The Court failed to accept all of the Complaint and Supplemental Complaint's allegations as true, California Motor Transport Co. v. Trucking Unlimited, 404 U.S. 508, 515, 30 L. Ed. 2d 642, 92 S.Ct. 609 (citation omitted)(1972), failed to draw all inferences in favor of the plaintiff, Levy v. Southbrook International Investments, Ltd., 263 F.3d 10, 14 (2d Cir. 2001), and failed to apply the rule that "[d]ismissal of a civil RICO complaint for failure to state a claim is appropriate only when 'it is clear that no relief could be granted under any set of facts that could be proved consistent with [plaintiff's] allegations,'" Commercial Cleaning Services LLC v. Colin Serv. Sys. Inc., 271 F.3d 374, 380 (2d Cir. 2001) (quoting H.J. Inc. v. Northwestern Bell Telephone Co., 492 US 229, 249-50, 106 L.Ed.2d 195, 109 S.Ct. 2893 (1989)).

Although the District Court stated, "I have ... accepted the well-pleaded allegations as true," Order 3-1, A-133, such treatment is nowhere evident. From page one, the Court manifested its disbelief by asserting the Complaint "spins a tale of a dark netherworld of international intrigue and deception." Order 1-1, A-

131. The Court misrepresented, misconstrued and ignored many pertinent allegations in the Complaint and Supplemental Complaint in order to gerrymander both into fitting its conclusions—reminiscent of the newspaper reporting motto, “Don’t let the facts get in the way of a good story,” only here, it’s don’t let the allegations get in the way of dismissal.

The District Court failed to accept as true the allegations in the Complaint and Supplemental Complaint concerning:

- The Enterprise, a.k.a. the Russian mafia,
- Discovery of the Russian mafia’s Scheme that entangled Hollander,
- Violations of 18 U.S.C. 1962 (“RICO violations”) before August 2000 and after,
- Injury to Hollander’s law and consulting business and property before August 2000 and after,
- The full extent of the Russian mafia’s Scheme as applied against Hollander, and
- Causation of injuries.

#### **A. Enterprise**

The District Court misconstrued the Complaint by asserting the defendants comprised the entire criminal Enterprise. Order 1-1, A-131. The Enterprise is the Russian mafia and the defendants participate in that criminal syndicate (Complaint

¶¶ 1, 15, A-1, 26; Opposition pp 1-1, 3-1, 28-2, 135-2, A-128) by working to achieve its ends and reap its benefits (Complaint ¶¶ 12, 13, A-26), as would any member or associate of a large non-hierarchical organization. The defendants do not comprise the entire Russian mafia; they are just part of it and many were active in carrying out the Scheme applied against Hollander.

A person who is loan-sharked by the Bonanno crime family will not likely run into those who issue fake construction bonds. No individual will ever be the victim of all of a gang's illegal acts, nor have contact with all of the gang's culprits, but the entire gang is still the Enterprise, and all its players joint and severally liable, *See, e.g., Scales v. U.S.*, 367 U.S. 203, 226-27, 6 L.Ed.2d 782, 81 S.Ct. 1469, 1485 (1961); *Fleischhauer v. Feltner*, 879 F.2d 1290, 1301 (6<sup>th</sup> Cir. 1989). The U.S. Senate report on RICO states, "What is needed here ... are new approaches that will deal not only with individuals, but also with the economic base through which those individuals constitute such a serious threat to the economic well-being of the Nation." *Russello v. U.S.*, 464 U.S. 16, 27, 78 L.Ed.2d 17, 104 S.Ct. 296 (1983)(quoting S.Rep. No. 91-617, p. 79 (1969)). In this case, that economic base is the Russian mafia of which the defendants comprise some of its members and associates.

## **B. District Court's Maginot Line of August 2000**

The District Court states Hollander discovered the Russian mafia's Scheme as it applied to him in August 2000. Order 4-1 & 2, 12-1, A-134, 142. Not so, Hollander didn't discover the defendants were engaged in a Russian mob RICO scheme until the end of July 2002 when a consulting attorney first raised the issue. (Opposition pp 28-2, 37-1, 135-2, A-129.) Any uncertainty on when Hollander discovered the Scheme could easily be cleared up by an affidavit from that attorney in an amended complaint.

The District Court failed to draw all inferences in favor of the plaintiff, Levy, 263 F.3d at 14 and failed to apply the rule that "[d]ismissal of a civil RICO complaint for failure to state a claim is appropriate only when 'it is clear that no relief could be granted under any set of facts that could be proved consistent with [plaintiff's] allegations,'" Commercial Cleaning Services, 271 F.3d at 379. An amended complaint and affidavit would show such a "set of facts" despite the Court's claims that any amended complaint "would be futile," Order 16-2, A-146, and unable "to truthfully allege more," Disqualify 5-2, A-154. It would have disabused the Court of its key misunderstanding of the Complaint on which it relied for attributing the proximate causation of injuries after August 2000 to Hollander's discovery and subsequent investigation of the Scheme rather than defendants' RICO violations to protect and further the Scheme.



**C. Western front of the District Court’s Maginot Line—August 2000 and later—where it conjured a new cause for injuries.**

The District Court cherry-picked and misrepresented the Complaint’s allegations in order to wrongly claim that injury to Hollander’s business and property arose from his discovery of the Scheme in August 2000, which led to an “investigation of the Enterprise.” Order 2-1, 4-1 & 2, 9-1, 11-2, 12-1, A-132, 134, 139, 141-42. As stated above, Hollander did not discover a RICO Scheme until July 2002, which means the District Court misrepresented the allegations when it stated “as plaintiff himself asserts, any such injury... arose from his discovery of the Scheme in August 2000 and his investigation....” of such, Order 12-1, A-142.

The Complaint states that in August 2000, Hollander became suspicious of and investigated “... Shipilina’s involvement in prostitution when she began secretly contacting Flash Dancer customers....” (Complaint ¶ 214, A-43.) The investigation was to determine whether his wife was a prostitute, not to ferret out Russian organized crime. The District Court, however, ignored the plain meaning of the Complaint by distorting it to say Hollander became suspicious of defendant Shipilina working for the Russian mafia and its Scheme involving her. Order 4-1 & 2, A-134.

Once Hollander learned defendant Shipilina engaged in prostitution, he sought a legal separation and divorce. (Complaint ¶¶ 220-21, A-44.) That decision did not result from any suspicion of the Russian mafia’s Scheme because

Hollander was still unaware of the Scheme at the time (Complaint ¶ 220, A-44). Yet, the District Court dissemblingly claims the desire for a divorce as a intervening event: “[p]laintiff alleges, in considerable detail...” that Hollander’s “desire to divorce Ms. Shipilina” resulted in the defendants engaging in criminal acts. Order 4-2, A-134. Baloney, the Complaint doesn’t say that. The Complaint does not allege Hollander’s “desire to divorce” led to RICO violations. It alleges that certain defendants’ desire to carry out and protect the Scheme until it succeeded in gaining defendant Shipilina permanent residency and U.S. citizenship is what resulted in additional RICO violations that harmed Hollander. (*See* Complaint ¶¶ 210-12, A-43.) The Complaint actually includes an entire subsection titled “VII(E) Enterprise’s Illegal Activities to Protect its Scheme.” (Complaint ¶¶ 228-319, A 44-52.)

In order to assure success of the Scheme as originally formulated in 1999 to win defendant Shipilina permanent residency and naturalization (Complaint ¶ 164, A-38), Shipilina’s lawyers, defendants Mundy and Petrovich, requested in October 2000 that Hollander to commit perjury before the Immigration and Naturalization Service (“INS”) so as to avoid any immigration problems for Shipilina (Complaint ¶¶ 222-25, A-44). In November 2000, Hollander refused (Complaint ¶ 226, A-44), and defendants Mundy, Petrovich, Shipilina and others resorted to RICO violations for protecting the Scheme and keeping part of the Russian mob’s operations hidden

by: trying to make Hollander lie to the INS (Complaint ¶¶ 228-30, 232-34, 239-41, A 44-45,), using coercion to avoid an annulment-divorce trial (Complaint ¶¶ 243-45, 273, A-46, 48), interfering with pre-discovery and silencing witnesses (Complaint ¶¶ 256-60, 265-72, A 47-48), threatening Hollander out of making a motion for a trial (Complaint ¶¶ 280-84, A-49), attempting to intimidate Hollander into silence before the INS, which was conducting an investigation of defendant Shipilina, and the Krasnodar prosecutor, who had indicted defendant Inessa Shipilina, (Complaint ¶¶ 285-90, 316-18, A 49-50, 52), intimidating witnesses into recanting their testimony before the Krasnodar prosecutor (Complaint ¶¶ 293-97, A-50), bribing Krasnodar officials to close the case against Inessa Shipilina (Complaint ¶¶ 298-304, A 50-51), attempting to arrest Hollander on a bogus charge (Complaint ¶¶ 306-15, A 51-52), conspiring to commit murder-for-hire (Complaint ¶ 319, A-52), intimidating Hollander to stay out of Krasnodar and not prosecute this RICO action (Supp. Complaint ¶¶ 2, 9-10, 12, 13, A 114-115), threatening Hollander again with arrest on a false charge (Supp. Complaint ¶¶ 34-38, 43, A 117-118), starting disciplinary proceedings against Hollander to prevent him from proceeding with this RICO case (Supp. Complaint ¶¶ 50, 52, 53, A 119-120) and obstructing justice by lying to the District Court (Supp. Complaint ¶¶ 59, 61-63, 70, A 120-21).

The Complaint alleges the desire of certain defendants not to give up on the Scheme but to fight for its success in making Shipilina a permanent fixture for the Russian mafia in America and to keep their activities on its behalf secret (Complaint ¶¶ 238, 243-44, 265, A 45-47) caused them to commit RICO violations after August 2000 (Complaint ¶¶ 479-484, 494, 500-01, 506, 512-13, 514-16, 526-27, 529-31, 542-43, 556-559, 573, 586-87, 592-93, 594, 596-97, 622, 625-26, A 68-73, 75-76, 78-79, 82), and injure Hollander (Complaint ¶¶ 239, 242, 256, 270, 313, 900-907, A 45-48, 52, 111-112). Alternatively, after Hollander refused to commit perjury before the INS, defendants Mundy, Petrovich, Shipilina and others embarked on a new scheme of RICO violations to crush any obstacles to defendant Shipilina becoming a long-term dollar-maker for the Russian mob—so far a successful effort: over \$750,000 tax free in five years.

The District Court’s devious trek to dismissal partly relies on an incomplete quotation that distorts the cause of harm from criminality by the violators to legal recourse by the victim. According to the Court, Order 9-1, A-139, the injuries “all arose out of ‘plaintiff’s ongoing investigation of the Enterprise’s Scheme’ (Complaint ¶ 907(a), (d), A-112).” The Court, convenient for its argument in this section of the Order, left out the last part of that sentence from the Complaint, “in order to prevent and rectify injury to the plaintiff;” (Complaint ¶ 907(a), A-112). Even had the Court gotten the full quote right, it still got wrong its claim that all

alleged injuries arose from investigations. The Complaint alleges defendants caused injury by using funds from racketeering activities (Complaint ¶¶ 900-903, A 111-112), engaging in racketeering activities to acquire or preserve influence in the Russian mafia (Complaint ¶ 904, A-112) (the Court misconstrued this averment as a 1962(a) violation, Order 12 n.6, A-142), committing predicate acts to further the Scheme (Complaint ¶ 905, A-112), conspiring (Complaint ¶ 906, A-112), impugning Hollander’s business reputation (Complaint ¶ 907(e), A-112), obstructing this RICO action (Supp. Complaint ¶ 76) and engaging in RICO violations before the initial investigation into Shipilina’s prostitution, *see below* I(E) Eastern front Maginot Line—before August 2000.

The Court again rewrote the Complaint by asserting, “That plaintiff’s claimed damages in this case were caused by alleged retaliation for his discovery [August 2000] and subsequent investigation of the Scheme is highlighted ...” in the damages section of the Complaint. Order 13-2, A-143. The Court includes a couple of edited quotes and attributes them as coming from five subsections of the Complaint ¶ 907(a)-(e), A-112, when they actually come from only two: (a) and (d)—a neat trick for applying its argument against the other subsections. In addition, no derivation of the word retaliate appears in either the Complaint or Supplemental Complaint.

The District Court also inaccurately claims, “The Supplemental Complaint consists of allegations of additional [RICO violations]... as a result of [Hollander’s August 2000] investigation of the Enterprise and its Scheme.” Order 5-3, A-135. The Supplemental Complaint actually alleges RICO violations that arose out of certain defendants’ efforts to obstruct this RICO action after it was filed in April 2003. Those violations include a June 4, 2003 telephone call threatening Hollander to stay out of Krasnodar (Supp. Complaint ¶¶ 2, 9, 12, A 114-115); an August 25, 2003 threat of arrest based on a fraudulent complaint in order to halt RICO pre-discovery activities in Wisconsin (id. ¶¶ 22-24, 34-38, 43, A 116-118); use of the mails to initiate a state disciplinary proceeding against Hollander that threatened his livelihood and therefore his ability to pursue this RICO action—a not-so-subtle attempt to intimidate him into withdrawing the Complaint (id. ¶¶ 49, 50, 52, 53, A-119); and defendant Shipilina’s obstruction of justice “by filing false and misleading documents in this case,” Order 5-3, A-135, after the Court ordered her to provide addresses for certain defendants, Disqualify 2-1, A-151. The District Court’s distorting of the Supplemental Complaint and drawing of inferences in favor of defendants rather than plaintiff, *contra* Levy, 263 F.3d 10, 14, actually results in the Court holding that criminals can use RICO acts to deter a civil RICO suit against them.

The District Court misconstrued the pleadings about when Hollander discovered the Scheme so as to avoid holding that certain expenses—those from investigations and litigations for preventing and rectifying injuries to business and property—were not compensable, which would contradict Alexander Grant and Co. v. Tiffany Industries, Inc., 770 F.2d 717, 719 (8<sup>th</sup> Cir. 1985), *cert. denied* 474 U.S. 1058 (1986); Stochastic Decisions, Inc. v. DiDomenico, 995 F.2d 1158, 1167 (2d Cir.), *cert. denied* 510 U.S. 945 (1993). In addition, by claiming those expenses resulted from Hollander determining whether RICO violations occurred, the Court could twist the pleadings into failing to allege causation from the defendants' RICO acts after August 2000 by interposing its invented intervening event. (*See below* II(B) Proximate Causation.)

In response to defendants' predicate and other criminal acts after August 2000, Hollander tried to mitigate harm to his business and property through various investigations and court actions and did not learn until July 2002 that he was up against the Russian mafia. The District Court ignored this common sense meaning of the Complaint to reach the Orwellian conclusion that when a citizen of the U.S. fights for his rights and redress of grievances, he's the culprit causing himself harm and not those violating the law to connive something they don't deserve by quashing him. The Court apparently believes men should relinquish their rights in such situations.

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The Complaint and Supplemental Complaint allege that the RICO violations after August 2000 were not caused by Hollander's acts but the defendants' efforts to further and protect the Scheme that began against Hollander in 1999. Had there been no Scheme, there wouldn't have been those RICO violations. What good is a scheme if it doesn't succeed? And what idiot would initiate a scheme without the intent to do what was necessary to reach its goal? That goal, as stated over and over in the Complaint and Supplemental Complaint, was to achieve defendant Shipilina, a cash-generating asset of the Russian mafia, permanent residency and naturalization. In order to reach that goal, differing defendants engaged in RICO violations from the beginning right through to the prosecution of this action.

Under the District Court's inventive rewriting of the pleadings to shift causation, criminals can effect whatever harm they wish by violating RICO so long as they do it after a plaintiff learns about a scheme against him. Perhaps sending him a postcard is sufficient. And if the victim does not know about the scheme but takes legal steps to put an end to the slings and arrows accosting his business or property, the evildoers can still continue to violate RICO with impunity because they're only doing it in retaliation to a plaintiff's efforts to mitigate harm. So much for the maxim deeply rooted in 1950s American jurisprudence "that no man



may take advantage of his own wrong,” Glus v. Brooklyn Eastern District Terminal, 359 U.S. 231, 232, 3 L.Ed.2d 770, 79 S.Ct. 760 (1959).

**D. As for the other allegations of injury after August 2000 that the District Court did not attribute causation to Hollander’s conduct, the Court wrongly dismissed them by invoking the talismans of “general” and “conclusory.”**

Unable to assign the causation of other injuries after August 2000 to the District Court’s invented culprit—the discovery of the Scheme—the Court punted those allegations out of the case by labeling them as “general” and “conclusory” of legal status. Order 12 n.6, 13-2, A 142-43; *see* Order 5-3, 6-1, A 135-36.

The District Court’s failure to accept “general allegations” contravened NOW v. Scheidler, 510 U.S. 249, 256, 127 L.Ed.2d 99, 114 S.Ct. 798 (1994) (quoting Lujan v. Defenders of Wildlife, 504 U.S. 555, 561, 119 L.Ed.2d 351, 112 S.Ct. 2130 (1992), “[a]t the pleading stage, general factual allegations of injury resulting from the defendant’s conduct may suffice, for on a motion to dismiss we presume that general allegations embrace those specific facts that are necessary to support the claim.”

Under the pre-1938 system of code pleading, legal conclusions were prohibited. But with the modern Federal Rules of Civil Procedure, the absurdity of objecting to a complaint for making legal conclusions was illustrated by Professor James, “If one sought to describe a situation having legal significance entirely in words which were devoid of all legal evaluation, the result would be a series of

prolix circumlocutions which would serve neither elegance of style nor ease of understanding.” The Objective and Function of the Complaint: Common Law—Codes—Federal Rules, 1961, 14 Vand.L.Rev. 899, 912-918.

The District Courts’ reliance on the old codes to reject allegations of injury and causation as conclusions of law is contrary to holdings by the Supreme Court and other courts. “Whether these charges [in the complaint] be called ‘allegations of fact’ or ‘mere conclusions of the pleader,’ we hold that they must be taken into account in deciding whether the [plaintiff] is entitled to have its case tried,” U.S. v. Employing Plasterer’s Ass’n, 347 U.S. 186, 188, 98 L.Ed. 618, 74 S.Ct. 452, 454 (1954), for “the ancient distinction between “facts” and “conclusions” is no longer significant.” Oil, Chem. & Atomic Workers Int’l Union v. Delta Ref. Co., 277 F.2d 694, 697 (6<sup>th</sup> Cir. 1960)(citing U.S. v. Employing Plasterer’s Ass’n, 347 U.S. 186, 188). A complaint can allege conclusions if they provide defendants with a minimal notice of the claims, Kyle v. Morton High School, 144 F.3d 448, 455 (7<sup>th</sup> Cir. 1998); see Leatherman v. Tarrant County Narcotics Intel. & Coordination Unit, 507 U.S. 163, 168, 122 L.Ed.2d 517, 113 S.Ct. 1160, 1163 (1993), which the “some 90 pages and over 900 paragraphs in length,” Order 1-1, A-131, of the Complaint does. Further, “[a] complaint that complies with the Federal rules of civil procedure cannot be dismissed on the ground that it is conclusory or fails to allege facts. The Federal rules require (with irrelevant exceptions) only that the

complaint state a claim not that it plead the facts if true would establish ... that the claim was valid.” Higgs v. Carver, 286 F.3d 437, 439 (7<sup>th</sup> Cir. 2002)(Posner, J.) (citation omitted). Even the Official Forms of the modern Rules plead legal conclusions without specification of the facts, Wright & Miller, Fed. Prac. & Proc.: Civ. 3d 1218. In addition, conclusory allegations on the legal effect of events are acceptable if they reasonably follow from the plaintiff’s description of what happened. *See* Kadar Corp. v. Milbury, 549 F.2d 230, 233 (1<sup>st</sup> Cir. 1977)(citation omitted). The Complaint’s 91 pages and the Supplemental Complaint’s eight pages of what occurred imply the legal impact of defendants’ acts as recounted in the allegations of injury.

The District Court’s concern over conclusory allegations could have been resolved by allowing Hollander one, just one, leave to amend, which would have conformed with the Rules “powerful presumption against rejecting pleadings for failure to state a claim,” Robbins v. Wilkie, 300 F.3d 1208, 1210 (10<sup>th</sup> Cir. 2002). Or, the Court could have instructed the defendants to move for a more definite statement under Rule 12(e) if the pleadings failed to specify the allegations in a manner that provided sufficient notice, Swierkiewicz v. Sorema NA, 534 U.S. 506, 514, 152 L.Ed.2d 1, 122 S.Ct. 992 (2002). But the Court didn’t.

### **E. The Eastern front of the Court's Maginot Line—before August 2000**

As for injuries from RICO violations before August 2000, the District Court simply ignored them. “The factual allegations detailing these [RICO] activities largely predate plaintiff’s ‘discovery’ of the Scheme in August 2000, and are not alleged to have caused plaintiff injury.” Order 11-2, 12-1, A 141-42.

Contrary to the Court’s claims, the Complaint specifically alleges that to further the Scheme defendant Shipilina applied for and fraudulently obtained a U.S. visa (Complaint ¶¶ 135, 136, 514, A-36, 71), which resulted in an initial interruption of two and a half months in Hollander’s law and consulting business from March through May 2000 (Complaint ¶¶ 186, 187, 188, A-40). The business interruption ended up lasting as a result of subsequent RICO violations until August 2002. Damages from the business interruption before August 2000 are included in the loss of profits, interruption expenses and loss of business opportunities alleged in the Complaint ¶ 907(a)-(c), A-112. Furtherance of the Scheme also entailed mail and wire fraud by defendant Shipilina in June and July 2000 so as to trick Hollander into returning to Russia for her at the cost of a round trip ticket for himself and accommodations in Moscow (Complaint ¶¶ 198-204, 515, 516, A-42, 71.) Other costs to Hollander’s property interests before August 2000 include telephone calls, legal fees, defendant Shipilina’s visa medical, Embassy filing fees and paying for Shipilina’s flight to the U.S. in July 2000

(Complaint ¶ 205, A-42). Such damages may have appeared small to the District Court, but they weren't to Hollander.

**F. District Court improperly narrowed the Scheme.**

The District Court edited down the extent of the Russian mafia's Scheme pertaining to defendant Shipilina to just gaining her entry into America as a conditional permanent resident. *See* Order 11-2, 12-1, 13-2, 14-1, A 141-44. The Court's abbreviated version of the Scheme gave it the out to claim the injuries alleged in the Complaint and Supplemental Complaint did not result from "any conspiracy directed" at Hollander," Order 11-2, A-141; that he "was not a target of the Scheme," Order 13-2, A-143; and success "depended on a lack of harm" to him, Order 14-1, A-144 (Court's emphasis). The Court couldn't accept the description of the Scheme in the Complaint as true because then its sophistry supporting dismissal would fail. The pleadings actually allege the Scheme involving Shipilina was to win this Russian mafia asset entry, permanent residency, citizenship and continued financial support from a deceived husband. (Complaint ¶¶ 164, 179, 190, 192, 207, 209-12, 222, 227, 360-61, 397, 879, 880, 882, A 38-44, 56, 59, 109; Supp. Complaint ¶¶ 74, 76, A-122.)

Under the Complaint's definition and not the District Court's revisionism, the Scheme concerning Shipilina wouldn't be completed until she received citizenship because then the chance of her deportation back to ruble-currency

Russia was negligible. (Complaint ¶ 211, A-43.) A number of steps were required before defendant Shipilina was ensconced in America as a long-term generator of dollars for the mob: fraudulently obtaining an immigrant visa, conditional permanent residency on entry, permanent residency two years later and naturalization seven years after entry. Landing in America wasn't enough, so to assure maximum return, defendants, in addition to illegal acts prior to entry (Complaint ¶¶ 135-37, 190-93, 201-04, 514-16, 519, A-36, 41-42, 71), took actions to assure a valuable asset stayed in America. They furthered and protected the Scheme by conspiring (Complaint ¶¶ 228, 232, 234, 243, 254, 265, 280, 287, 293, 298, 306, 316, A 44-47, 49-52; Supp. Complaint ¶¶ 12, 37, 38, A-115, 118), lulling (Complaint ¶¶ 218-19, 227, 516, A 43-44, 71), targeting (Complaint ¶¶ 227-29, 234, 239-41, 243, 245, 273, 281-83, 288-90, 307-09, 317-19, 494, 506, 518, 530, A 44-46, 48-52, 69-72; Supp. Complaint ¶¶ 2, 13, 35, 50, 53, A 114-115, 117, 119), and grinding or attempting to grind Hollander and his witnesses into submission and silence (Complaint ¶¶ 216, 239, 245, 257, 266-68, 273, 282, 289, 297, 308-09, 313, 318, 479, 482, 487, 492, 494, 504, 506, 527, 530-31, 556, A-43, 45-52, 68-70, 72, 75; Supp. Complaint ¶¶ 2, 13, 34, 37-38, 52, A 114-115, 117-118).

Improperly narrowing the Scheme's purpose allowed the District Court to claim the defendants RICO violations after August 2000 were not part of the Scheme because their "aim," Order 14-1, A-144, which means "clearly directed

intent or purpose,” Webster’s 9<sup>th</sup> New Collegiate Dictionary, p. 66, “was not to cause injury to plaintiff’s business or property, but rather, to prevent him from interfering with defendant Shipilina’s efforts to obtain legal residency and, therefore, extend the Enterprise’s Scheme into the U.S....” This bizarre reasoning by the Court that human beings who intended the RICO violations post August 2000 against Hollander did not intend or reasonable foresee harm to Hollander’s business or property by carrying out such acts ignores how people achieve their ends in the real world. The path to gaining defendant Shipilina full citizenship required “prevent[ing] [Hollander] from interfering,” Order at 14-1, A-144. So how do hoodlums and lawyers prevent interference with their plans from a professional businessman trying to rectify and prevent injury? Engage in acts that cost him out-of-pocket expenses, legal fees, time, distraction from his business and loss of reputation and goodwill so that he finally gives up because the price to his livelihood is too great. The Court ignores that intending an end is meaningless unless the means are also intended. “Where a racketeering enterprise intends no specific harms to any particular individual, but causes harm by the creation of substantial risk of harm, the victim injured by that enterprise’s harm may have standing....” Baisch v. Gallina, 346 F.3d 366, 376 (2d Cir. 2003). RICO violations aimed at the plaintiff are alleged to have harmed his business and property, which included legal fees and the costs of their attendant investigations.

(Complaint ¶¶ 239-40, 242, 256, 270, 274, 313, 900-907, A 45-48, 52, 111-112; Supp. Complaint ¶¶ 49, 77, A-119, 122.)

Alternatively, the Court ignored the natural outgrowth of any criminal scheme—the cover-up, which in itself is a scheme. Numerous RICO violations were committed in order to pressure Hollander and witnesses and bribe Krasnodar officials and a New York City detective so as to hinder, delay or prevent information reaching federal law enforcement officials about certain defendants’ violations of federal law in conducting the Russian mafia’s Scheme involving Shipilina. (Complaint ¶¶ 244, 265, 276, 293-97, 298-304, 306-07, 319, A 46-48, 50-52.) Whether that information was to come by way of testimony in an INS removal proceeding, state court trial or Russian criminal case, it was on its way to federal law enforcement officers until the defendants’ threats and bribes effectively prevented any testimony. Covering up the Scheme as to Shipilina also protected the Scheme involving other Russian mob prostitutes and members. (Complaint ¶¶ 882-84, A-109.)

Alternatively, the Complaint and Supplemental Complaint fairly alleges a series of schemes:

1. Trick Hollander into getting defendant Shipilina into America via a fraudulent marriage and immigration fraud.



2. Lull, reward or coerce Hollander into perjury before the INS to avoid Shipilina immigration problems.
3. Coerce, kidnap and threaten Hollander into foregoing a trial on annulment or divorce, intimidate his witnesses and cover-up evidence.
4. Coerce and threaten Hollander and others not to cooperate with the INS investigation of Shipilina and cover-up evidence.
5. Coerce and threaten Hollander and witnesses not to cooperate with the Krasnodar prosecutor.
6. Obstruct the prosecution of this civil RICO action.

Whichever alternative is chosen, certain defendants didn't stop pursuing their goal involving Shipilina with just her entry into America.

#### **G. More failures to draw inferences in favor of plaintiff.**

The District Court failed to draw all inferences from the Supplemental Complaint in favor of the plaintiff. The Court stated the Supplemental Complaint "purports to" update the Complaint. Order 5-3, A-135. "Purport" means "to profess or claim, especially falsely." Black's Law Dictionary, p. 1271, 8<sup>th</sup> ed. Since judges are experts in the use of language, the implication is the District Court drew inferences in the wrong direction.

Moreover, the Court also took the time in its decision not just to repeat a defense counsel's objection to the filing of the Supplemental Complaint but to

ratchet it up and through a backhanded slap make the objection even more unfavorable to the plaintiff. Defendant Shipilina's attorney argued, "[I]t appears that few, if any, of the events cited in the Supplemental Complaint ever **really happened....**" (Sach's August 30, 2004 letter to the Court, emphasis in the original, A-123.) The District Court deleted Sachs' qualifier "it appears" and wrote "few, if any, of the events set forth in the Supplemental Complaint ever really happened ...," Order 6-2, A-136. Then the Court took another swipe at communicating the Supplemental Complaint was bogus by stating "it is not the Court's role at this stage of the litigation to assess the truth or validity of plaintiff's allegations, no matter how fanciful they appear or how difficult they may be to prove," Order 6-2, A-136 (emphasis added). It's also not the Court's role to draw inferences in favor of defendants by tainting the credibility of a pleading with such statements as those, which the Court repeated verbatim in Disqualify 4-2, A-153.

By characterizing the Supplemental Complaint allegations as "[too] difficult to prove," Order 6-2, A-136, the Court contravened Ideal Steel Supply v. Anza, et al., 373 F.3d 251, 264 (2d Cir. 2004)(citations omitted), which held that evidentiary difficulty is not a proper basis for a dismissal pursuant to Rule 12(b)(6) for failure to state a claim.

## **II. Standing**

Civil RICO standing applies to “[a]ny person injured in his business or property by reason of a violation of [18 U.S.C. 1962].” 18 U.S.C. 1964(c). To bring suit, a plaintiff must allege: (1) defendants’ violation of 1962, (2) injury to the plaintiff’s business and property and (3) causation of injury by defendants’ violation. Commercial Cleaning Services, 271 F.3d 374, 380. The “by reason of” clause in 18 U.S.C. 1964(c) limits standing to plaintiffs who allege the RICO violation was both the factual and proximate causes of the averred injuries. Commercial Cleaning Services, 271 F.3d at 380.

The District Court restricted its examination to the injury and causation requirements. Order at 7-1, A-137.

### **A. Injury Errors**

Did the District Court contradict rulings by the U.S. Supreme Court, Second Circuit and other courts on what constitutes an injury to business or property under civil RICO?

The District Court incorrectly ruled that injuries to Hollander's business reputation and goodwill are not compensable under civil RICO, Order 8-2, 9-1, A 138-39; cast doubt on whether loss of profits, business interruption expenses, loss of business opportunities and expenses for investigating fraud are recoverable, id.; and ignored injury from out-of-pocket expenses, legal fees, delays and

inconvenience in prosecuting a lawsuit, defending against a fraudulent restraining order and costs from reliance on false representations. Civil RICO's remedial purposes are not limited to only compensation for competitive injuries but allow recovery for harm to business **or property**. Sedima, S.P.R.L. v. Imrex Co., Inc., 473 U.S. 479, 497 n. 15, 87 L.Ed.2d 346, 105 S.Ct. 3275 (1985)(emphasis the Court's). Since Congress used the disjunctive “business or property,” it must have meant for the terms to cover different although overlapping concepts. Oscar v. University Students Co-Op. Ass’n, 939 F.2d 808, 810-11 (9<sup>th</sup> Cir. 1991), *rev’d en banc on other grounds*, 965 F.2d 783 (9<sup>th</sup> Cir. 1992); *see* Reiter v. Sonotone Corp., 442 U.S. 330, 338-39, 60 L.Ed.2d 931, 99 S.Ct. 2326 (1979).

The Supreme Court and other courts have held that the nature of a property interest is an individual entitlement determined by state law, Logan v. Zimmerman Brush Co., 455 U.S. 422, 430, 71 L.Ed.2d 265, 102 S.Ct. 1148 (1982)(citations omitted); *e.g.* Isaak v. Trumbull Sav. & Loan Co., 169 F.3d 390, 397 (6<sup>th</sup> Cir. 1999); Doe v. Roe, 958 F.2d 763, 768 (7<sup>th</sup> Cir. 1992), and, according to the Supreme Court, the types of interests protected as property are varied, often intangible and relate to the whole area of social and economic fact, Logan 455 U.S. at 430 (citations omitted); *contra* Oscar v. University Students Co-Op. Ass’n, 965 F.2d 783, 785 (9<sup>th</sup> Cir. 1992)(*en banc*)(injury to intangible property not compensable). Under New York law, property includes anything that may be

subject to ownership and includes obligations, rights and other intangibles. New York Jur.2d, Prop 1.

Hollander owns and operates his own law practice and business-consulting firm headquartered in New York. The Complaint alleges injuries to his business and property interests, including out-of-pocket expenses beginning well before August 2000. (See Complaint ¶¶ 169, 182-83, 197, 204, 220, 239, 242, 246-47, 256, 270, 274, 313, 900-907; Supp. Complaint ¶ 77). The injuries to Hollander and his business flowed from certain defendants engaging in RICO violations in order to bring the Scheme benefiting defendant Shipilina and the Russian mafia to fruition. Certain defendants tricked Hollander into sponsoring and paying for defendant Shipilina's fraudulently obtained immigrant visa (Complaint ¶¶ 135-36, 164, 170, 186, 190-93, 197, A-36, 38-42), lulled him into paying for her flight to America (Complaint ¶¶ 198-205, A-42), attempted to coerce Hollander into lying to the INS that included bringing a fraudulent restraining order against him (Complaint ¶¶ 228, 234, 239-41, A 44-45), sought to prevent an annulment-divorce trial that would expose the Scheme and certain defendants involvement with the Russian mafia (Complaint ¶¶ 243-45, 273, 280-82, A-46, 48-49), intimidated annulment-divorce witnesses from providing pre-discovery information, testifying in discovery or at trial or providing information to the INS (Complaint ¶¶ 265-68, A 47-48), attempted to prevent Hollander from cooperating with an INS

investigation into the Scheme involving defendant Shipilina (Complaint ¶¶ 286-90, 316-18, A 49-50, 52), threatened Hollander with two false arrests (Complaint ¶¶ 306-13, A 51-52; Supp. Complaint ¶¶ 24-36) and attempted to obstruct this RICO action (Supp. Complaint ¶¶ 2, 9, 12, 34-38, 43, 49, 52-53, 59-64, A 114-115, 117-120).

Concerning the injury to business category, the District Court stealthily confused harm to business reputation and goodwill with a personal injury, Order at 7-3, 8-1 & 2, 9-1, A 137-39, so as to hold that Hollander's injuries to his business reputation and goodwill "are simply not the type of injuries ...actionable under RICO," Order at 8-2, 9-1, A 138-39. Bolstering this mistake, the District Court wrongly cited "[s]ee Holmes v. Securities Investor Protection Corp., 503 U.S. 258, 265-68, 117 L.Ed.2d 532, 112 S.Ct. 1311, (1992); Manson v. Stacescu, 11 F.3d 1127, 1132-33 (2d Cir. 1993)," Order at 9-1, A-139, where the Supreme Court and Second Circuit didn't even deal with the definition of business or property injuries at those pages. Putting the ruse aside, other courts have held an injury to business reputation and goodwill is recoverable under civil RICO. Khurana v. Innovative Health Care Sys. Inc. 130 F.3d 143 150-51 (5<sup>th</sup> Cir. 1997) *dismissed as moot* Teel v. Khurana, 525 U.S. 979 (1998) (violations caused injury to professional

reputation); Alexander Grant, 770 F.2d 717, 719 (business damaged in its reputation)<sup>1</sup>

Loss of profits from Hollander's law and consulting business due to interference from the initial success of the Scheme in defrauding Hollander into assisting defendant Shipilina to enter the U.S. prior to August 2000 and, subsequently, from the defendants' RICO violations to further and protect the Scheme are recoverable. "When a commercial enterprise suffers a loss of money, it suffers an injury to both its business and property." Reiter v. Sonotone Corp., 442 U.S. 330, 339. The lost of profits are a compensable injury to business. Terminate Control Corp. v. Horowitz, 28 F.3d 1335, 1343 (2d Cir. 1994); Philatelic Foundation v. Kaplan, 1986 WL 5629 at \* 11 (S.D.N.Y. May 9, 1986), dismissed in part 647 F.Supp. 1344. The "vast majority of cases" that have addressed the issue of lost profits or expectancy damages have found them recoverable under RICO, Frankford Trust Co. v. Advest, Inc., 943 F.Supp. 531, 533-34 (E.D. Pa. 1996)(citations omitted), while the Supreme Court found future injuries from an antitrust conspiracy recoverable, Zenith Radio Corp. v. Hazeltine Research, Inc., 401 U.S. 321, 339, 28 L.Ed.2d 77, 91 S.Ct. 795 (1971).

Business interruption and expenses resulting from RICO violations to carry out and protect the Russian mafia's Scheme from its inception (Complaint ¶

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<sup>1</sup> Complaint ¶ 905, A-112, did not intend to claim RICO damages for "imperl[ing] [Hollander's] safety, life, liberty and right not to live in fear." Such expectancies no longer exist for a man in America.

907(b), A-112) are recoverable and sufficient to withstand a motion to dismiss.

R.A.G. S. Couture, Inc. v. Hyatt, 774 F.2d 1350, 1354 (5<sup>th</sup> Cir. 1985), Continental Assur. Co. v. Lombardo, 1987 WL 8198 at \*2 (E.D. Pa. Mar. 19, 1987).

The value of business opportunities lost due to RICO violations to carry out and protect the Scheme from its inception, (Complaint at ¶ 907(c), A-112) are compensable. *See* Terminate Control Corp., 28 F.3d 1335, 1343; Khurana, 130 F.3d 143, 151-52 (loss of legitimate business opportunity).

Executing the Scheme resulted in Hollander unwittingly assisting defendant Shipilina's fraudulent immigration (Complaint ¶¶ 182, 187, 201, 204-05, A-40, 42), defending against a restraining order obtained by perjury (Complaint ¶ 239, 242, A-45, 46), preventing a false arrest from abuse of New York City police authority (Complaint ¶¶ 312-14, A-52), rectifying the defamation of Hollander to witnesses in the annulment-divorce case (Complaint ¶ 271-72, A-48), trying to overcome witness intimidation by Chechen gangsters (Complaint ¶¶ 267, 270, A-48), dealing with interference in gathering information for state and federal court proceedings (Complaint ¶¶ 269-70, A-48; Supp. Complaint ¶¶ 12, 38, 52, 62, A-115, 118-120), mitigating threats against Hollander with remedial actions through the Government and courts (Complaint ¶¶ 854-870, A 106-107), and more. All of which cost Hollander's business profits, time and opportunities; caused



interruption; and damaged his professional reputation and goodwill. (Complaint ¶ 907(a)-(c) & (e), A-112.)

In the injury to property category, the annulment-divorce and RICO cause of actions are property interests under RICO. Malley-Duff & Associates, Inc. v. Crown Life Ins. Co., 792 F.2d 341, 353-54 (3d Cir. 1986), *aff'd sub nom.*, Agency Holding Corp. v. Malley-Duff, 479 U.S. 983, 93 L.Ed.2d 573, 107 S.Ct. 569 (1987); Deck v. Engineering Laminates, 349 F.3d 1253, 1259 (10<sup>th</sup> Cir. 2003) (citing Logan v. Zimmerman Brush Co., 455 U.S. at 428). The criminal interference with their prosecution caused expenses, delays and inconvenience, which are an injury to property, Malley-Duff, 792 F.2d at 355.

A property injury under 18 U.S.C. 1964(c) can be satisfied by allegations of monetary loss, such as out-of-pocket expenses. Maio v. Aetna, Inc., 221 F.3d 472, 483 (3<sup>rd</sup> Cir. 2000)(citations omitted). Out-of-pocket expenses from Hollander's investigation into and efforts to stop the intimidation of witnesses in the annulment-divorce action (Complaint ¶ 907(d), A-112) are compensable injuries. Malley-Duff, 792 F.2d at 355; Miller v. Glen & Helen Aircraft, Inc., 777 F.2d 496, 498-99 (9<sup>th</sup> Cir. 1985). Legal fees to defend against the fraudulent restraining order and the New York City threat of arrest, to prosecute the annulment-divorce action and halt the defendants' obstruction of pre-discovery activities are compensable injuries to property. Handeen v. Lemaire, 112 F.3d 1339, 1354 (9<sup>th</sup> Cir. 1997);

Stochastic Decisions, 995 F.2d 1158, 1167. Further, allegations of expenses for investigations and efforts to put a stop to and rectify harm (Complaint ¶ 907(d)), which include private investigators and legal expenses, are sufficient to withstand a motion to dismiss. Philatelic Foundation v. Kaplan, 1986 WL 5629 \*9 & \*11 (S.D.N.Y, May 9, 1986), *dismissed in part* 647 F.Supp. 1344; Continental Assur. Co., 1987 WL 8198 at \*2; *see* Alexander Grant, 770 F.2d 717, 719.

Hollander's reliance on false representations made by defendant Shipilina over the telephone and by mail to lull him into returning to Russia to bring her to the U.S. so that the Scheme could move forward resulted in out-of-pocket expenses for Hollander's round trip flight, accommodations in Moscow and defendant Shipilina's flight to America. (Complaint ¶¶ 198-204, A-42.) Where defendants fraudulently induce a plaintiff to take actions and make expenditures, the financial injury is compensable under civil RICO. Standardbred Owners Ass'n v. Roosevelt Raceway, 985 F.2d 102, 104-05 (2<sup>nd</sup> Cir. 1993).

Damages from the above injuries to business or property can be nominal, Potomac Elec. Power v. Electric Motor & Supply, 262 F.3d 260, 266 (4<sup>th</sup> Cir. 2001), so an injury to Hollander's business or property in an amount of one U.S. dollar is sufficient for standing provided the damage was caused by a RICO violation.

## **B. Proximate Causation Errors**

Did the District Court contravene holdings of the U.S. Supreme Court, the Second Circuit and other courts by wrongly stating and misapplying the proximate causation element for standing under civil RICO on a motion to dismiss?

In NOW v. Scheidler, 510 U.S. 249, 256, 127 L.Ed.2d 99, 114 S.Ct. 798 (1994), the plaintiff alleged that the RICO conspiracy "had injured the [plaintiffs'] business and/or property interests ..." and that a defendant had threatened reprisals. The Supreme Court concluded that "nothing more is needed to confer standing on [plaintiff] at the pleading stage." Id. The Complaint at ¶¶ 282, 289-90, 309, 313, 318, 900-07, A 49-52, 111-112, and Supplemental Complaint at ¶¶ 2, 34-35, 50, 77, A-114, 117, 119, 122, do that and more, but it is not good enough for the District Court. In addition, the Complaint provides allegations of RICO violations, such as Complaint at ¶¶ 479-84, 492-94, 500-01, 504-06, 512-13, 514-16, 518, 527, 530, 541-43, 556-59, 573, 586-87, 592-93, 594, 596-97, 600, 606-07, 622, 625-26, A 68-73, 75-76, 78-80, 82, that furthered the Scheme involving Shipilina, injured Hollander and benefited certain defendants from its initiation while the Supplemental Complaint at ¶¶ 16-21, 45-48, 55, 57-58, 69-71, A 115-116, 119-21 refers to more efforts to assure the Scheme's success that also injured Hollander.<sup>2</sup>

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<sup>2</sup> Threatening an attorney admitted to practice in the federal courts is not an 18 U.S.C. 1503 violation, sorry about that.

The District Court didn't find a passed-on, or derivative, injury problem in which harm flowed to Hollander through a third party as in Holmes, 503 U.S. 258, 268-69. It instead relied on the proximate cause test of an insubstantial causal link due to an intervening event. The Court held that intervening event to be Hollander's August 2000 discovery of the Scheme, which subsequently led to an investigation. Order 2-1, 11-2, 12-1, 13-2, A-132, 141-43. Hollander, however, did not discover the Scheme until July 2002, (Opposition pp 28-2, 37-1, 135-2, A-129; Complaint ¶ 220, A-44.) Disputed claims of causation cannot be decided on a Rule 12(b)(6) motion. Knevelbaard Dairies v. Kraft Foods, Inc., 232 F.3d 979, 989 (9<sup>th</sup> Cir. 2000). Besides, taken at face value, the Complaint and Supplemental Complaint do not allege intervening events of a wholly independent nature from the alleged predicate acts.

Even had Hollander discovered the Scheme in August 2000, federal appellate courts characterize the issue of intervening causation as an evidentiary rather than pleading matter, which is determined by whether defendants' violations were a substantial factor in plaintiff's injury. Smith & Reed, Civil RICO, ¶6.04, p. 6-126.1, 2005 ed. "[A] RICO case with a derivative-injury problem is better suited to dismissal on the pleadings than a RICO case with a traditional proximate-cause problem (e.g., a weak or insubstantial causal link...." Trollinger v. Tyson Foods, Inc., 370 F.3d 602, 615 (6<sup>th</sup> Cir. 2004). A summary judgment motion under Rule

56 is more appropriate than a motion to dismiss under Rule 12(b)(6) for handling causal weaknesses that are not the passed-on injury type. Id., (citing NOW v. Scheidler, 510 U.S. 249, 256). Whether injuries are attributable to defendants' conduct, or to other causes, is normally up to the trier of fact to decide. Schwartz v. Sun Co., 276 F.3d 900, 904 (6<sup>th</sup> Cir. 2002)(antitrust case). But if a court must decide on whether an intervening cause exists for a Rule 12(b)(6) motion in a non-derivative RICO case, it should focus on "the foreseeability that intervening events would cause injury to the plaintiff," Mid Atl. Telecom v. Long Distance Servs., 18 F.3d 260, 263 (4<sup>th</sup> Cir. 1994)(citation omitted), because foreseeability of harm from defendants' misconduct is sufficient to overcome invented assertions that other factors constituted intervening events that proximately caused the injuries. Once again, assuming Hollander had discovered the Scheme in August 2000, only modern-day political correctionalist claptrap couldn't anticipate discovery, investigation and efforts to protect property by a man tricked and drugged into a fraudulent marriage for financially supporting and winning a Russian mob asset U.S. citizenship. (Emphasis added.)

Regardless of when the Scheme was discovered, the predicate acts committed before August 2000, to gain defendant Shipilina entry into America, required Hollander to initially investigate and incur expenses beginning in that

month. This sufficiently connects the RICO Scheme, even as narrowed by the Court, with those injuries. Continental Assur. Co., 1987 WL 8198 at \*2.

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The District Court improperly shoehorned the allegations of this case into employee termination suits based on employees refusing to aid and abet RICO violations, exposing illegal acts, being retaliated against or whistle blowing, such as Hecht v. Commerce Clearing House, Inc., 897 F.2d 21, 23-24 (2d Cir. 1990) (citing other firing cases), and shareholder derivative action suits, such as In Re American Exp. Co. Shareholder Litigation, 39 F.3d 395, 396 (2d Cir. 1994). Order 10-1 & 2, 11-1, 12-2 & 3, 13-1 & 2, A 140-43. Neither the Complaint nor the Supplemental Complaint allege that Hollander was a Russian mafia shareholder or mob employee fired for his refusal to assist in violations or retaliated against for whistle blowing.

The employee firing cases relied on by the District Court: Hecht, 897 F.2d at 24; Burdick v. American Express Co., 865 F.2d 527, 529 (2d Cir. 1989); and Nodine v. Textron, Inc., 819 F.2d 347, 349 (1<sup>st</sup> 1987), found that the injuries to those plaintiffs resulted from employers' decisions to fire them, not the RICO violations they exposed or wouldn't help. In this case, there is no firing as an intervening cause because Hollander never worked for the mob. There are also no whistleblowers despite the Court's misrepresentation that Hollander "portrays

himself in his pleadings as a whistleblower.” Order 12-2, A-142. A person can’t be a whistleblower unless he was an employee, Mruz v. Caring, Inc., 991 F.Supp. 701, 708-09 (D.N.J. 1998)(referring to “Whistleblower Act” 31 U.S.C. §3730(h)), and he can’t blow the whistle on something before he knows it exists, such as the mob’s Scheme, which Hollander didn’t learn about until July 2002. The whistleblower cases, as with other employee termination cases, hold the firing decisions caused the injury of an employee’s loss of job, not the employer’s RICO violations. *See, e.g.,* Hecht, 897 F.2d at 24; Cullom v. Hibernia Nat. Bank, 859 F.2d 1211, 1215 (5<sup>th</sup> Cir. 1988); Pujol v. Shearson/Am. Express, Inc., 829 F.2d 1201, 1205 (1<sup>st</sup> Cir. 1987); Nodine v. Textron, Inc., 819 F.2d 347, 349 (1<sup>st</sup> 1987); Morast v. Lance, 807 F.2d 926, 933 (11<sup>th</sup> Cir. 1987). The Complaint and Supplemental Complaint do not allege injury after August 2000 from Hollander’s loss of a job with the Russian mob that he never had.

Regardless of Hollander’s non-employee status, proximate cause exists for injuries from overt predicate acts in furtherance of defendants’ RICO conspiracies. *Cf. Beck v. Prupis*, 529 U.S. 494, 506 n. 10, 146 L.Ed.2d 561, 120 S.Ct. 1608 (2000). The post August 2000 illegal acts by defendants that caused injury by trying to suborn perjury, intimidate and prevent Hollander and others’ testifying in court or at administrative proceedings and interfered with this RICO action included predicate acts (Complaint ¶¶ 479, 482, 492, 494, 504, 506, 530, 531, 541,

556-57, A 68-70, 72-73, 75; Supp. Complaint ¶¶ 16, 19, 45, 55, 57, 69, 70, A 115-116, 119-121) taken in furtherance of the RICO conspiracies (Complaint ¶¶ 481, 484, 501, 513, 543, 559, A-68, 70-71, 73, 75; Supp. Complaint ¶¶ 18, 21, 47, A-116, 119) to prevent their unraveling from disclosure of the Scheme.

The District Court's reliance on shareholder derivative action suits required it to twist, bend, fold and mutilate the Complaint's allegations into a false pattern that seemingly fitted the fact allegations in American Express so as to reach the same result—dismissal. American Express, 39 F.3d at 400, held that RICO violations by company officers and employees were not meant to harm the company but benefit it and, in turn, the shareholder-plaintiffs. The Russian mafia in this case also engaged in RICO violations to benefit itself but there the analogy ends. Hollander is not a shareholder of the Russian mob, so the defendants' acts weren't done to benefit him.

American Express, 39 F.3d at 400, and Abrahams v. Young & Rubicam, Inc., 79 F.3d 234, 238-39 (2d Cir.), *cert. denied*, 519 U.S. 816 (1996), also found the RICO violations did not injure plaintiffs but the revealing of those acts did. Here, the RICO violations and injuries in the Complaint all occurred before the revelation of the Scheme in July 2002 and its public exposure in April 2003 with the filing of this suit.<sup>3</sup> The harm to Hollander from RICO acts between August

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<sup>3</sup> The District Court claims RICO violations occurring before August 2000 “are not alleged to have caused plaintiff injury,” Order at 11-2, 12-1, but the Court lies (perhaps unknowingly), see above § I(E) Eastern front of the District Court's Maginot line.



2000 and July 2002 did not flow from an exposure as in American Express or Abrahams but from certain defendants' efforts to protect and finish the Scheme by preventing its exposure. Predicate acts committed to conceal an ongoing fraud, including money laundering and travel in aid of racketeering, support a finding of proximate causation. Maiz v. Virani, 253 F.3d 641, 674 (11<sup>th</sup> Cir. 2001). The District Court, however, reaches the absurd result that any harm caused by a RICO violation that a criminal group does to protect or conceal a scheme, rather than carrying it out, assuming these two activities can be distinguished in reality, is not the proximate cause of resulting injuries. Alternatively, the Court required defendants' RICO violations before August 2000 to be the sole factor in causing injury after that date. A proximate cause, however, is not the same thing as a sole cause. Cox v. Admin. U.S. Steel & Carnegie, 17 F.3d 1386, 1399 (11<sup>th</sup> Cir. 1994).

Accepting the District Court's premise about exposure in August 2000 as an intervening event would mean that RICO defendants, following the exposure of their first set of RICO violations, could engage in a second set of RICO violations to prevent or deter a plaintiff's access to law enforcement authorities or the courts for redressing grievances from the first set of illegal acts. Under the Court's reasoning, Order 10-1 & 2, 11-1 & 2, A 140-41, defendants would not be liable under RICO for injuries from the second group of violations because that harm was caused by an intervening event: the exposure of the first set. I don't think so. The

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second set of RICO violations still could have proximately caused injury. In American Express and Abrahams, there was no second set of RICO violations as here. An easy way, however, to deal with the Court's immunity for defendants' second set of violations is to consider them as carrying out an addendum scheme or new scheme.

American Express, 39 F.3d at 400, also holds the shareholders were not the intended targets and, according to Lerner v. Fleet Bank, N.A., 318 F.3d 113, 124 (2d Cir. 2003), American Express also held the injuries were not the "preconceived purpose" or "specifically intended consequences" of the RICO acts, therefore, no proximate causation. The Second Circuit subsequently appeared to reject requiring "specifically intended harm" and "intended victim or target" in Baisch v. Gallina, 346 F.3d 366, 375-76, by favoring the standard: intent to create a risk of harm and substantial risk of injury to the victim. But in Ideal, 373 F.2d 251, 260, it resurrected the specifically intended victim, or target, element by noting that complaints are dismissed for lacking proximate cause when plaintiff is not an intended victim or target. With these decisions, the Second Circuit has in effect added the mail and wire fraud requirements of a specifically intended victim or target and, perhaps, specifically intended injury to its proximate cause determination even though mail and wire fraud are specific intent crimes, U.S. v. Chandler, 98 F.3d 711, 715 (2d Cir. 1996), and RICO a statutory tort remedy, Mid

Atl. Telecom, 18 F.3d 260, 263 (citation omitted); Bieter Co. v. Blomquist, 987 F.2d 1319, 1329 (8<sup>th</sup> Cir. 1993). Allegations of a plaintiff as the specific target and injuries specifically intended are unnecessary for a statutory tort action, *see* Restatement of Torts 2d, § 548A, and contrary to the Supreme Court's admonition that strict proximate cause requirements not be erected as obstacles to private RICO litigants, *see* Sedima, 473 U.S. 479, 497-98.

The District Court's conclusion that a plaintiff must be the intended target of the RICO scheme, Order 9-2, 10-2, 11-2, 13-2, A 139-41, 143, and the alleged injury a preconceived purpose or specifically intended consequence of RICO violations, *id.* at 10-2, 11-2, 12-1, 13-2, 14-1, A 140-44, is "simply wrong." BCCI Holdings (Lux.), S.A. v. Khalil, 214 F.3d 168, 173 (D.C.Cir.), *cert. denied* 531 U.S. 958 (2000). Standing to pursue a RICO action exists even without allegations that plaintiff was the intended target. Khurana, 130 F.3d 143, 151-52 (5<sup>th</sup> Cir. 1997) (physician not intended target); Terre Du Lac Ass'n, Inc. v. Terre Du Lac, Inc., 772 F.2d 467, 472 (8<sup>th</sup> Cir. 1985)(citation omitted), *cert. denied* 475 U.S. 1082 (1986). "[T]he RICO plaintiff need not be the target of the RICO conspiracy or the intended victim of the RICO predicate acts, as long as plaintiff's business or property was ... injured as a proximate result of the violation." Rakoff and Goldstein, RICO Civil and Criminal, §4.02[7]. In Holmes, the Supreme Court "never suggests ... that the only or best way to prove proximate cause is for a

plaintiff to prove he was the ‘intended target’ and that the injury was the ‘preconceived purpose’ of the RICO activity.” BCCI, 214 F.3d at 174. Regardless of what the Second Circuit requires, the District Court demands both a specifically intended harm and victim, which conflicts with the D.C., 5<sup>th</sup>, and 8<sup>th</sup> Circuits.

In Holmes, 503 U.S. at 267-68, the Supreme Court found the principles for determining proximate cause in Federal RICO and antitrust cases to be the same because of the identical statutory language. The Second Circuit’s Ideal requirement that a plaintiff must be an intended target of defendants’ RICO violations is contrary to present day antitrust proximate causation principles. Federal courts previously used a target standing test for antitrust causation, Repp v. F.E.L. Publications, Ltd., 688 F.2d 441, 444-45 (7<sup>th</sup> Cir. 1982), but it has fallen on disfavor. The Supreme Court expressed dissatisfaction with the antitrust target test in Assoc. Gen. Contractors of Cal. v. Cal. St. Council, 459 U.S. 519, 536 n. 33 & 37, 74 L.Ed.2d 723, 103 S.Ct. 897 (1983), and stated the availability of a remedy “is not a question of specific intent of the conspirators.” Id. 459 U.S. at 537 (quoting Blue Shield Virginia v. McCready, 457 U.S. 465, 479, 73 L.Ed.2d 149, 102 S.Ct. 2540 (1982)). Several federal courts subsequently declined to apply the target standing test in antitrust cases. *See, e.g.* R.C. Dick Geothermal Corp. v. Thermogenics, Inc., 890 F.2d 139, 146 (9<sup>th</sup> Cir. 1989); Southwest Suburban Bd. Realtors, Inc. v. Beverly Area Planning Ass’n, 830 F.2d 1374, 1377 n.1 (7<sup>th</sup> Cir.

1987). Since the Supreme Court has ruled that proximate causation principles for antitrust are the same for RICO, the Second Circuit and District Court's use of target standing for RICO contradicts the Supreme Court and other Circuits. But if it doesn't, the Complaint (¶¶ 135-36, 164, 170, 179, 185, 201-04, 227-30, 234, 239-41, 243, 245, 281-83, 288-90, 307-09, 317-19, 494, 506, 518, 527, 530, A-36, 38-40, 42, 44-46, 49-52, 69-72) and Supplemental Complaint (¶¶ 2, 13, 35, 50, 53, A 114-115, 117, 119) allege Hollander was a target of the RICO violations right from the beginning.

The District Court even admits Hollander was a target during the first step of the Scheme. “[T]he success of the Scheme [the first part] depended on a lack of harm to plaintiff, for it was through plaintiff and with plaintiff's (perhaps unknowing) cooperation that the [Russian mob] hoped to succeed in infiltrating the United States [with defendant Shipilina].” Order 14-1, A-144 (Court's emphasis.) The Court's “lack of harm” apparently refers to personal, physical harm since Hollander had already been injured to the tune of out-of-pocket expenses and lost business by the time defendant Shipilina entered America on a fraudulent immigrant visa. (*See above* I(E) Eastern front Maginot Line.)

The first step in the Scheme was intended to give the Russian mafia the financial advantage of transposing one more asset to the lucrative American market at the expense of Hollander. Next when faced with Hollander's refusal to yield to

certain defendants’ lulling and coercive practices (Complaint ¶¶ 226-233, A 44-45), the mob imposed further sanctions on Hollander with additional coercion (Complaint ¶¶ 239-43, 245, 257, 259, 273, 281-84, 287-90, 306-09, 316-18, 319, A 45-52), which the District Court also admits targeted Hollander: “plaintiff’s resistance to and investigation of the Scheme is what the predicate acts ... were designed to prevent,” Order 14-1, A-144. Such coercive efforts sufficiently plead proximate cause. *See McCready*, 457 U.S. 465, 483 (antitrust standing). The District Court, however, in relying on Manson v. Stacescu, 11 F.3d 1127, 1132-33 (2d Cir. 1993), guilefully holds that threats to stop a person from investigating a scheme cannot proximately harm a person’s business or property. Order 14-1, A-144. Manson did not reach that conclusion; instead, it held the harm to Manson was derivative of the injury to the company of which he was president, which under Holmes meant no proximate cause. The Complaint here does not allege threats injured Russian Mafia, Inc. and that injury passed through to Hollander. There is no third person or entity between the threats and Hollander.

Concerning foreseeability, the Court makes the conclusory statement based on its core misrepresentation of the Complaint, the Maginot Line, “That plaintiff would put his legal and consulting business on hold [in August 2000] to investigate the Enterprise simply is not a reasonably foreseeable consequence of the predicate acts...” Order 14-1, A-144. Hollander first put his business on hold from March

to May 2000 (Complaint ¶¶ 187-88) to assist defendant Shipilina in obtaining her immigrant visa from the Moscow Embassy. And no, Hollander didn't know Shipilina was perpetrating a fraud at that time. After putting his business on hold once as a result of predicate acts to permanently transplant a mob asset to America, a reasonable criminal could easily foresee it happening again in order to determine whether his wife was a prostitute and deal with threats, intimidation and fraudulently instigated court and police actions. Besides, Hollander falls into the foreseeable class of immediate victims because he was a customer, albeit an unwitting one, of a Russian mafia prostitute trying to continue her work for the Russian mob in the U.S. American Express, 39 F.3d at 399)(no proximate cause since plaintiff not a target, competitor nor customer of the racketeer, citing Sperber v. Boesky, 849 F.2d 60, 64-65 (2d Cir. 1988)); (Complaint ¶¶ 136-40, 360-61, A-36, 56.)

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The District Court failed to address proximate causation of injuries that occurred before August 2000 from RICO violations by falsely claiming the Complaint did not allege any injuries from such activities. "The factual allegations detailing these activities largely predate plaintiff's 'discovery' of the Scheme in August 2000, and are not alleged to have caused plaintiff injury." Order 11-2, 12-1, A 141-42. The Complaint, however, avers certain defendants tricked Hollander

into sponsoring and paying for defendant Shipilina's fraudulently obtained immigrant visa (Complaint ¶¶ 135-36, 182-83, 186, 190-93, 197, A-36, 40-42), defendant Shipilina made false representations by telephone and mail between the U.S. and Russia in order to lull Hollander into returning to Russia so as to bring her to America, which included the cost for Shipilina's flight, Hollander's round-trip flight and accommodations in Moscow (Complaint ¶¶ 198-205, A-42), and the Scheme caused Hollander to put his law and consulting business on hold (Complaint ¶¶ 187-88, A-40), which resulted in loss of profits, loss of business opportunities and business interruption expenses for which the amounts are included in the figures at Complaint ¶ 907(a)-(c), A-112.

The District Court also avoided the proximate cause issue for the injuries after August 2000 that it didn't claim resulted from Hollander's "discovery of the Scheme." The Court disregarded these allegations as "general" and "conclusory," *see* section I(D) above. The Complaint, however, sufficiently alleged injury from use of racketeering funds to finance the Scheme, from use of racketeering activities to acquire or preserve influence over Russian mob activities, from overt predicate acts to further conspiracies (Complaint ¶¶ 900, 904-06, A 111-112) and damage to professional reputation and good will from false allegations, such as those in a restraining order, report to police and threat of arrest (Complaint ¶¶ 229-32, 234, 239, 271, 309-14, 907(e), A 44-45, 48, 51-52, 112). The Supplemental Complaint



sufficiently alleged causation of injuries from defendants' efforts to obstruct this RICO action (Supp. Complaint ¶¶ 2, 12, 34-36, 38, 43, 49, 52, 59-63, 77, A 114-115, 117-120, 122).

### **III. Leave to Amend Errors**

Did the District Court abuse its discretion by fabricating a fact, creating a Catch-22, using a trivial excuse and relying on its key misrepresentation of the Complaint to slam the door on even one leave to amend the Complaint?

The District Court lied when it stated, "Plaintiff made no request to file an amended Complaint in the event the motions to dismiss were granted," Order 16-2, A-146. Plaintiff's Memorandum in Opposition p. 41-2, A-129, states, "If this Court dismisses the Complaint or part of it under Rule 12(b)(6), then the plaintiff requests leave to amend." Plaintiff also made similar requests with respect to specific issues throughout his Memorandum in Opposition pp. 49-1, 70-2, 76-2, 119-3, A-130.

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The Court created a legal Catch-22 for plaintiffs who dare file a supplemental complaint after receiving defendants' motions to dismiss but before a court decides those 12(b)(6) motions. The Catch-22 works by assuming the purpose of an amended and supplemental complaint are the same, defendants' motion to dismiss arguments are accurate and plaintiff can divine which of those

arguments a court will use for its decision before it occurs: “[H]aving been fully apprised of the bases for the motions to dismiss,” Order 16-2, A-146, [plaintiff] “was fully aware of the asserted [that means alleged] pleading deficiencies raised in the motion to dismiss and, with those assertions [allegations] in hand, he sought to supplement his complaint,” Disqualify at 5-2, A-154.

Supplemental complaints are for “setting forth transactions or occurrences or events which have happened since the date of the pleading sought to be supplemented.” Rule 15(d). Amended pleadings incorporate events that occurred prior to the filing of the original pleading, but were either overlooked or not known at the time, Slavenberg Corp. v. Boston Ins. Co., 30 F.R.D. 123, 126 (S.D.N.Y. 1962), and are used to cure deficiencies in an original complaint.

The Court erred in holding the Supplemental Complaint an amended complaint. It stated, “Plaintiff is correct that there is nothing inappropriate with seeking to cure a pleading deficiency called to one’s attention by an opposing party.” Disqualify 5-2, A-154. The plaintiff never said that, the Supplemental Complaint never said that. Both stated, “The events included in this supplemental complaint happened after the original Complaint was filed on April 18, 2003.” (Supp. Complaint ¶ 1, A-114.) The Supplemental Complaint was not filed in response to alleged “pleading deficiencies raised in the [defendants] motion to dismiss,” Disqualify 5-2, A-154, it was filed because of predicate acts engaged in

by the defendants after the Complaint had been filed. But the Court ignored this so as to conclude, “the supplemental pleading added nothing of material significance to cure the deficiencies in [plaintiff’s] allegations,” *id.* Deficiencies that wouldn’t be known until the Court rendered its decision.

By simply updating the Court on recent harm caused by defendants, the Court jumped to the Orwellian conclusion that plaintiff was trying to correct deficiencies in his Complaint that he wouldn’t learn about until some time in the future when the Court made its decision. Under such reasoning, all plaintiffs must use a Doctor Who telephone booth to determine the Court’s criticism, so they can cure it before the Court makes its decision. Or, just as bizarre, plaintiffs should adopt defendants’ interpretation of the law and objections as true, which means the courts might as well throw out all complaints since that’s where defendants’ objections lead on a motion to dismiss—that’s why it’s called a motion to dismiss. So much for the courts as a means to resolve disputes.

The implication of the District Court’s reasoning is that when a plaintiff files a supplemental complaint under Rule 15(d) after being served with defendants’ motions to dismiss but before the Court rules on those motions, it legally follows that plaintiff will be unable to amend his original complaint under Rule 15(a) so as to cure a subsequent dismissal because the plaintiff cannot “truthfully allege more,” Order 5-2, A-154, since he already filed a supplemental complaint.

Therefore, when a supplemental complaint is filed, an amended complaint must also be filed that addresses the Court's objections, which plaintiff will not learn about until some point in the future; otherwise, plaintiff forfeits any opportunity to amend the original complaint under Rule 15(a). A nice Alice in Wonderland tactic that turns on its head the policy: "Where plaintiff seeks an opportunity to amend his complaint in order to meet the objections stated by the trial court, we feel that he should be accorded such an opportunity." Austin v. House of Vision, Inc., 385 F.2d 171, 172 (7<sup>th</sup> Cir. 1967), *appeal after remand*, 404 F.2d 401 (7<sup>th</sup> Cir. 1968).

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The District Court improperly considered the "sheer length and detail" of the Complaint as constituting a legal reason for denying leave to amend. Order 16-2, A-146, *see id.* at 1-1, 3-1, A-131, 133. "The fact that a brief of such length was filed by plaintiff had bearing on whether plaintiff had a full and fair opportunity to advance his arguments and also on the issue of whether the Court, on its own motion, should grant plaintiff leave to further replead." Disqualify 3-2, A-152. Just because a RICO complaint is long by the standards of other causes of action is no reason to deny leave to amend. The length and detail of a complaint depends on the subject matter, the type of claims presented and the number of the parties involved. *See* Dublin Distribs. Inc. v. Edward & John Burke, Ltd., 109 F.Supp. 125, 126 n.1 (S.D.N.Y. 1952)(antitrust pleading). The more complex the litigation

becomes, the greater the amount of detail that will appear in the pleadings. Wright & Miller, Fed. Prac. & Proc.: Civ. 3d 1281, p. 707. A complaint charging RICO violations by a crime syndicate will recite numerous acts and circumstances and not be a short statement of a claim as the word “short” is used in pleading on a contract or in negligence. *Cf. Rivioli Operating Corp. v. Loew’s Inc.*, 7 F.R.D. 219, 223 (W.D.N.Y. 1947)(antitrust complaint). The Complaint’s length was necessary to plead the complex and intertwined workings of a segment of the Russian mafia to put the injuries to Hollander into context. The Russian mob is the archetypal, intimidating, mobster organization RICO seeks to eradicate. *See Russello v. U.S.*, 464 U.S. 16, 26-27, 78 L.Ed.2d 17, 104 S.Ct. 296 (1983). Further, Federal Rule 8(a)(2) requires a short and plain statement for each claim, not a short complaint, so length should not be relied on, even in part, to deny leave to amend.

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Citing “*see Manson*, 11 F.3d at 1133,” the District Court contends, “Even the most liberal reading of the Complaint and Supplemental Complaint fails to indicate that, however restated, any valid claim would survive,” so any amendment, even one, would be futile. Order 16-2, 17-1, A 146-47. Manson was a derivative, or passed-on, injury case; therefore, denying leave to amend was appropriate since amended pleadings couldn’t change the situation of plaintiff’s

injury flowing through a third party, which meant no proximate cause. Trollinger, 370 F.3d 602, 615. The harm to Hollander does not derive from injury to a third party. Further, one amendment would disabuse the Court of its mistaken but core finding that Hollander “alleged injury ... arising out of his discovery of [the] Scheme,” which led to an investigation of the Enterprise beginning in August 2000. Order 2-1, 4-2, 9-1, 11-2, 12-1, A-132, 134, 139, 141-42. The Court used its alleged August 2000 discovery as an intervening event to justify ruling that any sufficiently averred injuries suffered after that date were not proximately caused by defendants’ Scheme or RICO violations. An amended complaint, in addition to other truthful allegations, would make clear to even the District Court that Hollander did not discover the Scheme until two years later in July 2002.

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The District Court abused its discretion under Milanese v. Rust-Oleum Corp. 244 F.3d 104, 110 (2d Cir. 2001), by denying leave to amend the Complaint through (1) clearly erroneous findings of fact that Hollander failed to request leave to amend and discovered the Scheme in August 2000, (2) mistaken applications of the law that a supplemental complaint is an amended one and the “sheer length and detail” of a complaint is a legal basis for denying leave to amend and (3) inventing a Catch-22 rule that filing a supplemental complaint before a court’s decision on

dismissal motions also requires an amended complainant to correct the faults that a court may find in its future decision.

#### **IV. Due Process Violations**

Did the District Court violate the plaintiff's due process rights by mixing pro se and attorney standards in deciding to dismiss with prejudice and ignoring the policy behind Fed. R. Civ. P. 15(d) for allowing supplemental complaints?

##### **A. Pro se v. Attorney**

The District Court violated Hollander's due process rights by using the pro se standard for construing the Complaint, Order 7-2, A-137, while applying the attorney standard as a reason not to grant leave to amend, Order 16-2, A-146; Disqualify 5-2, A-154. The impact of mixing the standards is that it allowed the Court to create the false impression of liberally analyzing the pleadings in favor of a pro se plaintiff, Order 7-2, A-137, while doing its best to make sure it never saw this case again, Order 16-2, A-146; Disqualify 5-2, A-154, by applying a higher standard to deciding against even one leave to amend.

##### **B. Policy Behind Supplemental Complaints**

The District Court violated Hollander's due process rights by punishing him for acting in accord with one of the basic policies of the Federal Rules of Civil Procedure “that a party should be given every opportunity to join all of his grievances against other parties regardless of when they arose,” Wright & Miller,

Federal Prac. and Proc.: Civ.2d § 1506. The Court wrongly treated the Supplemental Complaint as an amended complaint and used that faulty conclusion to punish Hollander for filing the Supplemental Complaint by denying him leave to amend the Complaint once following the Court's decision. Disqualify 5-2, A-154.

### **CONCLUSION**

The District Court considers pleading civil RICO actions a game of skill in which any misstep, real or imaginary, will be decisive for dismissal. *Contra Conley v. Gibson*, 355 U.S. 41, 48, 2 L.Ed.2d 80, 78 S.Ct. 99 (1957).

Plaintiff-Appellant requests the dismissal be vacated.

Dated: August 9, 2005

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## **I. PRELIMINARY STATEMENT**

Plaintiff-appellant, Roy Den Hollander, (“plaintiff”), an attorney at law, submits this brief in reply<sup>1</sup> to defendants-appellees Kuba, Mundy & Associates, Nicholas J. Mundy and Peter Petrovich’s brief in opposition (“Mundy Brief”); Flash Dancers Topless Club’s brief (“FlashDancers Brief”); Cybertech Internet Solutions’ brief (“Cybertech Brief”); Marc Paulsen’s brief (“Paulsen Brief”); Alina Shipilina’s brief (“Shipilina Brief”); and the Municipal or Detective Robert Henning’s brief (“Henning Brief”). Defendant-appellee Bank of Cyprus did not submit a brief.

The following nomenclature applies: cites to defendants-appellees’ briefs, District Court’s Order (“Order”), and plaintiff-appellant’s initial brief (“Hollander Brief”) are to the document’s page number hyphen paragraph on that page, which may or may not be a full paragraph. Cites to the Complaint or Supplemental Complaint are to paragraphs. “A” with numbers refers to pages in the Joint Appendix. “Mundy” refers to the law firm, Mundy and Petrovich<sup>2</sup>.

Plaintiff filed a motion requesting this Court to reject the Mundy Brief and Henning Brief for violating the formatting rules of the Federal Rules of Appellate Procedure (“F.R.A.P.”) §32 and Local Rule §32. In the alternative, the motion requested designated sections of the Mundy Brief be removed for (1)

<sup>1</sup> The counter-arguments in this Reply apply to all the defendants-appellees’ briefs.

<sup>2</sup> Petrovich was properly served and an Affidavit of Service filed, Docket Entry 3, A-7.



numerous citations outside the Appendix in violation of F.R.A.P. §30 and Local Rule §11(e), (2) many ad hominem attacks in furtherance of defendants' strategy of litigation by personal destruction, violating F.R.A.P. §§28(b) and Local Rule §28, (3) interjecting defendants own irrelevant factual allegations that violate Fed. R. Civ. P. 12(b)(6), F.R.A.P. §28(b) and Local Rule §28, and (4) breaching the Blue Book's citation system. The motion also requested deleting parts of Henning and FlashDancers' briefs for citing documents outside the Appendix, removal of irrelevant allegations in FlashDancers Brief and ad hominem in the Shipilina Brief. Reversal of the District Court's order for the Bank of Cyprus was requested for failure to file a brief. Plaintiff moved for monetary sanctions against the attorneys responsible.

## **II. DEFENSE LAWYERS RE-WRITE THE COMPLAINT WHILE INTERJECTING THEIR OWN IRRELEVANT ALLEGATIONS.**

This is an appeal of a Fed. R. Civ. P. 12(b)(6) dismissal—not an appeal from summary judgment or trial verdict.

The Mundy Brief includes numerous factual allegations that are not part of the plaintiff-appellant's pleadings. Mundy's attorneys invent their own averments, claimed as facts, while selectively editing, juxtaposing and misstating plaintiff's allegations in order to create a shadow pleading that fits their legal arguments and character assassination strategy. They try to muster support for their fabricated allegations, more appropriate for an answer they

never submitted, by citing to over 380 pages of documents they filed below. These documents<sup>3</sup> and assertions should not be relied upon in deciding a Rule 12(b)(6) motion because it's the plaintiff's pleadings that are considered true, California Motor Transport Co. v. Trucking Unlimited, 404 U.S. 508, 515, 30 L. Ed. 2d 642, 92 S.Ct. 609 (citation omitted)(1972), not the defendants' opinions nor their inaccurate protestations or misplaced assertions, In re Warfarin Sodium, 214 F.3d 395, 398 (3<sup>rd</sup> Cir. 2000)(consideration of facts gleaned from counsel's argument are factors not contemplated by the dictates of Rule 12(b)(6)). "[T]he defendants seek to argue the merits ... in the context of a 12(b)(6) motion to dismiss, which is not the purpose of the motion." T.S. Haulers, Inc. v. Town of Riverhead, 190 F.Supp.2d 455, 464 (E.D.N.Y. 2002)(citing *see Villager Pond Inc. v. Town of Darien*, 56 F.3d 375, 378 (2d Cir.1995).

Examples of the many misrepresentations, prevarications, irrelevancies and efforts to substitute defendants' allegations (mostly Mundy Brief pp 2-25) for the plaintiff's pleadings are included for reference in footnote 5 at this reply's end. Space limitations make it impossible to expose all their dissembling.

The following allegory basically summarizes what happened to plaintiff as alleged in his pleadings: While sailing the waters of the former Soviet Union

<sup>3</sup> Of the 35 documents that Mundy's attorneys inflated the record with, the plaintiff relied on only parts of six, *see Chambers v. Time Warner, Inc.*, 282 F.3d 147, 153 (2d Cir. 2002) (plaintiff must rely on document).

in his Sun Fish, working for Kroll Associates, along comes this juggernaut of pimps, prostitutes, pornographers, pushers and assorted criminals of Russian, Chechen, American and other nationalities, including a few lunatics from the Chechen Special Islamic Regiment. The juggernaut, ever scanning for the easy prey of softhearted American businessmen, spots plaintiff, and sends out one of its prostitutes as bait: a tall, blue-eyed, bleached blonde. Using duplicity and drugs, the plaintiff's Sun Fish is torpedoed, heads to the bottom. He's sunk—married to a Russian prostitute who is a member of Russian organized crime although he doesn't know it at the time. Plaintiff brings his wife of a few months to America, and the Russian mafia gets another one of its assets into the premier hard-currency market in the world. While this was happening to plaintiff, it was and continues to happen to others. When plaintiff finally came up for air: he struggled, tried to get free, fought back to protect his business and rights by using the law and not stepping outside it—but to no avail. Finally, with the assistance of a consulting attorney, he discovers in July 2002 the Russian mafia's role in the nightmare inflicted on him and his property. He brings this RICO suit. So far, the Russian mafia juggernaut has been more powerful, more effective than the law because it lies, dissembles, prevaricates, smears, threatens, intimidates and bribes.

### **III. ARGUMENT**

## **A. Injury**

Defendants try to mislead this Court by claiming the plaintiff does not allege injuries to business and property but to the person. Mundy Brief, p.32-3, p.43-3, achieves this misrepresentation by stating the Complaint seeks compensation for predicate acts that imperiled the plaintiff's "safety, life, liberty and right not to live in fear" than mixes in the actual allegations of injury to business and property as though they were personal. The Hollander Brief, p.36 n.1, makes clear, the plaintiff does not claim RICO damages for defendants imperiling his safety, life, liberty and right not to live in fear or any injuries to the person.

The "legal entitlement to business relations unhampered by schemes prohibited by RICO" is a property interest sufficient to provide standing. Diaz v. Gates, 420 F.3d 897, 899 (9<sup>th</sup> Cir. 2005)(citation omitted); Williams v. Mohawk, 411 F.3d 1252, 1260 (11<sup>th</sup> Cir. 2005). Plaintiff's pleadings contend that the numerous predicate acts by defendants harmed plaintiff's business and property. (Complaint ¶¶900-07, A 111-12; Supp. Complaint ¶77, A-122.)

For example, RICO violations harmed plaintiff's business reputation and goodwill. (Complaint ¶¶902-03, 907(e), A 111-12; Supp. Complaint ¶77, A-122.) Defendants wrongly claim that injuries to "business or professional reputation and goodwill" are not business or property harms. For support,

Mundy Brief, p.32-4, p.34-1, cites to 10 cases—eight without specific page cites, and again at id., p.44-1, cites to eight cases also without specific page cites. Are they hiding something? Yes, the cases they cite mostly do not support their proposition, and to the extent they do, create a conflict with other circuits. In Kimm v. Lee, 2005 WL 89386\*4-6 (S.D.N.Y.), the court dismissed the complaint for failing to allege the predicate acts—not failing to allege injury. This Court in Bankers Trust Co. v. Rhoades, 741 F.2d 511, 515-16 (2d Cir. 1984) found an injury but no predicate act. Tsipouras v. W&M Properties, Inc., 9 F.Supp.2d 365, 368 (S.D.N.Y. 1998), conflicts with the following cases, including a S.D.N.Y. case, that all hold injuries to business reputation or goodwill are compensable under RICO: Philatelic Foundation v. Kaplan, 1986 WL 5629 at \* 11 (S.D.N.Y. May 9, 1986), dismissed in part 647 F.Supp. 1344 (business reputation injury); Clark v. Stipe Law Firm, LLP, 320 F.Supp.2d 1207, 1213-14 (W.D.Okla. 2004)(professional reputation injury); Guerrero v. Gates, 110 F.Supp.2d 1287, 1293 (C.D. Cal. 2000)(damage to professional reputation); Ford Motor Co. v. B & H Supply, Inc., 646 F.Supp. 975, 999 (D. Minn. 1986)(injury to Ford’s reputation and goodwill); Gamboa v. City of Chicago, 2003 U.S. Dist. Lexis 13706 \*9 (N.D. Ill.)(loss of business reputation is injury—dicta).

Hollander Brief, pp 32-39, presents the arguments for other cognizable injuries to business and property, such as legal fees incurred in defending against proceedings initiated or threatened, Gamboa, 2003 U.S. Dist. Lexis 13706 \*9, by defendants in order to further the RICO Scheme (Complaint ¶¶ 229, 234, 239, 240, 307-14, A 44-45, 51-52).

Defendants claim the District Court “indicated that indefinite, speculative and unprovable damages are not recoverable,” Mundy Brief p.34-2, but don’t cite the Order and don’t apply their proposition to any damage allegations. All the “speculative” cases cited by defendants concern damages that might occur in the future, not damages that already happened. *E.g.* Hecht v. Commerce Clearing House, Inc., 897 F.2d 21, 24 (2d Cir. 1990). The lost debt cases: Stochastic v. DiDomenico, 995 F.2d 1158, 1165-66 (2d Cir.), *cert.denied*, 510 U.S. 945 (1993); First Nationwide Bank v. Gelt Funding, 27 F.3d 763, 768 and Bankers Trust Co. v. Rhodes, 859 F.2d 1096, 1106 (2d Cir. 1988), *cert. denied*, 490 U.S. 1007 (1993) all held the damages at the time of the RICO litigation were speculative because it was still unknown how much would be recovered through other concurrent proceedings or collection efforts that had not yet concluded. Since courts don’t have crystal balls, such future damages are considered speculative, indefinite and unprovable. The damages alleged in this case have already occurred.

## **B. Proximate Cause**

The defendants wrongly claim the rule for determining RICO standing in this Court does not “depend on whether there is proximate causation as that term is defined in common law.” Mundy Brief p.35-3.

Standing under RICO requires pleading (1) defendant’s violation of 18 U.S.C. 1962, (2) injury to plaintiff’s business or property, and (3) causation of the injury by defendant’s violation. Lerner v. Fleet Bank, 318 F.3d 113, 120 (2d Cir.2003). Element (3)—causation—requires “but for” and proximate cause. Proximate causation is determined by common law principles. Desiano v. Warner Lambert Co., 326 F.3d 339, 346 (2d Cir. 2003)(citing Laborers Local 17 v. Phillip Morris, Inc., 191 F.3d 229, 234 (2d Cir. 1999)). The Supreme Court, Holmes v. Securities Investor Protection Corp., 503 U.S. 258, 267-69, 117 L.Ed.2d 532, 112 S.Ct. 1311 (1992), and other circuits also call for using common law proximate causation, *e.g.* Brandenburg v. Seidel, 859 F.2d 1179, 1189 (4<sup>th</sup> Cir. 1988); Kaufman v. BDO Seidman, 984 F.2d 182, 185 (6<sup>th</sup> Cir. 1993); Israel Travel Advis. Serv. v. Israel Iden. Tours, 61 F.3d 1250, 1257 (7<sup>th</sup> Cir. 1995).

Proximate causation requires (1) direct injury as opposed to a passed-on or derivative harm and (2) foreseeability. Desiano at 346. Stated another way: “Central to the notion of proximate cause is the idea that a person is not liable to

all those who may have been injured by his conduct, but only to those with respect to whom his acts were [1] ‘a substantial factor in the sequence of responsible causation,’ and [2] whose injury was ‘reasonably foreseeable or anticipated as a natural consequence.’” Lerner, 318 F.3d 113, 123 (2d Cir. 2003)(citing First Nationwide Bank, 27 F.3d 763, 769 (2d Cir, 1994)).

Extrapolating the standing requirement for suing under certain statutes—plaintiff must (1) belong to the class the statute sought to protect and (2) suffer the type of harm meant to be prevented—to reach the tenuous conclusion that foreseeability in civil RICO requires criminals (1) to specifically intend harm to a particular person and (2) to do so by inflicting a specifically intended injury, Abrahams v. Young & Rubicam, Inc., 79 F.3d 234, 237-39 (2d Cir. 1996); In re American Express Co. Shareholder Litig., 39 F.3d 395, 400 (2d Cir. 1994), conflicts with the Supreme Court and other circuits. Although, it’s an effective way of limiting the number of RICO suits.

To the extent this Court limits the element of foreseeability, as contended in Mundy Brief, p.35-37, to the targets, competitors, intended victims and customers of the racketeering enterprise, Ideal Steel Supply Corp. v. Anza, 373 F.3d 251, 260 (2d Cir. 2004)(citing Lerner, 318 F.3d at 124 and Sperber v. Boesky, 849 F.2d 60, 65 (2d Cir. 1988)), it is in conflict with the proximate cause requirements of the Supreme Court, Holmes, 503 U.S. at 267-69, other



circuits, BCCI Holdings (Lux.), S.A. v. Khalil, 214 F.3d 168, 173-74 (D.C.Cir.), *cert. denied*, 531 U.S. 958 (2000); Khurana, 130 F.3d 143, 151-52 (5<sup>th</sup> Cir. 1997); Terre Du Lac Ass'n, Inc. v. Terre Du Lac, Inc., 772 F.2d 467, 472 (8<sup>th</sup> Cir. 1985)(citation omitted), *cert. denied*, 475 U.S. 1082 (1986) and commentators, Rakoff and Goldstein, RICO Civil and Criminal, §4.02[7] (“[T]he RICO plaintiff need not be the target of the RICO conspiracy or the intended victim of the RICO predicate acts, as long as plaintiff’s business or property was ... injured as a proximate result of the violation.”).

To the extent this Court requires injuries from a “preconceived purpose of the RICO activities,” Mundy Brief, p.35-3, it is in conflict with Holmes, 503 U.S. at 267-69, and Diaz, 420 F.3d at 901-02 (9<sup>th</sup> Cir,) (“There is ... no room in the statutory language for an additional, amorphous requirement that, for an injury to be to business or property, the ... interest [must] have been the direct target of the predicate act. The statute is broad, but that is the statute we have. Were the standard as [Mundy] claims, we would have the anomalous result that one could be liable under RICO for destroying a business if one aimed a bomb at it, but not if one aimed at the business owner, missed and hit the business by accident, or if one aimed at the business owner who happened to be in the business at the time.”)

The pleadings, however, allege plaintiff as a target of defendants' RICO violations and a customer, albeit an unwitting one, of the racketeers. Hollander Brief p.50-1 to p.51-1. To be sure, the Russian mafia Scheme targets others, but no precedent suggests that a racketeering enterprise may have only one target. Baisch v. Gallina, 346 F.3d 366, 375 (2d Cir. 2003). Many harms caused plaintiff were obviously preconceived by the defendants, such as tricking plaintiff into sponsoring and paying for defendant Shipilina's fraudulently obtained immigrant visa, lulling him into paying for her flight to America, attempting to coerce plaintiff into lying to the INS that included bringing a fraudulent restraining order that cost him to defend against, increasing litigation costs by stonewalling an annulment-divorce trial that would have exposed the Scheme, adding to litigation expenses by intimidating annulment-divorce witnesses into not providing pre-discovery information, costing plaintiff \$3500 to defend against a false arrest and increasing the expenses of this RICO action by attempting to obstruct it. Hollander Brief p.34-2 to p.35-1. All intended to make justice too costly to pursue and thereby protect the mob's Scheme.

The Mundy Brief, pp.39-2 to 43-1, cites a number of cases to support the District Court's finding that plaintiff's pleadings failed to allege proximate causation. The holdings in those cases found the proximate cause element (1) "direct injury" lacking; that is, the injuries were "passed-on" or "derivative" or

“indirect.” “[T]he critical question posed by the direct injury test is whether the damages a plaintiff sustains are derivative of an injury to a third party. If so, then the injury is indirect; if not, it is direct.” Desiano, 326 F.3d at 346 (quoting Laborers Local 17, 191 F.3d at 238-39. “[A] plaintiff who complained of harm flowing merely from the misfortunes visited upon a third person by the defendant’s acts was generally said to stand at too remote a distance to recover.” Holmes, 503 U.S. at 268-69. Plaintiff in this case does not allege damages derivative of injuries to third parties<sup>4</sup> and the District Court didn’t find any. Hollander Brief p.41-1.

### **C. Mundy Misrepresents District Court’s Order**

Mundy’ attorneys make a few important misrepresentations in the Mundy Brief Point (I)(C), pp 44-48, about what the District Court held and plaintiff alleges.

#### Editing District Court’s Order

The “relaxed analysis” the Mundy Brief, p.45-1, claims the District Court used refers to the Rule 12(b)(6) *pro se* standard, Order p.7-2, A-137, not the determination of proximate cause for which the District Court used the “targets, competitor, intended victims and harm” test. Id. p.9-2, A-139.

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<sup>4</sup> Cf. Mundy Brief p.46-3 (no injuries flowing through third party, Mundy confuses “indirect” or “derivative” with District Court’s alleged intervening event).

Mundy tries to obfuscate the District Court's error in holding "[p]laintiff, in essence, portrays himself ... as a whistleblower...", Order p.12-2 A-142; *contra* Hollander Brief pp 43 to 47, by claiming the Court really stated "to the extent Hollander portrays himself as a Whistleblower," Mundy Brief p.46-2.

The District Court erroneously drew a bold Maginot Line at August 2000 for its fabricated intervening event of plaintiff's discovery of the Scheme.

Hollander Brief, p.13-1. Mundy's attorneys try to erase the Court's error by illogically claiming injuries before August 2000 resulted from plaintiff's actions on or after August 2000, Mundy Brief, p.45-3, p. 46-3; *Contra* Hollander Brief p.25, p.52-2, p.53-1. As an alternative to this Doctor Who view of time, the Mundy Brief, p.46 n.17, asserts the District Court's Maginot Line is irrelevant. Not to the District Court, which based its opinion of that manufactured intervening event. Order p.2-1, p.11-2, p.12-1, p.13-2, A-132, 141-43.

Apparently defendants don't like parts of the District Court's opinion, so they simply change them to fit their arguments.

#### Editing Plaintiff's Allegations

Mundy's attorneys also put words in plaintiff's mouth, Mundy Brief, p.46 n.17, by saying plaintiff "suggested that he was aware of the alleged scheme, to some degree, in August 2000 or shortly thereafter after he commenced his investigation." That's false. (Complaint ¶¶ 170, 173, 185, 189, 198, 203, 210-

212, 214-15, 220, 227 A 39-40, 42-44; Hollander Brief p.13-1.) This RICO Complaint, as with all complaints, was not written at the time that the events occurred but afterward, when hindsight, investigation and a defendant's diary revealed what had been taking place behind the scenes.

Mundy Brief, p.48-2, misrepresents plaintiff as claiming the defendants constitute an enterprise specifically set up to target his business and property. Once again, the Enterprise is the Russian mafia, a big association with many illegal and legal operations, the defendants are some of its members or associates and plaintiff just one of many victims who has fallen prey to the mob's Scheme. Hollander Brief pp 3-8.

Mundy Brief, p.44-2, continues misleading in relating plaintiff's injury allegations. The Complaint alleges loss profits as a result of the "initial success of the Enterprise's Scheme" pertaining to plaintiff and the time away from his business for various investigations to halt the harm being done to his interests. (Complaint ¶907(a).) The investigations also incurred costs, Complaint 907(d), but at the time of their being conducted, it was unknown they were caused by RICO activities.

#### **D. Pattern Continuity**

Closed-ended

Mundy Brief, p.51-4, p.52-1, falsely claims De Falco v. Bernas, 244 F.3d 286, 321 (2d Cir. 2001), holds: “In determining the duration of a pattern of racketeering activity, Courts focus solely on the predicate acts of racketeering each defendant is alleged to have committed.” The De Falco Court did not look at each individual defendant’s acts in isolation, but at all the defendants’ acts together in determining duration: “[t]he duration of a pattern of racketeering is measured by the RICO predicate acts the defendants [plural] commit.” De Falco at 321. The focus for determining continuity duration is on the acts all the defendants committed on behalf of the criminal entity, not on each defendant’s conduct viewed in isolation from other members of the enterprise. The whole purpose of enacting RICO was to reach criminal organizations. Beck v. Prupis, 529 U.S. 494, 496, 146 L.Ed.2d 561, 120 S.Ct. 1608 (2000).

Mundy Brief, p.52-2, focuses only on Mundy’s predicate acts without addressing that these acts, along with those of other defendants, (Complaint ¶¶878-885, A 109-110) are part of “a series of related predicates” over a substantial period of time, H.J. Inc. v. Northwestern Bell Telephone Co., 492 U.S. 229, 242, 106 L.Ed.2d 195, 109 S.Ct. 2893 (1989), which for this Court is apparently two years, De Falco at 321. The series of predicate acts aimed at plaintiff by members of the Russian mafia began in 1999 when defendants Shipilina and Perlin targeted plaintiff as part of the Russian mafia’s ongoing

Scheme to infiltrate and expand its operations in the U.S., Complaint ¶¶135-36, A-36, with the latest known predicate act taking place on July 21, 2004 when defendant Shipilina obstructed this RICO proceeding by falsely concealing facts, Supp. Complaint ¶70, A-121.

The most recent known predicate acts concerning Mundy are mail fraud in filing a disciplinary complaint to further the Scheme on April 23, 2003, Supp. Complaint ¶55, A-120, and the predicate acts stemming from the threatening telephone call of June 2003, id. ¶¶2-18, A 114-16. All of Mundy's acts against plaintiff are part of keeping the Russian mafia's business Scheme on track.

Hollander Brief, p.6-2, p.7-1. Even accepting Mundy's skewed view of the law, the time period measured from their admitted beginning date of October 2000, Mundy Brief, p.52-2, to June 2003 is over two years.

#### Open-ended

“Where the enterprise is engaged primarily in racketeering activity, and the predicate acts are inherently unlawful, there is a threat of continued criminal activity, and thus open-ended continuity.” Cofacredit, S.A. v. Windsor Plumbing Supply Co., 187 F.3d 229, 242-43 (2d Cir. 1999)(citing see H.J. Inc., 492 U.S. 229, 242-43). The Enterprise is not Mundy, they are just members of it. The Enterprise is the Russian mafia. Hollander Brief, p.3-2, p.5-1. This Court can take judicial notice that the Russian mafia primarily engages in

inherently unlawful racketeering activities or refer to the Complaint at ¶¶1, 10-15, 880-83, A 24-26, 109.

Open-ended continuity also exists where there was a threat of continuing criminal activity. Cofacredit, 187 F.3d at 242. Mundy claims that plaintiff's allegations describe only past criminal acts of a discrete and short-lived scheme, Mundy Brief, p.54-2, but the analysis of the threat of continuity cannot be made from hindsight, U.S. v. Busaca, 936 F.2d 232, 238 (6<sup>th</sup> Cir.), *cert. denied*, 502 U.S. 985 (1991). Rather courts determine whether the predicate acts posed a threat at the time of occurrence. *E.g.*, A. Terzi Prods. V. Theatrical Protective Union, 2 F.Supp.2d 485, 508 (S.D.N.Y. 1998). Just five weeks after defendants were mailed on April 20, 2003 the Complaint and waiver of summons request, the plaintiff received another threatening telephone call—this time from a thuggish-sounding man speaking in Russian. The threat was plain, if the plaintiff returned to Krasnodar to continue gathering evidence against the mob defendants in this federal action, then it was going to be bad for him. (Supp. Complaint ¶2, A-114.) This made clear at the time that the Enterprise was not through with the plaintiff. Further, the Mundy Brief, p.6-1, admits the ongoing Scheme in the continuing efforts to obtain a Russian mafia asset permanent residency and citizenship despite Shipilina's violation of immigration laws,



Complaint ¶¶191-93, A-41, and felonies by claiming U.S. citizenship in registering to vote, Complaint ¶¶459, 743-44, A-65, 94.

### **E. Russian Mafia Enterprise**

Defendants try to confuse a Rule 12(b)(6) appeal with one from a summary judgment or a trial by citing cases requiring proof. Mundy Brief p.55-3, p.56-2. Defendants quote from U.S. v. Turkette, 452 U.S. 576, 583, 69 L.Ed.2d 246, 101 S.Ct. 2524 (1981), that an enterprise is “proved by evidence” but omit that Turkette was an appeal of a conviction after trial—not of a motion to dismiss where “[t]he pleading of additional evidence is not only unnecessary, but in contravention of proper pleading procedure.” Geisler v. Petrocelli, 616 F.2d 636, 640 (2d Cir. 1980).

This Court has expressly disavowed the Mundy Brief, p.55-3, p.57-2, argument that an enterprise must have a “hierarchy,” “structural continuity” or “distinctness” extending beyond the performance of the pattern of racketeering activity. Moss v. Morgan Stanley, Inc., 719 F.2d 5, 22 (2d Cir. 1983); United States v. Bargaric, 706 F.2d 42, 55 (2d Cir. 1983); United States v. Mazzei, 700 F.2d 85, 88 (2d Cir. 1983). Defendants base their position on Goldfine v. Sichenzia, 118 F.Supp.2d 392, 400 (S.D.N.Y. 2000); Black Radio Network, Inc. v. NYNEX Corp., 44 F.Supp.2d 565, 580 (S.D.N.Y. 1999); and Schmidt v. Fleet Bank, 16 F.Supp.2d 340, 349-50 (S.D.N.Y. 1998), which derive their holdings

from the Eighth Circuit. This Court disagreed with Schmidt on precisely the points for which the defendants cite Goldfine and Black Radio. “Our Circuit has rejected the Eighth Circuit’s restrictive approach to the enterprise element.... The enterprise need not necessarily have a continuity extending beyond the performance of the pattern of racketeering acts alleged, or a structural hierarchy, so long as it is in fact an enterprise defined in the statute. We have repeatedly found a sufficient enterprise where the complaint alleges a group without centralized hierarchy formed for the sole purpose of carrying out a pattern of racketeering acts.” See Pavlov v. Bank of New York Co., Inc., 2002 WL 63576\*71 (2d Cir. Jan. 14, 2002)(unpublished decision).

In Hansel’n Gretel Brand, Inc. v. Savitsky, 1997 WL 543088, \*2 (S.D.N.Y. Sept. 3, 1997) the court rejected that a complaint must allege a common link among defendants other than the racketeering activities or allege that defendants played roles in the enterprise distinct from the racketeering activities. The Second Circuit in United States v. Mazzei, 700 F.2d 85, 89 (2d Cir. 1983), found that Turkette didn’t require a “distinction” element as claimed by defendants: “[T]here is no language in the legislative history to indicate that the alleged enterprise must engage in activities separate and distinct from illicit” conduct. Further, in Colony Holbrook, Inc. v. Strata, G.C., Inc., 928 F.Supp. 1224, 1235-36 (E.D.N.Y. 1996), the court rejected the view that an enterprise

encompasses only an association with an ascertainable structure having an existence apart from the commission of the predicate acts.

But if this Court decides otherwise, the Russian mafia engages in racketeering activities harming others. (Complaint ¶¶879-85, A 109-10.) Deleting the alleged predicate acts that harmed plaintiff still leaves a distinct association with members, including defendants, engaging in criminal activities. *E.g.* Complaint ¶¶27, 466, 469, 470, 485, 490, 502, 520-21, 544, A-27, 66-73.

Further, the Complaint, ¶11, A-26, alleges participation in the Scheme by law firms and corporations whose existence as legal entities is sufficient, of themselves, to give the Enterprise a structure separate from racketeering activities. Webster v. Omnitrition Intern., Inc., 79 F.3d 776, 786 (9<sup>th</sup> Cir.), *cert. denied*, 519 U.S. 865 (1996).

Mundy Brief, p.57-3, p.58-1, again claims the Enterprise consists of only the defendants—no, it consists of the Russian mafia. The defendants are merely members operating in different sections of the Enterprise furthering its goals. Complaint ¶15, A-26; Opposition Memorandum p.1-1, 3-1, 28-2, A-128; Hollander Brief p.11-3. Plaintiff does not allege defendants as a tight-knit, special group within the mob—just fellow travelers seeking fortune and, for some, glory by way of the Russian mafia.

#### **F. “General” and “Conclusory”**

Mundy Brief, p.49-1, misleads by failing to say the injuries that the District Court found as “general” and “conclusory” occurred only after August 2000—the date the Court mistakenly used for plaintiff’s discovery of the Scheme. Order p.12-1 n.6; p.13-2, A 142-43. Before August 2000, the Court held—wrongly—that plaintiff didn’t allege any injuries. Order p.11-2, p.12-1, A 141-42, *contra* Hollander Brief, p.25. Mundy’s prevarication tries to cover-up this error by the Court.

Mundy’s attorneys cite no cases for supporting the District Court’s finding of certain allegations as “conclusory” and “general,” but criticize plaintiff for using cases and a law review article in opposition that give some historical perspective of the law’s development. Mundy Brief, p.49-2. Apparently, these attorneys believe the truism that “He who ignores history is doomed to repeat it.”

FlashDancers Brief goes further than Mundy and the District Court by arguing all the allegations against FlashDancers defendants are “general,” “conclusory” or insufficient. *Contra* NOW, Inc v. Scheidler, 510 U.S. 249, 256, 127 L.Ed.2d 99, 114 S.Ct. 798 (1994); U.S. v. Employing Plasterer’s Ass’n, 347 U.S. 186, 188, 98 L.Ed. 618, 74 S.Ct. 452, 454 (1954).

FlashDancers’ attorneys use a few ruses in their argument: (1) FlashDancers Brief, p.7-2, tries to apply Rule(9)(b) to allegations of predicate

acts other than fraud in contradiction of the Supreme Court declining to extend beyond fraud or mistake the Rule 9(b) requirement of greater particularity in pleadings. Swierkiewicz v. Sorema NA, 534 U.S. 506, 513, 152 L.Ed.2d 1, 122 S.Ct. 992 (2002). (2) They quote from cases without specifying the allegations in those cases held insufficient so as to prevent a comparison to plaintiff's allegations listed at FlashDancers Brief, pp 9-13. (3) They use the Mundy scheme of not citing to specific pages in seven cases Old Time Enters p.7-2, Lubin p.8-1, Glenn p.14-3, Correa-Martinez p.14-5, The Dartmouth Review, p.15-3, West 79<sup>th</sup> Street Corp. p.15-4, In re MasterCard Int'l Inc. p.19-1. Ironically, Glenn v. First Nat'l Bank, 868 F.2d 368, 371 (10<sup>th</sup> Cir. 1989), states the court was not going to do the parties work for them. (4) They quote two cases, FlashDancers Brief, p.14-1, p.16-1, one without the page cite, that RICO complaints are more strictly scrutinized because they have "an almost inevitable stigmatizing effect" on defendants. This, however, contradicts the Supreme Court, "[a]s for stigma, a civil RICO proceeding leaves no greater stain than do a number of other proceedings." Sedima, S.P.R.L. v. Imrex Co., Inc., 473 U.S. 479, 492, 105 S.Ct. 3275, 3280 (1985).

#### **G. FlashDancers Harem of Misinformation**

FlashDancers Brief, pp 16-19, misrepresents plaintiff's allegations and ignores the law.

FlashDancers defendants are alleged members of the Russian mafia who committed predicate acts on behalf of other defendants. (Complaint ¶¶ 17-23, 683, A 26-27, 88.) Liability for injuries from RICO violations is joint and several among the members of the criminal enterprise. Fleischhauer v. Feltner, 879 F.2d 1290, 1301 (6<sup>th</sup> Cir. 1989); *see also* Beneficial Standard Life Ins. Co. v. Madariaga, 851 F.2d 271, 272 (9<sup>th</sup> Cir. 1988). The allegation of conspiracy to violate 18 U.S.C. 1962(d) includes the allegation of defendants being joint and severally liable, since they are co-conspirators. Oki Semiconductor Co. v. Wells Fargo Bank, 298 F.2d 768, 775 (9<sup>th</sup> Cir. 2002)(citations omitted). Moreover, persons who actively and knowingly work for an organization that engages in criminal activity should be liable for the criminal acts of other members. Scales v. U.S., 367 U.S. 203, 226-27, 6 L.Ed.2d 782, 81 S.Ct. 1469, 1485 (1960).

Included in the FlashDancers predicate acts, Complaint ¶¶466-484, A 66-68, are three threatening telephone calls constituting tampering with a witness and informant, id. ¶¶479, 482, A-68. FlashDancers Brief, p.17, admits members of FlashDancers “assisting” in the calls. Persons violate predicate acts under 18 U.S.C. 1961(1) when they willfully commit the offense, aid, abet, counsel, command, induce, or procure or cause its commission. 18 U.S.C. 2.

FlashDancers Brief, pp 18-19, cites cases concerning fraudulent predicate acts for a “lumping” prohibition, but tampering with a witness or informant is

not a fraudulent act. Further, whether Barry, Manager 3, 4 or 5 participated in trying to silence plaintiff is peculiarly within defendants' knowledge and even under Rule 9(b), pleadings on information and belief of data peculiarly within defendants' knowledge should be read permissively. Luce v. Edelstein, 802 F.2d 49, 54 n.1 (2d Cir. 1986); Berk v. Tradewell, 2003 Lexis 12078 \* 39 (S.D.N.Y.).

Contrary to FlashDancers Brief, p.18-1, scienter for FlashDancers predicate acts are alleged at Complaint ¶¶682, A-88, and the Enterprise, not the predicate acts, must be engaged in or effect interstate or foreign commerce, U.S. v. Murphy, 768 F.2d 1518, 1531 (7<sup>th</sup> Cir. 1985), which the Complaint alleges at ¶¶874, A 107-08

## **H. Henning Brief**

Although Henning is an employee of the City, the alleged illegal actions of receiving bribes or rewards to commit intentional torts are not within the scope of his employment. Henning—not the City—is the real party in interest. *See Longin v. Kelly*, 875 F.Supp. 196, 201-03 (SDNY 1995).

## **I. Leave to Amend Once**

In a RICO action where injuries are derivative, i.e. passed-on, an amendment of the complaint would be futile. Westenberg v. CNF Transportation, Inc., 2002 U.S. App. Lexis 15803\*4. But the case here does not

claim injury passing through a third party; therefore, when the Complaint was dismissed and plaintiff had requested to file an amended complaint, that request should ordinarily have been granted, especially when there had been no prior amendment. Riccuti v. NYC Transit Auth., 941 F.2d 119, 123 (2d Cir. 1991).

Mundy's attorneys know this, so they resort to name-calling and argue that when a plaintiff approaches executive agencies or courts on causes of action distinct from RICO, the liberal standard granting leave to amend—even once—transmutes into slamming the courthouse doors in a plaintiff's face. Mundy Brief, pp 59-61.

In this RICO action, there has been only a complaint and supplemental complaint alleging criminal violations by various members of the Russian mafia and attendant motions necessitated by defendants filing motions to dismiss. There have been no other RICO or similar causes of actions filed by plaintiff, although the F.B.I. has started an investigation into some allegations. The Mundy Brief, p.60-3, injunction cases deal with multiple suits for the same cause of action—in one 32 suits.

#### **IV. CONCLUSION**

The modus operandi of the defense attorneys is clear: misrepresent the law and the allegations, add a good measure of demeaning, denigrating,



defaming, demonizing and dissing the plaintiff, and presto, their opponent has no rights left that the government will recognize.<sup>5</sup> It's worked so far.

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<sup>5</sup> Some prevaricating and irrelevant factual allegations of the defense attorneys:

1. Mundy Brief, p.3-2, p.4-1, p.12 n.6, 7, p.59-2; FlashDancers Brief, p.2-2, ridicule plaintiff's use of the legal system and falsify the results: "all rebuff[ed]" or found "meritless." The INS began removal proceedings against Shipilina, the New York City Board of Elections referred Shipilina's voter registration felonies to the U.S. Attorney and Queens District Attorney, the Krasnodar prosecutor indicted one defendant, the F.B.I. opened an investigation and tracked down the man who made three of the four threatening calls, and Queens County Court issued a summons. (Complaint ¶¶247-52, 272, 286, 459, 743, 862-67, A-46, 48-49, 65, 94, 106-07; Supp. Complaint ¶8, A-115.) The only reason for an intentional infliction of emotional distress in state court, Mundy Brief p.13-2, 59-3, FlashDancers Brief p.2-2, was to toll the statute of limitations until the RICO suit, containing an identical supplemental state claim, was filed.
2. Defense attorneys paint plaintiff as the culpable rather than duped party to invoke the "in pari delicto" defense the Supreme Court rejected for statutes providing private enforcement. *See Bateman Eichler, Hill Richards, Inc. v. Berner*, 472 U.S. 299, 306-08, 86 L.Ed.2d 215, 105 S.Ct. 2622 (1985)(antitrust). They falsely claim plaintiff married Shipilina—a necessary part of the RICO Scheme—after learning about her slipping him drugs. Mundy Brief p.7-2, 3. Complaint, ¶¶175-77, A-39, says "surreptitious," which in English means plaintiff didn't know about it. They falsify plaintiff was secretly fed narcotics for two years straight. Mundy Brief p.21-3. The Complaint, ¶¶137, 166, 168, 171, 172, 175-185, A-36, 38-40, states on "various occasions." Plaintiff doesn't allege Shipilina fed him narcotics to avoid an annulment/divorce, Mundy Brief p.7-4, but "to divert him from learning about her activities as part of" the Russian mob, Complaint at ¶216, A-43.
3. Mundy Brief, p.21-3, falsely claims plaintiff was aware of Shipilina's profession before the fraudulently induced marriage in March 2000, but the Complaint states plaintiff didn't realize her prostitution or marriage to him for immigration purposes until October 2000, Complaint ¶220, A-44.
4. Mundy Brief, p.8-1, lies that plaintiff's investigations resulted from a "fascination." The initial investigation was to determine whether a wife was a prostitute. (Complaint ¶¶214-15, A-43.) But when plaintiff in November 2000 refused to lie to the INS, Complaint ¶¶224-26, A-44, certain defendants engaged in predicate acts to intimidate him into lying in order to protect the mob's Scheme. (Complaint ¶¶ 228-319, A 44-52; Supp. Complaint ¶¶ 1-21, 49-72, A 114-16, 119-121.)

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5. Mundy Brief, p.8-1, 59-3, misleads that plaintiff “commenced a defamation action in Russia”—the Krasnodar prosecutor brought a criminal defamation indictment. (Complaint ¶¶270-72, A-48.) The Krasnodar Department of Internal Affairs closed the case for a bribe of \$10,000 arranged by Mundy. (Complaint ¶¶298-303, A 50-51.)
  6. Mundy Brief, p.8-2, p.22-2, lies that plaintiff “acknowledges that Mundy were merely representing Shipilina” in a domestic relations matter and that was Mundy’s only involvement with the mob. Mundy are key figures in obtaining visas, residency and naturalization for Russian mafia prostitutes; using coercion against informants and witnesses before federal agencies; participants in money laundering and use of international facilities to aid a racketeering enterprise; among other predicate acts. (Complaint ¶¶ 27-34, 485-513, A 27-28, 68-71.)
  7. Mundy Brief, p.8-3, prevaricates the report of alleged extortion filed against plaintiff. No charges were pressed, and the real purpose of it was to intimidate plaintiff into lying before the INS to assure permanent residency for a lucrative Russian mafia asset. (Complaint ¶¶228-32, A 44-45.)
  8. Mundy Brief, p.8-3, p.21-4, omits the protection order against plaintiff was temporary, subsequently dismissed and based on perjury suborned by Mundy to intimidate plaintiff into lying to the INS. (Complaint ¶¶234, 239-41, 311, A-45, 52.)
  9. Mundy Brief, p.9 n.4, faults plaintiff for leaving out criminal allegations against Mundy in the February 2001 annulment/divorce pleading. Plaintiff wasn’t divorcing Mundy, the allegations were determined by plaintiff’s counsel and at the time, their significance as predicate acts were unknown.
  10. Mundy Brief, p.9-3, p.13-1, lies that plaintiff’s “desire to terminate the marriage” led to RICO accusations against various defendants. The divorce occurred in November 2001, the motion to reform the divorce—May 2002, discovery of the RICO Scheme—July 2002 and the RICO accusations filed in April 2003. (Complaint ¶284, A-49; Hollander Brief, p.13-1.)
  11. Queens District Attorney determined the website criticized by Mundy Brief, p.10-1, 2, was legal, there is no record of a police report, just the threat of a false arrest to keep plaintiff from cooperating with the INS in Moscow. (Complaint ¶¶306-315, A51-52.)
  12. Mundy Brief, pp. 12-2, 13-1, shows the attorneys stunning lack of decency (the kind Shakespeare referred to in Henry VI) by using a medical issue to stigmatize plaintiff.
  13. Mundy Brief, p.13-3, 4, misleads that Mundy filed a disciplinary complaint against plaintiff before learning about this RICO suit. After Mundy received the RICO Complaint as part of a request for waiver of summons, he then filed his disciplinary action that even refers to the RICO suit. The action was quickly dismissed.

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14. Mundy Brief, p.15-3, refers to an unspecified document in order to put words in the plaintiff's mouth concerning connections among certain defendants.
  15. Mundy Brief, p.20-1(F), misstates the Complaint, ¶907(a), which alleges loss of profits "from cessation of normal work as a result of the initial success of the Enterprise's Scheme in defrauding the plaintiff into arranging for Member Shipilina to enter the U.S...." (Emphasis added.) Id., p.20-1(H)-(I), also truncates the actual allegations of expenses to fit the District Court's misunderstanding.
  16. Mundy Brief, p.23-1, asserts the "proper authorities" should deal with plaintiff's allegations because the "RICO statute was not designed to allow private citizens to redress the wrongs Hollander claims...." Congress disagrees, one purpose of civil RICO was "encouraging civil litigation to supplement Government efforts to deter and penalize the respectively prohibited practices," Rotella v. Wood, 528 U.S. 549, 557, 145 L.Ed.2d 1047, 120 S.Ct. 1075 (2000).
  17. Mundy Brief, p.24 n.12(1), falsely states authorities "ignore[d]" the June 2003 threatening call. Authorities investigated but could not track down a number from which the threat was made. (Supp. Complaint ¶¶3-8, A 114-15.)
  18. Mundy Brief, p.24 n.12(2), ignores the F.B.I.'s Acting Chief of its Investigative Law Unit found that a Milwaukee agent did counsel certain defendants to file a false harassment charge against plaintiff. (Supp. Complaint ¶¶22-43, A 117-18.)
  19. Mundy Brief, p.25-3, 4, n.14, reproaches plaintiff for correcting an error by the District Court that unfairly impacted only plaintiff. Judge Castel admonished plaintiff for violating his page limits but said nothing about Mundy violating the page limits twice. Nobody violated the limits because when both sides' filed memoranda, Chief Judge Mukasey had the case. Disqualify p.3-2, A-152. Rather than waste space in an appeal brief correcting the error, plaintiff sent a letter requesting leave to file motions; such a letter is required under Castel's rules. Mundy prevaricates about why the letter was sent, lies by saying it was "offensive" and resorts of false opprobrium.
  20. Mundy Brief, p.60-2, pompously claims "abusive" plaintiff's website for identifying plaintiffs for a class action against the Russian mafia. Such maligning of plaintiff has as much to do with this appeal as the felony conviction for tax evasion in 1989 of the boss of Kuba, Mundy & Associates, Ronald J. Kuba.
  21. Mundy Brief, p.58-2, and FlashDancer Brief, p.3-2, skirt the reason why defendants have some connection with the Russian mob asset, Shipilina. She's the thread that weaves through a few different parts of the mob. Certain defendants committed predicate acts to bring this asset to America, others to keep her here, others to protect the mob's overall scheme and all to help expand the mob's activities to their benefit.

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In the Watergate scandal, reporters Woodward and Bernstein followed the money;  
here the pleadings followed Shipilina.

Dated: November 9, 2005  
New York, N.Y.

Roy Den Hollander, Esq.  
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UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT

-----X  
Roy Den Hollander

Appellant-Plaintiff,

Docket No. 04-6700-cv

v.

**ATTORNEY  
AFFIRMATION OF FACT  
FOR MOTION TO STRIKE  
AND SANCTIONS**

Flash Dancers Topless Club, et al.,

Appellees-Defendants.

-----X

I, Roy Den Hollander, am the attorney, pro se plaintiff-appellant and declare the following to be true under penalty of perjury:

1. Defendants-appellees, Kuba, Mundy & Associates, Nicholas J. Mundy and Peter Petrovich (collectively “Mundy”); Jay-Jay Cabaret, Inc., Flash Dancers Topless Club, Lynn Lepofsky, Barry Night Manager and Flash Dancers Manager 1 to 5 (collectively “Flash Dancers”); Alina A. Shipilina; and Detective Robert Henning filed their briefs in opposition to plaintiff’s brief on October 12, 2005 and served them by U.S. mail. Defendant-appellee Bank of Cyprus did not file or serve a brief.
2. Plaintiff received defendants-appellees briefs via the post after October 12, 2005.
3. Plaintiff’s reply brief has been scheduled for filing on November 9, 2005.

4. I am requesting the Mundy brief be rejected or certain sections of it be redacted, as set forth in the enclosed Memorandum of Law, for violation of the Appellate and Local Rules and monetary sanctions be levied against Mundy's attorneys.
5. I am requesting the Municipal or Robert Henning brief be rejected or certain sections of it be redacted, as set forth in the enclosed Memorandum of Law, for violation of the Appellate and Local Rules and monetary sanctions be levied against Henning's attorneys.
6. As for the Flash Dancers and Shipilina briefs, I am requesting certain sections be redacted, as set forth in the Memorandum of Law, and monetary sanctions be levied against their respective attorneys for violating Appellate and Local Rules.
7. I am also requesting the District Court's dismissal of my Complaint and Supplemental Complaint be reversed as it applies to the Bank of Cyprus because the Bank failed to file a brief in opposition and appropriate monetary sanctions.
8. The designation of issues and proposed Joint Appendix was first served on counsel for above defendants-appellees on June 13, 2005.
9. Attorneys for Mundy and Flash Dancers objected to certain proposed inclusions in the Joint Appendix.

10. Those objections were resolved at the Pre-argument conference on June 21, 2005 pending submission of certain short excerpts of independent relevance from plaintiff's Memorandum of Law in the District Court and a final designation of the Joint Appendix.
11. On July 16, 2005, plaintiff served on counsel for the above defendants-appellees a final designation of issues and Joint Appendix contents.
12. On July 21, 2005, counsel for Mundy made two additions to the Joint Appendix.
13. There were no further changes or additions to the Joint Appendix requested by counsel for the above defendants-appellees.

Dated: New York, New York  
October 20, 2005

Attorney plaintiff pro se

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**MEMORANDUM OF LAW TO REJECT CERTAIN BRIEFS OR STRIKE  
DESIGNATED PARTS OF DEFENDANT-APPELLEES BRIEFS AND FOR  
SANCTIONS**

The defendants-appellees' briefs cited below violate the Federal Rules of Appellate Procedure and the Local Rules of this Court by including numerous cites to documents outside the Joint Appendix to which they agreed, gratuitous ad hominem against the plaintiff-appellant Hollander, matter irrelevant and immaterial to the issues on appeal and failing to abide by the legal citation system of the Blue Book. The plaintiff-appellant requests striking such material specified below from various defendants' briefs and sanctions against the defendants' attorneys for wasting both this Court and the plaintiff's time on such matter.

Cites to the inappropriate matter in defendants-appellees' briefs include the brief's name, such as Mundy Brief, followed by a number, which is the page number, then a hyphen and a second number that refers to the paragraph on that page, which may or may not be a full paragraph. For example, Mundy Brief p.13-1 refers to the top three lines on page 13 while Mundy Brief p.13-2 refers to the next paragraph, which is a full paragraph.\_

Mundy Brief

The brief for defendants-appellees, Kuba, Mundy & Associates, Nicholas J. Mundy and Peter Petrovich (collectively "Mundy") violates the Federal Rule of Appellate Procedure ("F.R.A.P.") §30 by citing for support to documents not in the



Joint Appendix. Mundy Brief p.4-2, 3; p.8-2, 3; p.9, n.4; p.10-1, 2, 3; p.11-1,3; p.12-2, n.6, 8; p.13-1, 2, 3; p.15-3; p.23-2, n.11; p.24, n.12(2)(Ex. A); p.25-3.

Local Rule §11(e) states the parties have an “obligation under F.R.A.P. §30 to reproduce in an appendix to their briefs ... exhibits ... to which they ‘wish to direct the particular attention of the court.’”

This Court’s on-line document: “How To Appeal Your Civil Case” states at p. 5, “The appendix should contain those matters from the record on appeal which are cited in the briefs or required by the Court to be included, such as the relevant docket entries in the proceedings below; any relevant portions of the pleadings, charge, findings, or opinion; the judgment, order, or decision appealed from; and any other parts of the record to which the parties wish to direct the particular attention of the Court.”

If Mundy’s attorneys had wanted to direct the Court’s attention to documents not in the Joint Appendix, then they should have designated them under F.R.A.P. §30(a)(1)(D) & (b)(1), but they did not, instead they agreed to the Joint Appendix as it now stands. Even had they designated the numerous additional documents cited to in the Mundy Brief, the Court would have ignored them because this Court under the Federal Rules of Civil Procedure restricts its inquiry to “facts stated on the face of the complaint, in documents appended to the complaint or incorporated in the complaint by reference, and to matters of which

judicial notice may be taken.” Allen v. WestPoint-Pepperell, Inc., 945 F.2d 40, 44 (2d Cir. 1991); see also Fed. R. Civ. P. 10(c). Despite the clarity of the law on what’s allowable in considering an appeal of a Fed. R. Civ. P. 12(b)(6) ruling, Mundy’s attorneys are trying to slip in extraneous and untrustworthy documents not incorporated in the plaintiff’s pleadings with the ruse that since the documents are listed in the docket entries “produced by Hollander,” they are really in the Joint Appendix. Mundy Brief p.8, n.3.

Mundy’s attorneys even cite to their memoranda of law in the District Court that F.R.A.P. §30(a)(2) specifically excludes unless independent relevance is shown. They had ample opportunity to request any inclusions in the Joint Appendix at the Pre-argument conference on June 21, 2005 before Staff Counsel Stanley Bass or afterwards—but they did not.

Mundy’s attorneys citing to 35 documents comprising over 380 pages not in the Joint Appendix and citing these documents 25 times, usually without specific page cites, violate the purpose of F.R.A.P. §30 that “each appellate judge who hears the appeal will be able to follow the brief and relate the argument to the record by reference to the appendix. The appendix is thus an essential part of the paper on appeal and failure to comply with Appellate Rule §30 may result in drastic action.” 20A Moore’s Federal Practice, §330.11 (Matthew Bender 3d ed.) This is not a situation in which Appellate Rules permit citing directly to the record

as when the Appendix is file after the briefs, F.R.A.P. §30(c), or the Court has ruled to dispense with the appendix, F.R.A.P. §30 (f). Even if it were, most of the cites outside the Appendix violate F.R.A.P. §28(e) by not referring to “the page of the original document.”

Mundy’s attorneys have gone outside the Joint Appendix that they agreed to so as to bring before this Court misleading, untrustworthy and defamatory information as part of their twin strategies of character assassination and disinformation—throw enough mud and maybe some will stick, make enough misrepresentations and maybe some will be believed. They try to swamp this Court, as they did the District Court, with documents irrelevant to the issues at hand because they know the courts do not have the time to check all the document citations for accuracy and that by just putting their allegations out, even on a Fed. R. Civ. P. 12(b)(6) appeal, may sway a court.

The Mundy Brief’s “Statement of the Case” at pp 2-5 violates the purpose of F.R.A.P. §28(a)(6) by using that section to personally vilify the plaintiff-appellant with many misleading and false allegations in a continuation of what can only be called “litigation by personal destruction.” Under Appellate Rules, the “statement of the case” is supposed to be a description of the procedural history indicating the case’s nature, course of proceedings and the disposition below. F.R.A.P. §28(a)(6). Mundy’s lawyers, however, use that section and the rest of their brief section

to replay their strategy of character assassination, which they successfully used in the District Court, in order to shut down the argument and marginalize the plaintiff so as to avoid a decision on the merits. The merits at this stage are whether the District Court properly dismissed the Complaint and Supplemental Complaint for not adequately alleging injury and causation under RICO. Discovery—not an appeal—is the more appropriate forum for exploring motivations and attacking witness or party credibility. The Mundy lawyers’ ad hominem attacks have no place in this Court under Local Rule 28: “Briefs must be ... free from ... scandalous matter.” The ad hominem statements appear in the Mundy Brief at p.3-2; p.8-3; p.9, n.4; p.10-1,2; p.11-1; p.12-1,2, n.8; p.13-1,3, p.21-3 (last sentence); p.25-3; p.59-2; p.60-2.

The Mundy Brief’s “Statement of Facts” at pp 5-25 violates F.R.A.P. §28(a) (7) and Local Rule §28 by presenting numerous factual allegations irrelevant and immaterial to the issues on appeal. Appellate Rule §28 requires identifying the facts that are “relevant to the issues submitted for review....” 20A Moore’s Federal Practice, §338.20[7]. Relevant means “[l]ogically connected and tending to prove or disapprove a matter in issue....” Black’s Law Dictionary, p. 1316 (8<sup>th</sup> ed.). Much of the Mundy Brief’s “Statement of Facts,” as well as other sections of their brief, are irrelevant because many of their factual allegations aren’t probative of the issues of compensable injury and proximate causation that the District Court

restricted its decision to or other RICO issues raised in the defendants' brief at pp 50-59 that the District Court did not consider. The irrelevant sections are in the Mundy Brief at p.3-2; p.4-1; p.8-3; p.9, n.4; p.10-1,2,3; p.11-1, 3; p.12-1,2, n. 8; p.13-1,2,3,4; p.21-4 to p.22-1; p.23-2, n.11; p.25-3; p.59-3; p.60-2.

Further, at this stage of the proceeding, it's the plaintiff's pleadings that are considered true, California Motor Transport Co. v. Trucking Unlimited, 404 U.S. 508, 515, 30 L. Ed. 2d 642, 92 S.Ct. 609 (citation omitted)(1972), not the defendants' opinions of Hollander nor their self-serving and inaccurate protestations or misplaced allegations. The Mundy Brief presents allegations of fact that belong in answers and allege findings of facts that belong in summary judgment motions at the District Court level—not the Appeals Court. In so doing, Mundy's attorneys aim to obtain affirmation of a Fed. R. Civ. P. 12(b)(6) dismissal by having this Court consider extraneous material as part of the Complaint and Supplemental Complaint even though the plaintiff did not rely on such. In Chambers v. Time Warner, Inc., 282 F.3d 147, 153 (2d Cir. 2002), this Court stated, "[W]e reiterate here that a plaintiff's **reliance** on the terms and effect of a document in drafting the complaint is a necessary prerequisite to the court's consideration of the document on a dismissal motion; mere notice or possession is not enough."(emphasis is the Court's). This ploy of Mundy's attorneys effectively prevents the plaintiff from refuting their assertions and claims through motions for

a judgment on the pleadings or summary judgment because the case is now in the Circuit Court. An ingenious Star Chamber procedure that eviscerates the plaintiff's due process rights by assuring against any chance of the plaintiff replying to these, in effect, counterclaims, or moving to reply to these stealth answers, or having a reasonable opportunity to make the record straight since affirmation of the lower court's dismissal will end this judicial procedure except for an appellate rehearing and Certiorari to the U.S. Supreme Court.

Local Rule 28 also requires that briefs must be free from burdensome matter. Thumbing through hundreds of pages in memoranda and exhibits not in the Joint Appendix sounds rather burdensome. Whether scandalous, irrelevant, immaterial or burdensome, such material may be disregarded and stricken by the Court.

Mundy's attorneys also violated F.R.A.P. §32(a)(4) and Local Rule §32(a) by submitting a brief with the right and top margins less than an inch.

Finally, Mundy's attorneys included a number of incomplete cites to cases by leaving out the specific page on which the support for various propositions are suppose to appear. The Mundy Brief at p.44-1 cites to a string of eight cases concerning compensable injury but fails to include the specific page referred to in any of the eight cases. This same tactic is used at p.39-2 (Ideal Steel) and p.34-3 (Lerner) for other propositions. The purpose of legal citation is to allow the reader to locate a cited source accurately and efficiently, The Blue Book §1.2 (17<sup>th</sup> ed.),

which requires a specific page cite, id. §10.1. By omitting the specific page cites, Mundy's attorneys are effectively transferring that burden to the Court and the plaintiff.

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Attorneys for defendant-appellees Flash Dancers Topless Club, Jay-Jay Cabaret, Inc., Lynn Lepofsky, Barry Night Manager and Flash Dancers Manager 1 to 5 (collectively "Flash Dancers") bare the same artifice as Mundy's attorneys in violating F.R.A.P. §30 by citing to documents not in the Joint Appendix, Flash Dancers Brief p.2-1,2, n. 1-3, p.3-1, n. 4-5, p.8-4 to p. 9-1, p.13, n.9. They, as with all the other attorneys in this appeal, had agreed to the Joint Appendix, but clearly

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Defendant Alina Shipilina's attorney engages in irrelevant name-calling at Shipilina Brief p.2-1 in violation of Local Rule §28. Hollander requests the phrase "including ... throughout." not be considered by the Court in making its decision and monetary sanctions be assessed against Shipilina's attorney.

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Dated: October 20, 2005

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**MEMORANDUM OF LAW TO REJECT CERTAIN BRIEFS OR  
STRIKE DESIGNATED PARTS OF DEFENDANT-APPELLEES BRIEFS  
AND FOR SANCTIONS**

The defendants-appellees' briefs cited below violate the Federal Rules of Appellate Procedure and the Local Rules of this Court by including numerous cites to documents outside the Joint Appendix to which they agreed, gratuitous ad hominem against the plaintiff-appellant Hollander, matter irrelevant and immaterial to the issues on appeal and failing to abide by the legal citation system of the Blue Book. The plaintiff-appellant requests striking such material specified below from various defendants' briefs and sanctions against the defendants' attorneys for wasting both this Court and the plaintiff's time on such matter.

Cites to the inappropriate matter in defendants-appellees' briefs include the brief's name, such as Mundy Brief, followed by a number, which is the page number, then a hyphen and a second number that refers to the paragraph on that page, which may or may not be a full paragraph. For example, Mundy Brief p.13-1 refers to the top three lines on page 13 while Mundy Brief p.13-2 refers to the next paragraph, which is a full paragraph.\_

Mundy Brief

The brief for defendants-appellees, Kuba, Mundy & Associates, Nicholas J. Mundy and Peter Petrovich (collectively "Mundy") violates the Federal Rule

of Appellate Procedure (“F.R.A.P.”) §30 by citing for support to documents not in the Joint Appendix. Mundy Brief p.4-2, 3; p.8-2, 3; p.9, n.4; p.10-1, 2, 3; p.11-1,3; p.12-2, n.6, 8; p.13-1, 2, 3; p.15-3; p.23-2, n.11; p.24, n.12(2)(Ex. A); p.25-3. Local Rule §11(e) states the parties have an “obligation under F.R.A.P. §30 to reproduce in an appendix to their briefs ... exhibits ... to which they ‘wish to direct the particular attention of the court.’”

This Court’s on-line document: “How To Appeal Your Civil Case” states at p. 5, “The appendix should contain those matters from the record on appeal which are cited in the briefs or required by the Court to be included, such as the relevant docket entries in the proceedings below; any relevant portions of the pleadings, charge, findings, or opinion; the judgment, order, or decision appealed from; and any other parts of the record to which the parties wish to direct the particular attention of the Court.”

If Mundy’s attorneys had wanted to direct the Court’s attention to documents not in the Joint Appendix, then they should have designated them under F.R.A.P. §30(a)(1)(D) & (b)(1), but they did not, instead they agreed to the Joint Appendix as it now stands. Even had they designated the numerous additional documents cited to in the Mundy Brief, the Court would have ignored them because this Court under the Federal Rules of Civil Procedure restricts its inquiry to “facts stated on the face of the complaint, in documents appended to

the complaint or incorporated in the complaint by reference, and to matters of which judicial notice may be taken.” Allen v. WestPoint-Pepperell, Inc., 945 F.2d 40, 44 (2d Cir. 1991); see also Fed. R. Civ. P. 10(c). Despite the clarity of the law on what’s allowable in considering an appeal of a Fed. R. Civ. P. 12(b) (6) ruling, Mundy’s attorneys are trying to slip in extraneous and untrustworthy documents not incorporated in the plaintiff’s pleadings with the ruse that since the documents are listed in the docket entries “produced by Hollander,” they are really in the Joint Appendix. Mundy Brief p.8, n.3.

Mundy’s attorneys even cite to their memoranda of law in the District Court that F.R.A.P. §30(a)(2) specifically excludes unless independent relevance is shown. They had ample opportunity to request any inclusions in the Joint Appendix at the Pre-argument conference on June 21, 2005 before Staff Counsel Stanley Bass or afterwards—but they did not.

Mundy’s attorneys citing to 35 documents comprising over 380 pages not in the Joint Appendix and citing these documents 25 times, usually without specific page cites, violate the purpose of F.R.A.P. §30 that “each appellate judge who hears the appeal will be able to follow the brief and relate the argument to the record by reference to the appendix. The appendix is thus an essential part of the paper on appeal and failure to comply with Appellate Rule §30 may result in drastic action.” 20A Moore’s Federal Practice, §330.11

(Matthew Bender 3d ed.) This is not a situation in which Appellate Rules permit citing directly to the record as when the Appendix is file after the briefs, F.R.A.P. §30(c), or the Court has ruled to dispense with the appendix, F.R.A.P. §30 (f). Even if it were, most of the cites outside the Appendix violate F.R.A.P. §28(e) by not referring to “the page of the original document.”

Mundy’s attorneys have gone outside the Joint Appendix that they agreed to so as to bring before this Court misleading, untrustworthy and defamatory information as part of their twin strategies of character assassination and disinformation—throw enough mud and maybe some will stick, make enough misrepresentations and maybe some will be believed. They try to swamp this Court, as they did the District Court, with documents irrelevant to the issues at hand because they know the courts do not have the time to check all the document citations for accuracy and that by just putting their allegations out, even on a Fed. R. Civ. P. 12(b)(6) appeal, may sway a court.

The Mundy Brief’s “Statement of the Case” at pp 2-5 violates the purpose of F.R.A.P. §28(a)(6) by using that section to personally vilify the plaintiff-appellant with many misleading and false allegations in a continuation of what can only be called “litigation by personal destruction.” Under Appellate Rules, the “statement of the case” is supposed to be a description of the procedural history indicating the case’s nature, course of proceedings and the disposition

below. F.R.A.P. §28(a)(6). Mundy’s lawyers, however, use that section and the rest of their brief section to replay their strategy of character assassination, which they successfully used in the District Court, in order to shut down the argument and marginalize the plaintiff so as to avoid a decision on the merits. The merits at this stage are whether the District Court properly dismissed the Complaint and Supplemental Complaint for not adequately alleging injury and causation under RICO. Discovery—not an appeal—is the more appropriate forum for exploring motivations and attacking witness or party credibility. The Mundy lawyers’ ad hominem attacks have no place in this Court under Local Rule 28: “Briefs must be ... free from ... scandalous matter.” The ad hominem statements appear in the Mundy Brief at p.3-2; p.8-3; p.9, n.4; p.10-1,2; p.11-1; p.12-1,2, n.8; p.13-1,3, p.21-3 (last sentence); p.25-3; p.59-2; p.60-2.

The Mundy Brief’s “Statement of Facts” at pp 5-25 violates F.R.A.P. §28(a)(7) and Local Rule §28 by presenting numerous factual allegations irrelevant and immaterial to the issues on appeal. Appellate Rule §28 requires identifying the facts that are “relevant to the issues submitted for review....” 20A Moore’s Federal Practice, §338.20[7]. Relevant means “[l]ogically connected and tending to prove or disapprove a matter in issue....” Black’s Law Dictionary, p. 1316 (8<sup>th</sup> ed.). Much of the Mundy Brief’s “Statement of Facts,” as well as other sections of their brief, are irrelevant because many of their

factual allegations aren't probative of the issues of compensable injury and proximate causation that the District Court restricted its decision to or other RICO issues raised in the defendants' brief at pp 50-59 that the District Court did not consider. The irrelevant sections are in the Mundy Brief at p.3-2; p.4-1; p.8-3; p.9, n.4; p.10-1,2,3; p.11-1, 3; p.12-1,2, n. 8; p.13-1,2,3,4; p.21-4 to p.22-1; p.23-2, n.11; p.25-3; p.59-3; p.60-2.

Further, at this stage of the proceeding, it's the plaintiff's pleadings that are considered true, California Motor Transport Co. v. Trucking Unlimited, 404 U.S. 508, 515, 30 L. Ed. 2d 642, 92 S.Ct. 609 (citation omitted)(1972), not the defendants' opinions of Hollander nor their self-serving and inaccurate protestations or misplaced allegations. The Mundy Brief presents allegations of fact that belong in answers and allege findings of facts that belong in summary judgment motions at the District Court level—not the Appeals Court. In so doing, Mundy's attorneys aim to obtain affirmation of a Fed. R. Civ. P. 12(b)(6) dismissal by having this Court consider extraneous material as part of the Complaint and Supplemental Complaint even though the plaintiff did not rely on such. In Chambers v. Time Warner, Inc., 282 F.3d 147, 153 (2d Cir. 2002), this Court stated, "[W]e reiterate here that a plaintiff's **reliance** on the terms and effect of a document in drafting the complaint is a necessary prerequisite to the court's consideration of the document on a dismissal motion; mere notice or



possession is not enough.”(emphasis is the Court’s). This ploy of Mundy’s attorneys effectively prevents the plaintiff from refuting their assertions and claims through motions for a judgment on the pleadings or summary judgment because the case is now in the Circuit Court. An ingenious Star Chamber procedure that eviscerates the plaintiff’s due process rights by assuring against any chance of the plaintiff replying to these, in effect, counterclaims, or moving to reply to these stealth answers, or having a reasonable opportunity to make the record straight since affirmation of the lower court’s dismissal will end this judicial procedure except for an appellate rehearing and Certiorari to the U.S. Supreme Court.

Local Rule 28 also requires that briefs must be free from burdensome matter. Thumbing through hundreds of pages in memoranda and exhibits not in the Joint Appendix sounds rather burdensome. Whether scandalous, irrelevant, immaterial or burdensome, such material may be disregarded and stricken by the Court.

Mundy’s attorneys also violated F.R.A.P. §32(a)(4) and Local Rule §32(a) by submitting a brief with the right and top margins less than an inch.

Finally, Mundy’s attorneys included a number of incomplete cites to cases by leaving out the specific page on which the support for various propositions are suppose to appear. The Mundy Brief at p.44-1 cites to a string of eight cases

concerning compensable injury but fails to include the specific page referred to in any of the eight cases. This same tactic is used at p.39-2 (Ideal Steel) and p.34-3 (Lerner) for other propositions. The purpose of legal citation is to allow the reader to locate a cited source accurately and efficiently, The Blue Book §1.2 (17<sup>th</sup> ed.), which requires a specific page cite, id. §10.1. By omitting the specific page cites, Mundy's attorneys are effectively transferring that burden to the Court and the plaintiff.

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Attorney, pro se, plaintiff-appellant  
545 East 14 Street  
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## **QUESTIONS PRESENTED**

This petition requests review of a Second Circuit Court of Appeals’ decision that affirmed a dismissal under Fed. R. Civ. P. 12(b)(6) by the Southern District Court of New York of a civil RICO suit against certain members and associates of the **Russian mafia**.

The Second Circuit’s decision answered yes to all the following questions presented:

1. Can the archetypal, intimidating mobsters of organized crime—the Russian mafia—use racketeering activities to prevent the exposure or discovery of prior racketeering deeds without fear of liability under civil RICO? (Pet. p. 11).

2. Does the Supreme Court's proximate causation analysis in Holmes for pass-along, or derivative, injuries flowing from the misfortunes visited on a third person apply in situations where the reasons for the policies behind the analysis do not exist and where there are no third-parties through whom injuries can pass? (Pet. p. 15).

3. Does proximate causation for civil RICO require that the injuries resulting from racketeering activities be the “specifically-intended consequence” or “preconceived purpose” of the conspirators’ scheme? (Pet. p. 20).

4. Are injuries to a person’s legal causes of action from racketeering activities excluded from compensable damages under civil RICO? (Pet. p. 24).

5. Are expenses incurred in the investigation of a fraud unrecoverable even though such expenses are incurred in almost every civil RICO case? (Pet. p. 27).

6. Did the Second Circuit contravene the Supreme Court by failing to presume that general factual allegations of injury from racketeering activities embrace those specific facts that are necessary to avoid a Rule 12(b)(6) dismissal? (Pet. p. 28).

## **LIST OF PARTIES TO THE PROCEEDINGS**

Petitioner:

Roy Den Hollander

Respondents:

Flash Dancers Topless Club; Jay-Jay Cabaret, Inc.; Lynn Lepofsky, CEO Jay-Jay Cabaret, Inc.; Barry, Night Manager Flash Dancers; and Flash Dancers Managers 1 to 5 (collectively “Flash Dancers”);

Cybertech Internet Strip Club Network or Cybertech Internet Solutions;

Kuba, Mundy & Associates, Nicholas J. Mundy and Peter Petrovich (collectively “Mundy”);

Alina A. Shipilina, a.k.a. Angelina Shipilina, a.k.a. Alina Chipilina;

Marc L. Paulsen;

Bob Henning, New York City Police Detective;

Anastasia and Nicolay “Dima” Vasilyeva; and

Bank of Cyprus.



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**PETITION FOR A WRIT OF CERTIORARI  
TO THE UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT**

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**OPINIONS BELOW**

The citation for the Second Circuit Court of Appeals' Summary Order is 2006 U.S. App. Lexis 2781 or 2006 WL 267148 and for the Southern District Court of New York's Memorandum and Order, it is 340 F.Supp.2d 453 (S.D.N.Y. 2004)(Castel, J.). Both Orders are included in the Petition Appendix at A-1 and A-7 respectively.

**JURISDICTION**

The Summary Order of the Second Circuit was entered on February 3, 2006.

The U.S. Supreme Court has jurisdiction under 28 U.S.C. §1254(1) by which summary orders of the courts of appeals are reviewed by writ of certiorari.

**STATUTES INVOLVED**

The Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. §§ 1961-68, of which a copy is included in the Petition Appendix at A-34.



## **STATEMENT OF THE CASE**

### **Nomenclature**

The following nomenclature applies throughout this petition:

Petitioner-plaintiff and attorney Roy Den Hollander (“Hollander”),

Summary Order of the Second Circuit Court of Appeals (“Cir. Order”),

Memorandum and Order of the Southern District Court of New York (“Dist. Order”).

Citations to court decisions are to page number; paragraph (§) on that page, which may or may not be a full paragraph, and the Appendix page noted by (“A-page number”).

Citations to the Complaint and Supplemental Complaint are only to paragraph numbers (§) and the corresponding Appendix page.

The terms “RICO violations,” “pattern of racketeering activity” or individual “predicate acts” are subsumed in the terms “racketeering activities” or “racketeering acts.”

### **Facts**

The defendants in this case comprise a relatively few members or associates operating in different sections of the Russian mafia, which, according to former Central Intelligence Agency Director John Deutsch, reaches across international borders. Emergency Net News Service, May 3, 1996, Vol. 2-124. Echoing the C.I.A.’s assessment, former F.B.I. Director Louis Freeh said, “Evidence that organized crime activity from [Russia] is expanding and will continue to expand to the United States is well-documented.” *Id.* Russian criminal operations in America, such as money laundering, illegal money transactions, prostitution, narcotics trafficking, extortion and fraud are often carried out in cooperation with La Cosa Nostra. Report on Russian Organized Crime, 1997, Task Force headed by William H. Webster, Center for Strategic and International Studies.

The Russian mafia, once a hierarchical structure under the Soviet Union, diffused with the end of Communist Party power into a confederation of crime groups using modern-day management principles and including Chechen, American, Cypriot, Mexican and other nationalities. It now resembles a diversified worldwide conglomerate, or enterprise, with all the attendant business relationships. (Complaint ¶¶ 10, 11, 14, 874, A-54, 79). The smarter members of the Russian mafia, no longer confined to scheming for rubles, are chasing hard currency by expanding their criminal operations to the wealthy West. (Complaint ¶¶ 2, 13, A-54).

Bringing Russian crime to Western shores requires an ongoing transfer of money-making assets to foreign markets where the successful utilization of assets employs a strategy of (a) using money from criminal activities to set up and expand Russian mafia businesses, such as prostitution, pornography, strip clubs, drug smuggling and money laundering; (b) protecting those businesses through criminal activities, such as tampering with informants and witnesses, obstructing justice, bribery and intimidation; and (c) running the businesses by using crimes such as white slavery, immigration fraud, importing pornography and drug trafficking. The Russian mafia uses a complex, intertwined web of racketeering acts to maintain and continue expanding its activities in a drive for new targets and more money that causes widespread and varied harm. (Complaint ¶¶ 879-85, A-81, 82).

The Russian mafia's expansion into the West has created a vertically integrated business of supply, service, protection, profit maximization and reinvestment with a huge appetite for human capital. Each Russian mafia prostitution asset in the U.S. makes a relatively small amount of \$100,000 to \$150,000 tax-free a year, but considering the large number of them in the U.S., the syndicate is making substantial sums.

At the tactical level, the success of the Russian mafia's objective for one of its human-capital assets involves the following:

Step One: Transplanting a willing member or associate from Russia to the U.S. where she starts working in one or more syndicate businesses—prostitution, stripping, pornography or procuring. This involves the predicate acts of white slavery, 18 U.S.C. §§ 2421 & 2422, importing an alien for immoral purposes, 8 U.S.C. § 1328, fraud and the misuse of visas, 18 U.S.C. § 1546, and eventually procurement of nationality unlawfully, 18 U.S.C. § 1425. To keep the customers coming back for more from the new asset often also means drugs, 21 U.S.C. §§ 841 & 952.

Step Two: Protecting the mafia's human capital from deportation, arrest or imprisonment, which would ruin their money-making potential, often requires tampering with a witness, victim or informant, 18 U.S.C. 1512; threats made by mail or wire, 18 U.S.C. 1341 & 1343; use of interstate and foreign facilities in aid of the racketeering operation, 18 U.S.C. 1952; bribery, 18 U.S.C. 201; and even conspiracy to commit murder-for-hire 18 U.S.C. 1958, as in this case.

Step Three: Assuring that the mob's profits from its asset escape the taxman involves money laundering, 18 U.S.C. 1956, and failing to file reports on exporting amounts over \$10,000, as required by 31 U.S.C. 5316.

This RICO case concerns just one asset, one string of events and injuries arising out of the Russian mafia's operations of transplanting prostitutes to New York and other states, passing drugs and large sums of money back and forth between countries, and threatening as well as executing reprisals against any person or business that might get in the syndicate's way.

Petitioner-plaintiff and attorney Roy Den Hollander owns and operates a one-man, unincorporated business that provides legal services and business consulting. The defendant Russian mafia members and associates include Flash Dancers Topless Club and Cybertech Internet Solutions that together sell call-girls and pornography over the internet at [www.flashdancersnyc.com](http://www.flashdancersnyc.com), [www.stripclubnetwork.com](http://www.stripclubnetwork.com), and [www.exoticavip.com](http://www.exoticavip.com); the Baraev Chechen Special Islamic Regiment (responsible for the 2002 Moscow Theater hostage taking) used by certain defendants to threaten reprisals against Hollander and various of his informants and witnesses living in Krasnodar, Russia; assorted Russian Mafiosi, including the crime boss for southern European Russia; corrupt Russian government officials; gangsters in America; a corrupt New York City policeman; Alina Shipilina, a Russian mafia prostitute, money launderer and drug smuggler; the prostitute's Russian mother who is affiliated, as is her daughter, with the Baraev crime group and Russian criminals; Leonid Perlin the president of Phodes Studio in Moscow, [www.phodes.net](http://www.phodes.net), a syndicate call-girl operation fronting as a model agency for which Alina Shipilina worked; lawyers Nicholas Mundy and Peter Petrovich<sup>1</sup> who manage and facilitate immigration matters in New York for the Russian syndicate; Marc Paulsen who produces and imports Russian pornography into southern California; and the Vasilyeva crime family that runs the premier model agency in Krasnodar which doubles as a call-girl operation sending prostitutes overseas to places such as Cyprus and Wisconsin, where two of the family members now reside.

These and other defendants work hard and ingeniously to enrich themselves in furthering a key objective of the Russian mafia: to infiltrate and expand its illegal and ancillary legal activities into hard currency markets, especially the U.S. Each defendant plays

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<sup>1</sup> Nicholas Mundy is admitted to practice in New York State and Peter Petrovich is admitted to practice in Russia.

a role in importing assets or keeping the assets here and makes lots of money doing so. Some use narcotics and prostitutes to create fraudulent marriages; some engage in immigration fraud, white slavery, bribery and importing pornography; some traffic in drugs; some use coercion, intimidation, murder-for-hire, perjury and official misconduct to protect the mafia's assets; and others maximize profits with tax evasion and money laundering while others engage in various combinations of such criminal acts. But they are all fellow travelers seeking fortune and for some glory by furthering the Russian syndicate's expansion to the West.

One method of supplying the syndicate's sex business in America is tricking American men into sponsoring and financing Russian mafia prostitutes and procurers for U.S. residency and citizenship through, unbeknownst to the American, a fraudulent marriage. Because the trail of harm originates with a sham marriage rather than a fraudulent business transaction, the injury to property interests is no less serious.<sup>2</sup> A scheme to defraud is measured against a standard of "moral uprightness, of fundamental honesty, fair play and right dealing in the general and business life of members of society." Gregory v. U.S., 253 F.2d 104, 109 (5<sup>th</sup> Cir.1958). When criminal instrumentalities exploit human emotions of the heart rather than the pocketbook, a man does not lose his rights under U.S. law.

The fraudulent marriage for citizenship contrivance coupled with surreptitiously feeding petitioner Hollander narcotics is what ensnared him. Defendants Shipilina and Leonid Perlin decided in July 1999 to target Hollander as part of the Russian mafia's ongoing operations to infiltrate and expand its operations in the U.S. (Complaint ¶¶135-40, 153-54, 164, A-61, 62, 63). At the time, Hollander was working in Russia as a consultant-manager for

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<sup>2</sup> "Congress sought a broadly based statute capable of addressing a variety of complex criminal problems." Michael Goldsmith, Judicial Immunity-The Ironic Demise of Civil RICO, 30 Harv. J. on Legis. 1, 27 (1993).

Kroll Associates. After Hollander completed his contract with Kroll, the conspiracy to transplant defendant Shipilina to America succeeded in marrying her to Hollander in March 2000 in Krasnodar by, in part, secretly feeding him narcotics just before the wedding to assure he would go through with it. (Complaint ¶¶ 173-183, A-64, 65).

The first predicate act that injured Hollander was defendant Shipilina's subsequent perjury on her visa petition form filed in March 2000 with the Immigration and Naturalization Service ("INS") at the Moscow Embassy. (Complaint ¶¶ 190-91, A-65). Had Shipilina told the truth about her past prostitution, money laundering and narcotics trafficking activities, Hollander would not have paid the filing fees, nor put his business on hold, nor supported his wife nor incurred expenses living in Moscow while the forms were processed. (Complaint ¶¶ 187, 188, A-65). He would have returned immediately to New York City to resume his business there.

The second predicate act in Russia that caused Hollander to pay more filing fees, keep his business on hold and continue living in Moscow and supporting his wife was Shipilina's perjury on her visa application to the State Department at the Moscow Embassy in May 2000, which repeated her earlier perjury of not working as a prostitute, money launderer or narcotics trafficker. (Complaint ¶¶ 192, 193, A-65, 66). Had defendant Shipilina told the truth, Hollander would have left Moscow then and not have incurred those expenses.

Damages from the business interruption due to Shipilina's predicate acts in fraudulently obtaining a visa are included in the loss of profits, interruption expenses and loss of business opportunities alleged in the Complaint at ¶ 907(a)-(c), A-82, 83.

From the beginning, the Russian mafia's agent or front was defendant Shipilina. Initially, defendant Perlin and other organized crime members in Russia stood immediately

behind her. But once she entered America on her fraudulently obtained visa, other comrades in crime came out from standing in the shadows to help directly and indirectly with the syndicate's plan of keeping her in America making money. On entering the U.S. in July 2000, defendant Shipilina became a conditional permanent resident, but she was not as secure from deportation as a permanent resident or naturalized citizen. (Complaint ¶¶ 205-212, A-67, 68).

After a few months in New York City, Hollander realized that Shipilina was working as a prostitute and had married him just for a green card, but he was still unaware of the Russian mafia's involvement. (Complaint ¶ 220, A-68). Hollander demanded a divorce which would threaten Shipilina's chances of obtaining permanent residency, so Russian mafia members Mundy and Petrovich intervened. Defendants Mundy and Petrovich are attorneys who operate an immigration mill for fraudulently obtaining Russian mafia assets visas, green cards and naturalizations, in addition to managing numerous immigration matters for the Russian syndicate in New York. (Complaint ¶¶ 27-34, 221, 222, A-55, 56, 68).

In October 2000, defendants Mundy, Petrovich and Shipilina tried to connive Hollander into participating in a fraud on the INS so as to assure that defendant Shipilina became a permanent resident and eventually a naturalized citizen—Hollander refused. (Complaint ¶¶ 223-226, A-68, 69). Defendants Mundy, Petrovich, Shipilina and others then resorted to further racketeering activities to prevent the discovery and exposure of the Russian syndicate's plan as it pertained to Shipilina in order to assure its success and keep hidden the Russian mafia's operations for transplanting human capital to America.

The defendants: (1) attempted to intimidate Hollander into committing perjury before the INS. That amounted to tampering with an informant, witness or victim and mail fraud,

which harmed Hollander's business reputation and incurred costs and time to defend against a fraudulently obtained order of protection and a false charge of extortion (Complaint ¶¶ 228-30, 234-41, 901, 906, 907 (e), A-69, 70, 82, 83); (2) used coercion communicated by interstate wire to avoid an annulment/divorce trial with the result of increasing Hollander's legal costs and injuring his business reputation (Complaint ¶¶ 243-45, 273, 901, 906, 907(e), A-70, 73, 82,83); (3) interfered with pre-discovery investigations and silenced witnesses in Krasnodar to prevent Hollander from obtaining information for the annulment/divorce proceeding and the INS. Defendants engaged in tampering with witnesses, wire fraud, aiding a racketeering enterprise and money laundering that increased the cost and time of Hollander's investigation and necessitated a second investigatory trip to Krasnodar. (Complaint ¶¶ 256-60, 265-72, 903, 906, 907(d), A-71, 72, 73, 82, 83); (4) threatened Hollander over interstate wire into not making a motion for a trial, which harmed Hollander's cause of action and amounted to tampering because the state court trial evidence would have been provided to the INS, which had initiated deportation proceedings against defendant Shipilina. (Complaint ¶¶ 280-84, 901, 906, A-73, 74, 82); (5) attempted to intimidate Hollander into silence before the INS, which was conducting an investigation of defendant Shipilina, and the Krasnodar prosecutor, who had indicted another defendant, all of which amounted to tampering and wire fraud that cost Hollander time away from his business and money to investigate and protect against the threats. (Complaint ¶¶ 285-90, 316-18, 906, 907(c) & (d), A-74, 76, 77, 82, 83); (6) intimidated witnesses into recanting their testimony before the Krasnodar prosecutor by engaging in wire fraud, aiding a racketeering enterprise and money laundering that resulted in harming Hollander's business reputation and costing him money to reopen the Krasnodar case so as to clear his name. (Complaint ¶¶ 293-97, 903,



906, 907(e), A-74, 75, 82, 83). (7) bribed Krasnodar officials to close the case against one defendant, which required money laundering and aiding a racketeering enterprise that resulted in harming Hollander's business reputation and costing him money to reopen the case so as to clear his name. (Complaint ¶¶ 298-304, 902, 906, 907(e), A-75, 82, 83); (8) attempted to have Hollander arrested twice on bogus charges that amounted to tampering and involved wire fraud with a cost to Hollander of over \$3,500 in attorney fees, time away from his business to defend himself and injury to his business reputation. (Complaint ¶¶ 306-15, 901, 906, 907(c) & (e), A-75, 76, 82, 83; Supp. Complaint ¶¶ 22-24, 34-38, 43, A-85, 86); (9) attempted to intimidate Hollander into staying out of Krasnodar and not prosecuting this RICO action, which consisted of tampering, aiding a racketeering enterprise and wire fraud that cost Hollander time and money in responding to the threat and injured his RICO cause of action (Supp. Complaint ¶¶ 2, 9-10, 12, 13, A-84, 85; Complaint ¶¶ 906, 907(c), A-82, 83); (10) started disciplinary proceedings against Hollander to prevent him from proceeding with this RICO case, which involved tampering and mail fraud that harmed Hollander's business reputation and cost him time and money to defend against. (Supp. Complaint ¶¶ 49, 50, 52, 53, 55, A-86, 87; Complaint ¶¶ 901, 907(e), A-82, 83); (11) obstructed justice by filing false and misleading documents in this case with the District Court that injured Hollander's RICO cause of action. (Supp. Complaint ¶¶ 59, 61-63, 70, A-87; Complaint ¶¶ 901, A-82). All of these racketeering activities by the defendants were intended to make justice too costly to pursue and thereby protect the syndicate's operations.

Whether discovery and exposure of the Russian mafia's operations was to come by way of testimony in the INS's removal proceedings against defendant Shipilina, a state court trial or Russian criminal case, it was on its way to federal law enforcement officials until the

defendants' racketeering activities effectively shut down the legal process. By covering up the Russian syndicate's operations as pertaining to defendant Shipilina, the defendants also protected the activities of other Russian mafia members and associates (Complaint ¶ 882, A-81), which was why it was so important to "*prevent* Hollander from investigating [the conspirators]," Cir. Order p. 3 ¶ 4 (court's emphasis), A-3. In the end, the policy of promoting social stability and justice by encouraging resort to the courts rather than to force or threats of force proved to be no more than nice sounding words.

### **Basis for jurisdiction in the United States District Court, Southern District of New York**

The District Court's basis for subject matter jurisdiction was a federal question under the civil enforcement provisions of the Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. 1964, A-44. As to the foreign defendants, the district court had jurisdiction based on their conduct abroad causing foreseeable and substantial effects within the U.S.

Personal jurisdiction resulted from each defendant having minimum contacts with New York, a defendant operating through an agent or a defendant's conspiratorial contacts with other defendants in New York.

### **REASONS FOR GRANTING THE WRIT**

1. Can the archetypal, intimidating mobsters of organized crime—the Russian mafia—use racketeering activities to prevent the exposure or discovery of prior racketeering deeds without fear of liability under civil RICO?

The Second Circuit's decision in this case creates a loophole in the RICO statute by which members or associates of a criminal enterprise can use racketeering activities to prevent

the exposure or discovery of prior RICO violations. The Court of Appeals held that racketeering activities in which “the conspirators allegedly tr[y] to *prevent*<sup>3</sup> [a victim] from investigating them...,” Cir. Order p. 3 ¶ 4, A-3, (emphasis the court’s), or “thwart” petitioner’s RICO litigation efforts, or hinder his attempts to repair prior RICO damages, Cir. Order p. 4 ¶ 2, A-4, are not reachable under civil RICO because such cover-up predicate acts are in response to an investigation or litigation that may discover or expose prior criminal conduct, and it is that investigation or litigation, not the cover-up crimes, that proximately causes any injury.

The Second Circuit and Southern District courts have inadvertently created a legal amnesty in the Second Circuit for any RICO acts committed after the first set of crimes so long as the later crimes are committed to prevent, thwart or hinder the victim’s investigation or litigation that may lead to discovery or exposure of the initial racketeering activities engaged in to carry out a conspiracy. This judicially created amnesty contradicts other Courts of Appeals’ interpretations of civil RICO which hold that predicate acts committed to conceal a conspiracy, including money laundering and travel in aid of racketeering, support a finding of proximate causation, Maiz v. Virani, 253 F.3d 641, 673-74 (11<sup>th</sup> Cir. 2001). The defendants in Maiz took elaborate steps to conceal their land fraud scheme, *id.* at 652, while in Living Designs, Inc. v. E.I. DuPont De Nemours, 431 F.3d 353, 358 (9<sup>th</sup> Cir. 2005), DuPont used the racketeering acts of mail and wire fraud to conceal its conspiracy in falsifying test results for one of its products. In this petition for certiorari, the Russian mafia defendants also used travel in aid of racketeering and mail and wire fraud plus tampering with a victim or informants and obstruction of justice to “*prevent* Hollander from investigating them...,” Cir.

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<sup>3</sup> The District Court held “[P]laintiff’s resistance to and investigation of the Scheme is what the predicate acts, as alleged, were designed to prevent.” Dist. Order p. 14 ¶ 1, A-20.

Order p. 3 ¶ 4, A-3, so they could conceal their participation in the ongoing conspiracy to illegally transplant moneymaking assets to the U.S. That conspiracy included gaining defendant Shipilina entry, permanent residency and eventually naturalization in America. Hollander refused to yield to the Russian mafia's coercive activities and, therefore, suffered the sanctions that coercion imposed. Such coercive efforts sufficiently plead proximate cause, *see Blue Shield of Virginia v. McCready*, 457 U.S. 465, 483-85, 102 S.Ct. 2540, 2550-51, 73 L.Ed.2d 149, (1982) (Section 4 of the Clayton Act standing). Here, as in Chisolm v. TranSouth Financial Corp., 95 F.3d 331, 338 (4<sup>th</sup> Cir. 1996), the concealment of the nature of the conspiracy was the very linchpin of its success that harmed Hollander.

The Second Circuit's loophole not only contradicts other circuits' holdings concerning recovery for injuries from cover-up activities but also frustrates Congress' policy behind civil RICO. "The object of civil RICO is ... not merely to compensate victims but to turn them into prosecutors, private attorneys general, dedicated to eliminating racketeering activity," Rotella v. Wood, 528 U.S. 549, 557, 120 S.Ct. 1075, 1082, 145 L.Ed.2d 1047 (2000), so as to fill in prosecutorial gaps, Sedima, S.P.R.L. v. Imrex Co., Inc., 473 U.S. 479, 493, 105 S.Ct. 3275, 3283, 87 L.Ed.2d 346 (1985).<sup>4</sup> But according to the Second Circuit, when racketeering activities are used to shut down or hinder any private attorney general's investigation, the injuries from those activities will not be proximately caused by the racketeering acts but by the investigation into them.

Further, the Second Circuit's ruling inappropriately narrows liability under the RICO conspiracy provision 18 U.S.C. § 1962(d). When defendants engage in overt acts to cover-up

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<sup>4</sup> "RICO has served as a powerful tool against enterprise criminality. Most of the success, however, has been achieved through criminal prosecutions. The private attorney general concept ... has not achieved comparable results. Judging from the number of RICO suits filed, this failure does not reflect a lack of effort. Rather, the record demonstrates that negative judicial activism has kept RICO from achieving its potential." Michael Goldsmith, Judicial Immunity-The Ironic Demise of Civil RICO, 30 Harv. J. on Legis. 1, 40-41 (1993).

a conspiracy, they are furthering that conspiracy by preventing the best disinfectant of publicity from exposing their scheme. If the overt acts are racketeering or otherwise unlawful under RICO, they violate the conspiracy provision § 1962(d). Beck v. Prupis, 529 U.S. 494, 506-07, 120 S.Ct. 1608, 1616-17, 146 L.Ed.2d 561 (2000); Rehkop v. Berwick Healthcare Corp., 95 F.3d 285, 290 (3<sup>rd</sup> Cir. 1996). And when those acts proximately cause harm, the perpetrators are liable.

In this case, the Russian mafia defendants entered into agreements to carry out racketeering activities so as to further the crime syndicate's expansion by concealing it. The District Court's decision, affirmed by the Second Circuit, conceded that the cover-up acts were alleged to have caused harm: "[P]laintiff's claimed damages in this case were caused by alleged retaliation for his discovery and subsequent investigation of the Scheme...." Dist. Order p. 13 ¶ 2, A-19. "To be sure, plaintiff alleges that defendants took actions directed at him ... that he deems 'predicate acts,' and that the [Russian mafia] has harmed 'his business reputation and goodwill' (see Complaint ¶¶ 902, 903, [A-82])...." Dist. Order p. 12 ¶ 1, A-18. The Second Circuit's decision also conceded allegations of injury from cover-up racketeering acts, "[o]ther allegations involve efforts to 'thwart' Hollander's efforts, via his investigation and this litigation ...." Cir. Order p. 4 ¶ 2, A-4. The Complaint, therefore, by the lower courts own words, alleges harm proximately caused by overt racketeering acts to further a conspiracy in violation of § 1962(d), A-37.

The Second Circuit's judicially imposed loophole extinguishes civil RICO as a means of opposing the intentions of organized crime when the criminals use racketeering activities to cover-up past RICO violations.

2. Does the Supreme Court's proximate causation analysis in Holmes for pass-along, or derivative, injuries flowing from the misfortunes visited on a third person apply in situations where the reasons for the policies behind the analysis do not exist and where there are no third-parties through whom injuries can pass?

The Second Circuit inappropriately expanded the pass-along injury analysis for determining proximate causation to situations where the policies driving the analysis do not apply, thereby contradicting Holmes v. Sec. Investor Prot. Corp., 503 U.S. 258, 112 S.Ct. 1311, 117 L.Ed.2d 532 (1992), and decisions in other Courts of Appeals<sup>5</sup>.

The Supreme Court in Holmes used the concept that “a plaintiff who complained of harm flowing merely from the misfortunes visited upon a third person by the defendant’s acts was generally ... at too remote a distance to recover.” Holmes, 503 U.S. at 268, 112 S.Ct. at 1318. Such injuries were not “direct” because an intervening event interfered with the sequence of responsible causation. *See id.*, 503 U.S. at 271, 272 n. 20, 112 S.Ct. at 1319, 1320 n. 20 (broker-dealers’ insolvency was the intervening event that prevented a “direct,” or proximate causation of customers’ losses).

Disallowing recovery for pass-along, or derivative, injuries serves three policies:

1. Avoids the difficulty in ascertaining the amount of damages to plaintiffs beyond the first step that result from a violation as opposed to independent intervening factors;
  2. Obviates the need for complicated rules apportioning damages among plaintiffs removed at different levels of injury from a violation in order to prevent multiple recoveries;
- and

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<sup>5</sup> The policies behind the pass-along, or derivative, injury analysis are used by other circuit courts: e.g., Bieter Co. v. Blomquist, 987 F.2d 1319, 1325-27 (8<sup>th</sup> Cir. 1993); Mendoza v. Zirkle Fruit Co., 301 F.3d 1163, 1168-72 (9<sup>th</sup> Cir. 2002); BCCI Holdings (Luxembourg), S.A. v. Khalil, 214 F.3d 168, 174 (D.C. Cir. 2000).

3. Serves the general interest in deterring injurious conduct because directly injured victims can usually be counted on to seek recovery under the law. Holmes, 503 U.S. at 269-70, 112 S.Ct. at 1318.

The Second Circuit's misapplication of the Holmes analysis to where there are no third-parties for harm to flow through, no independent intervening events and the policy reasons do not apply, has written into the statute a method for dismissing civil RICO suits in which the harm complained of actually occurs at the first step. "The general tendency of the law, in regard to damages at least, is not to go beyond the first step." Southern Pacific Co. v. Darnell-Taenzer Lumber Co., 245 U.S. 531, 533, 38 S.Ct. 186, 186, 62 L.Ed. 451 (Holmes, J.) (1918). The Second Circuit has created a new proximate causation rule for civil RICO in which it does not even go to the first step.

The Court of Appeals relied on two decisions in order to dismiss this case on the grounds that "the alleged injuries were proximately caused not by the alleged racketeering violations, but by the public exposure of those activities or their discovery by the victim and the consequences of that exposure or discovery," Cir. Order p. 3 ¶ 3, A-3, Cir. Order p. 4 ¶ 2, A-4. In re American Express Co. Shareholder Litig., 39 F.3d 395, 399-401 (2d Cir. 1994), cites to the Holmes analysis and applies its three policies while Burdick v. American Express Co., 865 F.2d 527, 529 (2d Cir. 1989), although prior to Holmes, used a similar analysis. In these two cases, and nearly all the other RICO exposure or discovery cases—sometimes called "employee termination," "whistleblower" or "shareholder and creditor derivative" decisions,<sup>6</sup> racketeering activities were not used to prevent the exposure or discovery of

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<sup>6</sup> E.g., Miranda v. Ponce Federal Bank, 948 F.2d 41, 47 (1<sup>st</sup> Cir. 1991); Hecht v. Commerce Clearing House, Inc., 897 F.2d 21, 25 (2d Cir. 1990); In re Sunrise Sec. Litig., 916 F.2d 874, 883 (3<sup>rd</sup> Cir. 1990); Camelio v. American Federation, 137 F.3d 666, 672 (4<sup>th</sup> Cir. 1998); Cullom v. Hibernia National Bank, 859 F.2d 1211, 1214 (5<sup>th</sup> Cir. 1988); Hamm v. Rhone-Poulenc Rorer Pharmaceuticals, Inc., 187 F.3d 941, 952-54 (8<sup>th</sup> Cir. 1999); Hamid v. Price Waterhouse, 51 F.3d 1411, 1419-20 (9<sup>th</sup> Cir. 1995); Reddy v. Litton Industries, 912 F.2d 291, 294 (9<sup>th</sup> Cir. 1990); Beck v. Prupis, 162 F.3d 1090, 1098 (11<sup>th</sup> Cir. 1998), *aff'd*, 529 U.S. 494 (2000).

earlier RICO violations, as in this case, but rather to harm a third party who was not a plaintiff. Those cases denied standing because the injuries were derivative of third persons.

Cases where racketeering activities were specifically directed at an individual shareholder or creditor have found standing. Maiz v. Virani, 253 F.3d 641, 655-56 (11<sup>th</sup> Cir. 2001); Bankers Trust Co. v. Rhoades, 859 F.2d 1096, 1099-1101 (2d Cir. 1988)(creditor had standing, because fraud, bribery, perjury and frivolous lawsuits were directed against it). Both the Second Circuit and District Court in this case noted the Complaint had alleged that the activities of the conspirators were directed at the petitioner. Cir. Order p. 3 ¶ 4, p. 4 ¶ 2, A-3, 4; Dist. Order p. 14 ¶ 1, A-20 (“[petitioner’s] resistance to and investigation of the Scheme is what the predicate acts, as alleged, were designed to prevent.”). The direct relationship in this case (plaintiff Hollander—Russian mafia tortfeasor defendants) distinguishes it from Holmes (plaintiff SIPC—customers—brokers—Holmes tortfeasor defendant); American Express (plaintiff shareholders—Edmond Safra—American Express tortfeasor defendant officers); and Burdick (plaintiff broker—customers—Shearson Lehman Brothers tortfeasor defendant); therefore, the Second Circuit’s Holmes analysis was not applicable because Hollander is not a secondary victim.

In American Express, the defendant officers of that company used racketeering acts to prevent Edmond Safra from opening a competing bank. American Express, 39 F.3d at 396-97. As a result of the predicate acts directed against Safra, he conducted his own investigation and brought criminal libel suits that disclosed the extent of American Express’ RICO activities. Batista, Civil Rico Prac. Manual, § 4.17, 2d ed.; see American Express, 39 F.3d at 398. Because of Safra’s discoveries and their publicity, American Express stock lost value, and its shareholders sued the officers. The shareholders could not recover because



under the Holmes analysis their financial injuries were derivative of the harm to Safra and the resulting publicity. Had Safra sued under RICO, there is little doubt that he would have withstood a motion to dismiss under Rule 12(b)(6). Batista, Civil Rico Prac. Manual, § 4.17, 2d ed.; see American Express, 39 F.3d at 401.

In the present case, the Second Circuit's improper application of the Supreme Court's construction of the RICO statute resulted from the Second Circuit analogizing Hollander with the shareholders of American Express when the correct comparison is to Safra. Hollander was the one against whom the predicate acts were aimed in order "to *prevent* [him] from investigating [defendants]...", Cir. Order p. 3 ¶ 4, A-3, and "to thwart... his investigation and this litigation...", Cir. Order p. 4 ¶ 2, A-4. The Complaint here does not allege that threatened reprisals injured some third person and that injury passed through to Hollander because there is no third person or entity between the Russian mafia defendants and Hollander for harm to pass through. There is, however, an organization, the Russian mafia, whose members used racketeering acts against Hollander, just as American Express did against Safra, in order to protect profits.

In Burdick, a vice president of Shearson Lehman Brothers was fired for complaining of that company's racketeering activities used to obtain illegal profits from the firm's customers. Burdick, 865 F.2d at 528. The vice president argued that he was injured as a result of the harm to Shearson's customers from the company's predicate acts. Id. at 529. Consistent with the Holmes analysis, the court found this harm too remote. In the present case, however, the Second Circuit wrongly analogized Hollander to the vice president when the comparison should have been to Shearson's customers. Hollander was never employed by

the Russian mafia but was, albeit unwittingly, a customer or victim of that crime syndicate's conspiracy to set-up one of its money making assets in America.

The Holmes direct injury analysis is a means of determining whether an independent intervening event has occurred in the chain of causation. The Second Circuit wrongly concluded Hollander's investigation was such an event. "Hollander's complaint deals primarily with damages stemming from the investigation he initiated.... These are the costs of Hollander's acts, not the defendants' RICO violations." Cir. Order p. 3 ¶ 4, A-3. Accepting the Second Circuit's holding that a plaintiff's investigation of criminal activities is an intervening event would mean that RICO defendants could escape liability for injuries from racketeering acts used to stop an investigation because the resulting harm would be caused by an intervening event: the plaintiff's investigation to marshal information on RICO violations. It's an interesting Catch-22: if a plaintiff does what every lawyer initially does concerning a potential case—starts an investigation, that investigation can be hampered or shutdown by racketeering acts without such acts being reached by civil RICO. But if a plaintiff doesn't start an investigation, how is he to discover what is going on so as to prevent further harm or rectify past injury via law enforcement agencies or judicial proceedings? He can't, at least in the Second Circuit, because with its decision in this case that court has shifted causation to the victim who takes legal steps to put an end to the harm affecting his business or property<sup>7</sup>.

Perhaps more importantly, the Second Circuit ignored the policy reasons in Holmes when it applied the Holmes analysis to this case (a technique that will most probably be used to dismiss future direct-injury RICO cases). Had the Second Circuit applied the three policy

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<sup>7</sup> The Second Circuit has previously imposed extra-statutory limitations on civil RICO in order to reduce its civil RICO caseload. See Sedima, S.P.R.L. v. Imrex Co., Inc., 473 U.S. 479, 488, 105 S.Ct. 3275, 3280, 87 L.Ed.2d 346 (1985) (reversed Second Circuit's rules that a civil action can proceed only after a criminal conviction and damages must result from an "amorphous racketeering injury" rather than predicate acts); Lerner v. Fleet Bank, N.A., 318 F.3d 113, 120 (2d Cir. 2003) (Second Circuit moved away from the zone of interests test it created in Laborer's Local 17 Health & Benefit Fund v. Philip Morris, Inc., 191 F.3d 229, 236 (2d 1999)).

reasons, it could not have dismissed this case on proximate causation grounds because by allowing Hollander to proceed with his case: (1) the district court would not have to ascertain the amount of damages to plaintiffs beyond the first step because Hollander is the first step and the only possible plaintiff, other than law enforcement agencies; (2) the court would not have to engage in the complicated apportionment of damages among others removed at different levels from the RICO violations because there are no others; and (3) unlike in Holmes, where the directly injured broker-dealers could and did sue, here, if Hollander doesn't right the law's violation, no one will—including law enforcement agencies.

The plaintiff-petitioner in this case is not seeking to vindicate the claims of some phantom third person; rather he is doing what the Supreme Court assumed the immediate victim would do—suing. He has not been successful, so far, because under the Second Circuit's own brand of reforming civil RICO, immediate victims can be prevented from acting as private attorneys general by criminals targeting racketeering activities against those victims with the result of leaving significant RICO violations undetected or unremedied.<sup>8</sup>

3. Does proximate causation for civil RICO require that the injuries resulting from racketeering activities be the “specifically-intended consequence” or “preconceived purpose” of the conspirators' scheme?

The Second Circuit requires that for a victim to recover under civil RICO, the injury must have been the “specifically-intended consequence” or “preconceived purpose” of the RICO defendants' scheme. American Express, 39 F.3d at 400. If the resulting harm is not planned in the defendants' minds, then there is no recovery in the Second Circuit even though

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<sup>8</sup> “The statute was drafted from the perspective of the victim, not the perpetrator.” G. Robert Blakely & Brian Gettings, RICO: Basic Concepts—Criminal & Civil Remedies, 53 Temp L. Q. 1009, 1032-33 (1980).

the criminal conduct creates a substantial risk of such damages occurring. The Second Circuit used its specifically-intended injury rule in this case to hold proximate causation lacking by ruling that “[e]ven if it was the criminal syndicate’s intent to trick Hollander into ‘arranging for Member Alina Shipilina to enter the U.S.,’ it was not the object<sup>9</sup> of the conspiracy to cause him to cease work and thereby lose profits in order to make those arrangements.” Cir. Order p. 4 ¶ 1, A-4. This holding affirmed the District Court’s finding of no proximate causation because “the damages [Hollander] seeks [do not] arise from ... the original purpose of the Scheme itself....” Dist. Order p. 12 ¶ 1, A-18.

The Second Circuit has artificially narrowed the RICO statute by including in the proximate cause determination the predicate act requirement from mail and wire fraud of a specifically-intended injury even though mail and wire fraud are specific intent crimes<sup>10</sup>, *see e.g.*, U.S. v. Chandler, 98 F.3d 711, 715 (2d Cir. 1996)(citations omitted), and RICO is a statutory tort remedy, Mid Atl. Telecom v. Long Distance Servs., 18 F.3d 260, 263 (4<sup>th</sup> Cir. 1994); Reynolds v. East Dyer Dev. Co., 882 F.2d 1249, 1253 (7<sup>th</sup> Cir. 1989); Bieter Co. v. Blomquist, 987 F.2d 1319, 1329 (8<sup>th</sup> Cir. 1993). Allegations of injuries specifically intended are unnecessary for a statutory tort action, *see* Restatement of Torts 2d, § 548A, and civil RICO, *see* Brandenburg v. Seidel, 859 F.2d 1179, 1189 (4<sup>th</sup> Cir. 1988). “When a statute provides that under certain circumstances particular acts shall or shall not be done, it may be interpreted [unless otherwise required] as fixing a standard for all members of the community from which it is negligence to deviate.” Prosser and Keaton, Torts, § 36, p. 220, 5<sup>th</sup> ed. (1984). The violation of such a statute constitutes conclusive evidence of negligence, or negligence *per se*. *Id.* § 36 n. 2. The focus under negligence is on unreasonably risky conduct

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<sup>9</sup> “Object” includes the definition “purpose.” American Heritage Dictionary, 2d ed.

<sup>10</sup> Specific intent requires the actor to desire the consequences that actually result. *See* Black’s Law Dictionary, pp. 825-26, 8<sup>th</sup> ed.

not on whether the tortfeasor had in mind a purpose or certainty that the resulting harm would occur. Dobbs, Law of Torts, § 116 (2001). The Second Circuit's grafting of a "preconceived purpose" or "specifically-intended consequence" onto civil RICO changes the statute into an intentional tort, which, of course, is more difficult to show because of the added state of mind element. Such judicial revisionism is contrary to the Supreme Court's admonition that strict proximate cause requirements not be erected as obstacles to private RICO litigants, *see Sedima, S.P.R.L. v. Imrex Co., Inc.*, 473 U.S. at 497-98, 105 S.Ct. at 3285-86.

The proximate causation requirement of a "specifically-intended consequence" or "preconceived purpose" by the Second Circuit also conflicts with other Courts of Appeals. The D.C. Circuit called the test "simply wrong," BCCI Holdings (Lux.), S.A. v. Khalil, 214 F.3d 168, 173 (D.C.Cir.), *cert. denied* 531 U.S. 958 (2000), and stated that in Holmes, the Supreme Court "never suggests ... that the only or best way to prove proximate cause is for a plaintiff to prove ... that the injury was the 'preconceived purpose' of the RICO activity." BCCI, 214 F.3d at 174. The Ninth Circuit held "the Supreme Court has already told us that 'by reason of' incorporates a proximate cause standard, *see Holmes*, 503 U.S. at 265-68, 112 S.Ct. at 1316-18, which is generous enough to include the unintended, though foreseeable consequences of RICO predicate acts, *see Palsgraf v. L.I. R.R. Co.*, 248 N.Y. 339, 162 N.E. 99, 100-01 (1928)." Diaz v. Gates, 420 F.3d 897, 901 (9<sup>th</sup> Cir. 2005), *cert. denied Parks v. Diaz*, 126 S.Ct. 1069 (2006). In Diaz, the Ninth Circuit also ruled "There is ... no room in the statutory language for an additional, amorphous requirement that, for an injury to be to business or property, the ... interest [must] have been the direct target of the predicate act. The statute is broad, but that is the statute we have. Were the standard as [the Second Circuit] claims, we would have the anomalous result that one could be liable under RICO for

destroying a business if one aimed a bomb at it, but not if one aimed at the business owner, missed and hit the business by accident, or if one aimed at the business owner who happened to be in the business at the time.” *Id.* at 901-02.

Moreover, by restricting proximate causation to a “specifically-intended consequence” or “preconceived purpose,” the Second Circuit’s premising of a RICO remedy on the specific intent of the conspirators conflicts with the analogy to antitrust causation used by the Holmes Court. The Supreme Court has “rejected the contention that, because there [is] no specific intent to harm the plaintiff, her injury [is] thereby rendered remote.” Assoc. Gen. Contractors of Cal. v. Cal. St. Council, 459 U.S. 519, 537 n.37, 103 S.Ct. 897, 908 n.37, 74 L.Ed.2d 723 (1983)(citing Blue Shield of Virginia v. McCready, 457 U.S. at 479, 102 S.Ct. at 2548) (antitrust standing).

The specifically-intended injury requirement also ignores how criminals work to achieve their ends in the real world. Members of the Russian mafia aren’t blind; they understand that when they initiate a scheme for making money illegally that contingencies will likely arise making it necessary to use additional predicate acts to lull a victim, prevent a victim from discovering and exposing their artifice, to cover up their operations or more. The harm caused by such criminals dealing with contingencies may not have been specifically intended in the beginning, but in order to reach their goal, they willingly create a substantial risk of such harm occurring to the victim. That harm is foreseeable because it is inextricably intertwined with the success of the conspirator’s plan, and whether an injury is reasonably foreseeable or anticipated as a natural—not specifically intended—consequence of racketeering acts is the requirement, along with directness<sup>11</sup>, needed for proximate causation

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<sup>11</sup> “Directness” as used by the Supreme Court in Holmes means the injury is not passed-along, or derivative, of a third party. See Holmes, 503 U.S. at 272 n. 20, 112 S.Ct. at 1320 n.20.

under civil RICO. *See Holmes*, 503 U.S. at 267-70, 112 S.Ct. 1317-18; *Kaufman v. BDO Seidman*, 984 F.2d 182, 185 (6<sup>th</sup> Cir. 1993).

Take, for example, a Ponzi scheme. The racketeer targets investors through fraud, but he does not consciously intend for those investors to lose their money; he simply wants to perpetuate the Ponzi scheme for as long as possible in order to maximize his illegal profits. So too, the RICO defendants in this case may not have specifically intended Hollander “to cease work and thereby lose profits...,” *Cir. Order* p. 4 ¶ 1, A-4, but they created a substantial risk of that occurring by using a fraudulent scheme to make sure defendant Shipilina entered America and stayed here generating money for as long as possible.<sup>12</sup>

The Second Circuit’s “specifically-intended consequence” or “preconceived purpose” rule has the anomalous result of allowing gangsters to use racketeering acts on an ad hoc basis to protect criminal operations as they move toward their goals because the harms from such acts were not part of their *mens rea* when they embarked on their moneymaking quest.

4. Are injuries to a person’s legal causes of action from racketeering activities excluded from compensable damages under civil RICO?

The Second Circuit ruled that allegations of injury to the “administration of law” are not compensable under civil RICO. *Cir. Order* p. 4 ¶ 2, A-4. “Law” is “the body of rules, standards, and principles that the courts of a particular jurisdiction apply in deciding controversies brought before them....” *Black’s Law Dictionary*, p. 900, 8<sup>th</sup> ed. The process

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<sup>12</sup> Realistically, defendants couldn’t help but anticipate that Hollander, a lawyer and manager of a private detective agency in Russia, would become suspicious and start an investigation that might uncover their scheme, necessitating further racketeering acts to cost him out-of-pocket expenses, legal fees, time, distraction from his business and loss of reputation and goodwill in order to pressure him into giving up by making the price to his livelihood too great.

by which the judiciary exercises its power to construe and apply the law when controversies arise is the administration of justice. *See Black's Law Dictionary*, p. 864 (“judicial power” and “judiciary”) 8<sup>th</sup> ed. It follows that the “administration of law” is synonymous with or at least includes the “administration of justice.”

Further evidence that the Second Circuit’s use of “administration of law” subsumes the process of administering justice comes from one of the two allegations it was referring to when it used that phrase and a companion allegation the court omitted. The allegation used by the court refers to the use of illegal funds in building “a litigation war chest to fund fraudulent proceedings against the plaintiff and fraudulently defend against legitimate proceedings in order to whipsaw the plaintiff into submission and deplete his financial resources.” (Complaint ¶ 901, A-82)(the ending prepositional phrase was deleted by the Court)); Cir. Order p. 4 ¶ 2, A-4. The allegation omitted by the Court claims the defendants used money from racketeering activities to purchase “the intimidation of witnesses ...,” (Complaint ¶ 903, A-82). These two allegations clearly concern litigation, which is how courts construe and apply the law, that is, administer justice. Since litigation is the process of carrying on a lawsuit, it is the means for seeking a remedy for a cause of action. Black's Law Dictionary, p. 952 (“litigation”), p. 235 (“cause of action”), 8<sup>th</sup> ed.

The other allegation quoted by the Second Circuit in connection with its use of “administration of law” concerns the bribing of “public employees into subverting the proper administration of the law in America and Russia...” (Complaint ¶ 902, A-82); Cir. Order p. 4 ¶ 2, A-4. This allegation concerns both court litigation and the executive’s branch power of enforcing the laws; therefore, the Second Circuit may have meant “administration of law” to include executive action as well as litigating a cause of action before the judiciary.



To the extent the “administration of law” concerns litigating a cause of action in court, the Second Circuit is in conflict with the Supreme Court and other circuits by ruling that injury to a person’s lawsuit, or cause of action, is not a compensable injury under civil RICO.

Civil RICO requires an injury to “business or property.” 18 U.S.C. § 1964(c), A-44. The Supreme Court and other circuits have held that the nature of a property interest is an individual entitlement determined by state law. Logan v. Zimmerman Brush Co., 455 U.S. 422, 430, 102 S.Ct. 1148, 1155, 71 L.Ed.2d 265 (1982)(citations omitted); *e.g.*, Isaak v. Trumbull Sav. & Loan Co., 169 F.3d 390, 397 (6<sup>th</sup> Cir. 1999); Doe v. Roe, 958 F.2d 763, 768 (7<sup>th</sup> Cir. 1992); Living Designs, Inc. v. E.I. DuPont De Nemors, 431 F.3d 353, 364 (9<sup>th</sup> Cir. 2005) (citations omitted). Under New York law, a cause of action is property, Loucks v. Standard Oil Co. of N.Y., 224 N.Y. 99, 110, 120 N.E. 198, 201 (1918); Hein v. Davidson, 96 N.Y. 175, 177, 1884 N.Y. Lexis 481 (1884); therefore, harm to such from racketeering acts is a compensable injury under civil RICO.

There is the argument, however, that since RICO is a federal statute, federal law should determine what constitutes property in order to assure consistency throughout the circuits. DeMauro v. DeMauro, 115 F.3d 94, 96 (1<sup>st</sup> Cir. 1997). As for a cause of action, the Supreme Court has already determined it is a “species of property.” Logan v. Zimmerman Brush Co., 455 U.S. at 428, 102 S.Ct. at 1154 (citing Mullane v. Central Hanover Bank & Trust Co., 339 U.S. 306, 311-13, 70 S.Ct. 652, 655-56, 94 L.Ed. 865 (1950)). Other circuits have applied the Supreme Court’s definition of property under due process to the civil RICO context by finding that a cause of action is property and, therefore, compensable under RICO for harm flowing from racketeering acts. *E.g.*, Malley-Duff & Associates, Inc. v. Crown Life Ins. Co., 792 F.2d 341, 355 (3d Cir. 1986)(expenses, delays and inconvenience caused by

defendants in the prosecution of a lawsuit is injury to property); Handeen v. Lemaire, 112 F.3d 1339, 1354 (8<sup>th</sup> Cir. 1997)(attorney's fees incurred in objecting to defendants' fraudulent claims qualify as an injury to property); Deck v. Engineered Laminates, 349 F.3d 1253, 1259 (10<sup>th</sup> Cir. 2003) (plaintiff has property interest in a cause of action that was prejudiced by fraud).

Whether under New York law or the due process clause, the use of money from illegal activities to fund fraudulent proceedings and fraudulent defenses in court actions and to purchase the intimidation of witnesses constitute injury to Hollander's property by harming his RICO and annulment/divorce causes of action and his defenses against a fraudulent restraining order and two threatened false arrests.

5. Are expenses incurred in the investigation of a fraud unrecoverable even though such expenses are incurred in almost every civil RICO case?

When a lawyer refuses to cooperate with racketeers, they often threaten and take reprisals to make him do what they want in order to protect their moneymaking operations. Here the intimidation consisted of predicate acts committed in fraudulently obtaining a restraining order, making false accusations of extortion and battery, tampering with informants and witnesses, silencing of witnesses, attempting two false arrests, obstructing this RICO litigation and money laundering to help pay for it all. When faced with such intentional acts of harm, the reasonable lawyer will investigate to find out what is going on in contemplation of bringing appropriate legal action to prevent further injury and rectify the damage that has already occurred. Hollander did just that, but the Second Circuit ruled

“damages stemming from the investigation he initiated ... are the costs of Hollander’s acts, not the defendants’ RICO violations.” Cir. Order p. 3 ¶ 4, A-3.

The Second Circuit’s rule preventing recovery of expenses incurred in the investigation of predicate acts aimed at a plaintiff has not been decided in other circuits, so the petitioner requests the Supreme Court to take this opportunity to set a uniform interpretation of the RICO statute on this issue.

6. Did the Second Circuit contravene the Supreme Court by failing to presume that general factual allegations of injury from racketeering activities embrace those specific facts that are necessary to avoid a Rule 12(b)(6) dismissal?

The Second Circuit upheld the District Court’s ruling that certain allegations of injury failed to include specific factual allegations of injury from racketeering activities and, therefore, were “general” and “conclusory”.

The District Court had ruled that “[a]lthough plaintiff does include **general** allegations ... [Complaint ¶¶ 900, 904-906, A-82], this Court need not accept such **conclusory** allegations for purposes of this motion,” Dist. Order p. 12 n.6, A-18 (emphasis added), and quoted from American Express, 39 F.3d at 400 n.3 for support of that proposition: “[W]hile the complaint does cursorily assert that American Express was a victim of the RICO defendants’ acts and that these acts were the proximate cause of American Express’s alleged injuries, these conclusory allegations of the legal status of the defendants’ acts need not be accepted as true for the purposes of ruling on a motion to dismiss.”

The Second Circuit used the exact same quote to support its holding that “the complaint also contains conclusory allegations that claim damages to financial interests, but

**do not specify** how racketeering activities caused those damages.” Cir. Order p. 4 ¶ 3, A-4 (emphasis added)(referring to the Complaint at ¶¶ 900 & 905, A-82). “These paragraphs allege that damages to financial interests have been caused, but make no factual allegation from which an inference of proximate cause could reasonably be drawn.” Cir. Order p. 4 ¶ 3, A-4 (omitting other allegations of harm to “financial interests” in the Complaint at ¶¶ 904, 906 & 907, A-82, 83). The Second Circuit also ruled that the Supplemental Complaint “fails to indicate how the alleged activities, principally threats against [Hollander] and abuses of the justice system in response to his lawsuit, damaged his business in any direct way.” Cir. Order p. 4 ¶ 4, A-4.

The Second Circuit and District Court’s requirement of specific factual allegations of injury flowing from racketeering acts contravenes not only other Courts of Appeals<sup>13</sup> but also the Supreme Court. In NOW v. Scheidler this Court held that “[a]t the pleading stage, general factual allegations of injury resulting from the defendant’s conduct may suffice, for on a motion to dismiss we presume that general allegations embrace those specific facts that are necessary to support the claim.” NOW v. Scheidler, 510 U.S. 249, 256, 114 S.Ct. 798, 803, 127 L.Ed.2d 99 (1994)(quoting Lujan v. Defenders of Wildlife, 504 U.S. 555, 561, 112 S.Ct. 2130, 2137, 119 L.Ed.2d 351 (1992)(citations omitted). In Glus v. Brooklyn Eastern District Terminal, 359 U.S. 231, 235, 79 S.Ct. 760, 763, 3 L.Ed.2d 770 (1959), this Court stated: “It may well be that petitioner’s complaint as now drawn is too vague, but that is no ground for dismissing his action.... His allegations are sufficient for the present. Whether petitioner can in fact make out a case ... must await trial.” All that the federal rules require in a pleading is that a party should set forth the averments, which can be made with great generality. Wright

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<sup>13</sup> Trollinger v. Tyson Foods, Inc., 370 F.3d 602, 615 (6<sup>th</sup> Cir. 2004); Mendoza v. Zirkle Fruit Co., 301 F.3d 1163, 1168 (9<sup>th</sup> Cir. 2002).

& Miller, Fed. Prac. & Proc.: Civil 3d § 1215. Discovery, not the pleadings, bears the burden of filling in the details. *Id.* The petitioners in NOW, as the petitioner here, alleged that the RICO conspiracy had injured their business and property interests and that a defendant had threatened reprisals. NOW, 510 U.S. at 256, 114 S.Ct. at 803. The Supreme Court concluded that “[n]othing more is needed to confer standing on [petitioners] at the pleading stage.” *Id.*

The Second Circuit and District Court failed to consider that the liberal notice pleading of Rule 8(a) is the starting point of a simplified pleading system to focus litigation on the merits of a claim. Swierkiewicz v. Sorema N.A., 534 U.S. 506, 513-14, 122 S.Ct. 992, 998-99, 152 L.Ed.2d 1 (2002) (citing Conley v. Gibson, 355 U.S. 41, 48, 78 S.Ct. 99, 103, 2 L.Ed.2d 80 (1957)). In Conley v. Gibson this Court stated:

“[T]he Federal Rules of Civil Procedure do not require a claimant to set out in detail the facts upon which he bases his claim. To the contrary, all the Rules require is ‘a short and plain statement of the claim’ that will give the defendant fair notice of what the plaintiff’s claim is and the grounds upon which it rests.... Such simplified ‘notice pleading’ is made possible by the liberal opportunity for discovery and the other pretrial procedures established by the Rules to disclose more precisely the basis of both claim and defense and to define more narrowly the disputed facts and issues.... The Federal Rules reject the approach that pleading is a game of skill in which one misstep by counsel may be decisive to the outcome and accept the principle that the purpose of pleading is to facilitate a proper decision on the merits.” Conley v. Gibson, 355 U.S. 41, 47-48, 78 S.Ct. 99, 102-03, 2 L.Ed.2d 80 (1957).

A complaint, therefore, need not state with precision all the elements that give rise to a legal basis for recovery as long as fair notice of the nature of the action is provided. *See* Leatherman v. Tarrant County Narcotics Unit, 507 U.S. 163, 168, 113 S.Ct. 1160, 1163, 122 L.Ed.2d 517 (1993); Wright & Miller, Fed. Prac. & Proc.: Civil 3d § 1216. A complaint can allege conclusions if they provide defendants with a minimal notice of the claims, Kyle v. Morton High School, 144 F.3d 448, 455 (7<sup>th</sup> Cir. 1998)(citations omitted). The RICO

complaint in this action easily gave the defendants fair notice of the basis of the claims against them.

The Second Circuit and District Court essentially took a page from yesteryear. Prior to the Federal Rules of Civil Procedure, “the pretrial functions of notice-giving, issue formulation and fact revelation were performed primarily, and inadequately, by the pleadings.” Hickman v. Taylor, 329 U.S. 495, 500, 67 S.Ct. 385, 388, 91 L.Ed. 451 (1947). Back then, the complaint was required to state only basic facts, not conclusions or ultimate facts; a distinction of degree only that placed the pleader at a disadvantage: “A pleader who complied with the spirit and command of the code pleading system was obliged to walk defenseless while a hidden enemy sniped at him; he committed himself unreservedly to a course of action and a factual statement from which he could not deviate because of [the] rules ....” Wright & Miller, Fed. Prac. & Proc.: Civil 3d § 1202 (citation omitted). Today, however, the ultimate facts are to be pled—not the evidence that leads to the inference of an ultimate fact. *Id.* § 1218

The Second Circuit and District Court’s quote from American Express that “conclusory allegations of the legal status [proximate causation] of the defendants’ acts need not be accepted as true for the purpose of ruling on a motion to dismiss.”<sup>14</sup>, Cir. Order p. 4 ¶ 3, A-4, Dist. Order p. 12 n.6, A-18), made sense under the pre-1938 system of code pleading when legal conclusions were prohibited. But with the modern rules, the impracticality of dismissing a complaint for making legal conclusions has been criticized, “If one sought to describe a situation having legal significance entirely in words which were devoid of all legal evaluation, the result would be a series of prolix circumlocutions which would serve neither

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<sup>14</sup> This proposition originally comes from Kadar Corp. v. Milbury, 549 F.2d 230, 233 (1<sup>st</sup> Cir. 1977), but the Second Circuit and District Court’s Orders both modified the Kadar court’s rule by deleting the qualification that if the allegations reasonably follow from the plaintiff’s description of what happened, then they are not conclusory and must be accepted as true.

elegance of style nor ease of understanding.” Yale Law School Prof. Fleming James, The Objective and Function of the Complaint: Common Law—Codes—Federal Rules, 1961, 14 Vand.L.Rev. 899, 913. Even the Official Forms of the modern Rules plead legal conclusions without specification of the facts. Wright & Miller, Fed. Prac. & Proc.: Civ. 3d § 1218. Further, the conclusory allegations on the legal effect of events are acceptable if they reasonably follow from the plaintiff’s description of what happened. Kadar Corp. v. Milbury, 549 F.2d 230, 233 (1<sup>st</sup> Cir. 1977).

Under the “conclusory” opprobrium, the Second Circuit and District Court contradicted modern-day pleading rules. “Whether these charges be called ‘allegations of fact’ or ‘mere conclusions of the pleader,’ we hold that they must be taken into account in deciding whether the plaintiff is entitled to have its case tried,” U.S. v. Employing Plasterer’s Ass’n, 347 U.S. 186, 188, 74 S.Ct. 452, 454, 98 L.Ed. 618, (1954), for “the ancient distinction between ‘facts’ and ‘conclusions’ is no longer significant.” Oil, Chem. & Atomic Workers Int’l Union v. Delta Ref. Co., 277 F.2d 694, 697 (6<sup>th</sup> Cir. 1960). “A complaint that complies with the Federal rules of civil procedure cannot be dismissed on the ground that it is conclusory or fails to allege facts. The Federal rules require (with irrelevant exceptions) only that the complaint state a claim not that it plead the facts if true would establish ... that the claim was valid.” Higgs v. Carver, 286 F.3d 437, 439 (7<sup>th</sup> Cir. 2002)(Posner, J.)(citation omitted).

The Second Circuit and District Court’s requirement to plead specific factual allegations of injury resulting from a defendant’s conduct means that RICO plaintiffs in the Second Circuit must allege all damages with Rule 9(b) particularity. The law, however, in other Courts of Appeals and the Supreme Court is that damages under RICO not flowing from

fraudulent predicate acts, such as mail and wire fraud, need not be pled with particularity.

Robbins v. Wilkie, 433 F.3d 755, 760 (10<sup>th</sup> Cir. 2006); *see* Swierkiewicz v. Sorema NA, 534 U.S. at 513; Abels v. Farmers Commodities Corp., 259 F.3d 910, 919 (8<sup>th</sup> Cir. 2001).

The Second Circuit and District Court's specificity requirement, while inconsistent with the Federal Rules of Civil Procedure, is consistent with a trend to reform civil RICO through judicial revisionism by improperly heightening pleading requirements. Michael Goldsmith, Judicial Immunity for White-Collar Crime: The Ironic Demise of Civil RICO, 30 Harv. J. on Legis. 1, 18-19 (1993).

### **CONCLUSION**

"Since civil RICO first captured judicial attention, the lower courts have systematically sought to dismantle the civil remedy. Despite a series of Supreme Court decisions rejecting various judicially imposed limitations, the lower courts have continued to create numerous obstacles to civil RICO litigation." *Id.* at 41. No longer does the statute say what it says but now says what lower federal courts want it to say.<sup>15</sup>

In this case, the Second Circuit continued to ignore Supreme Court guidelines by unduly narrowing the statute. But unlike the Second Circuit's other cases that have created a virtual immunity for white-collar crime, *see id.* at 4, this case extends that immunity to Russian organized crime. Perhaps, it is understandable that lower federal courts would engage in judicial revisionism to avoid commercial fraud cases brought against some of society's most respected businesses. But rejecting the claims of a directly injured victim for lack of standing and specificity in a suit against the "FBI's most formidable criminal

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<sup>15</sup> The vast majority of civil RICO claims are routinely dismissed while pretrial motions in other contexts are rarely granted. Michael Goldsmith, Judicial Immunity-The Demise of Civil RICO, at 2 n.9 & p. 3.



adversary”<sup>16</sup> eviscerates RICO where Congress most obviously intended the law to apply—  
against the archetypal, intimidating mobsters of organized crime.

If the Supreme Court permits the lower courts to rewrite civil RICO, then any federal statute is vulnerable to judicial revisionism that undermines the legislative process. “It is easy by very ingenious and astute construction, to evade the force of almost any statute, where a court is so disposed .... Such a construction annuls ... the law, and renders it superfluous and useless.” Pillow v. Roberts, 54 U.S. 472, 476, 14 L.Ed. 228 (1851), 1851 Lexis 872, 1851 WL 6699.

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<sup>16</sup> Russia’s international professional criminals have caused the most economic damage in the US. Scott O’Neal, Russian Organized Crime, FBI Law Enforcement Bulletin, May 2000. “Blending financial sophistication with bone-crunching violence, the Russian mob has become the FBI’s most formidable criminal adversary, creating an international criminal colossus that has surpassed the Columbian cartels, the Japanese Yakuza, the Chinese triads and the Italian mafia in wealth and weaponry.” Robert I. Friedman, Red Mafiya: How the Russian Mob Has Invaded America, p. xix. Unlike the former Communist Party that was out to bury us, today’s Russian syndicate is out to fleece us.

# POLITICS

Free

Fair

## A Fair Market is Not a Free Market

by Roy Den Hollander

The way the rich make money today in Russia parallels in some respects the way the rich made money in America in the late nineteenth century. Both use enterprises to maximize their profits through unfair commercial practices. Monopoly enterprises, for example, dominate the major industries in Russia today. In America by 1890 the American Sugar Refining Company controlled 98% of its market, Standard Oil - 80% of its market, American Tobacco - 93%, Aluminum Company of America - 90%. Similar monopolies existed in other major industries.

Russian monopolies, like the former American monopolies, raise their prices to the sky because no other enterprises exist to compete with them and because the Russian government, like the former American government, fails to break up the monopolies into competing enterprises. American monopolies accumulated vast fortunes by selling their products at inflated prices, paying their workers (which included children as young as nine years old) low wages, producing poor quality and often dangerous products and even using violence against their workers and potential competitors. Americans call this period in history the "robber baron" or "free market" era.

Many of the problems that existed during America's free market era now exist in Russia: high prices, low wages, shoddy goods and a few people growing very rich while most of the population grows poorer. The solution is not a free market but a fair market. And a fair market will not happen by allowing businessmen to do whatever they wish or relying solely on abstract theoretical models of market forces.

A fair market requires a set of business regulations. The regulations cannot be so restrictive that they stifle innovation, hard work and the opportunity to acquire material wellbeing, but they should not be so lenient as to allow an unbridled pursuit of profits that results in vast concentrations of wealth in the hands of the few, destruction of the environment, mass poverty and a life of hopelessness for much of the population. Business regulation can be described as a circle that permits businessmen to freely pursue their interests in

any way they deem fit within the circle, but prohibits them from crossing the circle into unfair commercial activities that harm other businessmen, consumers and workers.

Under the Soviet Union's former command economy, the circle of business regulation limited business activity too much. In America's wild west, free market economy of the nineteenth century, the circle of business regulation did not limit business activity enough. The insufficiency of regulation permitted a relatively few families in America to amass great wealth through the enterprises they controlled. Such wealth enabled a relatively small class to exercise great economic, political and social power over America. Since the nineteenth century, there has been an intermittent tug-of-war between the wealthy class and the masses over the enactment of business regulations. The wealthy class desired little or no regulation in order to maximize their enterprises' profits; the masses wanted additional regulations to distribute the wealth more fairly and protect their material wellbeing.

The result of the struggle over the past one hundred years has been the enactment of some effective regulations, many of which are not adequately enforced.

America, today, is no longer a free market, but it is also not a fair market.

One percent of American families own approximately 34 percent of all the wealth in the United States, the middle class, which comprises about 40 percent of America's families, owns a little over 10 percent of the wealth and the poorest 40 percent owns virtually nothing; in 1989 the average income for the top one percent of households was U.S.\$560,000, for the bottom 20%, it was U.S.\$8,400; since 1979, the number of people earning wages below the poverty level grew from 12 percent to 18 percent of the work force; over 400 people die each day from occupational related causes; and America now ranks 56th among all the world's nations in immunizations and ranks behind Cuba in infant mortality.

The historical flaw in America differs only in degree with the flaw in Russia before the August coup and the potential danger for Russia since the coup - so many have too little because so few have too much. Today Russia moves through a transition with many of its

former rulers and managers trying to maintain their positions of influence and privilege by acquiring great wealth. They seek to create through a free market a small group of wealthy families that will rule Russia as a shadow government, just as a relatively small number of wealthy families now run America.

Russian wealthy businessmen will eventually, if they have not already, ally themselves with American businesses to export vast amounts of Russian raw materials at bargain basement prices. In return America will export manufactured goods and agriculture products that will be purchased with the hard currency gained from the raw materials and loans from the International Monetary Fund or World Bank. As a result, Russia may find itself in a position similar to Latin America, which function as a cheap source of raw materials for America, a key export market for American goods and a continent over which western banks and governments wield tremendous economic power through the credits they have extended. Russia's wealthy businessmen will eventually acquire enough economic power to control the government, and by then it will be too late to establish business regulations that ensure a fair rather than free market.

Regulations, such as an upper limit on the net worth of any family and a windfall profits tax, would aid the establishment of a fair market. A net worth limit of one million or two million U.S. dollars per family should provide more than enough incentive for persons, now owning virtually nothing, to take risks, use their ingenuity and work long hours for the material rewards of success. A windfall profits tax on American enterprises in Russia that applies to profits above perhaps the 12 percent level should give American corporations enough incentive to invest, since the average profit margin in the United States is around 7%.

Many other regulations can be enacted that will assure Russia sustained economic growth, return reasonable profits to foreign investors and assure that all Russians have a fair chance to share in the wealth of the new society that is being created. The trick, however, is to enact the regulations now before Russians nouveau businessmen become so rich and powerful they can prevent the government from acting on the people's behalf. ■

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**DOING BUSINESS WITH AMERICANS**

American businessmen have invested only about \$400 million in the Commonwealth of Independent States, a minuscule amount when compared to America's wealth. America's gross national product exceeds \$5 trillion and the country's total value surpasses \$13 trillion. With so much wealth, America should arguably be willing to invest a fraction of it to help Russia survive these perilous times. After all, altruism is a virtue. Besides, America did intentionally help bankrupt the Soviet Union by isolating its economies and fostering a costly arms race. In addition, America's failure to aid Russia's economy may result in civil wars, secessions and dictators. Finally, American businessmen can make money by investing in Russia.

All solid reasons for American businessmen to invest in Russia; however, the only reason they will act on is the opportunity to make money, because money is the measure of success in America. In general, American businessmen have no time for altruism unless it contributes to the bottom line. A Chevron corporation spokesman recently said Chevron makes charitable contributions to support its strategic business plans and provide a return on investment, which means profit. American businessmen will not be motivated to invest

in Russia out of remorse for their government's actions. America intended to destroy any nationalist system in Russia (as it tried in Vietnam) so American business would be free to profit by exploiting Russia's land and people. American business now sits on the threshold of having what it wanted". Finally, civil wars, secessions and dictators will allow American businessmen to make huge profits. So long as any nuclear threat to America is minimized, America's still powerful military-industrial complex would benefit greatly from the disintegration of Russia into small warring fiefdoms, which could easily result from strict adherence to the International Monetary Fund's economic plan. The sales of weapons to the different sides alone would pull the industry out of its current recession. Furthermore, a vast land mass with its people ruled by a number of little and relatively weak dictators will provide American businessmen with an advantageous situation similar to Latin America two decades ago. American businesses, such as International Telephone & Telegraph in Chile in the 1970's, have extensive experience at bargaining with dictators and maximizing their profits under totalitarian regimes.

#### Know Your Partner

American businessmen are collectively the most powerful force in America. Seven thousand of the largest corporations in America account for one-half of all America's economic activity. The one hundred largest banks in America control 54% of America's bank assets, or \$2.3 trillion. Since so relatively few businessmen control such large amounts of wealth, they exert great influence on the government. In fact, many government leaders are businessmen or former businessmen. George Bush made much of his fortune building

the Zapata Oil Company in Texas, and his sons are currently active in the oil industry. The American government generally does what American business leaders want it to.

The standards by which American businessmen operate are different than the standards of conduct subscribed to by many, but not all, Russians. American businessmen generally are not concerned whether an individual consumer lives or dies, so long as there is another consumer to fill the void and consume the businessman's products. Most American businessmen -- at heart — are only interested in themselves and their enterprise. The more money they and their enterprise makes, the more power they have and the more social status they command. Before pursuing a deal, American businessmen ask: how will I benefit from this action and how can I maximize my profits. They tend to believe the community can be sacrificed for their individual greed, and they often fail to see the need for fairness: a balance between their interests and the community's. If it means profits, most American businessmen will impoverish those on fixed pensions or those who work hard and long for small rewards.

Unfortunately, American businessmen control a lot of dollars that can help Russia out of its current predicament. The task then is not just to attract American business investments but to regulate these investments so that American businessmen are not free to engage in any profit maximizing activity they wish regardless of the cost to Russia's people, environment and future prosperity. American businessmen will compromise and act in a socially responsible manner, providing they can make a reasonable profit. The key is to assure fairness to American businesses and to Russia.

### Attracting American Business

An American businessman's decision to buy an asset, make an investment, enter into a joint venture or import a product depends on the relationship between two factors: the potential profit and the risk that profit will not be achieved. The greater the risk, the greater the profit potential must be before an American businessman will invest.

To determine risk, an American businessman examines two types: systematic and unsystematic. Systematic risk includes the state of the entire market, infrastructure, currency, banking, legal system and political system; that is, the environment in which a business transaction takes place. Unsystematic risk involves the specific characteristics of a transaction, such as the marketability of an asset, the credit-worthiness of a business invested in, the business ability of a partner in a joint venture and the competitiveness of a product.

American businessmen see high systematic risk in Russia because of the absence of comprehensive laws on commerce, contracts, banking and finance, securities, company accounts, taxation, intellectual property, private property and financial accounting and the lack of mechanisms to enforce what laws do exist. Without a legal infrastructure, businessmen cannot be certain of being able to enforce an agreement, protect their property, transfer funds, obtain reliable information and protect their interests from the graft, corruption and Mafia-like protection services that now surround many business efforts in Russia.

A Russian pipeline company recently breached its contract to transport oil for an American joint venture in Siberia. The Russian company unilaterally decided to raise the

prices it had previously agreed to, blatantly violating the contract. The American company cannot go to court to enforce the contract because of the paucity of contract law and legal mechanisms for enforcing a judgement.

There are no rules defining the extent of liability an American company assumes when it invests in a Russian company that has environmental problems. Is the American company responsible for cleaning up the pollution caused by the Russian company before the American company became involved?

Vendors require a system by which they can maintain a legal interest in an asset sold to another company on credit. Such a system would enable the vendor to take back the asset if the buyer did not repay its debt. Russia lacks such a system.

Other systematic risks include disputes and overlapping jurisdiction among different levels of government; currency inconvertibility; lack of commercial, legal and market information; and visa restrictions.

Russia can lessen the systematic risks by enacting clear laws that are similar to those in other capitalist economies on the full range of business transactions, publish the laws in an organized manner, guarantee contracts, establish an arbitration body based on international standards, adopt suggestions of the Soviet American Banking Law group, establish an investment ombudsman to eliminate jurisdictional obstacles to business projects and eliminate visas.

The other risk, unsystematic, presents the danger that the specific asset bought, the business invested in, the partner in the joint venture or the imported product is not what it has been represented to be. Some Russian businessmen in their rush to make money tell

Americans what they think the Americans want to hear. Some American businessmen refer to these exaggerations as being offered the sun, the moon, the stars and everything that dreams are made of. While this may attract the American's interest, it will not cause him to invest. Before an American businessman invests, he requires lots of information about the business, its managers, the product and the market. Some of the typical information a businessman would want includes:

Management: The education and past business experience of principals in a company. American businessmen are not concerned with past political affiliations. They just want to be sure the manager and directors can run a business and deliver a product.

Product: The features and benefits of the product and why it is better than the competition.

Product's Market: A general profile of the company's customers, the current status of competition, the impact of competition on the business.

Distribution: How does the product get from the producer to the consumer.

Funding: Amount of money needed and how it will be used.

Status of Business: Background and history of the company.

Future Prospects: Likelihood of other or new products.

Financials: What the balance sheet and income statements indicate. They must be put together in accordance with generally accepted accounting principals.



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# ***MORE NOMENKLATURA PRIVATIZATION***

by Roy Den Hollander

When the Communist Party ruled Russia, the nomenklatura did not need pockets full of rubles or dollars to enjoy a privileged life style. Now they do and thanks to Yegor T. Gaidar's policies they now have bank accounts full of rubles and dollars. Prior to August 1991, the nomenklatura ruled the party that ran the state that owned Russia's enterprises. In effect the nomenklatura owned Russia. When Gaidar's current privatization program ends, the nomenklatura will once again own Russia.

Gaidar's policies, at best naïve, have caused one of the largest and quickest transfers of wealth in history from the many to the few. The few, of course, are the nomenklatura, and with their new stolen wealth will soon buy more than Mercedes Benz and BMWs - they will buy controlling interests in Russia's enterprises.

Gaidar's initial adherence to the International Monetary Fund's tight credit policies in Russia's monopoly economy drove up prices dramatically on goods and services during the first three quarters of 1992. Russian citizens were forced to deplete their savings in order to purchase the necessities of life at inflated prices.

At the same time, the lack of regulatory controls and lax enforcement allowed government bureaucrats and enterprise bosses (together the nomenklatura) to steal state assets or acquire assets at low state subsidized prices and sell them to Russia's citizens at inflated prices.

Nomenklatura, or as we in America would call them - mafiosos, directed overseas importers of state products to deposit payment in overseas bank accounts controlled by the nomenklatura. Enterprise managers and institute directors sold state products at subsidized prices to associate mafiosos who in turn resold the products at a higher price and divided the profits with the directors and managers. Because the monopoly nature of Russia's economy strictly limited the number of competing manufacturers, a few mafiosos in any one industry could divert enough products to brokers that supplies to state stores dwindled, leaving citizens no choice but to spend their savings buying from mafioso brokers. Enterprise managers also embezzled revenues from the sales of state products and services. One department store manager withheld sales revenues and used the money to purchase the store from the government; restocked the store mainly with imported goods and raised prices. Other enterprise bosses simply sold their company's product at inflated prices and pocketed the proceeds.

Bureaucrats, also considered a type of mafioso in America, used funds from ministry budgets to set up private commercial banks.

Naturally they or their fellow travelers in larceny controlled the banks. These banks provided credits at reduced interest rates to a bureaucrats personal account or some type of trading activity. For example: importing Western and Asian consumer goods, drug trafficking, money exchange, purchasing Russian products at subsidized prices from nomenklatura managers at state enterprises and re-selling at inflated prices. In most cases the bureaucrat and the bank never intended the credits to be repaid, providing the bureaucrat a gift of state funds. In America such criminal activities are called "sweetheart" loans.

Failure to prosecute bribery allowed bureaucrats to fleece honest citizens and legitimate businessmen of their savings. Because without government approval, people were prevented from doing nearly everything from driving a car, to selling a few items for food money, to obtaining a license for a productive business venture.

In the end Gaidar's policies and lax regulation and enforcement allowed to apostles of greed to transfer the savings of Russian citizens into their pockets. Russia now has a class of ruble and dollar rich mafiosos and a huge class of impoverished citizens. Long lasting and influential wealth, however, requires more than bank accounts stuffed with rubles and dollars; it requires ownership of the means of production. That is where Gaidar's other policy, privatization, comes into play. Through privatization the old Communist nomenklatura, now the nouveau rich bourgeoisie, will buy up Russia's enterprises and enshrine themselves as Russia's robber barons.

Many of the poor, which now includes most Russian citizens, will sell their vouchers because they have no choice; they need the money now that their savings are depleted. The wealthy mafiosos will buy the vouchers and with their illgotten gains buy up most of Russia; thereby creating a relatively small class of capitalists who own much of Russia because they were allowed and encouraged to expropriate the life savings of most of Russia's citizens. Some argue that Russia needs a small wealthy capitalist class to exert proper control over managers and workers. Once again old authoritarian communist thinking is at work. In a competitive market managers and workers will do their job or they will be out of a job, because the enterprise will have gone bankrupt.

The small class of the rich can be deterred in their theft of Russia by making the privatization vouchers non-transferrable and eliminating the restriction that vouchers can be used to purchase only a minority interest in an enterprise. This would assure every man, woman and child a stake in the means of production that will create Russia's future and mitigate the control of Russia's future by its past nomenklatura. ■

A FAIRER FORM OF PRIVATIZATION

The present privatization scheme gives Russia's former bolshaya shyshka, who are the <sup>e</sup>now <sup>stly</sup>nouveau riche, undue advantage over workers and ordinary citizens. Under Perestroika and recent Government policies, the bolshaya shyshka amassed large sums of money. Since the privatization scheme provides for the transfer of large ownership percentages of state enterprises for cash and vouchers, these persons with large amounts of cash and purchased vouchers will buy large ownership percentages in Russia's enterprises. That means the nouveau riche will control much of Russia's means of production. Such control, of course, translates into vast economic, political and social power, similar to the power exercised by former bolshaya shyshka.

Replacing the present privatization scheme with worker-manager leveraged buy-outs would transfer the means of production into the hands of those who work in state enterprises while preventing the bolshaya shyshka from enshrining themselves as the new capitalist barons of Russia.

A leveraged buy-out would work as follows:

The workers and managers of an enterprise set up a limited partnership with the workers owning well over 50% of the partnership, perhaps 90% or more, and controlling a similar percentage of votes. The managers will own a small minority interest in the partnership and control a small minority of votes.

As a juridical person, the partnership purchases over 60% of the state enterprise from the Russian Government. The partnership agrees to pay the Government the purchase price over ten or more years with interest annually and secures its agreement to pay by issuing a purchase money mortgage or security interest on its portion of the enterprise to the Government. The mortgage or security interest acts as collateral for the Government. When the Government eventually receives full payment, the mortgage or security interest transfers back to the partnership.

In the event the partnership buys 100% of the enterprise or some other amount over 60%, it can sell shares in that amount to outside investors to raise capital for upgrading, streamlining and improving the enterprise's efficiency.

Furthermore, the partnership, which means the workers and managers, can legitimately avoid paying the Government by transferring its debt to the enterprise.

Since the partnership acquired a majority ownership interest in the enterprise and such an interest carries with it the power to make decisions for the enterprise, the partnership decides that the enterprise will assume the partnership's debt to the Government. This way the partnership no longer owes the Government the price for the portion of the enterprise it acquired. The partnership's liability becomes the enterprise's liability. But the partnership will still receive back the

mortgage or security interest it granted the Government when the enterprise pays off the debt to the Government.

The enterprise will then have ten or more years to pay back the Government. The enterprise pays interest and a portion of the principal annually with the possibility of a grace period during the first few years to allow the enterprise to start making a profit. When payments start, the money will come out of the enterprise's profits. When the enterprise does not make enough profit to pay the Government, the Government and the enterprise can reschedule the debt payments or the Government can force the enterprise into bankruptcy, seize a portion of the assets and sell them off in the market. When the enterprise makes no profit, it will quickly go out of business because it cannot pay its suppliers, workers or upgrade its operations. Its customers will turn to other competing businesses. Here also the Government can seize a portion of the assets and sell them for what it can get.

The enterprises that do make a profit will pay cash over the term of their debt to the Government. The Government may use these funds to finance Government programs that retain workers who lost their jobs because their enterprise went out of business. The Government may also use some of the funds to partially pay for infrastructure modernization projects that hire laid off workers. In addition, the Government may pay for some



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workers in enterprises that provide materials and services for modernizing the infrastructure.

Worker-manager leveraged buy outs will prevent the former bolshaya shyshka from maintaining control of Russia while assuring workers the power they have always been promised.

# The Need for a Constitutional Convention

by Roy den Hollander

The Congressional Deputies accuse the President of trampling the Constitution, while the President charges the Congress with thwarting the will of the people and trampling the Constitution. Neither side dares to speak the truth that their actions are driven by a lust for power. Behind the half-truths, rewritten history and insincere advocacy for democracy and market reform, each side maneuvers to acquire authoritarian power to exclusively control Russia's vast wealth.

In recent months the Deputies have tried to portray the present Constitution as a sacred democratic document of unquestionable authority - when in reality it has neither sanctity nor authority. A constitution enacted by a dictatorial and discredited political party, amended hundreds of times and filled with material contradictions has no legitimacy in a democracy. No amount of emotional appeal or glib verbiage can transform an authoritarian document into the cornerstone for a democracy.

The power of a Constitution derives from the will of the people. The theory of democracy postulates all human beings have certain *inalienable rights* and the exclusive power and authority to protect those rights. For reasons of individual security and prosperity, the people of a nation join together in a contract, called a constitution, that transfers a limited portion of

their individual power to a government of their own choosing. The government is obligated to use its delegated power to protect the peoples' rights to life, liberty and the pursuit of happiness.

In a democracy, only the will of the people can create a constitution because only they have the power and authority that can be granted to a government, thereby legitimizing that government. The Communist Party, *nomenklatura* and *bolshaya shyska* cannot create a constitution because they do not have the power or right to grant a government authority over the people. Authoritarian organizations can, of course, usurp power from the people through deception, intimidation and violence and then draft any document they want and call it a constitution, but it would be a constitution in name only because it did not express the will of the people - only the will of the rulers.

The Executive branch also resorts to fallacious arguments of democratic legitimacy when it says that a nationwide election brought the President to power therefore he embodies the will of the people. The Deputies also gained office by an election held throughout the country. Although no deputy received votes from the entire countryside, voters did elect Deputies from all over Russia. Another disingenuous argument of the Executive states that since the Deputies' elections occurred under Communist rule, the Deputies lack legiti-

macy, but that argument also applies to the President who also was elected when the Communists ruled Russia. Further, the media in Russia and America often condemn the Deputies for their past Communist affiliations (this is called *redbaiting* in America), but the same media conveniently forgets to mention that the members of the Executive branch also belonged to the Communist Party and in some cases at a higher level of authority than many Deputies. Consequently, neither side has any more credibility than the other in their claims to legitimately represent the will of the Russian people.

Recent events have clearly shown that greed drives the warring political factions and not their professed desire for political freedom and prosperity for the Russian people. The Executive and Congress both consist of former *nomenklatura* and *bolshaya shyska* who still believe they - not the people - own Russia and that they - not the people - have the sole right to profit from Russia's riches. Each side wants the entire mountain of gold, which is enormous even in the present depressed economy. Over one billion dollars leaves Russia every month for overseas bank accounts. Last year alone, an estimated \$17 billion of Russia's wealth disappeared overseas. With so much wealth at stake, no wonder both factions are willing to risk chaos and destruction for the chance to obtain a piece of the mountain of gold. The only

democratic solution to the present political crisis and wholesale looting of Russia is to let the Russian people - not the Executive or the Congress or the Constitutional Court - decide the form of government, the separation of powers and the type of electoral system. All the uncertainty and danger caused by the greed of pretenders to the throne and their false arguments of legitimacy can be swept aside with a constitutional convention. The will of the Russian people, uninhibited by an oppressive Communist party, can be freely expressed by electing delegates on a district basis to attend a constitutional convention. Candidates running for election to a delegate's position will have to compete for votes. The candidates whose positions on the major tenets of a new constitution most closely matches the majority of the voters will win the election. Each delegate, therefore, will carry to the convention the positions approved by the majority of voters in his district.

At the convention, the delegates will draft a constitution consistent with positions held by a majority of delegates. All the voters of Russia will then vote on whether to accept the draft constitution or have the convention draft another one. In the end, the will of the Russian people will have created a Constitution that provides them with a government of the people, by the people and for the people. ■

## Food Prices in Russia Increase 70% Since Start of Year

by Irina Goryacheva

The prices of major foodstuffs

week increased eight percent. Of 70 foodstuffs covered by this statistical survey, sales of 53 went up. The growth was especially high in

creased 13 percent in the first half of March, and six percent in the second week of March. Price growth was highest in butter, which

spectively. In the Volga region, prices remained unchanged, while in northern and northeastern re-



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May 31, 1993

**The Problems with Foreign Assistance**

President Yeltsin's Administration and many enterprise directors hope American financial aid and private investment will to help modernize and rebuild Russia. Current estimates of the amount needed to upgrade Russia's productive capacity runs into the hundreds of billions of dollars. So far this year, America has committed \$1.6 billion, promised another \$1.8 billion and has joined with the other members of the group of seven wealthy nations to promise an additional aid package of approximately \$28 billion. Last year, the West promised \$24 billion but provided only \$12 billion. Even if Western leaders, like Bill Clinton, do what they promise, the amount of aid would not be enough to turn Russia into a modern, competitive nation. But then again, Western governments, especially America's, do not want a prosperous, independent Russia whose enterprises successfully compete with Western corporations in the international markets or in Russia's market because competition reduces corporate profits. For example, just look at America's reluctance to permit high technology satellites to be transported to Russia for inexpensive launchings aboard Proton Rockets; the U.S. pressuring Malaysia to buy F-16 and F-18 fighter jets instead of MIG-29s; America's continuing ban on most farm imports from poorer nations while America dumps its own subsidized farm surpluses in Russia and other nations; the

wealthy nations increase in tariffs and restrictions on importing manufactured goods from poorer nations; GATT's 284 agreements to prevent the populations of GATT's member states from buying inexpensive products from poorer nations; and the 20 out of 24 industrial countries that have more protectionist barriers to trade now than they did a decade ago. Besides the fear of Russian competition, Western businesses do not want to lose their supply of cheap raw materials from Russia. The demand for raw materials by upgraded Russian enterprises would reduce the supply and therefore increase the cost of oil, natural gas and other raw materials needed by Western corporations. As long as the output of Russia's industry continues to decline, the reserves of Russian raw materials available to Western corporations will increase and the price will fall.

The United States Government will not endanger the profitability or interfere with the opportunities of large American businesses because the officers and major owners of such businesses funnel a lot of money into the election campaigns of U.S. politicians, like Bill Clinton. In America, the more money spent on an election campaign, the more likely a politician will win. (Bill Clinton spent millions of dollars more than President Bush in 1992.) In order to keep the money flowing into election-campaign-chests, American politicians will act in ways that help -- not harm -- U.S. businessmen. Accordingly, the U.S. Government will provide only the type of aid and amount of aid that will increase, not lessen, the profitability of American corporations.

Western government financial aid usually takes two forms: grants and loans. Grants do not have to be repaid, but loans do. The money from both grants and loans, however, is used mainly to buy Western -- not Russian -- goods and services. Western companies, therefore, profit immediately from grants and loans provided Russia; whereas, the goods and services purchased

from Western companies are often overpriced and may or may not help Russia become a modernized manufacturing nation.

Grants to Russia have generally provided goods, such as food and medicine, in amounts calculated to satisfy the minimum needs of the people in order to defuse any potential social upheavals against the Russian Government. It would benefit Russia more if such grants were used to modernize the production and distribution of food and medicine in Russia, so in the future Russia would be not only self-sufficient but could earn hard currency from its export of both food and medicine. Of course such a situation would hinder American businesses from profiting through the exchange of their goods and services for U.S. grant money, and the Russian agriculture and pharmaceutical industries would soon compete with American enterprises in the world and Russian markets. Some grants, however, do partially aid the development of industries in Russia, but these grants are never large enough to significantly benefit Russia's production facilities. For example, Bill Clinton's \$1.6 billion aid package provides \$50 million to encourage joint ventures and \$60 million to help privatization of state enterprises. Western grants to Russia, therefore, will never provide what Russia needs -- enough money to upgrade Russia's production facilities to world standards so Russian enterprises can effectively compete in overseas markets as well as in Russia.

The largest portion of Western aid to Russia consists of loans. The West distributed around nine billion dollars in loans last year and promises nearly \$20 billion this year. Most of the money from last year's loans, most of the money from this year's loans and most of the money from any loans in the future will go directly to Western companies, which in turn ship goods or services to Russia, such as food, industrial equipment, consulting services, etc. The Russian

taxpayers and Russian enterprises must repay these loans and the interest charges in hard currency over long periods of time, interest charges can actually exceed the amount borrowed. A large portion of these loans can be used to acquire capital goods and services to update Russian production facilities, but the amounts are still not large enough to meet Russia's current needs. The most insidious aspect of loans, however, becomes clear when Russia tries to meet its yearly debt service. The burden of repaying past, present and future loans will eventually drive Russia into bankruptcy as happened to many indebted Latin American countries in the 1980s.

Russia's total debt to the West, including the amounts owed to governments, international agencies and private commercial banks, stands at around \$80 billion. Each new loan and each missed payment on prior loans increases Russia's repayment burden. Russia's debt payments owed to the West in 1992 totaled \$20 billion and for 1993 will amount to \$30 billion. Since Russia does not have the hard currency, most of the payments due in 1992 and 1993 have been postponed -- but not forgiven. For the amounts not postponed, Russia must still raise enough hard currency each year to meet these payments. Since Russia lacks an up-to-date manufacturing sector that produces large quantities of goods saleable in the world's markets, Russia's main source of hard currency comes from the export of its natural resources and partially processed commodities. At present, much of that currency goes to pay Russia's debt rather than to upgrade Russia's production facilities. For instance, in 1992, seventy-six percent of Russia's exports consisted of natural resources, and Russia's export surplus was a little over four billion dollars. Two of that four billion dollars went to pay Russia's reduced debt service for 1992. With each new debt then, the noose tightens around Russia's future as a manufacturing nation because greater amounts of hard currency must pay an ever increasing debt service rather than being

invested in Russia's industries. Consequently, as long as Russia relies on Western loans, it will never have sufficient capital to modernize its industries to the point where they can compete with Western industries.

When the West finally decides to demand full debt service payments -- and it will -- Russia will then be officially bankrupt. The West, however, will then offer an apparent solution to the debt crisis by which private commercial banks will trade some of the debt owed them for ownership in key Russian industries, such as telecommunications, transportation, oil and gas reserves and strategic metals reserves. Western commercial banks will also offer other means of restructuring Russia's debt, such as commodity-linked financing, bond collateralization, debt buy-backs and interest rate reduction bonds, all of which will make the banks a nice profit and increase their ownership of Russian assets. Governmental and international agency creditors will also offer solutions including debt forgiveness, but in return Russia will have to adhere to an International Monetary Fund and World Bank program that ultimately benefits Western businesses over Russian enterprises and the Russian people. For example, drastic reduction in the government's spending for pensioners, unemployed workers and worker retraining programs will make more money available for repaying Western loans. An overly-tight credit policy will make investment in enterprises prohibitively expensive; thereby, reducing Russia's manufacturing capacity and its ability to compete even further. In the end, Russia's reliance on Western loans will result in the sale of valuable enterprises for below market prices, reduce investment in Russian industries, continue the decline in Russian production and competitiveness, deplete natural resources to the West's benefit, and increase unemployment and destitution of Russian workers.

Decades of lending for development by wealthy Western nations to poorer countries has resulted in the transfer of \$21 billion a year from the poorer to the richer nations. The same will happen to Russia.

The Russian Government and some enterprise directors, hoping to avoid relying on more Western loans and grants, seek financing in the form of private equity investment. Such investments would make Western businesses partners with Russian enterprises; thereby, giving Westerners a reason for wanting Russian enterprises to succeed: Westerners would share in the profits. In order to attract sufficient amounts of foreign investment, the risks of investing in Russia must be perceived as reasonable when the potential rewards are taken into account. Right now, Western investors perceive the risks as too great because of the uncertainty that Russia's civil courts can adequately and timely resolve contract disputes, the uncertainty whether courts have the power to enforce a judicial or arbitration judgment, the lack of laws on private property that grant investors specific, enforceable rights in their investments, the unstable political situation, the inability of many directors and chief engineers of Russian enterprises to act reliably and competently, and the absence of the likelihood of a reasonable return in hard currency on investments. As a result, the risk of any equity investment far outweighs the potential rewards, so most investors will wait until the risk is commensurate with the reward.

For Russia to survive as a modern industrial power, it will have to create its own capital and not rely on the largesse of Western governments or, for now, the investments from private Western businesses. A first step could entail legal actions to return the \$8-17 billion in Russian export revenues deposited yearly in overseas accounts. Amounts this large could greatly assist



the modernization of Russia's industry instead of building fortunes for some nomenklatura and bolshaya shyshka.

Most of the Russian export revenues that have remained in America have been placed in bank accounts or bank safe-deposit boxes, or with financial service companies, such as brokerage firms. Whenever a non-resident alien places money with banks or financial service companies, he must produce two forms of acceptable identification, such as a passport and another identity card, before an American company will accept the foreigner's money. The American company then notifies the United States Internal Revenue Service that the non-resident alien opened an account or safe deposit box. Some Russian exporters use a more elaborate way to hide dollars overseas by setting up American corporations, usually in Delaware, to act as their agent and receive payment for exported goods, which the corporation deposits with a bank or financial service company. Such corporations are considered American juridical persons and not alien persons, which makes it more difficult for the U.S. Internal Revenue Service to track Russian export revenues paid to these corporations but not impossible.

The Internal Revenue Service keeps information on non-resident alien financial accounts and American corporation accounts confidential, but the U.S. Government would probably provide this information to the Russian Government if requested since the repatriation of this capital would make President Clinton appear as an effective supporter of democracy and market reforms in Russia at no cost to the American taxpayer. The question of course is whether the Russian Government wants this information or would take appropriate action to force Russian bisocrats to repatriate their export revenues. Many members of both the executive and the legislative branches have accounts overseas, and they would not want their secreted funds

returned for the benefit of their fellow countrymen. The hard currency in overseas accounts will not turn Russia into a modern industrial state overnight, but as long as the Russian Government pursues the individuals who horde Russia's wealth overseas, every year billions of dollars will become available for investment in Russia.

Additional capital, both hard currency and rubles, could initially be obtained from a 100 percent tax on the net worth above a certain amount of wealthy Russians. The tax would set an upper limit on the net worth for all households and would prevent high concentrations of wealth and ultimately distribute Russia's riches more equitably. Taxing at 100 percent the net worth above, for example, 100 million rubles would bring in large sums of hard currency and rubles from all the bureaucrats, politicians and mafioses who have grown rich by robbing Russia's assets. The 100 million ruble amount could be indexed for inflation, so as the ruble declines in value the amount above which the tax applies would increase. A net worth limit of 100 million rubles or higher should provide more than enough incentive for Russians to take risks, use their ingenuity and work long hours for the rewards of material success. Once a successful businessman, professional or any other worker reaches the net worth limit, he may retire with his wealth or continue working without material reward but still earning all the psychological benefits that come from exercising his talents and knowledge. The 100 percent net worth tax would make it possible for many more persons to participate in and contribute to the creation of capital in Russia, avoid the growth of a moneyed ruling class and still offer material incentives to inventors, innovators and hard workers.

Russia could use some of the repatriated export revenue and net worth tax to stimulate exports. The Russian Agency for International Cooperation and Development could help Russian



exporters secure credit for foreign buyers to purchase Russian goods. Often a foreign buyer cannot obtain financing because private Russian and foreign lenders perceive the risk of foreign buyers not repaying or only partially repaying a loan as too high. The Agency could encourage private lenders, both Russian and foreign, to extend credit to foreign buyers by providing private lenders with guarantees that in the event foreign buyers do not repay the private lenders, the Agency would. While foreign buyers would repay their loans over a period of time, the money loaned by private lenders would be paid directly to Russian exporters immediately and not to the foreign buyer. The foreign buyer would only receive the Russian exporters' goods or services. The exporters, therefore, are assured of obtaining payment for the goods or services exported to foreign buyers. Only the Agency has to worry whether foreign buyers repay their loans. Under another program, the Agency could just provide direct loans for the purchase of Russian goods by a foreign buyer and eliminate the need for any private lenders. The Agency would transfer the funds directly to Russian exporters and the foreign buyers would have to repay the Agency, with interest, over a period of time. An additional program would have the Agency making short-term, low-interest loans directly to Russian exporters to enable them to finance their exporting operations until they received payment from their foreign buyers.

Other services the Agency could provide Russian exporters in order to expand their markets overseas include: market research to define the countries or regions where opportunity exists; information on local or foreign government regulations; location of overseas distributors for Russian exports; promotional activities such as press releases, advertising, direct mail campaigns, telex campaigns and tradeshow production; product managers who contact foreign buyers directly and arrange for the sale of products; and entrepreneur funds to provide financing

for middle, small and micro-enterprises. Micro-enterprises include every Russian who informally sells goods or services. Micro-enterprises have a special need for a government operated entrepreneur fund because of the unwillingness of commercial banks to lend to small one- or two-man operations due to the high costs of transacting small loans, higher perceived risks and the lack of collateral.

Repatriated export revenues and a net worth tax can provide Russia with capital to stimulate exports, which will bring in more hard currency that can be used to upgrade Russia's production capacity without having to indenture itself to the West, pauperize its people or sell its most valuable assets at bargain basement prices.

Образ Америки, навязанный всему миру, не является реальным. Многие полагают, что американский бизнес принес почти каждому богатство, создал справедливое распределение собственности и для всех равные условия, чтобы зарабатывать миллион, но все это ложь.

Америка — не такая страна, какой ее считает большинство русских, и вряд ли нужно, чтобы Россия стала похожей на нее. Россия может добиться куда большего, чем Америка.

### Кто правит бал

В Америке плохо то, что это чрезвычайно несправедливая страна. Девизом Америки должно быть: "От каждого — по его слабости, каждому — по его жадности". Эту несправедливость проиллюстрируют следующие факты:

1% семей в США владеют 35% всего состояния страны (более 5 триллионов долларов) и почти 45% всего финансового состояния;

семья, входящая в 5%-ный состав самых богатых семей, имеет примерно в 20 раз больше, чем семья, входящая в 20% малообеспеченных семей;

средняя "чистая стоимость" семьи, входящей в верхние 5%, — 9 миллионов долларов, а средняя "чистая стоимость" семьи из нижних 40% — по существу, ноль;

с 1977 по 1989 год доходы американцев возросли примерно на 600 миллиардов долларов. Из этой суммы на долю 1% самых богатых семей пришлось 77%, или 462 миллиарда долларов;

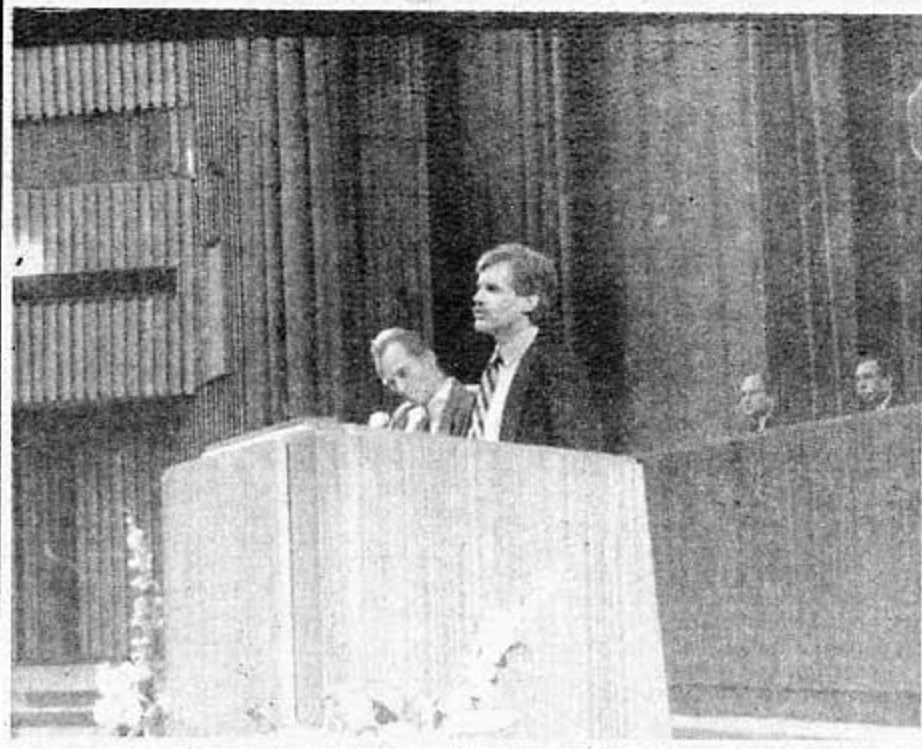
в 1989 году средний доход в семье, входящей в 1% самых богатых, составил 560 тысяч долларов, а для семьи из нижних 20% — 8 тыс. 400 долларов — отношение 66:1;

с 1980 года налоги на средний

АВТОР, РОЙ ДЕН ХОЛЛАНДЕР (43 ГОДА), О СЕБЕ:

*Последние 6 лет я работал в качестве юридического консультанта в Вашингтоне и Нью-Йорке. До того как заняться юридической практикой, работал журналистом на двух телевизионных станциях в Нью-Йорке (4 года). Основные вопросы, которыми я занимался как юрист, касались права и бизнеса. Ко мне обращались клиенты из Time, Inc; Polaroid Corporation; Holiday Inns и Tele-Communications, Inc. Я также работал в министерстве финансов США, последние два года я представлял бизнесменов из Нью-Йорка.*

*За последние полтора года, в течение которых я 6 раз приезжал в Россию, я участвовал в конференциях по политическим, экономическим вопросам, писал статьи для некоторых официальных лиц в парламенте и для газеты "Деловой мир".*



требляет 30% мировых природных ресурсов, добываемых ежегодно. Америка также получила прибыль от экспорта промышленной и сельскохозяйственной продукции, за которую Россия расплачивалась валютой, полученной от продажи сырья. Через различные организации Америка обеспечила валютный кредит для покупки большого количества американских товаров и услуг, на которые у России не хватает валютных средств. Конечно, Российское правительство и граждане России выступают основным гарантом и, таким образом, несут обязательства по кредитам. Продолжающийся экспорт сырья не принесет достаточных валютных средств для американских кредитов и покупки новых американских товаров. Отсутствие современной промышленной базы для создания благосостояния (чему препятствует, согласно плану Международного валютного фонда, сдерживание денежного запаса) приведет к тому, что Россия будет должником, "освобожденным" от своих природных богатств. Россия уже должна Западу около 80 миллиардов долларов. Результат будет сходным с латиноамериканским, когда страна служит дешевым источником сырья и рабочей силы для Америки, ключевым рынком сбыта американских товаров и услуг.

В результате в России образуется небольшая группа семей, своим богатством обязанных сделкам с американским бизнесом и правительством. Эти состоятельные семьи будут контролировать правительство, и к тому времени будет слишком поздно вводить законы, обеспечивающие справедливый рынок.

На пенсию —  
миллионером

КАЖДОМУ ПО ЕГО ЖАДНОСТИ



входящей в 1% самых богатых составил 560 тысяч долларов, а для семьи из нижних 20% — 8 тыс. 400 долларов — отношение 66:1;

с 1980 года налоги на средний класс увеличились вдвое;

учитывая инфляцию, средняя еженедельная зарплата для не занятых в сельском хозяйстве сейчас ниже, чем в начале 60-х годов;

с 1979 года количество зарабатывающих меньше уровня бедности выросло с 12% до 18% от числа работающих;

25 миллионов американцев (один из десяти) получают талоны на питание и более 30 миллионов человек живут в нищете;

США на 56-м месте в мире по иммунизации и стоит за Кубой по уровню детской смертности;

каждый рабочий день 40 человек погибают на производстве;

в США около 45 тысяч мест с радиационным загрязнением, и только 20 тысяч контролируются федеральным правительством;

около 11%, что составляет 13 млн. человек, в США не имеют работы.

Эти факты показывают, что "американская мечта" сбывается далеко не для всех... В Америке имеет место то же самое, что было и, увы, есть в России: очень многие имеют так мало, потому что кто-то имеет слишком много.

Америкой правит группа семей, которая благодаря своему богатству оказывает несоразмерно большое влияние на политическую, экономическую и социальную жизнь страны, чем американский народ в целом; в СССР была Коммунистическая партия, осуществлявшая то же самое своей политической властью. Но сейчас в России переходный момент: "экономические реформаторы" и бюрократы стремятся к обладанию привилегиями и вли-

# КАЖДОМУ ПО ЕГО ЖАДНОСТИ

нием бывшей номенклатуры путем собственного обогащения. Другими словами, некоторые люди в России через так называемую рыночную экономику хотят создать небольшую группу богатых семей, которые будут управлять Россией как теневое правительство, так же как относительно небольшое количество богатых семей управляет Америкой.

## Скользкая прибыль

Экономическое господство гигантских корпораций в США приводит к монополизации рынка, к тому, что они получают возможность вступать в тайный сговор друг с другом, держать высокие цены, разрушать союзы, загрязнять окружающую среду без уплаты должной компенсации и чрезмерно влиять на жизнь большинства американцев. История Америки показывает, что корпорации, обладающие большой экономической властью, добровольно не выполняют даже тех минимальных правил, которые устанавливает Служба контроля загрязнения окружающей среды, отказываются платить зарплату, необходимую для нормальной жизни, как и налоги на нужды общины в том месте, где расположены их предприятия.

Собственные интересы (пусть они в ущерб другим) — основная забота американских богатей из корпоративной элиты. А собственные интересы в США лучше всего защищены

деньгами, кредо богатых и контролируемых ими корпораций — прибыль. Как следствие этого корпоративная элита Америки сводит на нет большинство мер, которые могут снизить прибыль, невзирая на их пользу для народа. Корпоративная оппозиция правилам ведения бизнеса существует с конца XIX века и привела к социальному укладу, который больше похож на экономический дарвинизм, чем на частный рынок.

Время от времени эффективные правила становятся законом, но, поскольку все правила ведения бизнеса в США вводятся в действие в среде, где небольшое число семей контролирует огромные средства, этим семьям удастся на десятки лет отсрочить использование правил, которые препятствуют "корпоративной активности".

## Колпак для правительства

Российские ультрареформаторы (то есть новая номенклатура) тоже отказались от эффективного делового регулирования и накопили состояние, вступив в союз с американским бизнесом (к примеру, экспортируя сырье по ценам ниже мировых рыночных).

Экспорт сильно обогатил часть новой номенклатуры, за что она благодарна американскому бизнесу. В свою очередь, Америка по дешевой цене приобрела необходимые ресурсы, в которых она нуждается, поскольку при населении 6% от населения всего мира Америка по-

## На пенсию — миллионером

Важно создать рыночную экономику, поскольку, как показывает история, это самый эффективный способ создания богатства, но успех экономической системы не зависит от горстки семей, обладающих большей частью состояния. Но как гарантировать и экономический успех, и справедливость?..

Верхний предел в виде налога, налагаемого на "чистую стоимость" всех семей, поможет избежать большой концентрации состояния и распределить богатство России более справедливо, при этом не будет разрушен стимул, как в экономической системе, гарантирующей одинаковую плату за разный труд. Предел "чистой стоимости" в, может быть, 1 миллион американских долларов (или меньше) на семью обеспечит предостаточный стимул тем, кто сейчас владеет очень многим, рисковать, проявлять изобретательность, напряженно работать для материального воплощения успеха. Как только преуспевающий бизнесмен, любой работающий достигнет верхнего порога, на любое его превышение будет наложен 100%-ный налог. Тогда человек может прекратить работу и жить на приобретенное состояние либо продолжать работу без материальной отдачи, но получая всю психологическую пользу от реализации своих талантов и знаний. Предел "на чистую стоимость" позволит гораздо большему количеству людей участвовать в создании благосостояния России, поможет избежать роста правящего класса и сохранит материальные стимулы для изобретателей, новаторов и тружеников.



## ПЕТЛЯ НА ГОРЛЕ РОССИЯН

тва идут тем не менее на покупку западных, а не российских товаров и услуг. Поэтому западные компании получают немедленную прибыль от ссуд и дотаций, предоставляемых России, а она сама продолжает играть роль нищей просительницы.

Дотации для России обычно расходуются на продукты питания, медикаменты, чтобы погасить потенциальное социальное недовольство населения существующим российским правительством. А России было бы гораздо выгоднее, если такого рода дотации использовались бы для модернизации производства. Тогда уже в недалеком будущем Россия могла бы сама зарабатывать валюту экспортом продуктов питания и медикаментов. Конечно, такая ситуация помешала бы американским предприятиям получать прибыль за счет обмена продуктов и услуг на деньги правительства. А такого положения они, конечно, не допустят.

Большая часть западной помощи России состоит из ссуд. В 1992 году Запад выделил ссуду, равную примерно 9 миллиардам долларов, а в 1993 году эта сумма приблизилась к 20 миллиардам. Заметим сразу же, что основная часть средств из этих ссуд в будущем вернется в западные фирмы.

Российские налогоплательщики и предприятия обязаны возвращать различные займы, проценты с которых за длительные промежутки времени превысили размер самой ссуды. Большая часть ссуд могла бы быть использована для модернизации российского производственного оборудования, однако их никогда не хватит для доведения средств производства России до уровня мировых стандартов. Самая же коварная способность ссуд проявляется, когда Россия делает попытки оплатить ежегодные проценты по государственному долгу. Бремя выплат прошлых, настоящих и будущих ссуд в твердой валюте, несомненно, приведет Россию к банкротству, как это случилось уже в 1980-х годах со многими

уровня, на котором она могла бы конкурировать с западной.

## Ловушки для золушки

Когда Запад решит наконец потребовать полную оплату долга — а он это сделает, — Россия будет объявлена официальным банкротом, некредитоспособной страной. Запад, однако, предложит очевидный выход из создавшейся ситуации: частные коммерческие банки продадут некоторые долги России за право владения ключевыми отраслями российской промышленности и природными ресурсами — такими, как телекоммуникации, транспорт, запасы нефти и газа, а также стратегический запас металлов.

Западные коммерческие банки могут предложить скорее изменения структуры российского долга, чем просто изменения сроков расчетов, причем это изменение структуры может быть реализовано путем финансирования производства товаров, выдачи кредитов под долговое обязательство, выкупа долгов, снижения процентной ставки по кредитам.

Все эти действия принесут банкам хорошую прибыль и увеличат их долю в российском имуществе. Кредиторы из западных правительств и международных агентств могут предложить также решение, предусматривающее прощение части долга, но в ответ на это Россия должна будет выполнять решения Международного валютного фонда и Мирового банка, которые неизменно оказывают помощь западному бизнесу в ущерб российскому.

Слишком строгая кредитная политика сделает вложения в предприятия недопустимо дорогостоящими, снижая таким образом российские промышленные возможности и ее конкурентоспособность еще больше. В итоге надежды, возлагаемые Россией на западные займы, спровоцируют продажу дорогостоящих предприятий по низким ценам, снижение инвестиций в промышленность, усугубление упадка рос-

американскими подданными, а не иностранцами, что делает более затруднительным для финансового управления проследивание выплат доходов от экспорта этим корпорациям.

Затруднительным, но не невозможным! Финансовое управление сохраняет информацию о счетах иностранцев и американских корпораций строго конфиденциальной. Однако правительство США при необходимости передаст соответствующую информацию российскому руководству, ибо возвращение российского капитала представит президента Клинтона человеком, активно поддерживающим демократические и рыночные реформы в России. Американским же налогоплательщикам это не будет стоить ни цента. Весь вопрос сейчас состоит в том, захотят ли нынешние российские реформаторы получить подобную информацию и предпринять соответствующие действия для возвращения в страну ее реальных доходов за экспорт.

Многие бюрократы, без сомнения, имеют счета в банках за рубежом, и они не захотят возвращения своих секретных фондов на пользу согражданам. Естественно, валюта, находящаяся за границей в банках, не превратит Россию мгновенно в современную индустриальную державу, но с тех пор, когда российское правительство начнет преследовать людей, тайно накапливающих российские богатства за рубежом, ежегодно миллиарды долларов России будут вкладываться в Россию, а не в западные страны.

Россия может использовать часть возвращенного дохода от экспорта для расширения своего экспорта. Российское агентство международного сотрудничества и развития или Государственная инвестиционная корпорация (ГИК) могли бы помочь российским экспортерам в получении кредитов для иностранных покупателей российских товаров и услуг. Обычно иностранный покупатель не может получить кредит, так как частные российские или зарубежные заимодавцы рискуют не получить деньги обратно или получить, но лишь частично.

Данное агентство или ГИК могут предлагать частным кредиторам, как русским, так и иностранным, расши-

Многие в правительстве и Государственной Думе России надеются, что американская финансовая помощь и частные инвестиции помогут модернизации страны. Предварительная оценка необходимых средств для поднятия уровня производства в России оценивается в десятки и сотни миллиардов долларов.

В 1922 году Запад пообещал 24 миллиарда долларов, а предоставил только 12. Даже если бы такие западные лидеры, как Билл Клинтон, выполняли бы свои обещания, помощь была бы все равно недостаточной для того, чтобы превратить Россию в современную конкурентоспособную державу. Западные правительства, и особенно американское, вовсе не хотят видеть Россию процветающей, независимой. Им не нужны сильные российские предприятия, которые успешно могли бы конкурировать с западными корпорациями и на международном рынке, и на российском, так как конкуренция



Россию предоставляющей, независимой. Им не нужны сильные российские предприятия, которые успешно могли бы конкурировать с западными корпорациями и на международном рынке, и на российском, так как конкуренция снижает корпоративные прибыли.

### Рука руку моет

Западные предприниматели не хотят потерять источник поставки дешевого сырья из России.

Спрос же на сырье своих российских развитых предприятий естественно сократит поставки сырья на Запад и, следовательно, увеличит стоимость нефти, природного газа и другой продукции, необходимой западным корпорациям. До тех пор, пока объем промышленного производства в России будет продолжать снижаться, запасы российского сырья, доступные для западных корпораций, будут увеличиваться и стоимость на сырье будет падать. Сейчас Россия продает на Запад нефть, алюминий и другую продукцию по ценам ниже мировых.

Надо ясно себе представить, что американское правительство не будет подвергать опасности прибыльность американских корпораций, так как их владельцы и руководители представляют крупные суммы денег на поддержку выборной компании таких политических деятелей, как Билл Клинтон. Чем больше денег в Америке тратится на предвыборную кампанию, тем больше вероятность победы того или иного политика. Для того чтобы деньги стекались в предвыборные фонды, политики будут поступать так, чтобы помочь, а не навредить американскому предпринимательству. Рука руку моет. Соответственно, американское правительство предоставит другой стране только такой тип помощи и в таком размере, что она будет увеличивать, а не уменьшать прибыльность американских предприятий.

### Хрен редьки не слаще

Финансовая помощь Запада обычно имеет две формы: дотации и ссуды. Дотация, в отличие от ссуды, не подлежит возврату. Но те и другие сред-

ежегодные проценты по государственному долгу. Время выплат прошлых, настоящих и будущих ссуд в твердой валюте, несомненно, приведет Россию к банкротству, как это случилось уже в 1980-х годах со многими задолжавшими странами Латинской Америки.

Общий долг России Западу, включая долги правительствам, международным агентствам и частным коммерческим банкам, составляет приблизительно 80 миллиардов долларов. Каждый новый заем или каждый пропуск выплаты предыдущего увеличивает размер выплачиваемой суммы. В 1992 году Россия должна была вернуть Западу 20 миллиардов долларов, а в 1993 году — 30 миллиардов. Поскольку Россия не имела валюты, большинство платежей за 1992 и 1993 годы были отсрочены. Платежи, но не проценты!

Что же касается выплат, не получивших отсрочки, Россия должна все еще собирать достаточное количество валюты каждый год, чтобы быть в состоянии оплатить эти долги. В 1993 году они составили около 3 миллиардов долларов. По причине нехватки в России современного промышленного сектора, способного производить большое количество товара, пользующегося спросом на мировом рынке, главным источником валюты для России является экспорт природных ресурсов.

В настоящее время большая часть этой валюты уходит как раз на оплату долга, а не на модернизацию производственного оборудования. В 1993 году, например, у России появился излишек от экспорта в 7 миллиардов долларов. Но при этом ей пришлось выплачивать около 3 миллиардов долларов в счет долга за этот год. С каждым долговым увеличением петля вокруг будущего России как промышленной державы затягивается, так как все большие суммы в твердой валюте уходят на оплату возрастающих процентов по государственному долгу, вместо того чтобы быть инвестированными в российское производство. Следовательно, до тех пор, пока Россия надеется на ссуды Запада, у нее не появится достаточно средств для модернизации своей промышленности до

требованиям западных стран. Это на дежды, возлагаемые Россией на западные займы, спровоцируют продажу дорогостоящих предприятий по низким ценам, снижение инвестиций в промышленность, усугубление упадка российского производства и конкурентоспособности, истощение природных ресурсов, повышение уровня безработицы и нищеты трудящихся и послужат причиной утечки богатств из России в Америку.

### Вернуть свои богатства

Единственным способом выжить в качестве современной промышленной державы для России станет создание собственного капитала, не возлагая надежд на щедроты западных правительств или инвестиции частных западных компаний. Первый шаг в этом направлении должен означать реальные действия по возвращению 25—50 миллиардов долларов, помещенных на зарубежные счета, но на деле представляющих собой доход от российского экспорта.

Основной доход от российского экспорта, оставшийся в США, был помещен в банковские счета и сейфы либо передан обслуживающим финансовым компаниям, брокерским и страховым конторам.

Когда иностранец решает поместить деньги в банк или передать финансовой компании, он обязан предъявить два удостоверения личности, например паспорт и какой-либо другой документ, прежде чем американская компания примет его деньги. Затем компания уведомляет финансовое управление США, что такой-то иностранец открыл счет или положил деньги в сейф. Так что выявить ловкачей вполне возможно.

Некоторые российские экспортеры используют более продуманный способ укрытия долларов за границей: они организуют американские корпорации, обычно в штате Делавер, играют роль их агентов и за экспортируемые товары получают деньги, которые американская корпорация кладет в банк или передает обслуживающим финансовым компаниям. Компании такого рода считаются юридически

американскими или зарубежными займовладельцами, рискуют не получить деньги обратно или получить, но лишь частично.

Данное агентство или ГИК могут предлагать частным кредиторам, как русским, так и иностранным, расписать выдачу ссуд покупателям российских товаров, гарантируя, что в случае невыплаты займа покупателем это сделает агентство.

В то время как покупателю дается для своих займов определенный период времени, деньги, ссуженные частными кредиторами, будут немедленно заплачены непосредственно российским экспортерам, минуя покупателя, который просто получит товары или услуги. Таким образом, и продавцы будут уверены в получении денег за экспортируемый товар.

Чтобы помочь российским экспортерам расширить их рынок сбыта за рубежом, агентство имеет возможность предоставить также широкий выбор услуг, а именно: изучение рынка для выявления стран и регионов, благоприятных для сбыта; информация о правилах и постановлениях в этой сфере местных органов или иностранных правительств; поиск дистрибьютеров для российских продавцов; деятельность по продвижению товаров; выпуск информационных листков; реклама (в том числе по почте и телексу), торговые выставки; предоставление менеджеров, которые входят в прямой контакт с покупателем и организуют продажу продукции.

Агентство также в состоянии организовать предпринимательские фонды для обеспечения финансирования средних, малых и микропредприятий. Под микропредприятиями подразумевается любой россиянин, неофициально продающий товары и услуги. Микропредприятия особо нуждаются в руководимом государством предпринимательском фонде, из-за нежелания коммерческих банков давать им кредиты по причине высокой стоимости раздачи малых ссуд, высокого процента риска и нехватки дополнительного обеспечения.

**Рой Ден Холландер,**  
американский юрист

## КУПИ СЕБЕ НЕМНОЖКО ЗАВОДОВ

В России, во времена правления коммунистической партии, работники номенклатуры, находясь на полном государственном обеспечении, не нуждались в больших суммах денег, чтобы наслаждаться жизнью привилегированных людей. Теперь эта необходимость явно возникла, и благодаря нынешней политике государства у них на счетах скапливаются большие суммы рублевых и валютных вкладов. Крупные работники номенклатуры, включительно по август 1991 года, правила партий, которая в свою очередь управляла государством, владевшим всеми российскими предприятиями и природными ресурсами. С помощью государственной программы приватизации чиновники вновь получили возможность управлять Россией.

Политика государства, в лучшем случае наивная, вызвала один из наиболее масштабных и быстрых скачков в истории роста благополучия среди небольшой части населения. Ими, естественно, являются крупные номенклатурные работники и "большие шишки", иначе называемые нуворишами. Новое благосостояние дало им возможность купить нечто более ценное, нежели "мерседес-бенц" или "БМВ", — оно помогает им контролировать интересы российских предприятий и богатые природные ресурсы.

Желание государства угодить Международному валютному фонду (МВФ) в надежде получения хоть каких-то валютных сумм привело к тому, что в 1992 году была урезана заработная плата, а также сокращены кредиты, что привело к новому росту цен в российской монополевой экономике. В дополнение к этому отсутствие регулярного контроля и несвоевременное проведение законов в жизнь дало возможность государственным бюрократам и владельцам предприятий красть государственное имущество либо закупать его по минимально низким ценам, а продавать уже по более вздутым. В результате этого российским гражданам пришлось изъять свои сбережения, чтобы покрыть жизненные расходы. После чего государство стало использовать вклады МВФ с целью закупки рублей работников номенклатуры и нуворишей, которым удалось

зированные предприятия, нувориши стремятся использовать свои нажитые нечестным трудом доходы — продать контроль над обанкротившимися фирмами за гроши, оставшиеся от их остаточной цены, и затем реорганизовать их таким образом, чтобы те приносили прибыль в определенных областях. Реорганизация подразумевает увольнение многих рабочих и дальнейшую скупку акций и ценных бумаг.

## КАЖДОМУ СЕЛУ — ПО БАНКУ

Бюрократы, представляющие собой разновидность нуворишей, использовали фонды Министерства финансов и Центрального банка с целью создания сети частных коммерческих банков. Банки предлагали кредиты по явно грабительскому курсу частным лицам или торговым предприятиям. Предприятия, занимавшиеся торговлей, обменивали рубли на валюту и завозили импортные товары, которые конкурировали с российскими. Из-за манипуляций Центрального

банка, связанных с изменением курса рубля на Московской межотраслевой бирже, импортируемые западные товары стоят столько же, сколько и российские, а иногда и меньше. Периодически бюрократы переплачивали Центральному банку, но из-за грабительского курса, который банк заимствовал у Центрального банка, бюрократы платили гораздо меньше, чем получили позднее, что принесло им неожиданно большую прибыль.

В конце концов политика государства и Центрального банка, а также несвоевременное введение законов дали возможность нуворишам грабастать принадлежавшее российским гражданам.

## Рой Ден Холландер

руководство и рабочие предприятия создают товарищество с ограниченной ответственностью, в котором доля рабочих составляет более 50% (например, 90% или больше), что подразумевает контроль примерно такого же процента голосов. Руководство имеет небольшую долю в товариществе и, соответственно, столько же процентов голосов.

На правах юридического лица товарищество покупает более 50% компании у российского государства, поэтому товарищество получает право контролировать решения предприятия. Согласно договору товарищество обязуется платить государству закупочную цену в течение десяти или более лет, что включает издержки, а также гарантирует, что будет соблюдать это соглашение, ежегодно выплачивая кредит. Интерес кредитора является второстепенным для государства. Когда государство получает полную стоимость, доля кредитора вновь переходит товариществу.

В случае, если товарищество покупает 100% акций предприятия или часть, составляющую более 50%, оно может начать продавать акции частным инвесто-

рам для повышения эффективности предприятия, но при условии, что предприятие оставляет за собой право контролировать принимаемые решения. Определенное количество акций, не проданных товариществом, могут быть проданы самим государством частным инвесторам за наличные или ваучеры.

Товарищество, подразумевающее сотрудничество рабочих и руководства, может законно избежать периодических выплат государству, вернув долг предприятию спустя определенный период времени. Так как у предприятия имеется определенная власть в сфере принятия решений, само товарищество решает, ка-

ся возможность подыскать работу уволенным рабочим. Можно добавить, что государство вправе доплачивать тем рабочим, которые выступают с идеями о модернизации данной инфраструктуры.

Способ закупки акций, описанный выше, помог бы предотвратить захват власти и зон влияния крупными номенклатурными чиновниками и в то же время наделил бы рабочих той властью, которую им всегда обещали.

## ИНОСТРАННЫЕ КУБЫШКИ

Государственная программа приватизации предусматривает перевод государственных монополий, управляемых нуворишами, в частные монополии, управляемые теми же самыми нуворишами. Большой разницы в этом нет. Однако некоторыми государственными монополиями управляют директора и их заместители, способные работать как настоящие бизнесмены, а не "бизкраты" (то есть бюрократы, являющиеся бизнесменами только на словах). Многие из них, как правило, лишены инициативности, способности принимать решения, воодушевлять рабочих, планировать заранее и решать возникающие проблемы. Они заинтересованы прежде всего в том, чтобы обогатиться самим, растратив фонды предприятия и его имущество, которое они могли бы использовать для своих частных компаний.

Нувориши используют государственные фонды для закупки и импортирования западных товаров широкого потребления и продажи их на территории России, в то время как большая часть фондов уже находится за границей и вложена в иностранные банки.

Продолжение этого процесса, даже при содействии так называемой "рыночной экономики", приведет к тому, что в конечном итоге многие из предприятий обанкротятся, что вызовет еще большую безработицу, но вместе с этим и обогащение руководителей предприятий.

Полная некомпетентность боссов, управляющих фирмами, и их страсть к наживе привели к тому, что российская экономика оказалась в застойном положении при высоком уровне инфляции.

# ЧТО ЭТО БЫЛО?



предприятия красть государственное имущество либо закупать его по минимально низким ценам, а продавать уже по более вздутым. В результате этого российским гражданам пришлось изъять свои сбережения, чтобы покрыть жизненные расходы. После чего государство стало использовать вклады МВФ с целью закупки рублей работников номенклатуры и нуворишей, которым удалось выжать их из российских граждан. Все это привело к тому, что российский налогоплательщик потерял практически все свои сбережения и влез в еще большие долги Западу, в то время как те самые нувориши разъезжают по городу в шикарных автомобилях с платиновыми блондинками, купленными на валюту, которую они получили за рубли. Естественно, большая часть валюты, которой владеют нувориши, вложена на Западе, что приносит огромную пользу Западу, а отнюдь не российской экономике. Остальная же часть награбленного уже скуплена, и в дальнейшем будут скупаться также средства производства и природные ресурсы.

Сначала руководители предприятий продали государственное имущество своим партнерам по субсидированным ценам, которые, в свою очередь, продавали продукцию по еще более высоким ценам, а затем разделили прибыль между теми же руководителями предприятий. Итак, круг замкнулся, принес им огромные барыши.

Эти же нувориши получили немалую прибыль, имея дело с заокеанскими западными импортерами, которые занимаются сбытом природных ресурсов из России, а затем деньги вкладываются в иностранные банки. Из-за монопольного характера российской экономики число курирующих предприятий сократилось, а небольшая часть нуворишей, тесно связанных друг с другом в самых различных отраслях, поставяет товары своим партнерам, чьи поставки через государственные каналы резко сократились; таким образом, у российских граждан не осталось выбора, кроме как покупать товары у нуворишей.

Кроме того, руководители предприятий и директора фирм присваивали себе часть доходов от продажи товаров, что вызвало платежный кризис на территории России. В случае, если предприятие не в состоянии заплатить долги, руководство лишено возможности расплатиться со своими рабочими, что вызывает эффект домино, и компании одна за другой становятся банкротами.

Таким образом, ограбив как государственные, так и ваучеро-привати-

банку, но из-за грабительского курса, который банк заимствовал у Центрального банка, бюрократы платили гораздо меньше, чем получили позднее, что принесло им неожиданно большую прибыль.

В конце концов политика государства и Центрального банка, а также несвоевременное введение законов дали возможность нуворишам загребать принадлежавшее российским гражданам. Теперь в России четко выделяются два класса: класс разбогатевших нуворишей и класс обедневших граждан.

Влияние и власть помогают нуворишам не только контролировать рублевые и валютные вклады, но и завладеть средствами производства. Итак, на второй стадии приватизации нувориши контролируют то, что еще осталось от российских средств производства, и скоро природные ресурсы окончательно иссякнут, так как только нувориши, влиятельные бюрократы, владельцы предприятий и энергичные молодые дельцы с хорошими связями имеют достаточно денег для того, чтобы купить то, что еще осталось от России.

## ДЕНЬГИ К ДЕНЬГАМ

С помощью программы приватизации крупные номенклатурные чиновники и большие шишки — эта новоиспеченная буржуазия — обокрали многие из российских предприятий, тем самым обогатив самих себя. Эти капиталисты скоро смогут контролировать практически все средства производства и природные ресурсы. Такой контроль, естественно, перерастет в неограниченное экономическое, политическое и социальное влияние, которое сродни власти, созданной номенклатурой и другими работниками аппарата до августовского путча.

Более действенной формой приватизации могла бы стать закупка находящихся в обращении акций корпорации ее руководством и рабочими. Это дало бы возможность передать средства производства в руки тех, кто работал на государственных предприятиях, предоставляя возможность простым гражданам купить акции и облигации на производстве по их желанию, увеличивая необходимый капитал новоприватизированных предприятий, и — что, наверное, важнее всего, — тем самым исключалась бы возможность для работников номенклатуры властвовать на предприятиях и впоследствии превращаться в российских капиталистов.

Способ закупки акций ее руководством и рабочими заключается в следующем:

самим государством частным инвесторам за наличные или ваучеры.

Товарищество, подразумевающее сотрудничество рабочих и руководства, может законно избежать периодических выплат государству, вернув долг предприятию спустя определенный период времени. Так как у предприятия имеется определенная власть в сфере принятия решений, само товарищество решает, каким образом будет выплачиваться долг государству. Товарищество обязано известить инвесторов о принятом решении, так как это, вероятно, повлияет на цену акций, купленных ими. Таким образом, возвращая долг государству, товарищество более не имеет долгов по отношению к нему. Обязательства товарищества становятся обязательствами предприятия. Кроме того, товарищество получает обратно долю кредитора, как только выплатит долг, т.е. члены товарищества смогут владеть акциями предприятия.

## КАК УСТОЯТЬ НА НОГАХ

Предприятие платит государству на протяжении определенного периода времени, а в течение первых нескольких лет ему дается возможность доказать свою кредитоспособность. Выплаты государству складываются в основном из доходов, которые получает данное предприятие. Если же доходы предприятия недостаточны для того, чтобы государство получило свою долю, то либо государство и предприятие могут либо переоформить его долговые выплаты, либо государство может объявить данное предприятие банкротом, ликвидировать его имущество и продать на рынке. Если предприятие не получает никакой прибыли, оно автоматически выходит из бизнеса, так как не в состоянии расплатиться с рабочими. Его партнеры могут обратиться к конкурирующим фирмам, чтобы поддержать бизнес на плаву. В этом случае государство может получить часть имущества этого предприятия и продать его за определенную цену.

Предприятие, имеющее постоянный доход, будет платить наличными государству. Государство, в свою очередь, может использовать эти фонды на финансирование государственных программ по переподготовке рабочих, потерявших работу вследствие того, что предприятия, на которых они работали, потерпели крах. Государство также может использовать часть этих фондов на оплату инфраструктурных модернизированных проектов, с помощью которых появит-

экономику", приведет к тому, что в конечном итоге многие из предприятий обанкротятся, что вызовет еще большую безработицу, но вместе с этим и обогащение руководителей предприятий.

Полная некомпетентность боссов, управляющих фирмами, и их страсть к наживе привели к тому, что российская экономика оказалась в застойном положении при высоком уровне инфляции. Ни у государства, ни у предприятий уже не осталось достаточно денег, чтобы расплатиться с рабочими. Начиная с лета 1993 года производство упало до 25%, спрос резко уменьшился. Кредиты и новые напечатанные рубли не способствуют снижению инфляции. Сами же монополии способствуют росту инфляции тем, что повышают цены, стараясь выманить последние рубли российских граждан.

Нынешнее состояние застойной экономики при таком уровне инфляции делает практически невозможным удовлетворение потребностей населения страны.

## ТРОПА ЛАТИНСКОЙ АМЕРИКИ

Единственным альтернативным путем, на мой взгляд, является дальнейшее сотрудничество с западными странами, использование займов с целью закупки необходимых импортных товаров и затем продажи природных ресурсов для погашения долга. Сложившаяся в России ситуация вполне удовлетворяет западных партнеров, поскольку они получили еще одну возможность закупки дешевых сырьевых ресурсов в обмен на производимые их предприятиями товары. Россия идет по тому же пути, что и Латинская Америка, Африка и некоторые страны Азии.

Россия может предпринять попытку и выйти из создавшегося положения, разделив монополию на несколько частей таким образом, чтобы каждая из них функционировала самостоятельно и концентрировалась на выпуске определенного вида товаров.

Российская государственная или приватизированная монополия состоит из различных отраслей, то есть происходит управление продвижением товара от стадии производства до стадии его реализации непосредственному потребителю. Второстепенные товары и услуги подразумевают: строительство и оборудование

(Продолжение на стр. 12)



(Окончание. Начало на стр. 3)

обершпион Аллен Даллес, снискавший себе известность в начале "холодной войны", был выдвинутцем Эдварда Хауза — "крестного отца" СИДа. ЦРУ использует членов СИДа для прикрытия своих тайных операций и делится с ними самой "чувствительной" информацией.

Именно в плотно закрытых от постороннего глаза комнатах дома Гарольда Пратта зародилась идея о том, что можно одержать победу в ядерной войне. В 1957 году издательство СИДа опубликовало книгу почти никому не известного тогда Генри Киссинджера "Ядерное оружие и иностранная политика". "Ограниченная ядерная война может принести нам определенную выгоду, — писал молодой выходец из Германии, считающийся и по сию пору американскими "крайне правыми" агентом КГБ. — Наш лучший промышленный потенциал, наша развитая технология и гибкость наших социальных институтов — их способность влиять на общественное мнение дают нам преимущество над противником".

Стоит заметить, что "немецкий профессор" еще в университетские годы попал под крылышко Нельсона Рокфеллера, оказывавшего ему финансовую поддержку. Будучи советником по национальной безопасности в правительстве Никсона, Киссинджер передавал Рокфеллеру важные документы, "стащенные им из Белого дома" (Д. В а н к и н. Заговоры, тайны и преступления. Парагон-пресс, 1992).

Никсон и Рокфеллер были всегда непримиримыми врагами. Как же "хитрый Дик" допустил проникновение Киссинджера в свое интимное окружение? Кто оказал на него давление и протолкал наверх явного "агента Рокфеллера"? Почему Никсон прислушивался к советам Киссинджера и проводил политику в духе

СИДа и Трехсторонней комиссии, направленной на создание единого мирового сообщества? Почему он, победивший на выборах благодаря поддержке тех, кого принято называть американскими патриотами, предал их, отказавшись прислушиваться к их мнению? Ответы на эти вопросы еще предстоит найти.

"Семья Рокфеллеров — самая могущественная в Соединенных Штатах, — пишет американский социолог Х. Скляр, наблюдавший за Трехсторонней комиссией. — Власть Рокфеллеров заключается в том, что в их руках находятся самые важные корпорации, финансовые учреждения, фонды, и они контролируют деятельность тех, кто занимает ключевые посты".

В 70-е годы, когда Нельсон Рокфеллер стал вице-президентом, собственность его семьи включала такие гигантские компании, как Эксон, Мобил, "Стандарт ойл", авиакомпания "Истерн эйрлайнс", банк "Чейз Манхэттен" и страховая — "Метрополитен лайф иншурано". Помимо того, ему принадлежали несколько крупнейших благотворительных фондов, используемых ЦРУ для поддержки "демократических начинаний в странах тоталитарного режима". Публикации "советских диссидентов" и "работа с новоприбывшими" также финансировались фондом Рокфеллера.

Неимоверно большая власть, сосредоточенная в одних руках, не может не внушать опасений у всех, кто

стремится к подлинной демократии и социальной справедливости. Выступая перед сенатским комитетом, Рокфеллер пытался развеять тревогу трезво мыслящих американцев. "У нас имеются инвестиции, но у нас нет контроля... Я надеюсь, что миф о контроле моей семьи над экономикой этой страны будет тщательно расследован и исчезнет навсегда..."

Однако "миф" о Рокфеллерах живуч и, пожалуй, становится более устойчивым. Когда Нельсона Рокфеллера назначили вице-президентом, то даже самые скептически настроенные американцы подумали о том, что в разговорах о конспирации, связанной с этим семейством, есть определенная доля истины.

Тайные оккультные общества всегда оказывали колоссальное влияние на политику, стремились подчинить ее своим целям. Не является ли Трехсторонняя комиссия — рокфеллеровская "группа озабоченных граждан" — наследницей тех обществ, основанных сотни, тысячи лет назад? Не создана ли она по их образу и подобию? Американец Питер Макальпайн, автор "Оккультной технологии власти", пишет: "Наши предки в их борьбе против старого порядка королей и князей должны были финансировать тайные общества — иллюминатов, масонов, Германский союз и т. п. из своего собственного кармана... Насколько это легче для нас, унаследовавших развитую систему государственного капитализма! Призывая к заботе о нуждах "национальной

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## ГРУППА ОЗАБОЧЕННЫХ ГРАЖДАН

безопасности", мы получаем возможность финансировать и создавать тайные общества в самом широком масштабе".

По мнению американских конспирологов Ванкина и Альпайна, ЦРУ и Трехсторонняя комиссия по своему архетипу — тайные общества. Такого рода объединения существовали с древнейших времен, существуют они и поныне. В разные эпохи подобные группы так или иначе влияли на жизнь общества. В определенные периоды это влияние сказывалось более заметно, в другие — становилось почти неуловимым. Не нужно удивляться тому, что слова "оккультизм" и "власть" поставлены в один ряд. С самого зарождения цивилизации те, кто стремился подчинить своему контролю людей и природу, обращались за помощью к незримым, таинственным силам. Подлинная власть неотделима от тайны. По мнению Ханна Арендт, она даже начинается с тайны. Так было неизменно прежде, и нет никаких оснований полагать, что в этом плане намечались какие-либо изменения. Поэтому можно с уверенностью сказать, что, когда в следующий раз вы обнаружите в газете сообщение (неприметное и краткое!) об очередной встрече "бильдербергеров" или Трехсторонней комиссии, в ней непременно будет отмечено: "Заседания проходили при закрытых дверях и в обстановке строжайшей секретности".

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**PREVENTING AMERICA FROM TRANSFORMING RUSSIA  
INTO A THIRD WORLD NATION**

The image America presents to the world is not the reality. Many people believe American business has made nearly everyone in America rich, has created a distribution of property that most Americans regard as fair, and has provided equal opportunity to all to make a million dollars -- all of these perceptions are false.

America is not the country many Russians think it is, and I doubt it is the type of country many Russians would want their country to become.

With the talent, education and sense of justice of most Russian people and their land's resources, Russia can do much better than America. It certainly can avoid becoming just another third world, underdeveloped, banana republic.

The Impact of American Business Practices

What is wrong with America is that it is grossly unfair. America's motto should be, "From each according to his fragilities, to each according to his greed." A few facts about America will illustrate its inequities:

- 1% of America's families own about 35% of all the wealth in America (over \$5 trillion) and nearly 45% of all the financial wealth;
- A family in the top 5% makes around 20 times more than a family in the bottom 20%;
- The average net worth of a family in the top .5% is \$9 million, while the average net worth of a family in the bottom 40% is essentially zero;
- Between 1977 and 1989, incomes for Americans increased by approximately \$600 billion. Of that increase, the top 1% of families received 77%, or \$462 billion;
- In 1989, the average income for the top 1% of families was \$560,000, and for the bottom 20%, it was \$8,400 -- a 66 to 1 discrepancy;

- Taxes for a middle class family have doubled since 1980;
- When inflation is taken into account, average weekly wages for non-agricultural workers are now less than they were in the early 1960's;
- Since 1979, the group of people earning below poverty wages grew from 12% to 18% of the work force;
- 25 million Americans, 1 in 10, are now on food stamps and over 30 million live in poverty;
- America ranks 56th among all the world's nations in immunizations and ranks behind Cuba in infant mortality;
- 40 people every working day die from occupational injuries;
- There are an estimated 45,000 sites in America that are polluted with radioactivity, 20,000 are controlled by the Federal Government; and
- About 11%, or 13 million, workers are unemployed in America.

These facts show that much of America's wealth goes to a few rich families and much of the misery to the rest of American families.

The historical flaw in America differs only in degree with the flaw in Russia before August 1991 and the potential danger for Russia since -- so many have too little because so few have too much. America has its group of families who through their wealth exercise a disproportionate amount of influence over the political, economic and social life of the republic; the Soviet Union had the Communist Party which did the same through political power. Now, however, for Russia, there is a transition: economic reformers and bureaucrats strive for the influence and privilege of the former nomenclatura by becoming rich. In other words, some people in Russia seek to create through a so-called free market a small group of wealthy families that will rule Russia as a shadow government, just as a relatively small number of wealthy families run America.

To a large extent in America, the wealthy families control through stock ownership and corporate offices a relatively small

number of corporations that account for nearly one half of America's economic activity.

Economic dominance by giant corporations in America results in the power to monopolize markets, to collude with one another, to keep prices high, to break unions, to pollute the environment without paying adequate compensation, and unduly influence much of the life of most Americans. America's history has shown that corporations possessing vast economic power do not voluntarily agree to meet even the minimal standards of pollution control, worker safety, product safety, liveable wages, or taxes for the betterment of the community where they are located.

Self-interest ranks as the primary concern of America's wealthy corporate elite, and self-interest in America is best protected with money -- profit is the creed of the rich and the corporations they control. As a result, America's corporate elite opposes or dilutes most regulation that may lessen profits regardless of the benefit to the general public. Corporate opposition to business regulations has existed since the late 19th century, has been largely successful, and has resulted in a social order closer to economic Darwinism than to a fair market.

Every so often effective regulations do become law, but since all business regulations in America have been enacted in an environment in which a small number of families controlled vast amounts of wealth, these families have been able to delay for decades regulations preventing corporate activities which harm the general public. Furthermore, when it becomes expedient for propaganda purposes to enact a regulation, usually because of public outrage over some abhorrent business conduct, the regulation is either too weak to deter the harmful conduct or it is not vigorously enforced.

Russia's ultra-reformers (now the new nomenclatura) have already deterred effective business regulation and amassed fortunes by allying themselves with American businesses, in part, to export vast amounts of raw materials at prices below the world market. Exporting has made some of the new nomenklatura very wealthy and

grateful to American businesses. In return, America has acquired necessary resources cheaply (which it needs since America with 6% of the world's population consumes 30% of the world's natural resources extracted each year). America has also acquired profits from the manufactured goods and agriculture products that were purchased by Russia with the hard currency gained from its raw material exports. America, through various agencies, even provided hard currency credit for the purchase of additional American goods and services for which Russia lacks the hard currency. Of course, the Russian government, which means Russian citizens, are the ultimate guarantor and therefore liable for the credits.

The continued export of raw materials will not raise enough hard currency to repay American credits and purchase more American goods and the lack of a modern industrial basis for creating wealth (which is prevented from modernizing due to the tightening of the money supply under the International Monetary Fund's plan) will leave Russia deeply in debt and stripped of its natural wealth. Russia already owes nearly \$80 billion to the West. The end result will be very similar to Latin America, which functions as a cheap source of raw materials and labor for America, a key export market for American goods and services, and a continent whose economies are predominantly influenced by American banks because of the large indebtedness of the countries. (The 125 largest banks in America control worldwide 2.3 trillion dollars in assets.)

In the end, Russia will have a small band of families who owe their wealth to their dealings with American businesses and government. These wealthy families will control the government, and by then it will be too late to establish laws that ensure a fair, rather than free, market.

The time to act then is now before even greater amounts of wealth, and therefore, power, become concentrated in the hands of a relatively few families. Russia does not yet have an organized, cohesive class of wealthy families wielding extraordinary economic and political power that can block regulations that ensure a more equitable distribution of wealth and protect the public from



unchecked avarice. At the same time, such regulations need not destroy incentive, innovation, the ambition to achieve material well-being or deter productive foreign investment.

#### Regulations for Ensuring a Fair Market

The importance of establishing a market economy is that history has shown it to be the most effective means of creating wealth, but a successful economic system does not depend on a handful of families owning much of the wealth the system creates. Regulations, such as the following, can assure both economic success and fairness.

An upper limit in the form of a tax imposed on the net worth of all families would avoid high concentrations of wealth and distribute Russia's wealth more equitably; however, it would not destroy incentive as does an economic system which guarantees equal pay for unequal work. A net worth limit of perhaps one million U.S. dollars or less per family should provide more than enough incentive for persons (now owning very little) to take risks, use their ingenuity and work long hours for the material rewards of success. Once a successful businessman, professional or other worker reaches the net worth limit, a 100% tax would be imposed on any increases in net worth. The individual may retire with his wealth or continue working without material reward but still earning all the psychological benefits that come from exercising his talents and knowledge. The limit on net worth would make it possible for many more persons to participate in and contribute to the creation of wealth in Russia, avoid the growth of a monied ruling class, and still offer material incentives to inventors, innovators and hard workers.

Another tax, which would prevent over-exploitation by America, is a windfall profits tax on American corporations that do business in Russia. If an American corporation is in a joint venture with a Russian business, then a windfall profits tax can apply only to the American corporation's share of the joint venture profits. A windfall profits tax would tax profits over a certain amount at a

much higher rate than the normal tax on profits. For example, if the normal tax on profits is around 34%, a windfall tax might be 70% or more on profits over a certain amount. A windfall profits tax help prevent the excessive greed that drives a corporation to maximize profits at the expense of the consumer, laborer, or the environment. For example, monopolies and oligarchies using their market power to charge high prices not reasonably related to their expenses.

A corporation may also reap windfall profits when its expenses to produce a product does not reflect the true cost of the product. The cost of cleaning up pollution or compensating workers injured in the production of a product should be born by the corporation. If such costs are not part of a company's expenses, then it is reaping windfall profits. Besides fairness, a key reason for the price of a product to reflect its true cost is to allocate resources efficiently. A consumer's decision to purchase a product or service depends on whether the consumer believes the money he pays is worth what he receives in return. If the consumer is unaware of the total amount of money he will have to pay for the product or service, then he cannot decide whether his purchase is wise or foolish. The consumer's ignorance would result in an inefficient allocation of resources because resources would be allocated to products and services that the consumer bought only because he was unaware of their true cost.

For example, assume a motorist has a choice between one liter of gasoline and one liter of methanol (assuming both are equal in performance), the gasoline costs 100 rubles and the methanol 200 rubles. The motorist will buy the gasoline. If the motorist knew, however, that he would later receive a bill for 150 rubles in the form of higher taxes to pay for cleaning up the pollution caused by producing one liter of gasoline, then the motorist would have purchased the methanol, and resources would be directed towards methanol production and not gasoline production; that is, resources would be allocated efficiently.

American businessmen and their allies in the American

government will bluff and bluster against a windfall profits tax and net worth limit tax. They will call the measures undemocratic and socialistic but windfall profits taxes are not unknown in America; they applied to oil companies during the 1970's Arab oil embargo, and not too long ago, America had a progressive tax system that taxed the richest American's incomes at 90%, which clearly limited the growth of their net worth.

American businessmen will also threaten not to invest if a windfall profits taxes exist, but they will be lying. An American corporation generally makes a profit before income taxes of 8% to 10% in a good year. If windfall taxes were enacted in Russia that started at 15%, American corporations could still make an additional 5% to 7% over their normal profits before income taxes before the windfall tax applied. The 5% to 7% extra profits before income taxes will be enough to attract American investments providing it compensates for the additional risk of investing in Russia.

For Russian companies and Russian partners in joint ventures, a windfall profit reinvestment rule rather than a tax may be more useful. The rule would require a Russian company to reinvest into its business profits over a certain amount rather than paying those profits out to the owners. By limiting the rule to large companies, small to medium sized family businesses, which usually provide the sole source of income for their owners, would not be interfered with.

Inflation can be attacked with effective and enforceable anti-trust laws that break up monopolies and oligarchies which, because of a lack of competition, charge inflated prices. By breaking up monopolies and oligarchies, competition will increase because there will be more corporations producing a product or providing a service. Efficiency and lower prices will also occur because one or more corporations will try to increase business by cutting their prices, and in order to cut prices, they will have to increase efficiency.

One of the chief reasons why the IMF and ultra-reformers'



tightening of the money supply caused price inflation was because Russia's industries were and still are mainly monopolistic. The IMF and reformers knew the tightening of credit in a monopoly capital system would simply cause monopolies to raise prices and produce fewer products or services. In a competitive system, corporations try to reduce costs and prices through efficiency so they can continue to sell their products or services, make a profit and use those profits, instead of credits at high interest rates, to finance their businesses. Competing corporations cannot raise their prices because their more efficient competitors lower prices will attract their customers.

Before Russia can create wealth from its industrial base and provide its people with needed goods and services, the monopolies that now exist will have to be broken up into competing enterprises. Otherwise, production and services will continue to decline and prices to rise because monopolies will continue to try to make a profit by providing fewer goods and services at higher prices. At some point, the prices will be too high for the people to pay, no matter how desperately in need they are, production will drop even more drastically (Russia's manufacturing output declined by 15% in 1993 alone), stagnation will set in, and Russia will be financially dependent on America and willing to sell the remainder of its natural resources and what is left of its industrial base to American investors at rock bottom prices.

By using anti-trust laws to break up large monopolies into competing private enterprises, some enterprises to survive will have to cut costs by laying off employees and some enterprises will go bankrupt no matter how many employees they lay off. The result will be high unemployment and social unrest because privatized competitors will no longer be receiving subsidies from the central government or negative interest rate credits from other enterprises to keep people working at unproductive jobs. Factor in that many towns are dominated by one large enterprise which uses part of the subsidies to fund the town's social services and the elimination of these subsidies could lead to violent uprisings.

A possible solution, however, does exist. Use the subsidies now paid to unproductive monopolies for a public works program. People laid off by a privatized enterprises can be employed in a government program that puts them to work in jobs building Russia's infrastructure: railroads, ports, airports, industrial parks, communication systems, etc. All of the modern facilities that an industrialized country needs. The program can also provide retraining so that laid off workers can find employment in the new economic market. President Franklin Roosevelt set up such a program in 1933, which helped lift America out of its worst depression.

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Submitted  
3/1/1

# THE DANGER POSED BY THE AMERICAN MILITARY-INDUSTRIAL COMPLEX

The end of the cold war caused a precipitous decline in U.S. Government defense spending. Since 1990 the U.S. military budget has fallen by more than five percent a year. The procurement section of the budget (orders placed with factories) has dropped by nearly 60 percent since 1985. Enterprises that once sold billions of dollars in military goods and services to the U.S. Government are now suffering a dramatic reduction in business. General Dynamics, Raytheon, Hughes Aircraft and General Electric are shrinking their operations in anticipation of permanently lower sales to the U.S. Government. Between 1991 and 2001, two and a half million defense-related jobs will probably disappear unless buyers other than the U.S. military can be found. The decline in defense spending bodes ill for the American economy. The military-industrial complex makes up an important pillar of the economy, which continues struggling to recover from a recent recession. An official of the Federal Reserve Bank of Boston stated, "We are growing so slowly that defense spending can make the difference between a rising unemployment rate and a falling one." Unless a new market for the U.S. military-industrial complex arises, many enterprises will have to make a costly and risky conversion to civilian products that inevitably will result in many bankruptcies.

Conversion causes many difficulties for American defense firms. They lack expertise in marketing to customers other than the government. Their workers are more used to making expensive, customized products as opposed to goods produced by cost-efficient mass-production. And the defense industry emphasizes technology over utility -- there is no demand for a stealth refrigerator.

To avoid the dangers of conversion, leading military contractors now concentrate on expanding exports to new buyers overseas. There exists, however, a lot of competition in the world, especially from Russia. Last year an American firm failed to sell armored personnel carriers to the United Arab Emirates

because the Emirates decided to buy from Russia instead. Malaysia plans to buy from Russia Mig 29's, helicopters, submarines and offshore patrol boats. Sales that would have gone to American firms had there been no Russian competition.

Current Russian Government policy, however, may rescue America's military industry at least from Russian competition. Following the suggestions of the International Monetary Fund, of which America is the most influential member, Russian ultra-reformers slashed orders to defense firms by 68 percent in 1992 and drastically reduced orders in 1993. Without financing, Russia's defense industry can hardly produce technologically advanced military goods to compete with American defense products. As a result, America now leads all other countries in arms exports with sales of nearly \$12 billion. Previously, Russia led in arms export sales.

Russian adherence to IMF and ultra-reformist economic policies may also create a new market for American arms in Russia. As the economic policy called "shock therapy" turns Russia into a calamity by decreasing industrial production (off by 30% since 1991), raising prices (up nearly 2500% in 2 years), forcing citizens into poverty (now reaching over 50% of the population) and encouraging rampant corruption, Russian citizens will turn out of desperation to regional autocrats who promise relief from the endless decline in living standards. As regional strongmen gain greater support from impoverished citizens, these strongmen will eventually claim sovereignty for their region, causing Russia to fragment. A divided Russia with regions ruled by autocrats will provide ample markets for U.S. military goods and services. By that time, Russia's military production probably will have collapsed from lack of investment and conversion attempts. Each autonomous region, just like the current Republics, will want to own arms to protect itself from potential aggressions by its neighbors.

The funding for arms to sovereign regions will come from the natural resources controlled by a regional strongman or U.S. Government funds paid directly to American defense enterprises with

the region's government liable to the U.S. Government for repayment. (This type of financing is similar to the American aid package presently provided to Russia). A fragmented Russia will also enable the U.S. military bureaucracy to argue for an increased budget in order to protect against the spread of potential conflict to areas of American economic interest, which the U.S. State Department perceives as the entire world.

Of course, neither the U.S. Government nor military-industrial enterprises desire any armed conflicts or even the potential of such in Russia while it still controls strategic nuclear weapons. Assuming the threat to the West from strategic nuclear weapons diminishes, either through diplomacy or lack of resources to maintain the weapons, the threat or existence of armed conflict in a fragmented Russia will help pull American military-industrial enterprises out of their recession, eliminate the need for complex and costly conversion to civilian uses, increase the Pentagon's budget, eliminate the need to discharge hundreds of thousands of soldiers into an economy already experiencing significant unemployment, increase economic growth for America and facilitate American industries exploitation of Russia.

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A Ruble Backed by Gold Instead of the IMF

Russia needs a fully convertible currency to facilitate exports and imports, but so far it has relied only on the International Monetary Fund's promises to provide a hard currency fund for backing the ruble. Such a fund would permit any person or enterprise holding rubles to exchange those rubles for hard currency. The provision of the fund, however, depends on Russia's acceptance of the IMF's economic plan, which would cause widespread unemployment and further decline in Russia's production output.

A less traumatic way of making the ruble convertible would be to use gold and other precious materials as collateral for a hard currency fund to back the ruble. Add a requirement that individuals and enterprises inside the ruble zone could not own gold or the other kinds of precious materials in the fund and the danger of depleting the fund through a massive conversion of rubles from within the ruble zone into dollars would be averted. (America had a similar ban on owning gold from the depression of the 1930's until 1975.)

Since the ruble's value against the dollar continues to depreciate, I doubt many enterprises or individuals outside the ruble zone hold significant amounts of rubles, so there would be no fear of these enterprises or individuals depleting the fund by immediately exchanging large amounts of rubles for gold or other precious materials. The fund would remain intact to back future foreign trade. Such a fund would put some of Russia's resources to better use than what occurs now. It makes little economic sense for Russian reformers to sell 95 percent of its cut diamonds to the monopoly DeBeers, which like all monopolies buys low and sells high. Equally illogical are the efforts to sell gold mines and other precious resources for below market value when the market value can be used as collateral to borrow hard currency to invest in interest bearing, credit worthy debentures.

With the ruble ultimately backed by gold and precious

materials, trade and investment will increase dramatically. At first, foreign traders and investors will exchange the rubles they earn for hard currency in the fund but their ability to make this exchange will go a long way towards convincing the business world of the ruble's soundness. At some point before depletion of the fund, foreign traders will forego exchanging rubles for the fund's hard currency because the fact will have been proven that the ruble is fully exchangeable. At this point, the ruble will be a harder currency than the American dollar because its backing consists of gold and precious materials.





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вающихся районах над-  
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## ГРЯНУЛ

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Берга. Новые энерго-  
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ученых и политиков  
изногласий о необхо-  
радикальных мер по

Рушится фондовая биржа, ослабляется экономика, а средний россиянин борется за выживание. Финансовое отчаяние вынуждает слишком многих молодых девушек выставлять на продажу единственное принадлежащее им имущество - свое тело. Заработанные сексом доллары обеспечивают этим девушкам некую экономическую

ческой системе реклама - очень эффективный способ обратиться к нужной вам потребительской группе. В данном случае - к американцам, которые искренне ищут свою вторую половинку - женщину, которая дополняет мужчину и делает его жизнь не напрасной. К сожалению, такая реклама также попадает ко многим эгоистичным бессердеч-

схаты в Москву на выходные или на подольше. Многие девушки соглашаются, потому что, как часто посмеивается Гам, "они в отчаянии". Некоторые из них даже сами оплачивают свою поездку в Москву, чему Гам несказанно радуется, поскольку он получает секс практически бесплатно. После этого он отправляет девушку до-

## ГАДКИЙ АМЕРИКАНЕЦ

стабильность, позволяющую им продолжать безрадостное существование. Называемые сегодня проститутками, еще вчера они сияли таинственной радостью женственности и оптимизмом мечты о прекрасном принце, о любви, о детях и о счастье. Теперь они действуют с холодным расчетливым умением бизнесменов в рыночной системе - никому не доверяя и требуя предоплаты. Кто может их в этом винить? Цинизм - их единственная защита от обмана в экономической системе, где мошенник выигрывает, а доверчивый остается в проигрыше.

Как ни грустен факт существования таких разрушенных жизней, есть и другие девушки, быть может, более заслуживающие сочувствия, поскольку они все еще доверчивы, все еще верят, что судьба, с небольшой помощью с их стороны, превратит их девичьи мечты в реальность. В их сердцах жива надежда до тех пор, пока хищный американский бизнесмен не изнасилует их юное тело, растопчет душу, сломает веру и бросит их - сгорающих со стыда, использованных, циничных. Таких девушек мы в Америке называем "невеста по каталогу". Обладая лишь силой своих тел, души и надежд, они публикуют объявления о поиске американского мужа, поскольку они в отчаянии. Никто из них не хочет стать "бизнесменкой", так же как ни одна не согласна иметь мужа-пьяницу, который издевается над ней. Каждая хочет встретить мужчину, который будет хорошо к ней относиться, обращаться с ней как с женщиной, а она взамен подарит ему свою самую главную драгоценность - свое сердце. Эти девушки не требуют больше, чем заслуживает любая русская женщина, но часто они несправедливо получают совершенно иное.

Русские девушки, которые ищут американского мужа, помещают объявления в специальных каталогах. В капиталисти-

ным американским бизнесменам. К тем, кто настолько не чувствует уверенности в себе, что в каждом деле им нужно доказывать самим себе свое превосходство над другими, менее удачливыми. Такой американец обманом легко склоняет девушку к плотским утехам, врет ей про свое намерение жениться, чем убеждает русскую девушку в том, что ее мечты могут стать реальностью, если она сейчас ему отдастся.

Именно так один мой бывший знакомый использует русских девушек, а когда наскучат - выбрасывает прочь.

Назовем его "Гадким Американцем" - Гамом для краткости. Гам раз-



вивает двустороннюю атаку в своих попытках склонить к постели многих русских девушек с наименьшими затратами для себя. Гам работает в Москве в крупной американской фирме, что обеспечивает ему хорошую зарплату и шикарную квартиру. Несмотря на это Гам жаждет, поэтому он держится подальше от проституток, которых, как ему известно, сложно обмануть. Вместо этого он прибегает к стратегии сбережения денег, заключающейся, во-первых, в том, что он знакомится с девушками из числа невест по каталогу. Он говорит им, что приехал в Россию, чтобы найти русскую жену, что, естественно, неправда. Он также сообщает им, что он получает хорошие деньги в американской фирме, что у него в Москве прекрасная квартира и что он хочет познакомиться с ними поближе, то есть - познакомиться поближе с их телами. Он предлагает девушке при-

мой и переключается на следующую.

Второй способ атаковать русских девушек, используемый Гамом, - посещение дешевых московских баров, куда русские девушки приходят в надежде встретить будущего американского мужа. Снова Гам обманом заставляет девушку поверить, что у нее есть все шансы стать его женой. Для Гама это проще, чем подстрелить утку, сидящую в клетке. Проще, поскольку таким отчаявшимся девушкам не остается ничего другого, как верить таким, как Гам. И опять же это гораздо дешевле, чем проститутка.

Гам наслаждается жизнью, он считает Москву прекрасным местом, и большую часть времени Гам смеется. Но смеются ли обманутые им русские девушки? Что они чувствуют, когда понимают, что он просто обманом склонил их к сексу? Что в конце концов происходит с их девичьими грезами и какой же горечью наполняются их сердца? То, что делает Гам, - преступление. Он похищает, насилует, рвет дух невинности и надежды. И не он один. Из-за невообразимо сложной экономической ситуации многие порядочные русские девушки вовлекаются в скрытую форму проституции, за которую им даже не платят. Процветающая экономика Америки спасает многих американских девушек от подобного положения, поэтому-то Гам и приехал сюда. Когда-то в прошлом в России империалиста наподобие Гама наказали бы, возможно заставив провести остаток жизни певцом в хоре кастратов. Но сегодня он, смеясь, идет по жизни и по жизням русских девушек.

РОЙ ДЕН ХОЛЛАНДЕР,  
американец, юрист,  
специалист  
в области инвестиционной  
банковской сферы



## **Nomenklatura Looters**

So what caused Russia's economic collapse—theft, in one form or another. Russian government officials and their business partners used foreign and domestic wealth not for investment to grow the economy, but to grow their overseas bank accounts.

Unlike capitalist systems, the Russian government continues to own large portions of major businesses, sometimes as high as 51%, years after the much ballyhooed privatization process run by Anthony Chubias. Privatization simply allowed a number of well connected individuals to obtain significant ownership interests alongside the usually larger government share. Together, the two groups exercise dictatorial control over the assets, finances and management of key companies, which are usually huge monopolies.

Most of the monopolies receive subsidies from the federal, regional and local governments in the form of credits and tax breaks. The tax breaks are of a curious type: the government just does not enforce collection. Besides government subsidies, a monopoly's capital comes from sales revenues and often a lot of bartered goods. Around 70% of Russia's gross domestic product is barter.

In order to funnel off a monopoly's wealth, its owners set up a number of closed corporations to act as middlemen for obtaining the company's inputs and selling its outputs, including the barter goods. When a monopoly purchases inputs, it pays an exorbitant price to the middleman. When the monopoly sells its products or goods obtained through barter, the middleman pays the monopoly's cost or creates an account payable that is often never paid, then sells the goods at the higher market price. It is no accident that the rewards from such a business scheme accrue to the middlemen. For those companies are owned by the monopoly's executives, the government bureaucrats that oversee a particular industry, and the businessmen, or oligarchs, that acquired an ownership interest in the monopoly through the privatization process. Since the oligarchs paid fire sale prices for their shares, they can make much more looting a monopoly than turning it around.

The people handling the day-to-day operations of the various middlemen corporations are all those 20 and 30 year old guys who are always bragging about being successful multimillionaire and billionaire businessmen. These cellular phone Russians are not entrepreneurs but the beneficiaries of simple nepotism. They are the relatives and family friends of the old nomenklatura. That good old boy and girl communist network that ran the Soviet Union into the ground and remained in tact after it collapsed. Today's Russian yuppies continue to pretend to be the new power in the country, but, in fact, they are only fronts for the old line bureaucrats and former communists who still run the show.

Russia's businessmen and bureaucrats (perhaps the terms should be collapsed into bizcrats) invest their looted gains overseas at the rate of \$12 to \$15 billion a year. When a significant amount of the capital that flows into or that exists within an economy leaves without being invested in the creation of wealth, that economy is never going anywhere.

And when foreign and domestic momentum investors realized new capital was not continuing to flow into Russia to buoy the stock and government bond markets, they cashed in their investments and went overseas causing the inevitable and repetitive financial collapses that occur in economies with endemic corruption.

## **Follow the Money**

In 1973 when two American reporters investigating Richard Nixon could not figure out the intricacies of Nixon's shady dealings, their confidential source told them to "follow the money". That was good advice then as now to understand the recent devaluation, so let's follow the money from the International Monetary Fund to see what it reveals.

So far the IMF has lent the Russian Government \$4.8 billion of a \$22.6 billion financing package in which the IMF is the main lender. Now, if you had billions of dollars, would you lend it to your government? If you had thousands of dollars, would you lend it to the government? Probably not. The men at the IMF are just as smart as you. They know, as you all do, the problems with the government and this economy. So why did they lend the money? One reason is that it is not their money. The money comes from other governments, mainly the United States, which in turn acquires the money from its citizens and corporations. In the US, unlike here, virtually every working person and corporation pays income taxes. In fact, most of the US Government's revenues come from income taxes. In effect, the US government reaches into the pockets of its workers and businesses and sends billions of dollars to the IMF.

The IMF then sends these billions of dollars to the Central Bank of a country like Russia when it appears that Central Bank may run out of hard currency. The IMF refills the Central Bank's coffers in order to prevent wealthy, foreign financial institutions, such as investment banks, from losing money on their investments caused by a devaluation of the local currency. For example, when American investment banks bought securities in Russia, say debt issued by the government, they had to change dollars into rubles. Think of them as having paid, for instance, \$1 to get 6 rubles. Investors then bought securities with their rubles because debt instruments, stocks and other securities in Russia are sold for rubles, not dollars.

When investors believe, for various reasons, that the price of stocks, bonds and other securities will go up in Russia, they change lots of dollars into lots of rubles and buy lots of securities. When they believe that prices will go down, for various reasons, they sell their securities, which causes prices to go down, and take the rubles from the sales to a bank to get dollars. The bank may pay the dollars from its own pockets or sell the rubles for dollars provided by the Central Bank. The Russian banks pay dollars for rubles because months earlier they entered into contracts agreeing to make such payments. The American investor then sends his dollars home for investment after having made a nice profit.

In 1996 and 1997, wealthy American and other foreign financial institutions paid billions in hard currency for rubles in order to buy Russian securities, which helped the markets go up. But then some of these investors became worried, for various reasons, or simply decided to sell at the high prices for a gain. As they sold, the market prices began to drop because there were more sellers than buyers. When these wealthy investors started taking their rubles to the banks to get dollars, the banks' dollar accounts began to shrink,

so the banks exchanged rubles for dollars from the Central Bank. Naturally, the Central Bank's amount of dollars started falling.

Other investors then began to fear that when they sold their Russian securities or when their Russian Government bonds matured there might be so few dollars left with the banks and the Central Bank that, despite bank agreements, the banks would pay fewer dollars for rubles. That is, when investors took their rubles to the banks to buy dollars, the banks would not give them \$1 for 6 rubles, but \$0.66 or \$0.33 or some other rate for 6 rubles. So an investor who put in \$1 million and made a \$200 thousand profit would only receive back \$800 thousand or \$400 thousand—a big, big lose.

All of this has happened over a period of time because it takes time for many large investors to leave a market. Most large investors reduced their ruble investments and transferred into dollars or dollar investments before the devaluation. The ruble was devalued because these investors could then make money from the devaluation instead of losing money, which would have happened if the ruble was devalued earlier.

Foreign financial institutions were not the only ones who played this game. The large Russian commercial banks, such as those controlled by the famous oligarchs, also benefit from the IMF loans. They too invested in the markets, needed time to pull out and change their rubles into dollars provided, in part, by the IMF.

The oligarchs' banks also received another benefit from the IMF loans. As previously mentioned, when foreign investors initially paid dollars for rubles, Russian banks agreed to buy those rubles back at a future date with a certain amount of dollars, probably around \$1 for 6 rubles. Without the IMF loans, Russia's Central Bank would not have had enough dollars to keep the ruble from falling in value before the rubles were bought back and the banks had time to change those rubles into dollars. To maintain the ruble's value, the Central Bank used its dollars to buy rubles in the market. This kept a balance between the amount of rubles bought and the amount sold, so the value did not decline before the banks wanted it to.

An earlier fall in the value of the ruble would have hurt the banks because were the banks to live up to their contracts and sell, for example, \$1 for 6 rubles, those six rubles would only be able to buy perhaps \$0.66 or even \$0.33—a big, big lose and possibly bankruptcy for the oligarchs. On the other hand, the banks could have defaulted on their contracts. However, many Russian banks received dollar loans from Western institutions and these institutions would have demanded payment that the banks could not have made because they did not have the dollars. Either way, the banks would have gone under financially. To prevent the oligarchs and other large banks from violating their agreements with foreign investors and from going bankrupt, the IMF quickly agreed to a loan package for Russia's Government.

So, the money lent to your government by the IMF came from Western taxpayers and flowed into the pockets of wealthy foreign and Russian financial institutions. Who then is going to pay it back—YOU ARE, whether in new taxes, increased tax collection,

unemployment or a devalued ruble. You are going to pay, just as Western taxpayers paid.

5/92

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KEY REGULATIONS FOR A FAIR ECONOMY

*Dear Sir:*

I have enclosed an overview of some key American laws that regulate business activities in the United States. The laws are grouped in five categories: Environmental Protection, Trade Regulation, Securities Regulation, Consumer Protection and Employment. In each category, I have summarized the laws, the present deficiencies or loopholes in each law and why they were enacted.

The reason for loopholes in American business regulation is to secure the wealth and power of a relatively small number of families by permitting profits to be maximized as much as is socially acceptable. Since all business regulations in America have been enacted in an environment in which a small number of families control vast amounts of wealth, these families have been able to dilute the effectiveness of all regulations, even in the face of public outrage over some abhorrent event caused by industry's pursuit of the maximization of profits.

The vast concentration of wealth achieved in America's previous free market of the nineteenth century and its

subsequent ineffectively regulated market of the twentieth century has resulted in 1% of American households owning approximately 34% of all the wealth in the United States while at the same time owning approximately 45% of all the financial wealth (securities, bonds, etc.). In comparison, the middle class, which comprises about 40% of America's families, owns a little over 10% of the wealth, and the poorest 40% owns virtually nothing.

The flaw in America over the years and today differs only in degree with the flaw in your country before the August coup and the potential danger for your country since the coup -- so many have too little because so few have too much. America has its group of families, who through their wealth, exercise a disproportionate influence over the political, economic and social life of the public; the Soviet Union had the Communist Party which did the same in your country. Now, however, for your country there is a transition: the former rulers and managers are trying to regain their position of influence and privilege by becoming wealthy. In other words, it appears that some persons in your country seek to create through a free market a small group of wealthy families that will rule Russia as a shadow government, just as a relatively small number of wealthy families run America.

The vast concentration of wealth, and therefore power, in relatively few hands can be mitigated with certain laws which at the same time do not destroy incentive, innovation or the ambition to achieve material well being. For example, an upper limit on the net worth for all households would avoid high concentrations of wealth and distribute your nation's wealth more equitably; however, it would not destroy incentive as does an economic system which guarantees certain minimum payments regardless of productivity. A net worth limit of one million or two million U.S. dollars per household should provide more than enough incentive for persons (now owning

virtually nothing) to take risks, use their ingenuity and work long hours for the material rewards of success. Once a successful businessman, professional or any other worker reaches the net worth limit, he may retire with his wealth or continue working without material rewards but still earning all the psychological benefits that come from exercising his talents and knowledge. The limit on net worth would make it possible for many more persons to participate in and contribute to the creation of wealth in your country, avoid the growth of a monied ruling class and still offer material incentives to inventors, innovators and hard workers.

Other regulations, besides a net worth limit, can also contribute to an equitable distribution of wealth, material well-being and a safe environment for your people providing the loopholes are avoided. The following are some of the key laws enacted in America with the publicized purpose of ensuring an equitable economy that creates material well-being for most its citizens within a safe environment. The reality of course is much different — the laws provide effective propaganda but ineffective regulation because of loopholes and lax enforcement. America's market, while no longer free, is still unfair.

#### 1. ENVIRONMENTAL PROTECTION

Before 1970 Federal environmental protection efforts were scattered among numerous agencies. The two key programs were air and water pollution control, both of which were dismal failures. The air pollution program, for example, had failed to divide the country into air quality regions, had dealt with only two pollutants and failed to approve any state air quality plan — regardless of effectiveness.



In 1970 all pollution control efforts were consolidated under a new agency, titled the Environmental Protection Agency (the "E.P.A."). Also in 1970, amendments to the Clean Air Act required a 90 percent reduction in automobile emissions by 1975 (in subsequent legislation the automobile industry was able to weaken and delay these emission standards), ordered the E.P.A. to establish national ambient air quality standards, required states to produce air pollution control plans by 1975 that met Federal air pollution standards and allowed citizens to sue the E.P.A. for failure to enforce the law.

Amendments to the Federal Water Pollution Control Act in 1972 required industry to use the best practical technology for water pollution control by 1977 and the best available technology by 1983 and established as goals of the E.P.A. for the 1980's: fishable and swimmable waters and zero discharges of insufficiently treated wastes into America's waterways.

The major deficiency with these and other environmental regulations is lenient enforcement. Violations of pollution standards are rarely detected. An American firm might be visited once a year by a pollution inspector. Furthermore, pollution standards are often violated, and the violators are not adequately punished. In 1983, 82 percent of discharges violated the regulations. Since the E.P.A. maintains a low level of enforcement and rarely takes polluters to court, polluters find it more profitable to pollute than to adhere to environmental standards.

The reasons the clean air and clean water amendments were enacted were a series of events that outraged the American public. In the late 1960's an oil well off the coast of Santa Barbara, California, burst, and 20,000 gallons of crude oil washed up on the beach. Also the Cuyahoga River in Ohio was so polluted that it caught fire.

## 2. TRADE REGULATION

The law of trade regulation attempts to assure fair competition among businesses because it is in the public interest that quality, price and service in an open and competitive market for goods and services be the determining factors in the business rivalry for the customer's dollar. There are two main areas of trade regulation laws: antitrust and unfair competition.

The purpose of antitrust laws are to preserve or establish a competitive market, so no single buyer or seller, or groups of buyers or sellers, can control the price of goods or services solely by their actions. In a market where companies are allowed to collude, prices can be fixed, markets divided and boycotts executed in order to exploit more money from consumers. In a monopoly market, where there is only one seller of an item, that seller can limit production and, thus, raise the price a consumer pays. On the other hand, in a competitive market, price is set by supply and demand.

Section I of the Sherman Antitrust Act prohibits agreements between companies that restrain trade. There are three key restraints on trade that are prohibited under Section 1.

The first is price fixing, which is an agreement to affect or inhibit price competition. The prohibition covers agreements between sellers to establish maximum or minimum prices at which certain commodities or services are offered for sale, agreements between sellers to change prices of goods or services simultaneously or to fix the price at which its purchasers must resell its product.

The second prohibition is market allocation or division whereby competitors agree not to compete with each other in specific markets, which may be defined by geographic area, type of customer or class of product.

The third prohibition is a boycott, which is an agreement among competitors not to deal with a supplier or customer. An example would be where General Electric, Whirlpool and Frigidaire (competing manufacturers) agree not to deal with any wholesaler of their products who does not follow their pricing policy.

The problems or loopholes in Section I of Sherman Act include inadequate penalties for violating the law. The fines for engaging in any of the prescribed acts are trivial compared with the profits made from the violations. For example, the average price fixing fine in the 1960's was 0.21 percent of the sales involved. In addition, prison sentences average only a few months. A businessman would logically conclude that the gains from violating the law far exceed the penalties, even if, he was unlucky enough to be caught.

Another loophole in Section I is that intent to fix prices, divide markets or boycott has to be proven in court along with the fact that two or more businesses agreed to engage in such activities. Intent and agreements entered into in secret are very difficult to prove. This problem could be corrected by only requiring the result of business actions to be proved. If prices appeared fixed, markets appeared divided or boycotts to exist, then that would be sufficient for a conviction.

Another <sup>e</sup> deficiency in Section I is that consumers are not allowed to sue companies violating the law. This is ironic since the purpose of the law is to protect consumers.

Section 2 of the Sherman Act prohibits the unfair attainment of monopoly power or the abusive use of that power once attained. It does not prohibit all monopolies, even though, the economic reason for the law was to prevent a monopolist from using its power to produce fewer goods at a higher price. Two loopholes are that violation of Section 2 requires proving in court a company intended to monopolize,

which is very difficult, and the penalties for firms convicted under Section 2 have been inadequate. The appropriate remedy for monopolization is divestiture; however, from 1890 to 1974 the U.S. government has obtained substantial divestiture in only 23% of all the cases it won. One possible solution to the law's inadequacy is to make all monopolies illegal and require divestiture when the government wins a case.

The Sherman Antitrust Act, enacted in 1890, grew out of an era of free markets in the late 1800's that made possible the growth of large corporations (trusts) which exercised unprecedented power over many markets. The American Sugar Refining Company controlled 98% of its market, Standard Oil controlled 80% of its market, American Tobacco - 93%, U.S. Steel - 66%, Aluminum Company of America - 90%, and there were other large corporations controlling their respective markets, such as International Harvester and Nabisco. There were also trusts in the markets of leather, rope, buttons, glue, wallpaper, starch and salt. Consumers, small businessmen and farmers were forced to pay exorbitant prices for necessary goods because of the lack of competition in these markets. Initially, the states passed laws against trusts, and then the federal government passed the Sherman Act. Senator John Sherman said, "If we will not endure a King as a political power, we should not endure a King over production and transportation and the sale of the necessities of life."

#### UNFAIR COMPETITION

The purpose of the law of unfair competition is to prevent businesses from taking unfair advantage of their competitors. The law prohibits the unauthorized use of trade secrets, trade symbols, copyrights and patents. A business would be unlikely to invest resources in research and

development unless its inventions, discoveries and processes were protected by patents and trade secrets. Additionally, a business would not devote time and money to marketing its goods or services if its trade symbols were not protected. Furthermore, without copyright protection, the publishing, entertainment and computer software industries would be vulnerable to having their efforts pirated by competitors.

A trade secret is information that is commercially valuable, guarded from disclosure and not common knowledge. Trade secrets may include a list of customers and contracts with suppliers. The law is violated when another person discovers a trade secret by a means other than independent research or inspection of the finished product.

Trade symbols are protected under the Federal Lanham Act, which prohibits one business from passing off its goods or services as the goods or services of another business by using the other business' trade symbol. In America, a business can register its trade symbol with the Federal Government, which is the easiest way to prove ownership and the exclusive right to use that symbol.

Federal law provides protection to authors of original works under the Copyright Act. Protected works include literary, musical, dramatic, pantomimes, choreographic, pictorial, graphic, sculptural, motion picture, audio visual and sound recordings. The law is violated when someone uses another's copyrighted work without the owner's permission.

A patent is a grant by the Federal government of monopoly right to an inventor to exclusively make, use or sell his invention for a period of 17 years. A process, machine, manufactured object or composition of matter may be patentable if it is novel, useful and not obvious. The law is violated whenever someone makes, uses or sells a patented invention without permission of the patent holder.

The laws of unfair competition do not have significant



loopholes because their main purpose is to protect businesses and, therefore, profits.

### 3. SECURITIES REGULATION

The primary purpose of Federal securities regulation is to prevent fraudulent practices in the sale and purchase of securities and thereby foster public confidence in the securities markets. There are two main statutes: the Securities Act of 1933, which focuses on the issuing of securities, and the Securities Exchange Act of 1934, which regulates the trading (buying and selling) of already issued securities. The 1933 Act has two main objectives: (1) to provide investors with necessary information concerning securities newly offered for sale to the public, and (2) to prohibit misrepresentation, deceit and other fraudulent acts and practices in the sale of newly issued securities. The 1934 Act's provisions (1) require most publicly held companies to register with the government and submit periodic reports, (2) prohibits the use of fraud in selling or buying securities, (3) prohibits the directors, officers, employees and others from using information not available to the general public in buying or selling securities (insider trading) and (4) regulates proxy solicitations and tender offers.

The 1933 and 1934 Acts fail to regulate a number of securities sold to the public and the fines are small compared to the millions to be made in violating the acts. In addition, the maximum five year prison term provided for under the Acts is rarely imposed.

Both the 1933 and 1934 Acts were passed in response to the American stock market crash in 1929 and the ensuing depression. During the late 1920s, there was a frenzy of activity on Wall Street. Stock prices continued to rise, and

nearly everyone was borrowing money to buy stocks advertised as being investments in credit worthy companies. In reality many of the stocks were worthless. Their prices kept rising because of market manipulation by brokers, traders and the companies themselves, officers and directors of such companies knew of their firm's tenuous finances, so they sold their shares to unsuspecting members of the public. As the stock market reached unprecedented highs, many corporate executives, even of stable companies, acted on information they possessed but the public did not and sold their shares. With the stock market crash and resulting depression, many of the fraudulent schemes used to lure an unsuspecting public into buying stock were exposed. The resulting scandals shocked America's confidence in a free and orderly stock market. To restore the public's confidence that the stock market would no longer be a predatory but a fair market, the 1933 and 1934 Acts were passed.

As stated above the trivial sanctions of the acts have not created a completely fair market. Listed below is a chronology of some insider trading for 1986-87. These are clear examples that the two acts and subsequent law have not been effective in deterring fraud on Wall Street.

May 12, 1986 SEC charges Dennis Levine of Drexel Burnham Lambert with making \$12.6 million since mid-1980 from insider trading. SEC also names as defendant Bernhard Meier, Mr. Levine's broker at Bank Leu International in Nassau.

May 13, 1986 Mr. Levine is arrested and charged with obstructing justice for attempting to destroy records. He is released on a \$5 million bond.

June 5, 1986 Mr. Levine pleads guilty to four felony charges and agrees to cooperate with the government in its investigation. Settling civil insider-trading charges, he agrees to pay \$11.6 million.

July 1, 1986 SEC charges Robert Wilkis and Ira Sokolow, former investment bankers at Lazard Freres and Shearson Lehman Brothers, with exchanging confidential information with Mr. Levine. They settle with SEC. Mr. Wilkis allegedly made about \$3 million from insider trading. Mr. Sokolow agreed to give up \$120,000 in profits.

July 3, 1986 David Brown, investment banker at Goldman Sachs, resigns amid SEC investigation.

July 14, 1986 Ilan Reich, takeover lawyer at Wachtell, Lipton, Rosen & Katz, resigns amid government investigation.

August 19, 1986 Litton Industries Inc. sues Shearson Lehman and Mr. Levine, charging that Mr. Levine's insider trading made Litton pay more than necessary to take over Itek Corp. Suit seeks \$30 million in damages.

Sept. 4, 1986 Mr. Sokolow and Mr. Brown plead guilty to criminal charges of passing stolen information to Mr. Levine.

Oct. 3, 1986 Mr. Reich is indicted by federal grand jury in the Levine case.

Oct. 9, 1986 Mr. Reich pleads guilty to two criminal counts for his role in the Levine case. Mr. Brown agrees to pay \$145,790 to the SEC.

Nov. 6, 1986 Mr. Sokolow is sentenced to a year and a day in prison for his role in the Levine case.

Nov. 14, 1986 Ivan Boesky agrees to pay \$100 million penalty for trading on insider information supplied by Mr. Levine from Feb. 1985 to Feb. 1986; agrees to plead guilty to unspecified criminal charges. (Boesky made over \$1 billion from his activities.)

Nov. 18-19, 1986 Drexel is identified as being under investigation for possible securities law violations in connection with the Boesky probe.

Dec. 18, 1986 FMC Corp., in a lawsuit similar to Litton Industries', accuses Mr. Boesky and others with inflating the cost of the company's recapitalization plan.



Dec. 23, 1986 Mr. Wilkins pleads guilty to four felony counts for his key role in the Levine case; Randall D. Cecola, formerly a junior financial analyst at Lazard, pleads guilty to two count of filing false tax returns and settles SEC charges of participating in the Levine scheme.

Jan. 12, 1987 Mr. Brown sentenced to 30 days in prison on weekends and fined \$10,000.

Jan. 23, 1987 Mr. Reich sentenced to a year in prison.

Jan. 28, 1987 Michael Davidoff, former head trader for Mr. Boesky, pleads guilty to one count of securities fraud for violating capital requirements at Mr. Boesky's firm. Mr. Davidoff, who had close contacts with many Wall Street traders, agrees to cooperate with the goverment.

Feb. 9, 1987 Mr. Wilkins sentenced to a year and a day in prison.

Feb. 10, 1987 Mr. Cecola sentenced to six years' probation.

Feb. 11-12, 1987 Three top Wall Street figures--Robert M. Freeman, a Goldman Sachs partner; Timothy L. Tabor, a former official at Kidder Peabody and Merrill Lynch; and Richard Wigton, a Kidder vice presidentarrested and charged with an information-swapping conspiracy that allegedly made Kidder millions of dollars in illegal profits. Mr. Freeman was also charged with trading for his own account on the information.

#### 4. CONSUMER PROTECTION

In 1914 Congress enacted the Federal Trade Commision Act that created the Federal Trade Commission (the "F.T.C."). Among some of the commission's purposes were to protect the consumer from false and misleading advertising, false and misleading descriptive names of products and false or inadequate labeling of products. Much of the F.T.C.'s history,

however, has been one of favoring business over the consumer, whom the F.T.C. was suppose to protect. One period of exception occurred in the 1970's when the F.T.C. pursued aggressive consumer protection policies. With the election of Ronald Reagan, however, the F.T.C. dropped 25% of its pending cases against businesses and discontinued studies into over-the-counter drug advertising and automobile insurance. Under the Reagan administration, the F.T.C. became pro-business at the expense of the consumer. A graphic example was the "survival suit" case. Hundreds of survival suits had been sold to the Federal government and private buyers to save persons involved in ocean accidents. The suits leaked and people drowned instead of being saved. To repair the suits would have cost no more than a few cents per suit. The F.T.C. decided not to order a recall of the suits for repair. Its reasoning was that the free market would handle the problem because relatives of drowning victims would sue the manufacturer for damages, and the manufacturer would then recall the suits for repairs.

Historically, the enactment of consumer protection laws in the U.S.A. have often been delayed. The Industrial Revolution in America in the late 1800's resulted in a rapid growth in consumer products. False advertising of products was common, the addition of harmful substances to foods was common and medicines were mislabeled. It took from the early 1880's until 1906 to enact a Food and Drug law. The reason the law was enacted was because Upton Sinclair published "The Jungle", a book detailing unsafe, unsanitary and unhealthy food produced by the meat packing industry. The book caused such an uproar among the public that President Teddy Roosevelt was forced to have legislation passed. The problem with the law was that it only listed certain substances that could not be added to foods. The food industry quickly switched to adding other unsafe substances that were not on the list. The

law did require the labeling of dangerous drugs in medicines but such drugs, such as opium, were still allowed to be sold. And the law still did not regulate advertising, that did not happen until 1938.

Despite the passage of the Food and Drug Act in 1906, drugs could still be marketed without testing or government approval. In 1938 the Massengil Corporation marketed without testing a sulfa drug elixir that killed 100 people. The federal government quickly enacted a law requiring government approval of new drugs. Despite the 1938 legislation, drug advertisements were still misleading and numerous drugs were on the market that were of questionable safety and efficacy. In the early 1960's a bill was passed requiring that drugs be proved safe and effective before being marketed. The reason the bill was enacted into law was once again public outrage over birth defects in new born children caused by the drug thalidomide. The pharmaceutical industry still found ways to circumvent the law. Just recently it was learned that some American drug companies had bribed employees of the government to quickly approve some of their drugs as safe and effective.

In the 1970's the government created the Consumer Product Safety Commission to protect consumers from unreasonable risk of injury from hazardous products. Millions persons were injured each year using consumer products, 110,000 permanently disabled and 30,000 killed. During the 1980's the Commission has been ineffective because of staff and budget cuts.

## 5. EMPLOYMENT LAW

In 1932 the Norris-LaGuardia Act prevented Federal courts from issuing injunctions against unions involved in non-violent labor disputes. Before the law's enactment, company owners could prevent a union from picketing or

engaging in otherwise peaceful conduct by simply going to court to get an order (injunction) prohibiting the activity. If the union persisted in its activity, then the participants and union leaders could be jailed indefinitely and fined large amounts.

In 1935 the Wagner Act provided workers the right to self-organization, to form, join and assist labor organizations, to bargain collectively through representatives of their own choosing and to engage in concerted activities for the purpose of collective bargaining or other mutual aid or protection. The act also prohibited employers from interfering with employees' rights to unionize and bargain collectively, dominating a union, discriminating against union members, discriminating against an employee because he has filed charges against an employer and refusing to bargain in good faith with the duly established representatives of the employees.

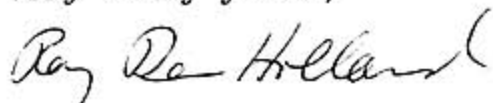
After World War II an irrational fear of communism and the Soviet Union swept America. Business interests used the "red scare" to rescind many of labor's rights guaranteed under prior laws by accusing unions of being pro-communist. In 1947 the Taft-Hartley Act passed Congress. Among other provisions, the act prohibited closed shops, which required an employer to hire only union members; disallowed a union to boycott, strike or picket an employer with whom a union had no labor dispute in order to persuade that employer to cease doing business with the company that was the target of the labor dispute. In addition, the act reinstated Federal Courts with the power to issue injunctions prohibiting non-violent union activities. The Taft-Hartley act has had a major negative impact on organized labor. Although not the sole reason, it is a major reason for the decline of the number of unionized workers from 25% of the work force in 1950 to 13% today.

The preceding is just a cursory overview of some business

regulations in America, but the general theme holds true for other regulations as well. Regulations are enacted after long delays and usually only when some event or series of events create a public outrage. The regulations then enacted usually have loopholes or deficiencies or are ineffectively enforced because approximately 1% of America's families have the wealth and thereby the power necessary to control legislation for the long term benefit of their profits. If similiar regulations were enacted in Russia without the loopholes your country would be far along the path to a fair market.

I hope this has been helpful. If I can be of any further assistance, please do not hesitate to contact me.

*Very truly yours,*

A handwritten signature in cursive script, reading "Roy Den Hollander". The signature is written in dark ink and is positioned above the typed name.

ROY DEN HOLLANDER, ESQUIRE

## SUCCESSFUL PRIVATIZATION REQUIRES DIVESTITURE

The current Government privatization program transforms state-owned monopolies operated by the *bolshaya shyshka* (old line directors and chief engineers) into privately or publicly-owned monopolies operated by the same *bolshaya shyshka*. A distinction without a difference.

Some state-owned monopolies have directors and chief engineers that can function as businessmen rather than "biscrats" (bureaucrats who are businessmen in name only). Many, however, lack initiative and lack the ability to make decisions, to motivate workers, to plan ahead and solve problems.

The continuation of an enterprise under the leadership of many of today's directors and chief engineers, even in a quasi market economy, will end in wide spread bankruptcies. Witness 1992, when enterprise directors exercised their political power to increase Central Bank credits and exploited their "good ol' boy" (former Communist comrade) network to obtain no interest loans from fellow enterprise bosses just to continue producing ever decreasing amounts of goods.

Enterprise directors and chief engineers, like American corporate executives, will probably not relinquish the power, status and wealth of their positions without a push and compensation (often called a "golden parachute"). The golden parachute can consist of an attractive retirement pension funded by the government and the privatized enterprise and ownership shares in the enterprise.

The push may come from the realization, already apparent, that the monopolies they lead need government subsidies in order to survive. But the Government does not have enough money, even in depreciated rubles, to provide what monopolies need to pay workers, suppliers and maintain production, let alone increase it. Workers and suppliers with less money buy less and demand decreases. Not even phantom credits (credits not backed by value) and an overactive printing press can replace the value lost when



production slumps. Approaching failure may convince incompetent directors and chief engineers or provide them with no choice but to turn over leadership to the younger (generally in their 30s and 40s) middle level managers who still have the drive and receptivity to learn a new way of doing business.

Waiting for the failure of incompetent directors and chief engineers will result in higher inflation and lower production. A situation called "stagflation" (a stagnant economy with high inflation). Unable to meet its peoples' needs, Russia's only alternative, other than a new dictatorship, will be to borrow even more heavily from Western nations. Use the funds to buy needed imports and sell its natural resources in order to earn hard currency with which to service its debt. A situation fully agreeable to Western businesses, since they will then have another source of cheap raw materials and another market for their manufactured products. Russia will serve the same economic purpose as Latin America, Africa and parts of Asia.

Russia can take a step towards avoiding stagflation if many of the old comrades running state enterprises accept a golden parachute to retire comfortably to their dachas or agree to compromise and run a spin-off of a privatized monopoly. Large American conglomerates, corporations running many different businesses, have often found it more profitable to sell, that is, spin-off some of their businesses and allow their middle level managers to become the directors of a newly spun-off independent business. This allows the new enterprise to concentrate on making one business profitable.

A Russian state-owned or privatized monopoly consists of many different businesses because of horizontal and vertical integration and the provision of ancillary (social, municipal, retail, etc.) goods and services to its workers and town's people. Horizontal integration means few, if any, other enterprises sell the same goods and services within a region. Vertical integration means the monopoly runs all or many of the operations from extracting raw materials to marketing the finished product to consumers. Ancillary goods and services often include construction and management of apartments and rest homes for workers, manufacturing of furniture and other consumer goods, selling consumer goods, construction of roadways and transportation systems, provision of utilities, etc.

Divesting Russia's monopolies into their constituent businesses will provide old line directors and chief engineers with a business to operate and will provide the younger,

middle level managers with businesses to operate that they are most familiar with and therefore most likely to operate successfully.

Divesting or spinning-off a monopoly's constituent businesses will also stimulate competition. Since many of Russia's monopolies engage in ancillary production and servicing, the spinning-off of these businesses by all the monopolies will create a marketplace with different independent organizations providing the same types of goods and services. Divesting the vertically integrated businesses will have the same effect by creating many independent extractors of raw materials, processors of raw materials, distributors and suppliers of raw materials and processed raw materials, distributors of finished goods and retailers of finished goods. The divestiture of monopolies, however, will still leave horizontally integrated enterprises producing a finished product such as cars. But after its divestiture of vertically integrated and ancillary businesses, the horizontally integrated enterprise producing the finished product will have significantly less market power to prevent entrepreneurs from successfully starting their own competing production of a particular finished good.

Besides accommodating old line directors and middle level managers with enterprises they can run, divestiture serves a more important function: the efficient allocation of resources through competition. Efficient allocation means resources, all of which are limited, are used to satisfy the wants of people at the least possible cost. Monopolies do not allocate resources efficiently. In a competitive market, competition will force the price of a good or service down to the point where it equals the cost of production plus a reasonable return. In a monopolized market, the price will stabilize at a point higher than this; there will be a monopoly profit. So a competitive market will provide goods and services desired by consumers at a lower cost than a monopolistic market; that is, a competitive market will allocate resources efficiently -- a monopoly market will not.

In a competitive market, every buyer who is willing to pay the competitive price of a product or service in order to obtain it will be able to do so because the product or service sells at their cost. In the monopolized market, the only buyers who obtain the same product or service are those ready to pay in excess of the competitive price. Those who would pay amounts equal to or higher than the competitive price, though not the full monopoly price, must substitute other products. Today, the wants of most Russians either go unsatisfied or partially satisfied because most Russians cannot afford to pay the monopoly price for many products and services.



Other reasons for a marketplace with many competing enterprises include:

- decentralization of economic power (economic democracy), reduction of the range within which private discretion may be exercised in matters that effect the welfare of others and increase opportunity for more people to exercise entrepreneurial talents.

A couple of examples of quasi-divestiture in Russia include the Kalinin factory in Yekaterinburg and the Leninets plant in St. Petersburg. Kalinin, a former producer of launchers and fuel systems for SS missiles, split up into units producing timber-felling equipment, tractors, food-processing and industrial-refrigeration plants. The Leninets plant, which produces avionics for Migs, divided into 117 business units. The problem with these two examples is they still maintain a central control over all the separated units. True divestiture necessary for competition to efficiently allocate resources requires independent enterprises free from the anti-competitive dictates of any central control.

A method for divesting Russia's large state-controlled monopolies easily flows from a privatizing scheme that uses worker-manager leveraged buyouts. Under this privatization procedure, workers and managers form a limited partnership that purchases a majority or more of the shares in a state-owned monopoly. The partnership pays for the shares with a debt instrument issued to the Government and collateralized with a mortgage or security interest granted the Government. Citizens and other investors purchase the shares of the enterprise not bought by the limited partnership or the shares above 51% that the partnership decides to sell. To assure divestiture, the Government can refuse to accept a mortgage or security interest or any other method of financing the privatization unless the enterprise agrees to divest once privatized.

Divesting or spinning-off one of the new privatized monopoly's units or businesses would entail issuing shares in the spun-off unit to all the shareholders of the privatized monopoly on a pro rata basis. That is, each shareholder of the privatized monopoly before the spin-off would receive a number of shares in the spun-off unit determined by the number of shares owned in the entire monopoly. This way none of the shareholders would lose any value through divestiture because they would now own a proportional share of the new, spun-off enterprise. The spun-off enterprise would agree to assume its proportional share of the debt issued to the Government and collateralize that debt with a mortgage or security interest in its own assets as a condition for becoming an independent enterprise.

Divesting privatized monopolies will provide old line enterprise bosses with a doable challenge of transforming a discrete part of their former enterprise from a profitless business to a profitable one. It will allow younger middle level managers the opportunity to use their knowledge of a unit of a monopoly to turn it into a profitable, independent enterprise. In addition, Russia's economy will have a betting chance to avoid stagflation and reap the benefits of competition, which means the growth in production of manufactured and agricultural products and services needed for a modern industrial economy.

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**Privileged and Confidential  
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**A STRATEGY TO GENERATE HARD CURRENCY FROM RUSSIA'S FOREIGN  
DEBT AND INCREASE EXPORTS**

**I. The Need for Hard Currency to Stimulate the Production of Goods and Provision of Services for Export.**

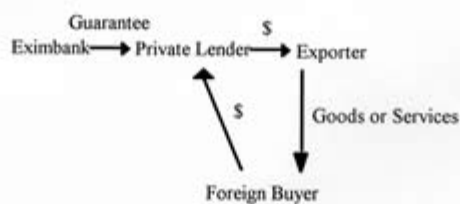
When the United States economy slumped into a recession in 1990 and 1991, American buyers' of goods and services, already heavily in debt and fearing a rise in unemployment as well as a decline in business, drastically reduced their purchases, which left many businesses looking for new customers. In response, the U.S. Administration expanded Government export programs to assist businesses in selling overseas to make up for the decline in sales in America. Today in Russia buyers, which includes consumers, businesses, farms and the government, have also dramatically reduced their purchases. As a result, inventories have increased, production and services continuously decline and people survive on less. If Russia instituted or expanded programs similar to those in the U.S. for stimulating export trade, then the production of goods and provision of services and the flow of hard currency into Russia would increase.

In America, the U.S. Export-Import Bank ("Eximbank") conducts the key programs for facilitating the export of U.S. goods and services. Eximbank helps U.S. exporters secure credit for their foreign buyers. Often private lenders (banks, trading companies, etc.) will not provide financing to a foreign buyer because the perceived risk of non-payment or only partial payment is too high. Eximbank encourages private lenders to extend credit to a foreign buyer by providing a private lender with a guarantee that in the event the foreign buyer does not repay the private lender, Eximbank will. While the foreign buyer repays

the loan over a period of time, the actual dollars provided by the private lender are paid directly to the exporter and not the foreign buyer. This way the exporter is assured of obtaining payment for the goods or services it provides a foreign buyer. Only Eximbank has to worry whether the foreign buyer repays the loan. Under another program, Eximbank provides direct loans for the purchase of American goods by a foreign buyer. Under the direct loan program, Eximbank transfers dollars directly to the U.S. exporter, not the foreign buyer, and then the exporter sends the goods to the foreign buyer. The foreign buyer has to repay Eximbank over a period of time the amount Eximbank paid directly to the exporter plus interest.

Both programs assure the U.S. exporter will obtain value for the goods or services sold overseas. Eximbank ultimately assumes the risk that the foreign buyer will not pay. (In such a case, Eximbank can sue the foreign buyer and alert companies worldwide not to deal with that buyer.) Perhaps a couple of diagrams will help:

#### Guarantee Program



#### Direct Loan Program



Eximbank also provides American exporters with insurance against loss should a foreign buyer default on its obligation to pay the exporter for political or commercial reasons. Many foreign buyers are unwilling to assume a loan obligation under Eximbank's Guarantee or Direct Loan programs because commitment fees and interest payments increase the cost of the goods or services bought or the time to consummate the transaction is so short that a loan or guarantee does not make sense. Under the Insurance program an exporter can ship the goods or provide the services immediately and receive payment later. If the buyer does not pay, then the insurance will

Another crucial Eximbank program for stimulating foreign trade is the Working Capital Program. The program expands U.S. exports by encouraging private lenders to make working capital loans to U.S. businesses for export-related production and marketing activities. Small and medium-sized enterprises are often unable to obtain loans from private lenders needed to produce or market goods or services overseas. (This is especially true in Russia today where small struggling private firms cannot obtain financing because, among other reasons, they do not have the same extensive contacts with commercial bank executives as do large enterprises.) Eximbank will guarantee repayment of a loan provided by a private lender to an exporter when the loan is used to purchase finished goods, materials, services and labor to produce goods or services for current or future export sales, to market export products or services, to participate in trade fairs or conduct other promotional activities aimed at developing new overseas business. All loans, however, must be secured by the exporter's collateral which can be inventory and other goods purchased with the loan or accounts receivable that result from transactions generated by the loan. Under the Working Capital program, the exporter and not the foreign buyer is liable for repayment of the loan.

Eximbank's programs clearly stimulate exports, but since one major aim of Russian exports is to acquire hard currency, a Russian Eximbank that provided similar programs would need hard currency for a Guarantee, Direct Loan, Insurance or Working Capital program. (Section II of this paper will provide a suggestion for obtaining hard currency for a Russian Eximbank's operations.) A Russian enterprise trying to earn hard currency from its exports is unlikely to accept rubles from a Russian Eximbank as payment for its exports but may accept rubles to finance its working capital. Since a Russian Eximbank will have to deal largely in hard currency, Russian exporters must have the right to hold hard currency accounts without having to convert their profits into rubles; otherwise, the safety of using Russian Eximbank financing may not be sufficient to overcome the risk of

present exporting methods that result in exporters keeping hard currency overseas. In addition, the tax system would have to be reformed to eliminate the bias against hard currency income.

In addition to increasing exports, a Russian Eximbank, adequately financed with hard currency, might reduce a further increase in the billions of dollars already placed in offshore accounts by Russian exporters. Some Russian exporters will choose the certainty of payment and financing from a Russian Eximbank rather than the risk of non-payment from a foreign buyer. Since the Russian Eximbank and the private lenders it guarantees pay the Russian exporter directly and then collect from the foreign buyer, these hard currency payments made by the Russian Eximbank will not be secreted in offshore accounts unless the exporter, after receiving the funds in his bank account, requests the bank to transfer the funds overseas. Appropriate banking legislation can keep track of where the money goes, which will probably be an account the exporter has already illegally made deposits into from export revenues.

Furthermore, the export transactions that involve a Russian Eximbank's programs will provide valuable information. Included in this information will be the identity of the importers the Russian exporter deals with. For a Russian exporter to hide funds overseas usually requires the assistance of the importer to set up an account with a financial service company in which the funds are deposited. In America, a financial service company will not set up any account unless provided with an employer identification number ("EIN") that is issued by the U.S. Internal Revenue Service. In addition, a deposit of over \$10,000 in any account will be reported to the U.S. Treasury Department, indicating the depositor and the account name. With the names of importers sold to by Russian exporters who use the Russian Eximbank's program, the U.S. Treasury Department through its agency, the Internal Revenue Service, could discover any accounts set up by the importer where the importer used its EIN or deposited more than \$10,000 into an account that has a different EIN, which might occur where the importer or Russian exporter set up an American corporation in whose name it acquired an EIN in order to set up an account without using the importer's EIN. In the situation where the U.S. importer has agreed to transfer its payment to a bank located outside the U.S. but in a jurisdiction with bank secrecy laws, any transfer of over \$10,000 must still be reported to the U.S. Treasury Department. Of course the U.S. Government would have to agree to provide assistance in tracking down these overseas accounts, but I am sure this could be worked out, providing the Russian Government was serious about repatriating flight capital.

## **II. Generation of Hard Currency for a Russian Eximbank's Operations.**

Russia's recently stated willingness to assume the foreign debt of the former Soviet Union means it will owe official creditors about \$68 billion and private creditors, mainly commercial banks, over \$18 billion (some estimates place the private debt at over \$25 billion) for a total of \$86 billion.

Private creditors include: commercial banks, which are private banks and other private financial institutions; foreign manufacturers, exporters, and other foreign suppliers of goods; and export agencies that provide payment guarantees, loans and insurance. Russia's debt to official creditors includes: multilateral loans that came from international organizations such as the World Bank, regional development banks and the International Monetary Fund ("IMF") and bilateral loans that came from governments, their agencies, autonomous bodies and governmental export credit agencies. For 1992, Russia owed \$20 billion in total debt service but paid only \$2 billion. In 1993, it will owe \$30 billion but estimates it can only pay \$3 billion. Through September 1992, Russian exports totaled \$37.2 billion and imports \$35.5 billion, a surplus of \$1.7 billion: not even enough to offset Russia's payments on its foreign debt for last year. At this rate, Russia will soon deplete itself of hard currency reserves that will leave it without a reliable medium for exchanging value.

Foreign governments and businesses will not accept rubles as payment for necessary goods such as agricultural products (flour, bread and pasta production did not decline in 1992 because of Russia's grain imports) or services such as technical assistance. Without sufficient hard currency, Russian banks and enterprises will no longer be able to store or exchange value through dollars, which will leave a rapidly depreciating ruble as the only medium of exchange, other than barter, for business transactions. A similar situation occurred in Latin America where some countries' savings and investing fell drastically because it made more economic sense to spend currency immediately for tangible goods before the currency's value depreciated further. Without savings or investments, businesses lack capital to finance production and services.

There is a lesson that can be learned from Latin America's debt problem of the 1980's -- simply refuse to pay anymore interest or principal on foreign debt. Such a default by Russia would free up hard currency for the operations of a Russian Eximbank and can

even provide Russia with the opportunity to make money buying and selling its own debt owed to foreign banks.

### III. Economic Opportunities Arising Out of Russia's Default on it Foreign Debt

Once Russia declares it will no longer pay interest or principal on its foreign debt, its economic relations with the West and the rest of the world will not end. Mexico began the Latin American defaults in 1982 when it said it would not be repaying its international bankers for a while. The key phrase is "for a while." Mexico and other Latin American countries did not renounce the debt, they admitted they owed the money but the debt services repayments would be needed to aid their economies and peoples. Mexico, Venezuela, Chile and other countries continued their on-again and off-again talks with private and official creditors in an effort to resolve the debt issue. Then in 1988, the Latin American countries and private creditors (mostly commercial banks) began resolving the default issue through buy backs.

Russia could follow the Latin American pattern by defaulting and then exhibiting a good faith effort to resolve the debt issue but resolve it differently than was done with Latin America in order to assure that any resolution benefits Russia and not just Western governments or commercial banks. Such a policy would ultimately lead to buy backs and other transactions to resolve the debt owed to private creditors. Buy backs and other transactions can be accomplished in the smart way, as presented below, or the foolish way as Latin America did -- foolish for Latin America that is. I want to emphasize that the following solutions apply only to the approximately \$18 or \$25 billion dollars Russia owes commercial banks.

#### Buy Backs: Open Market and Negotiated

There are two major types of buy backs: **open market**, where purchases are made in the secondary market at whatever price the market has placed on the debt, and **negotiated**, where a defaulting country or its representatives would negotiate to purchase some of Russia's debt from commercial banks. In negotiated buy backs, lenders (the commercial banks) agree to concessions so that a country can effectively repurchase its debt at below face value. The old debt is usually repurchased with new debt issued by commercial banks, essentially a restructuring of the old debt.



The secondary market, where open market purchases are made, consists of trading debt securities (new issues, Brady bonds and distressed bank debt) in over the counter markets, primarily in New York and London. Fourteen (14) commercial and investment banks account for most of the trading. J.P. Morgan, Citicorp, Chase Manhattan, Bankers Trust, First Boston and Chemical Bank are among the biggest traders of such debt in the secondary market. Some securities houses are also involved. The substantial majority of transactions are still accounted for by commercial banks wishing to dispose of claims. Trading houses indicate, however, that non-bank institutional investors seeking high-yielding assets and capital gains are increasingly active in the market as are wealthy Americans, foreigners and professional traders. (Institutions include corporate treasuries, pension funds, and other financial institutions -- including 20 to 30 insurance companies.) In 1990, the trading volume was \$100 billion. Wall Street firms are now trying to structure deals in the secondary market to offer something for the risk preferences of all investors. One type of security is to repackage bank debt and Brady bonds into a multi-part security in which some parts have investment-grade status and others do not but have a higher yield. Citicorp recently issued a three-tiered Eurobond based on Mexican Brady bonds. So the secondary market in private creditor country debt continues to expand with numerous securities houses able to purchase Russian debt in the secondary market.

The problem with open market and negotiated buy backs is that unless the market price is sufficiently low, the debtor country would be better off using its money to increase consumption and investment rather than buying back its debt. For example, a country that already owes three times as much as it is likely to repay in full is unlikely to benefit from buying back its debt in the open market when the debt is selling above 33% of face value. There is a complicated formula that can determine a range of prices that will benefit the debtor country whether it buy backs debt in the open market or negotiates its buy backs. Furthermore, contrary to popular belief, it is unclear that buy backs (open market or negotiated) stimulate investment; therefore, any premium paid in any buy back may not be offset by additional investments or the economic benefits flowing from the reduction in a country's debt. The price for open market buy backs depends on the secondary market. If the market, which is largely the commercial banks, believes that a country only intends to pay back a small portion of its debt or perhaps none at all and was not going to engage in any open market or negotiated buy backs, then the price of that country's private creditor debt would drop. This is not the case with negotiated buy backs because the moment a country starts negotiating, the price of its debt goes up.

Negotiated buy backs may or may not use the Brady initiative. U.S. Treasury Secretary Nicholas Brady introduced the initiative in 1989. Commercial banks may accept a large reduction in principal owed them by a debtor country. In return, the debtor country would exchange some of its remaining old overdue debt for new debt at a longer term and reduced interest or banks could accept a new debt at the same amount but also with a longer maturity and a greatly reduced interest rate. The new debt (called "Brady" bonds) would be collateralized by U.S. Treasury Zero Coupon bonds and possibly guarantees from the U.S. Export-Import Bank with the interest backed by the World Bank for a period. For example, the Argentina accord calls for banks to exchange old loans for a new 30-year bond equal to 35% of the loan amount, with principal payments backed by Treasury securities and an interest rate equal to the London interbank rate plus thirteen-sixteenths of a percentage point. Alternatively, the banks may take a new bond equal to the face amount of the old loan, also collateralized by Treasury securities, but with a lower interest rate that would rise from 4 to 6% during the first six years of a 30-bond and remained at 6% for the remaining life of the bond.

The Brady bonds trade in the secondary market at a higher price than the old debt traded because they are collateralized. This is a problem for the debtor countries because any attempt to buy back more of their debt after a Brady transaction either in the open market or negotiated deal will cost them more per unit of debt, although there may be less debt to purchase.

Another problem for a debtor country, whether before or after a Brady transaction, is that the moment the commercial banks hear of a plan to restructure a developing country's debt, they raise the prices at which the debt trades in the open market and the price at which they will negotiate a buy back.

Were Russia to stop payment on its debt altogether and refuse to make good faith efforts to resolve the problem, its debt instruments would drop in price significantly because many banks would be selling the debt. The more the market believed Russia would not engage in steps to resolve its debt problem, such as a Brady buy back, the further the price for its debt would fall. (Traders who had sold Russia's debt "short" would make large profits in such a situation.) Speculators, generally the commercial banks, would only begin buying Russia's debt again if they believed Russia would engage in buy backs or sell its assets to pay down its debt. Once the speculators, however, realized Russia was not going to further increase the burden on its people by exchanging its assets or money for debt at

overvalued prices, the speculators would sell their debt holdings causing the price to drop again or simply mark down the value of the debt if no buyers were available at the lower prices. This cycle of the price of Russia's debt rising and falling would depend solely on whether the market believed Russia would engage in buy backs or sell its assets to pay down its debt.

Once prices have dropped, one possible strategy for Russia would be to purchase some of its debt (then trading at reasonable and not overvalued prices) by quietly providing environmental groups with the funds for debt for nature swaps. The groups would buy the debt in the open market and exchange the debt for Russian bonds. In addition, brokers or bankers in various jurisdictions could be used to discreetly purchase Russia's debt for Russia's account. Russia could also engage in commodity-linked financing and debt for equity swaps since Russia probably would still be acquiring more in face value of debt for its assets then when everyone was expecting it to repay its debt or engage in a Brady or other type of buy back. Russia could retire the debt it acquired when prices were low or hold on to it and, when economically appropriate, initiate a Brady restructuring, which would cause an increase in value of its debt in the open market. Russia then could sell the portion of debt it is holding in the market for a gain to be used to service some of its existing debt. Professional speculators in the sovereign debt market expect to realize 50% returns when a country does a Brady restructuring.

A corollary effect of Brady debt restructuring is that equity markets in the debtor country generally go up. Prior to restructuring its debt, the government of Russia could invest in some of its viable businesses after privatization. Assuming the market rises following the restructuring, the government could sell its holdings and use the gain to service its debt.

It makes no sense, however, for Russia to engage in a Brady or non-Brady negotiated buy back, debt equity swaps, commodity linked financing, debt for nature swaps or interest rate reduction bonds until Russia's debt price hits bottom. Otherwise, Russia would be paying out more to retire the same amount of debt because it would be overvalued having been driven up by speculators betting on a debt restructuring.

#### IV. Additional Methods for Relieving Russia's Foreign Debt

The following details the methods that Russia can take to ease its private creditor and in some instances official creditor debt.

##### 1. Direct Foreign Investment

Encouragement of direct foreign investment into Russia will increase economic growth and attract foreign currency which in turn can be used to buy back or service some of Russia's external debt whether owed to private or official creditors. In addition, Russia's access to foreign technology in management expertise and markets will increase with direct foreign investment. The key to encouraging direct foreign investment is to remove obstacles to potential foreign investors, such as restrictive regulatory regimes. Mexico, for instance, overhauled its regulatory framework for foreign investment in the mid-1980's. In 1991 foreign investment, including repatriated flight capital, roughly doubled in Mexico over the previous two years.

Thailand in 1987 simply changed the implementation procedures of its legal framework for foreign investment. It streamlined the numerous administrative rules, guidelines and standards into a more systematic framework that is now administered by a single government bureau that is directly under the authority of the prime minister. Foreign investors save much time and effort because they can now complete the application procedures in one department. Rules on the provision of incentives and the imposition of restrictions for foreign investors were also clarified.

The creation of a country mutual fund through an investment banker or brokerage house in a Western country allows investors in the world's major equity markets to conveniently invest in a country such as Russia. The country fund would receive money from investors and its manager would decide what businesses to invest in or bonds to buy in Russia. For a country fund to be successfully launched, the country to be invested in should have a well functioning domestic capital market (stock and bond exchanges) and standards on information disclosure and accounting. The International Finance Corporation, part of the World Bank Group, assists in the structuring and offering of country mutual funds.

Another form of direct foreign investment in developing countries is the ADR, which is a security issued against a deposit of non-U.S. company shares in a trust account.

ADRs are traded on stock exchanges in Western countries. Recent ADR offerings include the Chilean Telephone Company and Mexico's Telmex privatization. Telmex hired an investment banker to arrange for the sale of its ADRs in several major country stock markets, including the United States, Japan and England. Over \$2.3 billion was raised in 1991 by privatizing Telmex. The Chilean Compañía de Telefonos used the same method of privatization and raised \$98 million. The danger in selling privatized companies overseas, however, is that foreign investment pools will buy enough stock to effectively control a privatized enterprise. A solution is to limit the number of shares sold to foreign interests.

A third form of portfolio investment is outright foreign purchase of particular domestic equity shares. Typically investors are concerned about adequate settlement procedures as well as information disclosure and accounting standards. Domestic financial market reform has, therefore, the potential to increase considerably this type of flow, since developing country stock markets often offer high returns and considerable diversification potential.

## 2. Bond Collateralization

New capital can be raised by Russia at reasonable rates by collateralizing bonds and then selling them in the bond markets. The funds raised by these bonds can go for debt service payments on both private and official creditor debt. The security backing for these bonds can include receivables, bank accounts, real estate and any other assets of a public or private Russian entity. The Mexican private copper company, Mexicana de Cobre, raised \$165 million in 1991 through a five-year loan secured by copper export receivables and hedged by copper swaps. Mexico and Venezuela issued more than \$2.4 billion in 1990 international bonds, denominated in U.S. dollars and deutsche marks, sold in the Euromarkets and collateralized with telephone or credit card receivables.

## 3. Debt-Equity Swaps

In debt swaps (which are a form of buy back), the creditor commercial banks exchange a portion of a country's debt in return for an amount of the country's currency which is then used to invest in the country's businesses. Another method is where a country privatizes a national industry and exchanges a part ownership in that industry for part of its debt held by the banks. Debt-equity swaps offer foreign finance, an inflow of foreign technology and access to foreign markets.

Argentina has achieved substantial progress in reducing its external commercial bank debt through debt-equity swaps connected to the privatization of its state telecommunications enterprise (ENTel) and national airline (Aerolineas Argentinas). Argentina obtained waivers from its creditors so as to permit commercial debt to be bought on the secondary market by foreign investors and exchanged for equity stakes in the enterprises. The total amount of commercial debt exchanged (and thus extinguished) in the ENTel's offering and for Aerolineas Argentinas was equal to about 15 percent of Argentina's commercial debt.

The United States Bank Security Pacific has gone into the business of switching debt for equity. At first it changed part of its own debt portfolio into an equity venture capital portfolio through debt-equity swaps. Through its New York office, Security Pacific now buys country debt for entrepreneurial investors and speculators, trades the debt through several countries at different exchange rates thereby adding value or finds investment opportunities in a country and converts the debt to equity. Security Pacific makes a profit by charging its investors management fees for the entire process. Russia might want to explore a potential agreement with Security Pacific, whereby Security Pacific would purchase part of Russia's debt and Russia would agree to debt-equity swaps.

Of course, whether any debt-equity swap benefits Russia would depend on the price at which Russia's debt is swapped -- the lower the better as explained earlier.

#### 4. Commodity Linked Financing

Commodity linked financing can aid in reducing a country's external commercial bank debt, obtaining additional financing and protecting against the fluctuation in commodity prices. The United States Bank, First Interstate and London's Midland Bank have exchanged millions of dollars of Peruvian commercial bank debt for Peruvian products shipped to the United States. The banks are also trying to find new markets for Peru's products in order to exchange additional debt for Peru's goods, which are sold in the United States and Europe. Here too, it is beneficial for Russia's debt to be trading at a steep discount because the amount of Russia's products exchanged for one dollar of debt would be less than were the debt trading at a higher price.

In order to obtain additional financing, even after default, a country can collateralize further borrowing with commodities. This will increase a country's access to foreign loans at better rates than were the loans unsecured. In addition, commodity linked financing (which is used by advanced industrial countries but little used by other countries because of a lack of familiarity with innovative financing techniques) can protect against steep declines in commodity prices.

For example, in late 1990 and during the first half of 1991, Mexico used financial risk management tools to protect its crude oil export earnings (which average about 1.3 million barrels a day) against a price drop. The strategy covered a significant part of its export earnings during this period. Mexico bought put options at different exercise prices, engaged in selling of oil futures, and used short-dated (up to one-year maturity) oil swaps to hedge its oil price risk. Buying put options guaranteed a minimum price, and oil futures contracts and swaps guaranteed the seller and the buyer a specified price at some future date. By using these contracts, Mexico effectively insured some minimum price of its main export over the near future. In addition, Mexico established a special contingency fund to protect against a decline in oil prices. Mexico's overall strategy was to ensure that it received at least \$17 a barrel, the price used as the basis for its 1991 budget. As explained by the finance ministry, participation in the futures markets reassured investors that, regardless of oil price movements, the economic program and the budget would be sustained. The strategy was quite successful for Mexico since oil prices fell significantly in early 1991. Not only did Mexico achieve more certainty ex ante about its oil earnings, but also it profited ex post as the gains from having ensured a minimum price exceeded the initial costs of buying the put options. There are numerous experts in risk management who could put together a hedging plan tailored for Russia's exports.

#### 5. Debt for Nature Swaps

Under debt for nature swaps, Russia can encourage environmental organizations throughout the world to purchase some of its debt at a deep discount from commercial bank prices by simply agreeing to convert a portion of the face amount of the purchased debt into long term local currency bonds held by Russia's environmental groups. The interest on the bonds, paid in rubles, would be used by Russia's environmental groups to finance a variety of conservation projects. When the bonds mature, the principal can become an endowment fund for Russia's environmental

groups. By issuing bonds rather than cash, Russia reduces the threat of inflationary impacts.

The specific steps of a debt for nature swap follow:

The first step is to obtain approval in principle from the debtor country -- specifically, from the government, the central bank, and a private conservation organization that will receive the funds and manage the conversation program. The host country must decide what exchange rate to apply in converting debt into local currency, what condition of payment to use in exchange for the debt, and whom to designate or accept as a local agent to control the funds and dispense the proceeds. The conservation program agreed on is based on local priorities; it may include site-specific projects or a list of general conservation activities (e.g., training of park managers) to be undertaken when the local agent deems them appropriate.

Next step, the debt to be acquired must be identified. Potential swappers must shop for debt notes that are of the right denomination, are acceptable to the debtor country government and have an acceptable maturation schedule. If the debt is not donated, it must be purchased at an acceptable discount. Once obtained, the debt must be converted into a local currency instrument by the host government's central bank, in the manner specified in the agreement. Finally, the conservation program may begin.

A twist on these type of swaps is that Russia might provide an environmental group the funds with which to purchase its debt from commercial banks. This would prevent a run up in the market price or negotiated price for Russia's debt because the banks would be unaware that Russia was providing the funding as a means to buy back its debt. Furthermore, commercial banks in the creditor countries benefit not just from the sale of debt that may never be paid but the positive public relations of preserving the environment and changing the trend of countries sacrificing their natural resource base just to meet short-sighted economic needs. The importance of such public relations to the banks is illustrated by Bank of America's recent announcement it would donate \$6 million to fund debt for nature swaps in Latin America.



#### 6. Interest Rate Reduction Bonds

Interest arrears could be refinanced by Russia paying a percentage, say 25%, in cash and exchanging the remaining percentage for bonds. The bonds could be dollar denominated with a 10-year maturity and a 3-year grace period. They would carry a below market interest rate (rates in the U.S. are already at a 20-year low) for the first three years and a market rate afterward or a variable market rate with a cap and floor (that predetermines the upper and lower rate bounds). Any variation of the percentages, rates and maturity would depend on what can be negotiated given the markets perception of the likelihood of repayment or debt restructuring and whether it is beneficial to Russia.

### V. **Further Implications of a Russian Default on its Foreign Debt**

Many American bankers, the ones indebted to Russia, and foreign governments indebted to Russia will argue that a more serious Russian default on its foreign debt will diminish confidence in Russia's economy and politics, which will cause foreign aid and foreign investment to decrease. Considering the impact and amount of foreign aid and foreign investment to Russia during 1992 and 1993, a further reduction would probably not be harmful and the amount of debt service saved could be used to obtain the benefits offered by a Russian Eximbank.

The West has offered Russia billions in foreign aid providing Russia met certain conditions such as reducing inflation by tightening credit available to enterprises and reducing the Government's deficit spending. The less credit available to enterprises and the lower the Government's deficit, the more money would be available to pay Russia's foreign debt. A major function of the International Monetary Fund has always been to act as a collection agent for Western governments and commercial banks in the disguise of promoting economic growth in debtor nations. The tightening of credit in a monopoly economy naturally increased prices dramatically and reduced production leading to a stagnating economy on the verge of hyper-inflation. Without competition, a monopolist will cut costs by reducing production but try to maintain its profit margin by increasing prices.

The aid promised Russia has consisted of loans that profited Western enterprises at Russia's expense. In 1992, the West apparently provided \$18 billion in loans. \$13.9 billion came from various governments as credits to finance Russian imports. This money was paid directly to Western exporters, which profited Western exporters handsomely, but

of course, Russia now owes an additional \$13.9 billion. By the time the amount is repaid, Russia will have paid much more than \$13.9 billion when interest payments are included. Other foreign aid has included mere postponement of interest payments or funds that have never been made available. Balancing the benefits of the products purchased with Western credits and the stagflation impact on Russia's economy of the conditions required by the IMF plus the burden of diverting hard currency from productive uses to servicing Western debt, Russia would be better off to forego such economic enslavement. Furthermore, the present conditions of Western economies and demands for domestic aid will dramatically hamper future loans to Russia. West Germany faces an \$85 billion investment in 1993 alone to continue the rebuilding of Eastern Germany.

A more serious Russian default on its foreign debt would probably not deter private foreign investment anymore than it is already. Unclear and conflicting laws, overlapping and obstructionist bureaucracies, corruption and political uncertainty have been the main deterrents of private investments. In 1992, private U.S. investment in Russia amounted to only \$400 million and much of that has gone to service industries, not to the manufacturing base Russia needs to develop. Estimates state that Russia will need \$40 to \$50 billion a year in private investment. Such huge sums neither the West nor East will provide given the present risks, but Russia could provide significant percentages of needed investment itself by encouraging exports, trading in its foreign debt and repatriating or reducing the amount of flight capital.